



2015 SENATE BILL 121

April 15, 2015 - Introduced by Senators LEMAHIEU, WANGGAARD, MILLER, RISSER, BEWLEY, LASEE, LASSA, MARKLEIN, MOULTON, NASS and RINGHAND, cosponsored by Representatives BERNIER, HORLACHER, VORPAGEL, BERCEAU, ALLEN, BALLWEG, EDMING, DOYLE, HEBL, R. BROOKS, BORN, HESSELBEIN, KAHL, KNODL, KNUDSON, KOLSTE, KREMER, KRUG, KULP, MURPHY, NOVAK, OHNSTAD, A. OTT, QUINN, ROHRKASTE, TAUCHEN, TITTL and WEATHERSTON. Referred to Committee on Elections and Local Government.

1 **AN ACT to repeal** 7.50 (2) (f); and **to amend** 7.50 (1) (d), 7.50 (2) (b), 7.50 (2) (em),
2 7.50 (2) (j), 7.53 (1) (a), 8.05 (1) (a), 9.20 (4) and 120.06 (9) (a) of the statutes;
3 **relating to:** various election law changes.

Analysis by the Legislative Reference Bureau

Currently, if candidates have been certified to appear on a ballot, the board of canvassers may only count write-in votes for candidates who have filed registration statements. This bill requires that a write-in candidate must file a registration statement no later than noon on the Friday before the election.

Under current law, if a municipal clerk receives valid provisional or absentee ballots by 4 p.m. on the Friday after an election, the board of canvassers must reconvene no later than 9 a.m. on the Monday after the election to count the valid provisional and absentee ballots and shall adjust the election returns. The bill provides that the board of canvassers need not reconvene if the municipal clerk certifies that he or she has received no provisional or absentee ballots from the time that the board of canvassers completed the initial canvass and 4 p.m. on the Friday after the election.

Currently, when nomination papers are not used to nominate a candidate for a town or village elective office, the governing body must hold a caucus sometime between the first Tuesday and the last Tuesday in January. The bill provides that the governing body may hold a caucus between January 2 and January 15.

Under current law, electors in a city and village may sign and submit a petition to the common council or village board to pass an ordinance or resolution or to submit

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the ordinance or resolution to the electors in the next spring or general election that is at least six weeks from the date on which the council or board must act on the petition. Under the bill, the ordinance or resolution must be submitted to the electors at the next election that is at least 70 days from the date on which the council or board must act.

The bill removes language related to an elector affixing a sticker to a ballot.

Under current law, if a school board election is held in conjunction with a state, county, municipal, or judicial election, the school board election must take place at the same polling place, and the municipal election hours apply. This bill provides that a school board referendum held in conjunction with a state, county, municipal, or judicial election is subject to the same procedures.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 7.50 (1) (d) of the statutes is amended to read:

2 7.50 (1) (d) Whenever an electronic voting system is used at a polling place in
3 a partisan primary, and the same ballot is utilized to cast votes for candidates of more
4 than one recognized political party or candidates of a party and independent
5 candidates, if an elector designates a preference for a party or for independent
6 candidates, only votes cast within that preference category may be counted. If an
7 elector does not designate a preference and makes a mark or affixes a sticker opposite
8 candidates of more than one recognized political party or opposite a candidate in the
9 independent candidates' column and a candidate of a recognized political party, no
10 votes cast by the elector for any candidate for partisan office are valid. Votes for other
11 candidates and votes on ballot questions, if any, shall be counted if otherwise valid.

12 **SECTION 2.** 7.50 (2) (b) of the statutes is amended to read:

13 7.50 (2) (b) A ballot cast without any marks or stickers may not be counted.
14 A ballot without a mark at the top of a party column may be counted only for persons
15 for whom marks are applicable.

16 **SECTION 3.** 7.50 (2) (em) of the statutes is amended to read:

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1 7.50 (2) (em) Except as otherwise provided in this paragraph, write-in votes
2 shall only be counted if no candidates have been certified to appear on the ballot. If
3 candidates have been certified to appear on the ballot, write-in votes may only be
4 counted for candidates who file registration statements under s. 11.05 (2g) no later
5 than noon on the Friday immediately preceding the election. If a candidate certified
6 to appear on the ballot dies or withdraws before the election, all write-in votes shall
7 be counted. When write-in votes are counted, every vote shall be counted for the
8 candidate for whom it was intended, if the elector's intent can be ascertained from
9 the ballot itself.

10 **SECTION 4.** 7.50 (2) (f) of the statutes is repealed.

