



State of Wisconsin
2015 - 2016 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 96**

May 6, 2015 - Offered by Senator MILLER.

1 **AN ACT** *to repeal* 9.01 (1) (ag) 1m.; *to amend* 9.01 (1) (ad), 9.01 (1) (ag) 1., 9.01
2 (1) (ag) 2., 9.01 (1) (ag) 3. and 9.01 (1) (ag) 3m.; and *to create* 9.01 (1) (ag) 1p.
3 of the statutes; **relating to:** fees for election recounts.

Analysis by the Legislative Reference Bureau

Currently, any candidate who receives votes in an election and any elector who votes in a referendum may petition for a recount of the votes cast. The petitioner does not have to pay for the recount if the difference between the votes cast for the leading candidate and those cast for the petitioner, or the difference between the affirmative and negative votes cast on the referendum question, is less than 10 if 1,000 or fewer votes are cast or not more than 0.5 percent of the total votes cast for the office or on the question if more than 1,000 votes are cast.

Currently, if the difference between the votes cast for the leading candidate and those cast for the petitioner, or the difference between the affirmative and negative votes cast on the referendum question, is at least 10 if 1,000 or fewer votes are cast or is more than 0.5 percent, but not more than 2 percent if more than 1,000 votes are cast, the petitioner must pay a fee equal to \$5 for each ward for which the petitioner requests a recount.

Finally, if the difference between the votes cast for the leading candidate and those cast for the petitioner, or the difference between the affirmative and negative votes cast on the referendum question, is more than 2 percent if more than 1,000 votes are cast, the petitioner pays the actual cost of performing the recount.

This substitute amendment provides that, if the difference between the votes cast for the leading candidate and those cast for the petitioner, or the difference between the affirmative and negative votes cast on the referendum question, is less than 10 if 4,000 or fewer votes are cast or not more than 0.25 percent of the total votes cast for the office or on the question if more than 4,000 votes are cast, the petitioner does not pay for the recount. If the difference between the votes cast for the leading candidate and those cast for the petitioner, or the difference between the affirmative and negative votes cast upon any referendum question, is at least 10 if 4,000 or fewer votes are cast or is more than 0.25 percent but not more than 5 percent if more than 4,000 votes are cast, the petitioner pays a fee equal to \$100 for each ward for which the petitioner requests a recount. Under any other circumstance, the petitioner pays the actual cost of performing the recount. If, however, the recount overturns the result of the election or referendum, or if the recount results in a difference in the votes that would change the amount of the fee due from the petitioner, the petitioner receives a refund of the amount that he or she overpaid.

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

1 **SECTION 1.** 9.01 (1) (ad) of the statutes is amended to read:

2 9.01 (1) (ad) Upon receiving a petition for a recount, the clerk or body receiving
3 the petition shall ~~calculate any fee due under par. (ag) 1m. or~~ reasonably estimate
4 any fee due under par. (ag) 2. The clerk or body shall provide the petitioner promptly
5 with the total due or estimate.

6 **SECTION 2.** 9.01 (1) (ag) 1. of the statutes is amended to read:

7 9.01 (1) (ag) 1. If the difference between the votes cast for the leading candidate
8 and those cast for the petitioner or the difference between the affirmative and
9 negative votes cast upon any referendum question is less than 10 if ~~1,000~~ 4,000 or
10 less fewer votes are cast or not more than ~~0.5%~~ 0.25 percent of the total votes cast
11 for the office or on the question if more than ~~1,000~~ 4,000 votes are cast following
12 canvassing of all valid provisional and absentee ballots, the petitioner is not required
13 to pay a fee.

14 **SECTION 3.** 9.01 (1) (ag) 1m. of the statutes is repealed.

1 **SECTION 4.** 9.01 (1) (ag) 1p. of the statutes is created to read:

2 9.01 (1) (ag) 1p. If the difference between the votes cast for the leading
3 candidate and those cast for the petitioner or the difference between the affirmative
4 and negative votes cast upon any referendum question is at least 10 if 4,000 or fewer
5 votes are cast or is more than 0.25 percent but not more than 5 percent if more than
6 4,000 votes are cast following canvassing of all valid provisional and absentee
7 ballots, the petitioner shall pay a fee of \$100 for each ward for which the petition
8 requests a ballot recount, or \$100 for each municipality for which the petition
9 requests a recount where no wards exist.

10 **SECTION 5.** 9.01 (1) (ag) 2. of the statutes is amended to read:

11 9.01 (1) (ag) 2. If neither subd. 1. nor subd. 1p. apply to the difference between
12 the votes cast for the leading candidate and those cast for the petitioner or the
13 difference between the affirmative and negative votes cast upon any referendum
14 question ~~is more than 2% if more than 1,000 votes are cast~~ following canvassing of
15 all valid provisional and absentee ballots, the petitioner shall pay a fee equal to the
16 actual cost of performing the recount in each ward for which the petition requests a
17 recount, or in each municipality for which the petition ~~request~~ requests a recount
18 where no wards exist.

19 **SECTION 6.** 9.01 (1) (ag) 3. of the statutes is amended to read:

20 9.01 (1) (ag) 3. All fees ~~calculated or~~ estimated under par. (ad) shall be prepaid
21 in cash or another form of payment which is acceptable to the officer to whom they
22 are paid. No petition for which a fee is required is valid unless the proper calculated
23 or estimated fee is paid at the time of filing.

24 **SECTION 7.** 9.01 (1) (ag) 3m. of the statutes is amended to read:

