



3/25 Today Thanks!
State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2186/P1
MPG&JK:all

stays

182

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

stays
SB ✓

Can

1 **AN ACT to repeal** 5.06 (10); **to renumber and amend** 5.06 (1); **to amend** 5.06
2 (4), 5.06 (7), 5.15 (4) (a), 5.60 (3) (ag), 5.62 (1) (a), 5.94, 6.45 (1), 6.46 (2), 6.47 (1)
3 (ag), 6.47 (1) (dm), 7.08 (10), 7.23 (1) (e), 7.50 (2) (em), 7.52 (1) (b), 7.60 (5) (a),
4 9.01 (2), 10.01 (1), 10.06 (2) (d), 10.06 (2) (f), 10.06 (2) (j), 10.06 (2) (L), 10.06 (3)
5 (as), 10.06 (3) (b), 10.06 (3) (c) and 10.06 (3) (d); and **to create** 5.06 (1) (b) and
6 9.10 (2) (e) 9. of the statutes; **relating to:** elections administration, recall
7 petitions, and recount procedures.

Analysis by the Legislative Reference Bureau

This bill makes various changes to the state's election laws, including the following:

1. Under current law, the Elections Commission is authorized to review the conduct of election officials for violations of law and abuse of discretion. Current law provides that the commission may, after investigation, issue an order requiring an election official to conform his or her conduct to the law, restraining an election official from taking an action inconsistent with the law, or requiring an election official to correct an action or decision inconsistent with the law.

This bill authorizes the commission to issue such other temporary orders of limited effect as it deems necessary to carry out its powers and duties in reviewing the conduct of election officials.

2. Under current law, only courts are authorized to review matters concerning recounts. This bill does not affect that authority but additionally authorizes the commission to review the decision or other conduct of an election official with respect to matters concerning a recount in order to determine whether the official's decision or other conduct is contrary to law or constitutes an abuse of discretion. That authority mirrors the commission's authority with respect to other matters arising in the course of elections. Under the bill, the commission may not review a final recount determination that is ripe for appeal in court.

3. This bill alters the methods of delivery of a recount petition to candidates in an election. Under current law, a petition for a recount for an elected office must be filed with the clerk or body with whom nomination papers are filed for that office. The clerk or body is required to deliver the petition to each opposing candidate or the candidate's designated agent. The candidate or agent must acknowledge personal delivery of the petition by signing a receipt. If a candidate or agent does not personally accept delivery of the petition, the clerk or body must promptly deliver the copies of the petition to the sheriff, who must then deliver the copies of the petition to each candidate at the address given on the candidate's nomination papers in the manner provided for service of a summons in civil actions.

This bill replaces service by the sheriff with the following:

a. If a candidate or agent does not personally accept delivery of the petition, the clerk or body is required to attempt to notify the candidate or agent of the petition by e-mail and by telephone and, upon receiving acknowledgement from the candidate or agent, retain documentation of that notice.

b. If the clerk or body does not receive acknowledgement by e-mail or by telephone, the clerk or body must publish notice of the petition.

4. Under current law, the commission is required to provide information on a continuing basis to all municipal clerks concerning the names and addresses of domestic abuse and sexual assault service providers. Under this bill, the commission is required to provide that information only as needed to verify the voting eligibility of a voter whose identity must be kept confidential because the voter is the victim of domestic abuse, sexual assault, or stalking.

5. Under this bill, an individual's signature on a recall petition may not be counted unless, among the other requirements provided under current law, the signer legibly prints his or her name in a space provided next to his or her signature.

6. This bill requires county clerks to publish a type A notice of a referendum prior to a partisan primary or spring primary if a referendum will appear on the ballot at the spring or partisan primary. Under current law, a type A notice of a referendum must contain the text of the ballot question and a statement specifying where a copy of the resolution directing submission of the question may be obtained.

7. This bill requires municipal clerks to publish certain notices, required under current law for spring and general elections, prior to a partisan primary or spring primary when a referendum will appear on the ballot at the spring or partisan primary.

