



2011 SENATE BILL 381

1 **AN ACT** *to renumber* 7.52 (6) (a); *to renumber and amend* 7.52 (5), 7.52 (6) (b)
2 and 7.53 (1); *to amend* 5.64 (1) (e) 1., 6.86 (2m) (a), 6.97 (4), 7.15 (4), 7.51 (1),
3 7.51 (5) (b), 7.515 (6) (b), 7.52 (1) (a), 7.53 (2) (d), 7.53 (3) (a), 7.60 (3), 7.60 (5)
4 (a), 9.01 (1) (a) 1., 9.01 (1) (ag) 1., 9.01 (1) (ag) 1m., 9.01 (1) (ag) 2., 9.01 (1) (b)
5 (intro.), 60.11 (2), 60.16 (1), 60.30 (4) (b), 66.0213 (4) (b), 66.0215 (9), 66.1113 (2)
6 (g) and 66.1113 (2) (h); and *to create* 5.86 (3), 7.15 (15) and 7.53 (1) (b) of the
7 statutes; **relating to:** county and municipal canvassing procedures,
8 provisional ballot information, the deadline for filing a recount petition, terms
9 of town officers, the date of the annual town meeting, and technical revisions
10 to certain election laws.

Analysis by the Legislative Reference Bureau

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

SENATE BILL 381**SECTION 1**

1 **SECTION 1.** 5.64 (1) (e) 1. of the statutes is amended to read:

2 5.64 **(1)** (e) 1. Except as provided in subd. 2., each candidate's name shall be
3 placed in the column of the party by which nominated or if independent, in a column
4 designated independent and all candidates for the same office shall appear within
5 the same rows on the ballot. If a separate column is provided to write in the names
6 of any party candidates under subd. 2., the column shall appear before the column
7 designated independent with the spaces provided to write in the names of the
8 candidates for each such party appearing in the same order in which the columns of
9 their parties would appear under par. (b). Along with the names of the independent
10 candidates shall appear the party or principle of the candidates, if any, in 5 words
11 or less, as shown on their nomination papers. Independent candidates for the same
12 county office shall be listed in the same manner in an order drawn by lot by or under
13 supervision of the county clerk or board of election commissioners. ~~The board shall~~
14 ~~conduct a redrawing for purposes of determining the arrangement of independent~~
15 ~~candidates for state office who appeared on the primary ballot in the manner~~
16 ~~provided in s. 5.60 (1) (b).~~

17 **SECTION 2.** 5.86 (3) of the statutes is created to read:

18 5.86 **(3)** Upon completion of the central count at a county seat, the county clerk
19 shall return any ballots, statements, tally sheets, or envelopes relating solely to a
20 municipal election to the appropriate municipal clerk and any ballots, statements,
21 tally sheets, or envelopes relating solely to a school district election to the school
22 district clerk. In addition, the county clerk shall report the results of the central
23 count of votes for each office or referendum by ward or by combined wards authorized
24 under s. 5.15 (6) (b) to the municipal clerk of the municipality where the votes are
25 cast.

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1 **SECTION 3.** 6.86 (2m) (a) of the statutes, as affected by 2011 Wisconsin Act 23,
2 is amended to read:

3 **6.86 (2m) (a)** Except as provided in this subsection, any elector other than an
4 elector who receives an absentee ballot under sub. (2) or s. 6.22 (4) or 6.24 (4) (c) may
5 by written application filed with the municipal clerk of the municipality where the
6 elector resides require that an absentee ballot be sent ~~or transmitted~~ to the elector
7 automatically for every election that is held within the same calendar year in which
8 the application is filed. The application form and instructions shall be prescribed by
9 the board, and furnished upon request to any elector by each municipal clerk. The
10 municipal clerk shall thereupon mail ~~or transmit~~ an absentee ballot to the elector for
11 all elections that are held in the municipality during the same calendar year that the
12 application is filed, except that the clerk shall not send an absentee ballot for an
13 election if the elector's name appeared on the registration list in eligible status for
14 a previous election following the date of the application but no longer appears on the
15 list in eligible status. The municipal clerk shall ensure that any envelope containing
16 the absentee ballot is clearly marked as not forwardable. If an elector who files an
17 application under this subsection no longer resides at the same address that is
18 indicated on the application form, the elector shall so notify the municipal clerk. The
19 municipal clerk shall discontinue mailing ~~or transmitting~~ absentee ballots to an
20 elector under this subsection upon receipt of reliable information that the elector no
21 longer qualifies as an elector of the municipality. In addition, the municipal clerk
22 shall discontinue mailing ~~or transmitting~~ absentee ballots to an elector under this
23 subsection if the elector fails to return any absentee ballot mailed ~~or transmitted~~ to
24 the elector. The municipal clerk shall notify the elector of any such action not taken
25 at the elector's request within 5 days, if possible. An elector who fails to cast an

