

**2009 DRAFTING REQUEST**

**Senate Amendment (SA-AA1-SB227)**

Received: 04/13/2010

Received By: rryan

Wanted: As time permits

Companion to LRB:

For: Mary Lazich (608) 266-5400

By/Representing: Lance Burri

May Contact:

Drafter: jkuesel

Subject: Military Affairs - emerg govt

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Lazich@legis.wisconsin.gov

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Rules for special elections in emergency

---

**Instructions:**

See attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rryan 04/13/2010 jkreye 04/13/2010 jkuesel 04/13/2010	kfollett 04/13/2010		_____			
/1			jfrantze 04/13/2010	_____	lparisi 04/13/2010	lparisi 04/13/2010	
/2	jkuesel	kfollett	rschluet	_____	mbarman	mbarman	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	04/13/2010	04/13/2010	04/13/2010 _____		04/13/2010	04/13/2010	

FE Sent For:

**<END>**

**2009 DRAFTING REQUEST**

**Senate Amendment (SA-AA1-SB227)**

Received: 04/13/2010

Received By: rryan

Wanted: As time permits

Companion to LRB:

For: Mary Lazich (608) 266-5400

By/Representing: Lance Burri

May Contact:

Drafter: jkuesel

Subject: Military Affairs - emerg govt

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Lazich@legis.wisconsin.gov

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Rules for special elections in emergency

---

**Instructions:**

See attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rryan 04/13/2010	kfollett 04/13/2010		_____			
	jkreye 04/13/2010	12kf		_____			
	jkuesel 04/13/2010	4113		_____			

/1

*jkuesel*  
4/13/10

jfrantze  
04/13/2010  
4/13/10

lparisi  
04/13/2010

lparisi  
04/13/2010

FE Sent For:

**<END>**

**2009 DRAFTING REQUEST**

**Senate Amendment (SA-AA1-SB227)**

Received: **04/13/2010**

Received By: **rryan**

Wanted: **As time permits**

Companion to LRB:

For: **Mary Lazich (608) 266-5400**

By/Representing: **Lance Burri**

May Contact:

Drafter: **jkuesel**

Subject: **Military Affairs - emerg govt**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Lazich@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Rules for special elections in emergency

---

**Instructions:**

See attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	rryan 04/13/2010 jkreye 04/13/2010 jkuesel 04/13/2010	lrb_editor 1/15/13 4/13	JK 4/13	PK 4/13 pk 4/13			

FE Sent For:

<END>



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa21667

JTK...

Handwritten initials and scribbles

*NOV*

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SENATE AMENDMENT,  
TO ASSEMBLY AMENDMENT 1,  
TO 2009 SENATE BILL 227

1 At the locations indicated, amend the amendment as follows:

2 1. Page 1, line 2: <sup>after</sup> before that line insert:

3 Page 3, line 1: before that line insert:

4 "SECTION 1ef. 8.50 (intro.) of the statutes is amended to read:

5 **8.50 Special elections.** (intro.) ~~Unless~~ Except as provided in s. 8.51 and as

6 otherwise provided, this section applies to filling vacancies in the U.S. senate and  
7 house of representatives, executive state offices except the offices of governor,  
8 lieutenant governor, and district attorney, judicial and legislative state offices,  
9 county, city, village, and town offices, and the offices of municipal judge and member  
10 of the board of school directors in school districts organized under ch. 119. State  
11 legislative offices may be filled in anticipation of the occurrence of a vacancy

*INS*  
*2-11*  
*make frozen component*

*lg*  
*afix*

1 whenever authorized in sub. (4) (e). No special election may be held after February  
 2 1 preceding the spring election unless it is held on the same day as the spring  
 3 election, nor after September 1 preceding the general election unless it is held on the  
 4 same day as the general election, until the day after that election. If the special  
 5 election is held on the day of the general election, the primary for the special election,  
 6 if any, shall be held on the day of the September primary. If the special election is  
 7 held on the day of the spring election, the primary for the special election, if any, shall  
 8 be held on the day of the spring primary.

History: 1971 c. 1, 40; 1973 c. 334 ss. 22, 27; 1973 c. 336; 1975 c. 80, 93, 199, 369; 1977 c. 26, 107, 187, 340, 427, 445, 447, 449; 1979 c. 27, 32, 260, 311; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 359; 1993 a. 184; 1995 a. 16 s. 2; 1999 a. 182; 2005 a. 248; 2007 a. 1.

9 **SECTION 1g.** 8.51 of the statutes is created to read:

10 **8.51 Special elections to elect interim successors to member of the**  
 11 **legislature. (1)** Upon receipt of notice of vacancies in either house of the legislature  
 12 by a presiding officer under s. 13.41 (3) or (4), the governor shall immediately order  
 13 a special election to file each of the vacancies on an interim basis. Special elections  
 14 held pursuant to such an order are governed only by this section.

15 (2) Notwithstanding ss. 6.221 (3), 6.86 (1) (b), 6.87 (6), 7.51 (5) (b), 7.60 (5) (a),  
 16 7.51 (5) (b), 7.60 (5) (a), 7.70 (3) (a), 8.30 (2) and (3), 9.01 (1) (a) 1., 10.01 (2) (d) and  
 17 (e), 11.05 (2g) and (2r), and 19.43 (3), the board may promulgate rules governing such  
 18 special elections that may substitute a notice procedure that applies in lieu of notice  
 19 requirements, specify places and deadlines for filing declarations of candidacy in lieu  
 20 of filing nomination papers, eliminate campaign finance registrations and filing of  
 21 statements of economic interests, prescribe expedited certification of candidates  
 22 after special primaries and special elections, require expedited printing and delivery  
 23 of ballots, prescribe shortened periods for absentee voting, change the date of any

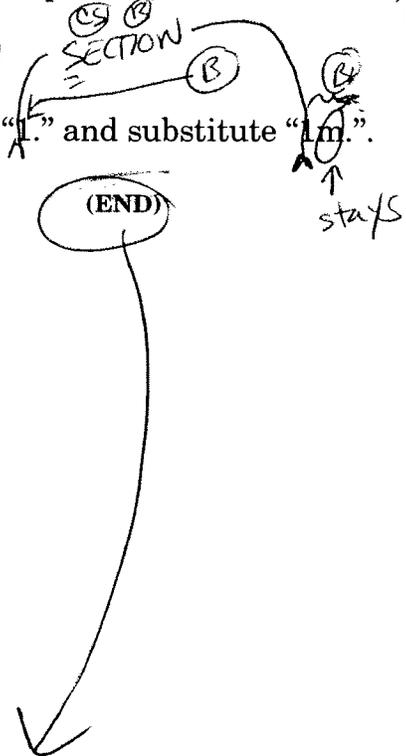
1 required special primary election, prescribe expedited canvassing procedures,  
 2 restrict the filing of recount petitions to closely contested primaries and elections,  
 3 ~~no ff~~ require expedited certification of the names of nominees and persons elected to  
 4 office, change the date of special primaries and elections, <sup>and</sup> require the use of paper  
 5 ballots." ~~1~~

6 **2** Page **1**, line **3**: delete "1." and substitute "1n."

WVS  
3-6

1n.  
↑ frozen item

(END)





SENATE AMENDMENT ,  
TO 2009 SENATE BILL 227

*these  
make frozen  
items*

1 At the locations indicated, amend the bill as follows:

2 *1* Page 1, line 4: delete "and temporary" and substitute "temporary".

3 *2-1* *19* Page 1, line 4: after "legislature" insert "and granting rule-making  
4 authority".

5 **3.** Page 3, line 1: before that line insert:

6 "SECTION 1e. 8.50 (intro.) of the statutes is amended to read:

7 **8.50 Special elections.** (intro.) ~~Unless~~ Except as provided in s. 8.51 and as

8 otherwise provided, this section applies to filling vacancies in the U.S. senate and

9 house of representatives, executive state offices except the offices of governor,

10 lieutenant governor, and district attorney, judicial and legislative state offices,

11 county, city, village, and town offices, and the offices of municipal judge and member

12 of the board of school directors in school districts organized under ch. 119. State

13 legislative offices may be filled in anticipation of the occurrence of a vacancy

1 whenever authorized in sub. (4) (e). No special election may be held after February  
2 1 preceding the spring election unless it is held on the same day as the spring  
3 election, nor after September 1 preceding the general election unless it is held on the  
4 same day as the general election, until the day after that election. If the special  
5 election is held on the day of the general election, the primary for the special election,  
6 if any, shall be held on the day of the September primary. If the special election is  
7 held on the day of the spring election, the primary for the special election, if any, shall  
8 be held on the day of the spring primary.

9 **SECTION 1g.** 8.51 of the statutes is created to read:

10 **8.51 Special elections to elect interim successors to members of the**  
11 **legislature. (1)** Upon receipt of notice of vacancies in either house of the legislature  
12 by a presiding officer under s. 13.41 (3) or (4), the governor shall immediately order  
13 a special election to fill each of the vacancies on an interim basis. Special elections  
14 held pursuant to such an order are governed only by this section.

15 **(2)** Notwithstanding s. 10.01 (2) (d) and (e), no notice of the special election is  
16 required to be published. In lieu of type A, B, D, and E notices, the board shall provide  
17 effective notice of the special election through notices to communications media  
18 serving the affected legislative districts and by posting of notice on the Internet. The  
19 notices given by the board shall include the relevant information specified in the type  
20 A, B, D, and E notices to the extent practicable.

21 **(3)** Any candidate for a legislative office at an election ordered under sub. (1)  
22 shall file a declaration of candidacy with the county clerk or board of election  
23 commissioners of the county in which the candidate resides no later than 5 p.m. on  
24 the 2nd day following the day on which the order under sub. (1) is issued. No such  
25 candidate is required to file nomination papers in order to qualify to have the

1 candidate's name placed on the ballot. Notwithstanding s. 8.30 (2), the name of an  
2 otherwise qualified candidate may not be withheld from ballot placement because of  
3 failure to file a registration statement under s. 11.05 (2g) or (2f) or to have such a  
4 statement filed on his or her behalf by the deadline for filing a declaration of  
5 candidacy under this subsection. Notwithstanding ss. 8.30 (3) and 19.43 (4), no such  
6 candidate is required to file a statement of economic interests, and the name of an  
7 otherwise qualified candidate may not be withheld from ballot placement because of  
8 failure to file any such statement.

9 **(4)** No later than 8 p.m. on the 2nd day following the day on which an order  
10 under sub. (1) is issued, any county clerk or board of election commissioners with  
11 whom declarations of candidacy are filed under sub. (3) shall certify to the board by  
12 the most expeditious means feasible the names of the candidates who have filed valid  
13 declarations of candidacy together with the numbers of the legislative districts in  
14 which the candidates seek office and the party or the statement of principles in 5  
15 words or less that each candidate represents.

16 **(5)** If more than one candidate qualifies to have his or her name appear on the  
17 ballot representing the same recognized political party within any legislative  
18 district, a primary shall be held within that district to determine the nominee of that  
19 party.

20 **(6)** If a primary is held, no later than noon on the 3rd day following the day on  
21 which an order under sub. (1) is issued, the board shall certify by the most  
22 expeditious means feasible to the county clerk or board of election commissioners of  
23 each county, any part of which is contained within a legislative district in which a  
24 vacancy is to be filled, a list of the names of the candidates whose names will appear  
25 on the primary ballot together with the relevant information specified in sub. (4).

1 If no primary is held, the board shall certify the names of the candidates at the special  
2 election together with the relevant information specified in sub. (4) in the same  
3 manner and by the same time.