8. Under current law, each county clerk is required to deliver or transmit to the commission a certified copy of each statement of a county board of canvassers

regarding an election within certain specified time periods after primaries and all other elections. This bill specifies that the certified copies must be delivered or transmitted to the commission in a manner prescribed by the commission.

9. Current law allows a municipality to appoint additional election inspectors for the canvassing of absentee ballots by the municipal board of absentee ballot canvassers. Under current law, an inspector so appointed must be a qualified elector of the municipality. This bill provides that if the municipality cannot identify a sufficient number of qualified electors of the municipality to serve as inspectors, the municipality may appoint qualified electors of the county in which the municipality is located to serve as inspectors.

10. Current law requires that spring election ballots for town, village, and school district offices include sufficient space for write-in candidates. This bill requires that spring election ballots for city offices also include sufficient space for write-in candidates.

11. This bill eliminates the requirement that a partisan primary ballot list the names of independent candidates for state office. Prior to July 1, 2011, listing the names of independent candidates for state office on the partisan primary ballot was necessary for determining eligibility for providing public financing for such candidates. Current law no longer provides public financing for campaigns for state office.

12. Under current law, a poll list created for an election must be maintained for 22 months after the election. This bill provides that an original electronic poll list need not be maintained if a true copy is maintained for the 22-month period.

13. Under current law, when a municipality uses an electronic voting system for an election, the clerks of the county and municipality where the system is used must provide notice of the ballot form and contents by arranging for the publication of an actual size copy of the ballot. Current law, however, allows a publisher to reduce the size of the facsimile ballot for publication purposes. This bill eliminates the inconsistency between these two provisions by eliminating the requirement that the clerks arrange for publication of an actual size copy of the ballot.

14. This bill specifies that a municipal clerk need not make paper copies of a registration list for use in an election if an electronic registration list is used.

15. Under current law, a municipal clerk is required upon request to provide a candidate one copy of the current poll list for those areas for which he or she is a candidate. Current law specifies that if a copying machine is unavailable, the clerk is required to remove the lists from the office to make copies and return the lists immediately thereafter. This bill removes any reference to a copying machine.

16. Under current law, one of the circumstances under which all write-in votes must be counted for a particular office in an election occurs if a candidate certified to appear on the ballot dies or withdraws before the election. Under this bill, all write-in votes must be counted under that circumstance only if a candidate certified to appear on the ballot dies before the election.

17. Under current law, the commission is required to make rules and draft whatever forms it considers necessary to standardize the form of various election

notices. This bill eliminates the requirement to make such rules but not the requirement to draft standardized forms.

For further information see the *state and 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.** 5.06 (1) of the statutes is renumbered 5.06 (1) (a) and amended to
2 read:

3 5.06 (1) (a) ~~Whenever any elector of a jurisdiction or district served by an~~
4 ~~election official person authorized under par. (b) to file a complaint~~ believes that a
5 decision or action of the an election official or the failure of the official to act with
6 respect to any matter concerning nominations, qualifications of candidates, voting
7 qualifications, including residence, ward division and numbering, recall, ballot
8 preparation, election administration ~~or~~, conduct of elections, or, subject to par. (b) 2.,
9 conduct of a recount, is contrary to law, or the official has abused the discretion vested
10 in him or her by law with respect to any such matter, the ~~elector~~ authorized person
11 may file a written sworn complaint with the commission requesting that the official
12 be required to conform his or her conduct to the law, be restrained from taking any
13 action inconsistent with the law, or be required to correct any action or decision
14 inconsistent with the law or any abuse of the discretion vested in him or her by law.
15 The complaint shall set forth such facts as are within the knowledge of the
16 complainant to show probable cause to believe that a violation of law or abuse of
17 discretion has occurred or will occur. The complaint may be accompanied by relevant
18 supporting documents. The commission may conduct a hearing on the matter in the
19 manner prescribed for treatment of contested cases under ch. 227 if it believes such
20 action to be appropriate.

