

**2011 DRAFTING REQUEST**

**Bill**

Received: **08/09/2011**

Received By: **jkuesel**

Wanted: **As time permits**

Companion to LRB:

For: **Joseph Leibham (608) 266-2056**

By/Representing: **Lucas Muench**

May Contact:

Drafter: **jkuesel**

Subject: **Elections - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Maintenance of voting returns by ward

---

**Instructions:**

Per attached E mail, 8/8/11.

---

**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>
/?	jkuesel 09/06/2011	kfollett 09/06/2011		_____			
/P1			rschluet 09/06/2011	_____	sbasford 09/06/2011		
/1	jkuesel 10/19/2011	kfollett 10/19/2011	rschluet 10/20/2011	_____	lparisi 10/20/2011	ggodwin 10/27/2011	

FE Sent For:

None

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/P1 /1	jkuesel 10/19/11	llg f 10/19	rschlue 09/06/2011	_____	sbasford 09/06/2011		

FE Sent For:

12/2/11

<END>

DNOTE

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1? / P1	jkuesel 9/6/11	1/P1/gf 9/6/11		_____	_____		

FE Sent For:

<END>

## Kuesel, Jeffery

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**From:** Moench, Lucas  
**Sent:** Monday, August 08, 2011 12:46 PM  
**To:** Kuesel, Jeffery  
**Subject:** Drafting Request

Hi Jeff-

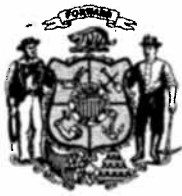
We would like to draft a bill that repeals the requirement under s. 5.15(6)(b) that municipalities with a population over 35,000 maintain separate election returns for each ward in cases where multiple wards are using the same polling location. We would like to standardize the reporting requirements for municipalities with less than 35,000 and more than 35,000.

Please draft this as a preliminary draft.

If you have any questions, please let me know.

Thanks,

Lucas Moench  
Office of State Senator Joe Leibham  
9th Senate District  
608-266-2056



Wed 9/7

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Gen

1

AN ACT ...; relating to: the method of reporting of election returns by municipalities.

2

***Analysis by the Legislative Reference Bureau***

Currently, the voters of each ward vote at the same polling place, which is generally separate from other polling places in a municipality. Election returns are reported by ward unless otherwise authorized by law. Currently, no later than 60 days before each September primary and general election, and no later than 30 days before each other election the governing body of a municipality may combine two or more wards for voting purposes to permit the use of a common polling place. In municipalities with a population of 35,000 or more, a municipality must continue to report all election returns by ward even where wards are combined for voting purposes at a single location. Other municipalities may report returns for combined wards together unless a separate ballot is required in a partisan election, in which case separate returns must be reported for the offices listed on each separate ballot so that the results of the various elections may be determined.

This bill permits any municipality, regardless of population, to report returns for combined wards unless a separate ballot is required in a partisan or nonpartisan election, in which case separate returns must be reported for the offices listed on each separate ballot.

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

✓

1 SECTION 1. 5.15 (6) (b) of the statutes is amended to read:

2 5.15 (6) (b) No later than 60 days before each September primary and general  
3 election, and no later than 30 days before each other election the governing body of  
4 any municipality may by resolution combine 2 or more wards for voting purposes to  
5 facilitate using a common polling place. Whenever wards are so combined, the  
6 original ward numbers shall continue to be utilized for all official purposes. ~~Except~~  
7 ~~as otherwise authorized under this paragraph, every municipality having a~~  
8 ~~population of 35,000 or more.~~ The municipality shall maintain separate returns for  
9 ~~each ward so combined. In municipalities having a population of less than 35,000,~~  
10 ~~the unless the governing body may provide~~ provides in the resolution that, to the  
11 extent authorized under this paragraph, returns shall be maintained only for each  
12 group of combined wards at any election. Whenever a governing body provides for  
13 common ballot boxes and ballots or voting machines, separate returns shall be  
14 maintained for each separate ballot required under ss. ~~5.62 and 5.58~~ 5.58 to 5.64 at the  
15 ~~September primary and general election.~~ The municipal clerk shall transmit a copy  
16 of the resolution to the county clerk of each county in which the municipality is  
17 contained. ~~In municipalities having a population of less than 35,000, the~~ The  
18 resolution shall remain in effect for each election until modified or rescinded, or until  
19 a new division is made under this section.

