

2015 DRAFTING REQUEST

Bill

Received: 3/2/2015 Received By: jkreye
Wanted: As time permits Same as LRB: -1151
For: Devin LeMahieu (608) 266-2056 By/Representing: zach
May Contact: Drafter: jkreye
Subject: Elections - miscellaneous Addl. Drafters:
Extra Copies: TKK

Submit via email: YES
Requester's email: Sen.LeMahieu@legis.wisconsin.gov
Carbon copy (CC) to: joseph.kreye@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Fees for recounts

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	jkreye 3/3/2015	kfollett 3/3/2015		_____	sbasford 3/3/2015	mbarman 3/11/2015	Local

FE Sent For:

<END>

→ At Intro.

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/1	jkreye	1/kf 3/3	_____	_____			Local

FE Sent For:

<END>

Kreye, Joseph

From: Anderson, Bethany
Sent: Monday, March 02, 2015 1:43 PM
To: Kreye, Joseph
Cc: Bemis, Zach
Subject: LRB 1151/P4

Good afternoon,

Could you convert this LRB to a /1 and also release it to Sen. LeMahieu's office so they can request a companion?

Thank you!
Bethany

Bethany Anderson
Office of Rep. Ballweg
o | 608.266.8077
e | Bethany.Anderson@legis.wi.gov



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1151/1
JK:cmh&kjfrs

2015 BILL

1873/1

Today
3-3

Resen

- 1 AN ACT *to repeal* 9.01 (1) (ag) 1m.; and *to amend* 9.01 (1) (ad), 9.01 (1) (ag) 1.,
2 9.01 (1) (ag) 2., 9.01 (1) (ag) 3. and 9.01 (1) (ag) 3m. of the statutes; **relating to:**
3 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 bill 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

BILL

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. Under any other circumstance, the petitioner pays the actual cost of performing the recount. However, if the recount overturns the result of the election or referendum, the petitioner receives a refund of the recount fees.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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.

15 **SECTION 4.** 9.01 (1) (ag) 2. of the statutes is amended to read:

16 9.01 (1) (ag) 2. If subd. 1 does not apply to the difference between the votes cast
17 for the leading candidate and those cast for the petitioner or the difference between
18 the affirmative and negative votes cast upon any referendum question ~~is more than~~

BILL

1 ~~2% if more than 1,000 votes are cast~~ following canvassing of all valid provisional and
2 absentee ballots, the petitioner shall pay a fee equal to the actual cost of performing
3 the recount in each ward for which the petition requests a recount, or in each
4 municipality for which the petition ~~request~~ requests a recount where no wards exist.

5 **SECTION 5.** 9.01 (1) (ag) 3. of the statutes is amended to read:

6 9.01 (1) (ag) 3. All fees ~~calculated or~~ estimated under par. (ad) shall be prepaid
7 in cash or another form of payment which is acceptable to the officer to whom they
8 are paid. No petition for which a fee is required is valid unless the proper calculated
9 or estimated fee is paid at the time of filing.

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

11 9.01 (1) (ag) 3m. The petitioner shall pay any balance owing toward the fee due
12 under subd. 2. within 30 days after the clerk or body receiving the petition provides
13 the petitioner with a written statement of the amount due. If the petitioner has
14 overpaid the fee due under subd. 2. the clerk or body receiving the petition shall
15 refund the amount overpaid within 30 days after the board of canvassers makes its
16 determination in the recount. If, as a result of the recount, the petitioner is the
17 leading candidate, or the majority of votes cast on the referendum changes from
18 affirmative to negative or from negative to affirmative, the clerk or body receiving
19 the petition shall refund the amount paid within 30 days after the board of
20 canvassers makes its determination in the recount. For purposes of this subdivision,
21 a petitioner has not overpaid the fees due under subd. 2., and is therefore not entitled
22 to a refund under this subdivision, if the recount results in a difference in the votes
23 cast that is below the threshold for paying the fee under subd. 2.

24 **SECTION 7. Initial applicability.**

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SECTION 7

1 (1) RECOUNTS. This act first applies to petitions filed on the effective date of this
2 subsection.

3 (END)

Barman, Mike

From: Bemis, Zach
Sent: Wednesday, March 11, 2015 2:13 PM
To: LRB.Legal
Subject: Draft Review: LRB -1873/1 Topic: Fees for recounts

Please Jacket LRB -1873/1 for the SENATE.

Thanks!

Zach Bemis
Chief of Staff
Senator Devin LeMahieu
608-266-2056
zach.bemis@legis.wi.gov