1 **SECTION 2.** 5.06 (1) (b) of the statutes is created to read:

2 5.06 (1) (b) The following persons are authorized to file a complaint under this
3 subsection:

4 1. An elector of a jurisdiction or district served by an election official who is a
5 subject of the complaint.

6 2. A candidate voted for at an election who is an aggrieved party, as determined
7 under s. 9.01 (1) (a) 5., or an elector who voted upon a referendum question at an
8 election, with respect to a recount under s. 9.01, except that a recount determination
9 that is ripe for appeal under s. 9.01 (6) is not reviewable under this subsection.

10 **SECTION 3.** 5.06 (4) of the statutes is amended to read:

11 5.06 (4) The commission may, on its own motion, investigate and determine
12 whether any election official, with respect to any matter ~~concerning nominations,~~
13 ~~qualifications of candidates, voting qualifications, including residence, ward~~
14 ~~division and numbering, recall, ballot preparation, election administration or~~
15 ~~conduct of elections~~ specified in sub. (1), has failed to comply with the law or abused
16 the discretion vested in him or her by law or proposes to do so.

17 **SECTION 4.** 5.06 (7) of the statutes is amended to read:

18 5.06 (7) The commission may withdraw, modify or correct an order issued
19 under sub. (6) within a timely period if it finds such action to be appropriate. The
20 commission may issue such other temporary orders of limited effect as it deems
21 necessary to carry out its powers and duties under this section.

22 **SECTION 5.** 5.06 (10) of the statutes is repealed.

23 **SECTION 6.** 5.15 (4) (a) of the statutes is amended to read:

24 5.15 (4) (a) Except as provided in par. (c), the division ordinance or resolution
25 shall number all wards in the municipality with unique whole numbers in

1 consecutive order, beginning with the number one, shall designate the polling place
2 for each ward, and shall describe the boundaries of each ward consistent with the
3 conventions set forth in s. 4.003. No ward line may cross the boundary of a
4 congressional, assembly, or supervisory district. The ordinance or resolution shall
5 be accompanied by a list of the block numbers used by the U.S. bureau of the census
6 that are wholly or partly contained within each ward, with any block numbers partly
7 contained within a ward identified, and a map of the municipality which illustrates
8 the revised ward boundaries. If the legislature, in an act redistricting legislative
9 districts under article IV, section 3, of the constitution, or in redistricting
10 congressional districts, establishes a district boundary within a municipality that
11 does not coincide with the boundary of a ward established under the ordinance or
12 resolution of the municipality, the municipal governing body shall, no later than
13 April 10 of the 2nd year following the year of the federal decennial census on which
14 the act is based, amend the ordinance or resolution to the extent required to effect
15 the act. The amended ordinance or resolution shall designate the polling place for
16 any ward that is created to effect the legislative act. Nothing in this paragraph shall
17 be construed to compel a county or city to alter or redraw supervisory or aldermanic
18 districts.

19 **SECTION 7.** 5.60 (3) (ag) of the statutes is amended to read:

20 5.60 (3) (ag) Except as authorized in s. 5.655, there shall be a separate ballot
21 giving the names of all candidates for city offices, printed in the same form as
22 prescribed by the commission under s. 7.08 (1) (a). Sufficient space shall be provided
23 on the ballot for write-in candidates. City election ballots may vary in form to
24 conform to the law under which an election is held.

25 **SECTION 8.** 5.62 (1) (a) of the statutes is amended to read:

1 5.62 (1) (a) At the partisan primary, the following ballot shall be provided for
2 the nomination of candidates of recognized political parties for national, state and
3 county offices ~~and independent candidates for state office~~ in each ward, in the same
4 form as prescribed by the commission under s. 7.08 (1) (a), except as authorized in
5 s. 5.655. The ballots shall be made up of the several party tickets with each party
6 entitled to participate in the primary under par. (b) or sub. (2) having its own ballot,
7 except as authorized in s. 5.655. The ballots shall be secured together at the bottom.
8 The party ballot of the party receiving the most votes for president or governor at the
9 last general election shall be on top with the other parties arranged in descending
10 order based on their vote for president or governor at the last general election. The
11 ballots of parties qualifying under sub. (2) shall be placed after the parties qualifying
12 under par. (b), in the same order in which the parties filed petitions with the
13 commission. Any ballot required under par. (b) 2. shall be placed next in order. At
14 polling places where voting machines are used, each party shall be represented in
15 one or more separate columns or rows on the ballot. At polling places where an
16 electronic voting system is used other than an electronic voting machine, each party
17 may be represented in separate columns or rows on the ballot.