4 **(7)** Immediately upon receipt of notice by a county clerk or board of election  
5 commissioners under sub. (6), the clerk or board of election commissioners shall  
6 order the printing of ballots by the most expeditious means feasible. No later than  
7 9 a.m. on the 4th day following the day on which an order under sub. (1) is issued,  
8 the county clerk or board of election commissioners shall deliver ballots to the  
9 municipal clerks of each municipality in which a primary or election will be held.  
10 Each municipal clerk and board of election commissioners receiving ballots under  
11 this subsection shall permit electors of the municipality to cast absentee ballots at  
12 the office of the clerk or board of election commissioners until at least 5 p.m. on the  
13 day before any special primary.

14 **(8)** If a primary election is required, the primary shall be held on the 7th day  
15 following the day on which an order under sub. (1) is issued.

16 **(9)** Notwithstanding s. 7.51 (5) (b), the municipal clerk or board of election  
17 commissioners of each municipality in which any primary is held shall deliver all  
18 ballots, statements, tally sheets, and envelopes to the county clerk or board of  
19 election commissioners of the county where the ballots were cast no later than noon  
20 on the day after the primary.

21 **(10)** Notwithstanding s. 7.60 (5) (a), the county clerk or board of election  
22 commissioners of each county receiving returns under sub. (9) shall send to the board  
23 by the most expeditious means feasible the statement required under s. 7.60 (5) (a)  
24 no later than 5 p.m. on the day after the primary. If the statement is sent

1 electronically, the clerk or board of election commissioners shall simultaneously  
2 deliver or send a paper copy of the statement to the board.

3 **(11)** Notwithstanding s. 9.01 (1) (a) 1., no person may petition for a recount in  
4 a primary held under this section unless the determination shows that the number  
5 of votes received by the leading candidate exceeds the number of votes received by  
6 the candidate receiving the next highest number of votes by less than 0.5 percent of  
7 the total votes cast, and a petition for a recount is not valid unless it is filed not later  
8 than noon on the next calendar day following the last meeting day specified in s. 9.01  
9 (1) (a) 1.

10 **(12)** Notwithstanding s. 7.70 (3) (a), the chairperson of the board or  
11 chairperson's designee shall issue his or her determinations and certificates of  
12 nomination with respect to the primary no later than 7 p.m. on the day after the  
13 primary.

14 **(13)** If a primary is held, no later than 9 a.m. on the 2nd day after the primary,  
15 the board shall certify to the county clerk or board of election commissioners of each  
16 county, any part of which is contained within a legislative district in which a vacancy  
17 is to be filled, a list of names of the candidates whose names will appear on the special  
18 election ballot together with the information specified in sub. (4).

19 **(14)** Immediately upon receipt of notice by a county clerk or board of election  
20 commissioners under sub. (6) or (13), the clerk or board of election commissioners  
21 shall order the printing of ballots for the special election by the most expeditious  
22 means feasible. If a primary is held, no later than 2 p.m. on the 2nd day after the  
23 primary, the county clerk or board of election commissioners shall deliver ballots to  
24 the municipal clerks of each municipality in which a special election will be held.  
25 Each municipal clerk and board of election commissioners receiving ballots under

1 this subsection shall permit electors of the municipality to cast absentee ballots at  
2 the office of the clerk or board of election commissioners until at least 5 p.m. on the  
3 day before the special election.

4 **(15)** The special election shall be held on the 10th day following the day on  
5 which an order under sub. (1) is issued.

6 **(16)** Notwithstanding s. 7.51 (5) (b), the municipal clerk or board of election  
7 commissioners of each municipality in which a special election is held shall deliver  
8 all ballots, statements, tally sheets, and envelopes to the county clerk or board of  
9 election commissioners of the county where the ballots were cast no later than noon  
10 on the day after the election.

11 **(17)** Notwithstanding s. 7.60 (5) (a), the county clerk or board of election  
12 commissioners of each county receiving returns under sub. (16) shall send to the  
13 board by the most expeditious means feasible the statement required under s. 7.60  
14 (5) (a) no later than 5 p.m. on the day after the special election. If the statement is  
15 sent electronically, the clerk or board of election commissioners shall simultaneously  
16 deliver or send a paper copy of the statement to the board.