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1 absentee ballot but who remains qualified to receive absentee ballots under this
2 subsection may then receive absentee ballots for subsequent elections by notifying
3 the municipal clerk that the elector wishes to continue receiving absentee ballots for
4 subsequent elections.

5 **SECTION 4.** 6.97 (4) of the statutes is amended to read:

6 6.97 (4) Whenever a board of canvassers receives timely notification from the
7 municipal clerk or executive director of the board of election commissioners under
8 sub. (3) that an individual who has voted under this section is qualified to vote in the
9 ward or election district where the individual's ballot is cast, the board of canvassers
10 shall ~~promptly reconvene and~~ meet no later than 9 a.m. on the Monday following the
11 election. The board of canvassers shall proceed to record the name of the individual
12 who has cast the ballot and, if the ballot cast by the individual is otherwise valid,
13 shall count the ballot and adjust the statements, certifications, and determinations
14 accordingly. If the municipal clerk or executive director transmits returns of the
15 election to the county clerk or board of election commissioners, the municipal clerk
16 or executive director shall transmit to the county clerk or board of election
17 commissioners a copy of the amended returns together with amended tally sheets
18 and all additional ballots counted reviewed by each the board of canvassers.

19 **SECTION 5.** 7.15 (4) of the statutes is amended to read:

20 7.15 (4) RECORDING ELECTORS. ~~Within~~ Except as authorized in s. 6.33 (5) (a),
21 within 30 days after each election, the municipal clerk shall enter on the registration
22 list under the name of each elector of the municipality who has voted at the election
23 an indication of the date of the election in which the elector voted.

24 **SECTION 6.** 7.15 (15) of the statutes is created to read:

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1 7.15 (15) PROVIDE NOTICE OF OUTSTANDING PROVISIONAL BALLOTS. As soon as
2 possible after the closing hour for all polling places in the municipality on election
3 night, the municipal clerk shall post at his or her office and on the Internet at a site
4 announced by the clerk before the polls open, and shall make available to any person
5 upon request, a statement of the number of electors who have cast provisional ballots
6 at the election in the municipality that cannot be counted as of that closing hour
7 because the electors have not satisfied relevant voting requirements.

8 **SECTION 7.** 7.51 (1) of the statutes is amended to read:

9 7.51 (1) CANVASS PROCEDURE. Immediately after the polls close the inspectors
10 except any inspector appointed under s. 7.30 (1) (b) shall proceed to canvass publicly
11 all votes received at the polling place. In any municipality where an electronic voting
12 system is used, the municipal governing body or board of election commissioners may
13 provide or authorize the municipal clerk or executive director of the board of election
14 commissioners to provide for the adjournment of the canvass to one or more central
15 counting locations for specified polling places in the manner prescribed in subch. III
16 of ch. 5. No central counting location may be used to count votes at a polling place
17 where an electronic voting system is not employed. The canvass, whether conducted
18 at the polling place or at a central counting location, shall continue without
19 adjournment until the canvass of all ballots cast and received on or before election
20 day is completed and the return statement is made or, in municipalities where
21 absentee ballots are canvassed under s. 7.52, until the canvass of all absentee ballots
22 cast and received on or before election day is completed and the return statement for
23 those ballots is made. The inspectors shall not permit access to the name of any
24 elector who has obtained a confidential listing under s. 6.47 (2) during the canvass,
25 except as authorized in s. 6.47 (8).