18 **SECTION 9.** 5.94 of the statutes is amended to read:

19 **5.94 Sample ballots; publication.** When an electronic voting system
20 employing a ballot that is distributed to electors is used, the county and municipal
21 clerk of the county and municipality in which the polling place designated for use of
22 the system is located shall cause to be published, in the type B notices, a ~~true~~
23 ~~actual-size~~ copy of the ballot containing the names of offices and candidates and
24 statements of measures to be voted on, as nearly as possible, in the form in which they
25 will appear on the official ballot on election day. The notice may be published as a

1 newspaper insert. Municipal clerks may post the notice if the remainder of the type
2 B notice is posted.

3 **SECTION 10.** 6.45 (1) of the statutes is amended to read:

4 6.45 (1) After the deadline for revision of the registration list, the municipal
5 clerk shall make copies of the list for election use. Paper copies need not be made if
6 an electronic registration list is used.

7 **SECTION 11.** 6.46 (2) of the statutes is amended to read:

8 6.46 (2) Poll lists shall be open to public inspection, except as provided in s.
9 6.47. The municipal clerk shall furnish upon request to each candidate who has filed
10 nomination papers for an office ~~which~~ that represents at least part of the
11 municipality one copy of the current poll list for those areas for which he or she is a
12 candidate for a fee not to exceed the cost of reproduction. ~~If a copying machine is not~~
13 ~~accessible,~~ the clerk ~~shall~~ must remove the lists from the office for the purposes of
14 copying, ~~and~~ the clerk shall return them immediately thereafter. The clerk shall
15 exclude information that is confidential under s. 6.47 (2) from copies of the list, except
16 as authorized under s. 6.47 (8).

17 **SECTION 12.** 6.47 (1) (ag) of the statutes is amended to read:

18 6.47 (1) (ag) "Domestic abuse victim service provider" means an organization
19 that is certified by the department of children and families as eligible to receive
20 grants under s. 49.165 (2) ~~and whose name is included on the list provided by the~~
21 ~~commission under s. 7.08 (10).~~

22 **SECTION 13.** 6.47 (1) (dm) of the statutes is amended to read:

23 6.47 (1) (dm) "Sexual assault victim service provider" means an organization
24 that is certified by the department of justice as eligible to receive grants under s.

1 165.93 (2) and whose name is included on the list provided by the commission under
2 s. 7.08 (10).

3 **SECTION 14.** 7.08 (10) of the statutes is amended to read:

4 7.08 (10) DOMESTIC ABUSE AND SEXUAL ASSAULT SERVICE PROVIDERS. Provide to
5 each municipal clerk, on a continuous basis as needed to confirm the eligibility to vote
6 of electors who have obtained a confidential listing under s. 6.47 (2), the names and
7 addresses of organizations that are certified under s. 49.165 (4) (a) or 165.93 (4) (a)
8 to provide services to victims of domestic abuse or sexual assault.

9 **SECTION 15.** 7.23 (1) (e) of the statutes is amended to read:

10 7.23 (1) (e) Poll lists created for any election may be destroyed 22 months after
11 the election at which they were created. An original electronic poll list need not be
12 maintained under this paragraph if a true copy of the electronic poll list is
13 maintained whether in hard copy or electronic format.

