

2013 DRAFTING REQUEST

Bill

Received: 10/10/2013 Received By: jkreye
Wanted: As time permits Same as LRB:
For: Kathleen Bernier (608) 266-9172 By/Representing: chad
May Contact: Drafter: jkreye
Subject: Elections - miscellaneous Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Bernier@legis.wisconsin.gov
Carbon copy (CC) to: joseph.kreye@legis.wisconsin.gov
chad.zuleger@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Counting votes for write-in candidates

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>
/?	jkreye 10/10/2013			_____			
/1		jdyer 10/10/2013	jfrantze 10/10/2013	_____	sbasford 10/10/2013	sbasford 10/11/2013	

FE Sent For:

↳ Not
Needed

<END>

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1?	jkreye	T 10/10 jld		Jb 10/10			

FE Sent For:

<END>

Kreye, Joseph

From: Zuleger, Chad
Sent: Thursday, October 10, 2013 9:24 AM
To: Kreye, Joseph
Subject: FW: Rep Bernier's write-in ballot draft /5

From: Ramirez, Adrienne
Sent: Tuesday, October 08, 2013 4:20 PM
To: Zuleger, Chad
Subject: FW: Rep Bernier's write-in ballot draft /5

Chad –

I wanted to share Kevin Kennedy's thoughts with you on the most recent version of the write-in ballot proposal.

Adrienne

From: Kennedy, Kevin - GAB [<mailto:Kevin.Kennedy@wisconsin.gov>]
Sent: Tuesday, October 08, 2013 3:17 PM
To: Moran, Christian
Cc: Ramirez, Adrienne
Subject: RE: Rep Bernier's write-in ballot draft /5

Adrienne,

Depending on the intent of the authors, I think there is still a drafting problem with the bill. The issue deals with write-in candidates who file a registration statement under s. 11.05.

It was my understanding that with two exceptions, write-in votes would only be counted for write-in candidates who file a registration statement under s. 11.05. The two exceptions, which are correctly captured in the draft, are the situation where no candidates are certified to appear on the ballot and where a candidate whose name appears on the ballot dies before the election. In those cases all votes for write-in candidates would be counted, even if a write-in candidate did not file a registration statement under s. 11.05.

The draft provides that write-in votes will be counted if no candidates file a registration statement under s. 11.05. This would only apply to write-in candidates who do not file a registration statement with the filing officer, since a candidate who does not file a registration statement cannot be certified to appear on the ballot. This creates a situation where poll workers would be looking for write-in votes when no write-in candidate has registered. This will turn up votes for Mickey Mouse and other fictional candidates.

If the intent is to limit the counting of write-in votes to write-in candidates who file a registration statement with the filing officer plus the two exceptions, I suggest the draft be modified as follows:

7.50 (2)(em) of the statutes is created to read:

Except as provided in this paragraph, write-in votes shall only be counted if no candidates have been certified to appear on the ballot. If candidates have been certified to appear on the ballot, write-in votes may only be counted for candidates who file a registration statement under s. 11.05 (2g). If a candidate certified to appear on the ballot dies before the election, all write-in votes shall be counted. When write-in votes are counted, every vote shall be counted for the candidate for whom it was intended, if the elector's intent can be ascertained from the ballot itself.

This language, subject to LRB drafting protocols, limits counting write-in votes to three situations:

1. Write-in candidates who file a registration statement with the filing officer,
2. When no candidates are certified to appear on the ballot, and
3. When a candidate whose name appears on the ballot dies before the election.
- 4.

I will call you to discuss this.

Kevin Kennedy

From: Moran, Christian [<mailto:Christian.Moran@legis.wisconsin.gov>]

Sent: Thursday, October 03, 2013 4:34 PM

To: Kennedy, Kevin - GAB

Cc: Ramirez, Adrienne - LEGIS

Subject: Rep Bernier's write-in ballot draft /5

Kevin,

Rep Richards would appreciate your thoughts on the latest version of Rep Bernier's bill draft (attached) relating to counting votes for write-in candidates.

Thanks for your help.

Christian Moran
Office of Representative Jon Richards
State Capitol, 118 North
Madison, WI 53708
(608) 266-0650
Facebook: [facebook.com/RepJonRichards](https://www.facebook.com/RepJonRichards)
Twitter: @RepRichards





Jld

2013 BILL

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Today

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AN ACT ...; relating to: counting votes for write-in candidates.

Analysis by the Legislative Reference Bureau

Under current law, generally, every vote at an election is counted for the candidate for whom it was intended, if the elector's intent can be determined from the ballot itself. Under this bill, generally, write-in votes are only counted if no candidates have been certified to appear on the ballot. If a candidate has been certified to appear on the ballot, write-in votes are only counted for candidates who have filed registration statements. If a certified candidate dies or withdraws before the election, all write-in votes are counted.

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

2

SECTION 1. 7.50 (2) (e) of the statutes is repealed.

3

SECTION 2. 7.50 (2) (em) of the statutes is created to read:

4

7.50 (2) (em) Except as otherwise provided in this paragraph, write-in votes

5

shall only be counted if no candidates have been certified to appear on the ballot. If

6

candidates have been certified to appear on the ballot, write-in votes may only be

7

counted for candidates who file registration statements under s. 11.05 (2g). If a

BILL

SECTION 2

1 candidate certified to appear on the ballot dies or withdraws before the election, all
2 write-in votes shall be counted. ✓ When write-in votes are counted, every vote shall
3 be counted for the candidate for whom it was intended, if the elector's intent can be
4 ascertained from the ballot itself. ✓

5 (END)