SENATE BILL 381**SECTION 8**

1 **SECTION 8.** 7.51 (5) (b) of the statutes, as affected by 2011 Wisconsin Act 75, is
2 amended to read:

3 7.51 **(5)** (b) The municipal clerk shall deliver all ballots, statements, tally
4 sheets, lists, and envelopes relating to a school district election to the school district
5 clerk, excluding any absentee ballots that are received after the closing hour on
6 election night and any provisional ballots, by 4 p.m. on the day following each such
7 election and shall deliver to the school district clerk any amended statements, tally
8 sheets, and lists for additional provisional and absentee ballots canvassed under s.
9 6.97 (4) or 7.515 (6) (b) no later than 4 p.m. on the Monday after the election. The
10 municipal clerk shall deliver to the county clerk the ballots, statements, tally sheets,
11 lists, and envelopes for his or her municipality relating to any county, technical
12 college district, state, or national election ~~to the county clerk~~ no later than 4 p.m. on
13 the day following each such election or, in municipalities where absentee ballots are
14 canvassed under s. 7.52, by 4 p.m. on the 2nd day following each such election, and
15 shall deliver to the county clerk any additional provisional and absentee ballots
16 canvassed under s. 6.97 (4) or 7.515 (6) (b) together with amended statements, tally
17 sheets, lists, and envelopes no later than 4 p.m. on the day ~~after receiving any~~
18 ~~corrected returns under s. 7.515 (6) (b)~~ Monday after the election. The person
19 delivering the returns shall be paid out of the municipal treasury. Each clerk shall
20 retain ballots, statements, tally sheets, or envelopes received by the clerk until
21 destruction is authorized under s. 7.23 (1).

22 **SECTION 9.** 7.515 (6) (b) of the statutes, as affected by 2011 Wisconsin Act 75,
23 is amended to read:

24 7.515 **(6)** (b) Whenever a board of canvassers receives notification from a
25 municipal clerk under par. (a), the board of canvassers shall ~~reconvene~~ meet no later

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1 than 9 a.m. on the day Monday after the last day permitted for acceptance of absentee
2 ballots under sub. (3) and election. The board of canvassers shall proceed to open and
3 record the names of the absentee electors whose ballots have been received. If the
4 ballot cast by an absentee elector is otherwise valid, the board of canvassers shall
5 count the ballot and adjust the statements, certifications, and determinations
6 accordingly. If the municipal clerk transmits returns of the election to the county
7 clerk, the municipal clerk shall transmit to the county clerk a copy of the amended
8 returns together with all additional ballots and envelopes reviewed by the board of
9 canvassers and with amended tally sheets.

10 **SECTION 10.** 7.52 (1) (a) of the statutes is amended to read:

11 7.52 (1) (a) The governing body of any municipality may provide by ordinance
12 that, in lieu of canvassing absentee ballots at polling places under s. 6.88, the
13 municipal board of absentee ballot canvassers designated under s. 7.53 (2m) shall,
14 at each election held in the municipality, canvass all absentee ballots at all elections
15 held in the municipality received by the municipal clerk by 8 p.m. on election day.
16 Prior to enacting an ordinance under this subsection, the municipal clerk or board
17 of election commissioners of the municipality shall notify the board in writing of the
18 proposed enactment and shall consult with the board concerning administration of
19 this section. At every election held in the municipality following enactment of an
20 ordinance under this subsection, the board of absentee ballot canvassers shall, any
21 time after the opening of the polls and before 10 p.m. on election day, publicly convene
22 to count the absentee ballots for the municipality. The municipal clerk shall give at
23 least 48 hours' notice of any meeting under this subsection. Any member of the public
24 has the same right of access to a meeting of the municipal board of absentee ballot
25 canvassers under this subsection that the individual would have under s. 7.41 to

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1 observe the proceedings at a polling place. The board of absentee ballot canvassers
2 may order the removal of any individual exercising the right to observe the
3 proceedings if the individual disrupts the meeting.

4 **SECTION 11.** 7.52 (5) of the statutes is renumbered 7.52 (5) (a) and amended to
5 read:

6 7.52 (5) (a) The vote of any absent elector may be challenged by any elector for
7 cause and the board of absentee ballot canvassers shall have all the power and
8 authority given the inspectors to hear and determine the legality of the ballot the
9 same as if the ballot had been voted in person.

10 **SECTION 12.** 7.52 (6) (a) of the statutes is renumbered 7.52 (6).