History: 1971 c. 304 ss. 3 to 5, 29 (2); 1977 c. 26, 418, 427, 449; 1979 c. 260; 1981 c. 4 ss. 2 to 10, 18; 1981 c. 314; 1983 a. 29, 192, 442; 1983 a. 484 ss. 8e, 174; 1983 a. 538; 1985 a. 304 ss. 8 to 10, 12; 1987 a. 391; 1991 a. 5, 143, 315; 1993 a. 213; 1995 a. 201; 1999 a. 182; 2005 a. 149, 312; 2011 a. 39.

20 SECTION 2. Initial applicability.

21 (1) This act first applies with respect to reporting of election returns for  
22 elections held on or after the effective date of this subsection. ✓

23 (END)

D-Note

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2611/P1dn

JTK...../j...  
tgf

Date

Senator Leibham:

X The current text of s. 5.15 (6) (b), stats. stipulates that when election returns are reported from a consolidated polling place consisting of more than one ward, separate returns must be maintained for each separate ballot at partisan elections so that when the voters of one ward have a different ballot than the voters of another ward the winners of an election may be determined. As a practical matter, the same practice must be followed at nonpartisan elections so that we can determine the winners of these elections too. Because it's likely that the question would arise as to why, under this draft, the "separate return" requirement would be maintained only for partisan elections, this draft applies the "separate return" requirement to nonpartisan elections as well. This should confirm current practice. If you would like to address this matter differently, please let me know.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2611/P1dn  
JTK:kjf:rs

September 6, 2011

Senator Leibham:

The current text of s. 5.15 (6) (b), stats., stipulates that when election returns are reported from a consolidated polling place consisting of more than one ward, separate returns must be maintained for each separate ballot at partisan elections so that when the voters of one ward have a different ballot than the voters of another ward the winners of an election may be determined. As a practical matter, the same practice must be followed at nonpartisan elections so that we can determine the winners of these elections too. Because it's likely that the question would arise as to why, under this draft, the "separate return" requirement would be maintained only for partisan elections, this draft applies the "separate return" requirement to nonpartisan elections as well. This should confirm current practice. If you would like to address this matter differently, please let me know.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

**Kuesel, Jeffery**

---

**To:** Weigand, Jeffrey  
**Subject:** RE: LRB-2611 (Maintenance of voting returns by ward)

Jeff,

Confirming your E mail and phone call, I will redraft the above draft. You should have the redraft soon.

Jeff Kuesel

---

**From:** Weigand, Jeffrey  
**Sent:** Wednesday, October 19, 2011 12:51 PM  
**To:** Kuesel, Jeffery  
**Cc:** Clark, Lauren  
**Subject:** RE: Ward Reporting

Jeff,

We are good to go. Both clerks approved this. If we could make this a priority that would be great.

We will need both a Senate Bill and Assembly Bill.

Representative Endsley will be authoring the Assembly Bill. I have cc'd Lauren Clark in Rep. Endsley's office.

Thanks for your help!

Jeff Weigand  
Sen. Leibham's Office  
266-2056

---

**From:** Kuesel, Jeffery  
**Sent:** Wednesday, October 19, 2011 8:33 AM  
**To:** Weigand, Jeffrey  
**Subject:** FW: Ward Reporting

Jeff,

I had talked with Kevin Kennedy earlier and had been awaiting his recommendations. Please let me know if this approach seems OK to Sheboygan city and county and I will then follow up.