11 **SECTION 5.** 7.50 (2) (j) of the statutes is amended to read:

12 7.50 (2) (j) If an elector writes in ~~or pastes a sticker in the position~~ an individual
13 for an office, it is a vote for that office, even if the elector writes in ~~or the sticker~~
14 ~~indicates~~ the name of a different office.

15 **SECTION 6.** 7.53 (1) (a) of the statutes is amended to read:

16 7.53 (1) (a) Where the municipality constitutes one ward or combines all wards
17 to utilize a single polling place under s. 5.15 (6) (b), the canvass of the votes cast at
18 the polling place shall be conducted publicly under s. 7.51 and the inspectors, other
19 than any inspector appointed under s. 7.30 (1) (b), shall act as the municipal board
20 of canvassers. The inspectors shall then complete the return statement for all votes
21 cast at the polling place. If there are no provisional ballots that are eligible to be
22 counted under s. 6.97 and the municipal clerk has not mailed or transmitted
23 absentee ballots to any electors of the municipality that have not been returned by
24 election night, and no absentee ballots are being canvassed under s. 7.52, the
25 inspectors may complete and sign the canvass statement and determination on

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1 election night. In municipalities where absentee ballots are canvassed under s. 7.52,
2 after the canvass of the absentee ballots is completed under s. 7.52, the board of
3 absentee ballot canvassers shall reconcile the poll list of the electors who vote by
4 absentee ballot with the corresponding poll list of the electors who vote in person to
5 ensure that no elector is allowed to cast more than one ballot. If an elector who votes
6 in person has submitted an absentee ballot, the absentee ballot is void. Except as
7 authorized in par. (b), if one or more electors of the municipality have cast provisional
8 ballots that are eligible to be counted under s. 6.97 or if the municipal clerk receives
9 one or more absentee ballots by 4 p.m. on the Friday after the election that are eligible
10 to be counted under s. 7.515 (6) (b), the inspectors, acting as the board of canvassers,
11 shall reconvene no later than 9 a.m. on the Monday after the election to count the
12 valid provisional and absentee ballots and shall adjust the returns accordingly. The
13 inspectors, acting as the board of canvassers, need not reconvene if the municipal
14 clerk certifies that he or she has received no provisional or absentee ballots from the
15 time that the board of canvassers completed the initial canvass and 4 p.m. on the
16 Friday after the election. Upon completion of the canvass under this paragraph and
17 any canvass that is conducted under s. 7.52 and ascertainment of the results by the
18 inspectors or, in municipalities where absentee ballots are canvassed under s. 7.52,
19 by the inspectors and the board of absentee ballot canvassers, the municipal clerk
20 shall publicly read to the inspectors or the board of absentee ballot canvassers the
21 names of the persons voted for and the number of votes for each person for each
22 municipal office, the names of the persons declared by the inspectors or board of
23 absentee ballot canvassers to have won nomination or election to each municipal
24 office, and the number of votes cast for and against each municipal referendum
25 question.

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1 **SECTION 7.** 8.05 (1) (a) of the statutes is amended to read:

2 8.05 (1) (a) When nomination papers are not used, there shall be a caucus to
3 nominate candidates. The governing body shall between December 1 and January
4 1 decide the date of the caucus. The date of the caucus may be established between
5 ~~the first Tuesday in January 2 and the last Tuesday in January 15.~~ When possible,
6 preference should be given to having the caucus on ~~the last Tuesday in January 15.~~

7 **SECTION 8.** 9.20 (4) of the statutes is amended to read:

8 9.20 (4) The common council or village board shall, without alteration, either
9 pass the ordinance or resolution within 30 days following the date of the clerk's final
10 certificate, or submit it to the electors at the next spring or general election, if the
11 election is more than ~~6 weeks~~ 70 days after the date of the council's or board's action
12 on the petition or the expiration of the 30-day period, whichever first occurs. If there
13 are ~~6 weeks~~ 70 days or less before the election, the ordinance or resolution shall be
14 voted on at the next election thereafter. The council or board by a three-fourths vote
15 of the members-elect may order a special election for the purpose of voting on the
16 ordinance or resolution at any time prior to the next election, but not more than one
17 special election for direct legislation may be ordered in any 6-month period.

18 **SECTION 9.** 120.06 (9) (a) of the statutes is amended to read:

19 120.06 (9) (a) The primary and spring elections for school board members shall
20 be conducted by the election officials for state and municipal elections. In a school
21 board election or referendum held in conjunction with a state, county, municipal, or
22 judicial election, the polling places for the state, county, municipal, or judicial
23 election shall be the polling places for the school board election or referendum, and
24 the municipal election hours shall apply. If no state, county, municipal, or judicial
25 election is held on the day of the school board election or referendum, the school board