11 **SECTION 13.** 7.52 (6) (b) of the statutes, as affected by 2011 Wisconsin Act 23,
12 is renumbered 7.52 (5) (b) and amended to read:

13 7.52 (5) (b) ~~Any elector may challenge for cause any absentee ballot.~~ For the
14 purpose of deciding upon ballots that are challenged for any reason, the board of
15 absentee ballot canvassers may call before it any person whose absentee ballot is
16 challenged if the person is available to be called. If the person challenged refuses to
17 answer fully any relevant questions put to him or her by the board of absentee ballot
18 canvassers under s. 6.92, the board of absentee ballot canvassers shall reject the
19 person's vote. If the challenge is not withdrawn after the person offering to vote has
20 answered the questions, one of the members of the board of absentee ballot
21 canvassers shall administer to the person the following oath or affirmation: "You do
22 solemnly swear (or affirm) that: you are 18 years of age; you are a citizen of the United
23 States; you are now and for 28 consecutive days have been a resident of this ward
24 except under s. 6.02 (2), stats.; you have not voted at this election; you have not made
25 any bet or wager or become directly or indirectly interested in any bet or wager

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1 depending upon the result of this election; you are not on any other ground
2 disqualified to vote at this election.” If the person challenged refuses to take the oath
3 or affirmation, the person’s vote shall be rejected. If the person challenged answers
4 fully all relevant questions put to the elector by the board of absentee ballot
5 canvassers under s. 6.92, takes the oath or affirmation, and fulfills the applicable
6 registration requirements, and if the answers to the questions given by the person
7 indicate that the person meets the voting qualification requirements, the person’s
8 vote shall be received.

9 **SECTION 14.** 7.53 (1) of the statutes is renumbered 7.53 (1) (a) and amended to
10 read:

11 7.53 (1) (a) Where the municipality constitutes one ward or combines all wards
12 to utilize a single polling place under s. 5.15 (6) (b), the canvass of the votes cast at
13 the polling place shall be conducted publicly under s. 7.51 and the inspectors, other
14 than any inspector appointed under s. 7.30 (1) (b), shall act as the municipal board
15 of canvassers. The inspectors shall then complete the return statement for all votes
16 cast at the polling place. If there are no provisional ballots that are eligible to be
17 counted under s. 6.97 and the municipal clerk has not mailed or transmitted
18 absentee ballots to any electors of the municipality that have not been returned by
19 election night, and no absentee ballots are being canvassed under s. 7.52, the
20 inspectors may complete and sign the canvass statement and determination on
21 election night. In municipalities where absentee ballots are canvassed under s. 7.52,
22 after the canvass of the absentee ballots is completed under s. 7.52, the board of
23 absentee ballot canvassers shall reconcile the poll list of the electors who vote by
24 absentee ballot with the corresponding poll list of the electors who vote in person to
25 ensure that no elector is allowed to cast more than one ballot. If an elector who votes

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1 in person has submitted an absentee ballot, the absentee ballot is void. Except as
2 authorized in par. (b), if one or more electors of the municipality have cast provisional
3 ballots that are eligible to be counted under s. 6.97 or if the municipal clerk receives
4 one or more absentee ballots by 4 p.m. on the Friday after the election that are eligible
5 to be counted under s. 7.515 (6) (b), the inspectors, acting as the board of canvassers,
6 shall reconvene no later than 9 a.m. on the Monday after the election to count the
7 valid provisional and absentee ballots and shall adjust the returns accordingly.
8 Upon completion of the canvass under this ~~subsection~~ paragraph and any canvass
9 that is conducted under s. 7.52 and ascertainment of the results by the inspectors or,
10 in municipalities where absentee ballots are canvassed under s. 7.52, by the
11 inspectors and the board of absentee ballot canvassers, the municipal clerk shall
12 publicly read to the inspectors or the board of absentee ballot canvassers the names
13 of the persons voted for and the number of votes for each person for each municipal
14 office, the names of the persons declared by the inspectors or board of absentee ballot
15 canvassers to have won nomination or election to each municipal office, and the
16 number of votes cast for and against each municipal referendum question.