Jeff Kuesel

---

**From:** Kennedy, Kevin - GAB [mailto:Kevin.Kennedy@Wisconsin.gov]  
**Sent:** Tuesday, October 18, 2011 6:28 PM  
**To:** Weigand, Jeffrey  
**Cc:** Kuesel, Jeffery  
**Subject:** RE: Ward Reporting

Jeff,

My apologies for not getting this to you earlier today. We were discussing this change with Julie Glancey, the Sheboygan County Clerk. She had a concern about the proposed change because she believed that the addition of references to the spring primary (s.5.58) and spring election (s.5.60) would require increased recordkeeping and paperwork for poll workers and clerks in those elections.

10/19/2011

The attached draft addresses that concern by changing the reference to "returns" that must be maintained for combined wards to "results." Returns include all the supporting paperwork for an election such as the poll lists, inspectors' statements, transmittal envelopes for absentee ballot envelopes and rejected ballots and ballot containers as well as the tally sheets showing the election results for each office.

By using the term "results" or something similar, we address the drafter's concern that this information needs to be maintained to determine the winner without requiring separate supporting documents for each type of ballot – state, county, municipal school or referenda. Under this approach each polling place could maintain a single inspectors' statement, which records polling place incidents such as challenged voters, machine breakdowns and other unusual Election Day occurrences while providing separate tally sheets showing results for each type of ballot. Similarly a single transmittal envelope could be used for rejected ballots and used absentee ballot certificate envelopes as well as other supporting documents maintained at the polling place.

I would be happy to discuss this further with you or the drafter.

Kevin

Kevin J. Kennedy  
Director and General Counsel  
Wisconsin Government Accountability Board  
608-261-8683  
kevin.kennedy@wi.gov

---

**From:** Weigand, Jeffrey [mailto:Jeff.Weigand@legis.wisconsin.gov]  
**Sent:** Tuesday, October 18, 2011 4:48 PM  
**To:** Kennedy, Kevin - GAB  
**Subject:** Ward Reporting

Kevin,

I just wanted to follow up on our phone conversation from yesterday in regard to the legislation that Senator Leibham has been working on with Sue Richards (Sheboygan City Clerk).

Where you able to put together a memo on the proposed changes?

Thank you for your help on this matter.

Jeff Weigand  
Senator Joe Leibham's Office  
266-2056

(b) No later than 60 days before each September primary and general election, and no later than 30 days before each other election the governing body of any municipality may by resolution combine 2 or more wards for voting purposes to facilitate using a common polling place. Whenever wards are so combined, the original ward numbers shall continue to be utilized for all official purposes. ~~Except as otherwise authorized under this paragraph, every municipality having a population of 35,000 or more~~ The municipality shall maintain separate returns for each ward so combined. ~~In municipalities having a population of less than 35,000, the~~ governing body may provide in the resolution that returns shall be maintained only for each group of combined wards at any election. Whenever a governing body provides that returns shall be maintained only for each group of combined wards for common ballot boxes and ballots or voting machines, separate returns results shall be maintained for each separate ballot required under ss. ~~5.62 and 5.58 to 5.64 at the~~ September primary and general election. The municipal clerk shall transmit a copy of the resolution to the county clerk of each county in which the municipality is contained. ~~In municipalities having a population of less than 35,000, the~~ The resolution shall remain in effect for each election until modified or rescinded, or until a new division is made under this section.



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-2611/Pt  
JTK:kjfrs

1

THU 10/20

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Reger

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- 2 election returns by municipalities.

**Analysis by the Legislative Reference Bureau**

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The municipality must report

results

only

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combines that combines wards for voting purposes

ANS 2-1 → 7

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23 (END)

**2011-2012 DRAFTING INSERT  
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LRB-2611/2ins  
JTK.....

INS 2-1:

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**Godwin, Gigi**

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**From:** Sen.Leibham  
**Sent:** Thursday, October 27, 2011 1:18 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-2611/1 Topic: Maintenance of voting returns by ward

Please Jacket LRB 11-2611/1 for the SENATE.