14 **SECTION 16.** 7.50 (2) (em) of the statutes is amended to read:

15 7.50 (2) (em) Except as otherwise provided in this paragraph, write-in votes
16 shall only be counted if no candidates have been certified to appear on the ballot. If
17 a candidate has been certified to appear on the ballot, write-in votes may only be
18 counted for a candidate that files a registration statement under s. 11.0202 (1) (a) no
19 later than noon on the Friday immediately preceding the election. If a candidate
20 certified to appear on the ballot dies or withdraws before the election, all write-in
21 votes shall be counted. When write-in votes are counted, every vote shall be counted
22 for the candidate for whom it was intended, if the elector's intent can be ascertained
23 from the ballot itself.

24 **SECTION 17.** 7.52 (1) (b) of the statutes is amended to read:

1 7.52 (1) (b) A municipality that adopts the canvassing procedure under this
2 section may appoint additional inspectors under s. 7.30 (2) (a) to assist the absentee
3 ballot board of canvassers in canvassing absentee ballots under this section. In such
4 case, an odd number of inspectors shall be appointed, and at no time may there be
5 less than 3 inspectors who serve. Except as authorized in s. 7.30 (4) (c), all inspectors
6 shall be affiliated with one of the 2 recognized political parties receiving the largest
7 numbers of votes for president, or for governor in nonpresidential general election
8 years, in the municipality. The party whose candidate received the largest number
9 of votes in the municipality is entitled to one more inspector than the party whose
10 candidate received the next largest number of votes in the municipality. Each
11 inspector so appointed shall be a qualified elector of the municipality, except that if
12 the municipality cannot identify a sufficient number of qualified electors of the
13 municipality to serve as inspectors, the municipality may appoint qualified electors
14 of the county in which the municipality is located to serve as inspectors. The
15 inspectors who are appointed under this paragraph shall serve under the direction
16 and supervision of the board of absentee ballot canvassers.

17 **SECTION 18.** 7.60 (5) (a) of the statutes is amended to read:

18 7.60 (5) (a) Immediately following the canvass, the county clerk shall deliver
19 or transmit to the elections commission in a manner prescribed by the commission
20 a certified copy of each statement of the county board of canvassers for president and
21 vice president, state officials, senators and representatives in congress, state
22 legislators, justice, court of appeals judge, circuit judge, district attorney, and
23 metropolitan sewerage commissioners, if the commissioners are elected under s.
24 200.09 (11) (am). The statement shall record the returns for each office or
25 referendum by ward, unless combined returns are authorized under s. 5.15 (6) (b) in

1 which case the statement shall record the returns for each group of combined wards.
2 Following primaries the county clerk shall enclose on forms prescribed by the
3 elections commission the names, party or principle designation, if any, and number
4 of votes received by each candidate recorded in the same manner. The county clerk
5 shall deliver or transmit the certified statement to the elections commission no later
6 than 9 days after each primary except the partisan primary, no later than 10 days
7 after the partisan primary and any other election except the general election, and no
8 later than 14 days after the general election. The board of canvassers shall deliver
9 or transmit a certified copy of each statement for any technical college district
10 referendum to the secretary of the technical college district board.

11 **SECTION 19.** 9.01 (2) of the statutes is amended to read:

12 9.01 (2) NOTICE TO CANDIDATES. When the recount concerns an election for an
13 office, the clerk or body with whom the petition is filed shall promptly prepare a copy
14 of the petition for delivery to each opposing candidate for the same office whose name
15 appears on the ballot. In a recount proceeding for a partisan primary, the clerk or
16 body shall prepare a copy of the petition for delivery to each opposing candidate for
17 the same party nomination for the same office, to each opposing candidate for the
18 party nomination of each other party for the same office and to each independent
19 candidate qualifying to have his or her name placed on the ballot for the succeeding
20 election. A candidate or agent designated by a candidate may personally accept
21 delivery of a copy of the petition. Upon such delivery, the clerk or body shall require
22 the candidate or agent to sign a receipt ~~therefor~~ acknowledging delivery of the
23 petition. If a candidate or agent does not personally accept delivery, the clerk or body
24 shall then ~~promptly deliver the copies of the petition to the sheriff, who shall~~
25 ~~promptly deliver the copies of the petition to each candidate at the address given on~~