17 **SECTION 14m.** 7.53 (1) (b) of the statutes is created to read:

18 7.53 (1) (b) Solely for purposes of the reconvention of a board of canvassers
19 under par. (a) for a specific election, the municipal clerk may determine to replace
20 the members of the board of canvassers with a 3-member board of canvassers
21 consisting of the clerk, the chief inspector, and one other inspector who shall be
22 appointed by the clerk. If the municipal clerk is a candidate at the election being
23 canvassed or is unable to serve, the other 2 members shall appoint a qualified elector
24 of the municipality to serve in place of the clerk. If one of the other members is unable
25 to serve, the municipal clerk shall appoint a qualified elector of the municipality to

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1 serve in place of that member. The person or persons making any appointment under
2 this paragraph shall do so by letter which shall be signed by the person or persons,
3 dated, and filed in the office of the municipal clerk. Upon the appointment and
4 qualification of all members, the reconstituted board of canvassers shall then
5 reconvene and carry out its responsibilities under par. (a).

6 **SECTION 15.** 7.53 (2) (d) of the statutes is amended to read:

7 7.53 (2) (d) The In municipalities with one polling place, the canvass shall be
8 conducted under sub. (1) publicly on election night. In other municipalities, the
9 municipal board of canvassers shall publicly canvass the returns of every election.
10 The canvass shall begin within 24 hours after the polls close no earlier than the time
11 that the municipal board of canvassers receives the returns from all polling places
12 in the municipality on election night and no later than 9 a.m. on the Monday after
13 the election. After any canvass of the absentee ballots is completed under s. 7.52, the
14 board of canvassers shall reconcile the poll list of the electors who vote by absentee
15 ballot with the corresponding poll list of the electors who vote in person to ensure that
16 no elector is allowed to cast more than one ballot. If an elector who votes in person
17 has submitted an absentee ballot, the absentee ballot is void. At the spring election,
18 the board of canvassers shall publicly declare the results on or before the ~~2nd~~ 3rd
19 Tuesday in April. The board of canvassers shall prepare a statement showing the
20 results of each election for any municipal office and each municipal referendum.
21 After each primary for municipal offices, the board of canvassers shall prepare a
22 statement certifying the names of those persons who have won nomination to office.
23 After each other election for a municipal office and each municipal referendum, the
24 board of canvassers shall prepare a determination showing the names of the persons
25 who are elected to each municipal office and the results of each municipal

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1 referendum. The board of canvassers shall file each statement and determination
2 in the office of the municipal clerk or board of election commissioners.

3 **SECTION 16.** 7.53 (3) (a) of the statutes is amended to read:

4 7.53 (3) (a) In a common, union high or unified school district, the school district
5 clerk shall appoint 2 qualified electors of the school district prior to the date of the
6 election being canvassed who shall, with the school district clerk, constitute the
7 school district board of canvassers. If the school district clerk is a candidate at the
8 election being canvassed, the other 2 members of the board of canvassers shall
9 designate a 3rd member to serve in lieu of the clerk for that election. The school
10 district clerk shall appoint a member to fill any other temporary vacancy on the board
11 of canvassers. The canvass shall begin ~~as soon as possible after receipt of the returns~~
12 no later than 9 a.m. on the Tuesday after the election, and shall continue, without
13 adjournment, until completed. The board of canvassers may return defective returns
14 to the municipal board of canvassers in the manner provided in s. 7.60 (3). ~~The~~ If the
15 board of canvassers meets before 4 p.m. on the Monday after the election and
16 thereafter receives amended statements, tally sheets, and lists from a municipal
17 clerk for provisional or absentee ballots that are eligible to be counted under s. 6.97
18 (4) or 7.515 (6) (b), the board of canvassers shall reconvene no later than 9 a.m. on
19 the Tuesday after the election and shall adjust the returns accordingly. No later than
20 4 p.m. on the Tuesday after the election, the board of canvassers shall complete the
21 canvass and shall prepare a written statement showing the numbers of votes cast for
22 each person for each office and for and against each question and shall prepare a
23 determination showing the names of the persons who are elected to the school board
24 and the results of any school district referendum. Following each primary election,
25 the board of canvassers shall prepare a statement certifying the names of the persons

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1 who have won nomination to the school board. Each statement and determination
2 shall be attested by each of the canvassers. The board of canvassers shall file each
3 statement and determination in the school district office. The school district clerk
4 shall certify nominations after each primary and issue certificates of election to
5 persons who are elected to the school board after each election in the manner
6 provided in sub. (4).