17 **(18)** Notwithstanding s. 9.01 (1) (a) 1., no person may petition for a recount in  
18 a special election held under this section unless the determination shows that the  
19 number of votes received by the leading candidate exceeds the number of votes  
20 received by the candidate receiving the next highest number of votes by less than 0.5  
21 percent of the total votes cast, and a petition for a recount is not valid unless it is filed  
22 no later than noon on the next calendar day following the last meeting day specified  
23 in s. 9.01 (1) (a) 1.

24 **(19)** Notwithstanding s. 7.70 (3) (a), the chairperson of the board or  
25 chairperson's designee shall issue his or her determinations and certificates of

1 nomination with respect to the special election no later than 7 p.m. on the day after  
2 the election.

3 (20) Notwithstanding s. 5.40, every municipality shall use paper ballots in all  
4 primaries and special elections held under this section.

5 (21) Notwithstanding ss. 6.221 (3), 6.86 (1) (b) and (3) (c) and 6.87 (6), no  
6 absentee ballot for a primary or special election held under this section is valid unless  
7 it is received by the municipal clerk or board of election commissioners by 5 p.m. on  
8 the day before the primary or special election is held. The board shall promulgate  
9 rules under which military electors may vote in a primary or election held under this  
10 section by use of a write-in absentee ballot regardless of the location from which the  
11 ballot is mailed.

12 4. Page 3, line 1: delete "SECTION 1" and substitute "SECTION 1r".

13 5. Page 3, line 2: delete the material beginning with "(1)" and ending with  
14 "(1)" on line 8.

3-6  
Frozen  
item  
1p.

15 6. Page 3, line 11: delete the material beginning with "appoint" and ending  
16 with "legislator" on line 15 and substitute "immediately certify to the governor and  
17 the government accountability board the numbers of the senate districts in which  
18 there are vacancies. and shall

19 7. Page 3, line 18: delete the material beginning with "appoint" and ending  
20 with "legislator" on page 4, line 3, and substitute "immediately certify to the  
21 governor and the government accountability board the numbers of the assembly  
22 districts in which there are vacancies. and shall



3-6

*11. frozen item*

*9#* Page 4, line 3: after final line insert

11 (4m) The governor shall immediately order a special election to fill any vacancy on an interim basis under s. 8.51. Concurrently, the governor shall order a special election to fill each vacancy for the residue of the unexpired term under s. 8.50."

*frozen item*

15. *10#* 8. Page 4, line 4: *after* delete "appointed under sub. (3) or (4) shall" and substitute "elected under s. 8.51 shall qualify and". *insert*

9. ~~Page 4, line 8: delete lines 8 to 10.~~

*frozen item*

10. Page 4, line 13: after "ended" insert ", whichever comes first".

11. Page 4, line 19: *after "shall" insert* delete the material beginning with "appoint" and ending with "legislator" on line 23 and substitute "immediately certify to the governor and the government accountability board the numbers of the senate districts in which there are vacancies". *and shall*

*frozen item*

12. *11#* Page 5, line 1: *after "shall" insert* delete the material beginning with "appoint" and ending with "legislator" on line 5 and substitute "immediately certify to the governor and the government accountability board the numbers of the assembly districts in which there are vacancies". *and shall*

*frozen item*

(END)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa2166/1 2  
JTK:kjf&wlj:jf

Now

**SENATE AMENDMENT ,  
TO ASSEMBLY AMENDMENT 1,  
TO 2009 SENATE BILL 227**

1 At the locations indicated, amend the amendment as follows:

2 **1.** Page 1, line 2: after that line insert:

3 "1d. Page 1, line 4: delete "and temporary" and substitute "temporary".

4 1g. Page 1, line 4: after "legislature" insert "and granting rule-making  
5 authority".