7 **SECTION 17.** 7.60 (3) of the statutes is amended to read:

8 7.60 (3) CANVASSING. Not later than 9 a.m. on the ~~Thursday~~ Tuesday after each
9 election the county board of canvassers shall open and publicly examine the returns.
10 If returns have not been received from any election district or ward in the county,
11 they shall dispatch a messenger and the person having them shall deliver the
12 returns to the messenger. If, on examination, any of the returns received are so
13 informal or defective that the board cannot intelligently canvass them, they shall
14 dispatch a messenger to deliver the returns back to the municipal board of
15 canvassers with written specifications of the informalities or defects and command
16 them to immediately complete the returns or remedy the defects in the manner
17 required and deliver them to the messenger. Every messenger shall safely keep all
18 returns, show them to no one but the municipal clerk and board of canvassers and
19 deliver them to the county clerk with all possible dispatch. To acquire the necessary
20 full returns and remedy any informalities or defects the county board of canvassers
21 may adjourn not longer than one day at a time nor more than 2 days in all.

22 **SECTION 18.** 7.60 (5) (a) of the statutes, as affected by 2011 Wisconsin Act 75,
23 is amended to read:

24 7.60 (5) (a) Immediately following the canvass, the county clerk shall deliver
25 or send transmit to the government accountability board, ~~by 1st class mail~~, a certified

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1 copy of each statement of the county board of canvassers for president and vice
2 president, state officials, senators and representatives in congress, state legislators,
3 justice, court of appeals judge, circuit judge, district attorney, and metropolitan
4 sewerage commissioners, if the commissioners are elected under s. 200.09 (11) (am).
5 The statement shall record the returns for each office or referendum by ward, unless
6 combined returns are authorized under s. 5.15 (6) (b) in which case the statement
7 shall record the returns for each group of combined wards. Following primaries the
8 county clerk shall enclose on forms prescribed by the government accountability
9 board the names, party or principle designation, if any, and number of votes received
10 by each candidate recorded in the same manner. The county clerk shall deliver or
11 transmit the certified statement to the government accountability board no later
12 than 7 9 days after each primary except the partisan primary, no later than 10 days
13 after the partisan primary and any other election except the general election, and no
14 later than 14 days after the general election. The board of canvassers shall deliver
15 or transmit a certified copy of each statement for any technical college district
16 referendum to the secretary of the technical college district board.

17 **SECTION 19.** 9.01 (1) (a) 1. of the statutes, as affected by 2011 Wisconsin Act 75,
18 is amended to read:

19 9.01 (1) (a) 1. Any candidate voted for at any election or any elector who voted
20 upon any referendum question at any election may petition for a recount. The
21 petitioner shall file a verified petition or petitions with the proper clerk or body under
22 par. (ar) not earlier than the time of completion of the canvass following canvassing
23 of any valid provisional and absentee ballots under ss. 6.97 (4) and 7.515 (6) and,
24 except as provided in this subdivision, not later than 5 p.m. on the 3rd business day
25 following the last meeting day of the municipal or county board of canvassers

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1 determining the election for that office or on that referendum question ~~prior to~~
2 ~~issuance of any amended return under s. 7.515 (6) (b) following canvassing of all valid~~
3 provisional and absentee ballots or, if more than one board of canvassers makes the
4 determination, not later than 5 p.m. on the 3rd business day following the last
5 meeting day of the last board of canvassers which makes a determination ~~prior to~~
6 ~~issuance of any amended return under s. 7.515 (6) (b) following canvassing of all valid~~
7 provisional and absentee ballots. If the chairperson of the board or chairperson's
8 designee makes the determination for the office or the referendum question, the
9 petitioner shall file the petition not earlier than the last meeting day of the last
10 county board of canvassers to make a statement in the election or referendum
11 following canvassing of all valid provisional and absentee ballots and not later than
12 5 p.m. on the 3rd business day following the day on which the government
13 accountability board receives the last statement from a county board of canvassers
14 for the election or referendum following canvassing of all valid provisional and
15 absentee ballots.

16 **SECTION 20.** 9.01 (1) (ag) 1. of the statutes, as affected by 2011 Wisconsin Act
17 75, is amended to read:

18 9.01 (1) (ag) 1. If the difference between the votes cast for the leading candidate
19 and those cast for the petitioner or the difference between the affirmative and
20 negative votes cast upon any referendum question is less than 10 if 1,000 or less votes
21 are cast or not more than 0.5% of the total votes cast for the office or on the question
22 if more than 1,000 votes are cast ~~prior to issuance of any amended return under s.~~
23 ~~7.515 (6) (b) following canvassing of all valid provisional and absentee ballots~~, the
24 petitioner is not required to pay a fee.

SENATE BILL 381**SECTION 21**

1 **SECTION 21.** 9.01 (1) (ag) 1m. of the statutes, as affected to 2011 Wisconsin Act
2 75, is amended to read:

3 9.01 **(1)** (ag) 1m. If the difference between the votes cast for the leading
4 candidate and those cast for the petitioner or the difference between the affirmative
5 and negative votes cast upon any referendum question is at least 10 if 1,000 or less
6 votes are cast or is more than 0.5% but not more than 2% if more than 1,000 votes
7 are cast ~~prior to issuance of any amended return under s. 7.515 (6) (b) following~~
8 canvassing of all valid provisional and absentee ballots, the petitioner shall pay a fee
9 of \$5 for each ward for which the petition requests a ballot recount, or \$5 for each
10 municipality for which the petition requests a recount where no wards exist.

11 **SECTION 22.** 9.01 (1) (ag) 2. of the statutes, as affected by 2011 Wisconsin Act
12 75, is amended to read:

13 9.01 **(1)** (ag) 2. If the difference between the votes cast for the leading candidate
14 and those cast for the petitioner or the difference between the affirmative and
15 negative votes cast upon any referendum question is more than 2% if more than
16 1,000 votes are cast ~~prior to issuance of any amended return under s. 7.515 (6) (b)~~
17 following canvassing of all valid provisional and absentee ballots, the petitioner shall
18 pay a fee equal to the actual cost of performing the recount in each ward for which
19 the petition requests a recount, or in each municipality for which the petition request
20 a recount where no wards exist.

21 **SECTION 23.** 9.01 (1) (b) (intro.) of the statutes, as affected by 2011 Wisconsin
22 Act 75, is amended to read:

23 9.01 **(1)** (b) (intro.) The proper board of canvassers shall reconvene no earlier
24 than 9 a.m. on the day following delivery of notice to all candidates under sub. (2) and
25 no later than 9 a.m. on the day following the last day for filing of a petition, ~~or if the~~

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1 ~~original canvass is subject to correction under s. 7.515 (6) (b), immediately after~~
2 ~~issuance of the amended statement and determination in the original canvass,~~
3 ~~whichever is later.~~ The board of canvassers shall then proceed to recount the ballots
4 in the wards or municipalities specified and to review the allegations of fact
5 contained in the petition or petitions. The recount shall proceed for each ward or
6 municipality as follows:

7 **SECTION 24.** 60.11 (2) of the statutes is amended to read:

8 60.11 **(2)** WHEN HELD. (a) Except as provided in par. (b), the annual town
9 meeting shall be held on the ~~2nd~~ 3rd Tuesday of April.

10 (b) The annual town meeting may set a date different than provided under par.
11 (a) for the next annual town meeting if the date is within 10 days after the ~~2nd~~ 3rd
12 Tuesday of April.

13 **SECTION 25.** 60.16 (1) of the statutes is amended to read:

14 60.16 **(1)** WHEN HELD. The first town meeting in a newly organized town shall
15 be held at 8 p.m. on the ~~2nd~~ 3rd Tuesday of the first April after the town is organized.
16 If the ~~2nd~~ 3rd Tuesday of the first April after a town is organized has passed and the
17 first town meeting has not been held, 3 qualified electors of the town may call the first
18 town meeting any time thereafter by posting notice of the town meeting in at least
19 3 public places at least 10 days prior to the date of the meeting.

20 **SECTION 26.** 60.30 (4) (b) of the statutes is amended to read:

21 60.30 **(4)** (b) The regular term of elected town officers, other than the town
22 assessor, commences on the ~~2nd~~ 3rd Tuesday of April in the year of their election.
23 The regular term of an elected assessor commences on June 1 in the year of the
24 assessor's election.

25 **SECTION 26g.** 66.0213 (4) (b) of the statutes is amended to read:

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1 66.0213 **(4)** (b) The election shall be conducted as prescribed by ch. 6, ~~except~~
2 ~~that no registration of voters may be required.~~ The inspectors shall make returns
3 to the clerk of the circuit court who shall, within ~~one week~~ 14 days after the election,
4 canvass the returns and declare the result. The clerk shall notify the officers–elect
5 and issue certificates of election. If the first election is on the first Tuesday in April
6 the officers elected and their appointees shall commence and hold their offices as for
7 a regular term. Otherwise they shall commence within ~~10~~ 14 days and hold their
8 offices until the regular village or city election and the qualification of their
9 successors and the terms of their appointees expire as soon as successors qualify.