6 1m. Page 3, line 1: before that line insert:

7 "**SECTION 1e.** 8.50 (intro.) of the statutes is amended to read:

8 **8.50 Special elections.** (intro.) ~~Unless~~ Except as provided in s. 8.51 and as  
9 otherwise provided, this section applies to filling vacancies in the U.S. senate and  
10 house of representatives, executive state offices except the offices of governor,  
11 lieutenant governor, and district attorney, judicial and legislative state offices,  
12 county, city, village, and town offices, and the offices of municipal judge and member

1 of the board of school directors in school districts organized under ch. 119. State  
2 legislative offices may be filled in anticipation of the occurrence of a vacancy  
3 whenever authorized in sub. (4) (e). No special election may be held after February  
4 1 preceding the spring election unless it is held on the same day as the spring  
5 election, nor after September 1 preceding the general election unless it is held on the  
6 same day as the general election, until the day after that election. If the special  
7 election is held on the day of the general election, the primary for the special election,  
8 if any, shall be held on the day of the September primary. If the special election is  
9 held on the day of the spring election, the primary for the special election, if any, shall  
10 be held on the day of the spring primary.

11 **SECTION 1g.** 8.51 of the statutes is created to read:

12 **8.51 Special elections to ~~elect~~<sup>replace</sup> interim successors to member<sup>↓</sup> of the**  
13 **legislature.** (1) Upon receipt of notice of vacancies in either house of the legislature  
14 by a presiding officer under s. 13.41 (3) or (4), the governor shall immediately order  
15 a special election to ~~fill~~<sup>fill</sup> each of the vacancies ~~on an interim basis~~<sup>on an interim basis</sup>. Special elections  
16 held pursuant to such an order are governed only by this section.

17 (2) Notwithstanding ss. 6.221 (3), 6.86 (1) (b), 6.87 (6), 7.51 (5) (b), 7.60 (5) (a),  
18 7.70 (3) (a), 8.30 (2) and (3), 9.01 (1) (a) 1., 10.01 (2) (d) and (e), 11.05 (2g) and (2r),  
19 and 19.43 (3), the board may promulgate rules governing such special elections that  
20 may substitute a notice procedure that applies in lieu of notice requirements, specify  
21 places and deadlines for filing declarations of candidacy in lieu of filing nomination  
22 papers, eliminate campaign finance registrations and filing of statements of  
23 economic interests, prescribe expedited certification of candidates after special  
24 primaries and special elections, require expedited printing and delivery of ballots,  
25 prescribe shortened periods for absentee voting, change the date of any required

1 special primary election, prescribe expedited canvassing procedures, restrict the  
2 filing of recount petitions to closely contested primaries and elections, require  
3 expedited certification of the names of nominees and persons elected to office, change  
4 the date of special primaries and elections, and require the use of paper ballots.”.

5 1n. Page 3, line 1: delete “SECTION 1” and substitute “SECTION 1m”.

6 1p. Page 3, line 11: after “shall” insert “immediately certify to the governor and  
7 the government accountability board the numbers of the senate districts in which  
8 there are vacancies and shall”.

9 1q. Page 3, line 18: after “shall” insert “immediately certify to the governor and  
10 the government accountability board the numbers of the assembly districts in which  
11 there are vacancies and shall”.

12 1r. Page 4, line 3: after that line insert:

13 “(4m) The governor shall immediately order a special election to fill any  
14 vacancy <sup>that has been filled by an interim successor</sup> ~~on an interim basis under s. 8.51. Concurrently, the governor shall order a~~  
15 ~~special election to fill each vacancy for the residue of the unexpired term under s.~~  
16 ~~8.50.”~~

17 1s. Page 4, line 4: after “appointed” insert “or elected under s. 8.51 shall qualify  
18 and”.

19 1t. Page 4, line 13: after “ended” insert “, whichever comes first”.

20 1v. Page 4, line 19: after “shall” insert “immediately certify to the governor and  
21 the government accountability board the numbers of the senate districts in which  
22 there are vacancies and shall”.