10 **SECTION 26r.** 66.0215 (9) of the statutes is amended to read:

11 66.0215 **(9)** FIRST CITY ELECTION. Within 10 days after incorporation of the city,
12 the town board and the town clerk who received the petition shall fix a time for the
13 first city election, designate the polling place or places, and name 3 inspectors of
14 election for each place. Ten days' previous notice of the election shall be given by the
15 clerk by publication in the newspapers selected under sub. (3) and by posting notices
16 in 3 public places in the city. Failure to give notice does not invalidate the election.
17 The election shall be conducted as is prescribed by chs. 5 to 12, ~~except that no~~
18 ~~registration of voters may be required.~~ The inspectors shall make returns to the
19 board which shall, within ~~one week~~ 14 days after the election, canvass the returns
20 and declare the result. The clerk shall notify the officers–elect and issue certificates
21 of election. If the first election is on the first Tuesday in April the officers elected and
22 their appointees commence and hold their offices as for a regular term. Otherwise
23 they commence within ~~10~~ 14 days and hold until the regular city election and the
24 qualification of their successors, and the term of their appointees expires as soon as
25 successors qualify.

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1 **SECTION 27.** 66.1113 (2) (g) of the statutes, as affected by 2011 Wisconsin Act
2 75, is amended to read:

3 66.1113 (2) (g) The village of Sister Bay may enact an ordinance or adopt a
4 resolution declaring itself to be a premier resort area under par. (a) even if less than
5 40 percent of the equalized assessed value of the taxable property within Sister Bay
6 is used by tourism-related retailers. The village may not impose the tax authorized
7 under par. (b) unless the village board adopts a resolution proclaiming its intent to
8 impose the tax and the resolution is approved by a majority of the electors in the
9 village voting on the resolution at a referendum, to be held at the first spring primary
10 or election or partisan primary or general election following by at least 45 70 days
11 the date of adoption of the resolution.

12 **SECTION 28.** 66.1113 (2) (h) of the statutes, as affected by 2011 Wisconsin Act
13 75, is amended to read:

14 66.1113 (2) (h) The village of Ephraim may enact an ordinance or adopt a
15 resolution declaring itself to be a premier resort area under par. (a) even if less than
16 40 percent of the equalized assessed value of the taxable property within Ephraim
17 is used by tourism-related retailers. The village may not impose the tax authorized
18 under par. (b) unless the village board adopts a resolution proclaiming its intent to
19 impose the tax and the resolution is approved by a majority of the electors in the
20 village voting on the resolution at a referendum, to be held at the first spring primary
21 or election or partisan primary or general election following by at least 45 70 days
22 the date of adoption of the resolution.

23 **SECTION 29m. Nonstatutory provisions.**

24 (1) (a) Notwithstanding sections 17.25 (1) and 60.30 (4) (a) of the statutes, any
25 town board of supervisors may enact an ordinance providing that the terms of office

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1 of any elective officers in the town who were elected or appointed to serve for terms
2 expiring on the 2nd Tuesday in April of 2012 or 2013 are extended so as to expire on
3 the 3rd Tuesday in April in the same year in which the terms would otherwise expire.

4 (b) Paragraph (a) does not apply after April 16, 2013.

5 **SECTION 30. Initial applicability.**

6 (1) The treatment of sections 5.86 (3), 6.97 (4), 7.15 (15), 7.51 (1) and (5) (b),
7 7.515 (6) (b), 7.52 (1) (a), (5), and (6) (a) and (b), 7.53 (1), (2) (d), and (3) (a), 7.60 (3)
8 and (5) (a), and 9.01 (1) (a) 1. and (ag) 1., 1m., and 2. and (b) (intro.) of the statutes
9 first applies with respect to canvassing and recounts of elections held on or after the
10 effective date of this subsection.

11 **SECTION 31. Effective dates.** This act takes effect on the day after publication,
12 except as follows:

13 (1) The treatment of sections 60.11 (2) and 60.16 (1) of the statutes takes effect
14 on January 1, 2013.

15 (END)