1 ~~the candidate's nomination papers, without fee, in the manner provided for service~~
2 ~~of a summons in civil actions attempt to notify the candidate or agent of the petition~~
3 ~~by electronic mail and by telephone and, upon receiving acknowledgement from the~~
4 ~~candidate or agent, retain documentation of that notice. If the clerk or body does not~~
5 ~~receive acknowledgement by electronic mail or by telephone, the clerk or body shall~~
6 ~~publish notice of the petition.~~

7 **SECTION 20.** 9.10 (2) (e) 9. of the statutes is created to read:

8 9.10 (2) (e) 9. The signer has not legibly printed his or her name in a space
9 provided next to his or her signature.

10 **SECTION 21.** 10.01 (1) of the statutes is amended to read:

11 10.01 (1) The form of the various election notices shall be prescribed by the
12 commission to standardize election notices. To accomplish this purpose, the
13 commission shall ~~make rules and~~ draft whatever forms it considers necessary.
14 Notification or certification lists of candidates or referenda questions sent to the
15 county clerks shall prescribe the form in which the county clerks shall publish the
16 relevant portions of the notice and any additional county offices and referenda
17 questions. The commission shall also prescribe the provisions for municipal notices
18 which shall be sent to each county clerk who shall immediately forward them to each
19 municipal clerk.

20 **SECTION 22.** 10.06 (2) (d) of the statutes is amended to read:

21 10.06 (2) (d) On the Monday preceding the spring primary, when held, the
22 county clerk shall publish a type B notice and, if applicable, a type C notice.

23 **SECTION 23.** 10.06 (2) (f) of the statutes is amended to read:

1 10.06 (2) (f) On the 4th Tuesday preceding the each spring primary and
2 election, the county clerk shall publish a type A notice of any state or county
3 referendum to be held at the primary or election.

4 **SECTION 24.** 10.06 (2) (j) of the statutes is amended to read:

5 10.06 (2) (j) On the Monday preceding the partisan primary the county clerk
6 shall publish a type B notice and, if applicable, a type C notice.

7 **SECTION 25.** 10.06 (2) (L) of the statutes is amended to read:

8 10.06 (2) (L) On the 4th Tuesday preceding the each partisan primary and
9 general election, the county clerk shall publish a type A notice of any state or county
10 referendum to be held at the primary or election.

11 **SECTION 26.** 10.06 (3) (as) of the statutes is amended to read:

12 10.06 (3) (as) On the 4th Tuesday preceding the spring primary, when held, the
13 municipal clerk shall publish a type E notice. In cities and villages, the municipal
14 clerk shall publish a type A notice on the 4th Tuesday preceding the spring primary
15 of any ~~direct legislation questions~~ referendum to be voted on held at the primary.

16 **SECTION 27.** 10.06 (3) (b) of the statutes is amended to read:

17 10.06 (3) (b) If there is to be a municipal primary, the municipal clerk shall
18 publish a type B notice on the Monday before the primary election. In cities and
19 villages, the municipal clerk shall publish a type C notice on the Monday before the
20 primary election of any ~~direct legislation questions~~ referendum to be voted on held
21 at the primary.

22 **SECTION 28.** 10.06 (3) (c) of the statutes is amended to read:

23 10.06 (3) (c) On the Monday before the each spring primary and election, the
24 municipal clerk shall publish a type B notice and a type D notice. If there are

1 municipal referenda, the municipal clerk shall publish a type C notice at the same
2 time.

3 **SECTION 29.** 10.06 (3) (d) of the statutes is amended to read:

4 10.06 (3) (d) On the Monday preceding the each partisan primary and general
5 election, the municipal clerk shall publish a type D notice. If there are municipal
6 referenda, the municipal clerk shall publish type B and C notices at the same time.

7 **SECTION 30. Initial applicability.**

8 (1) ~~This act first applies to an election held on~~ a recall petition filed on the
9 effective date of this subsection.

10 (END)

Recall Petitions
CS

The treatment of s. 9.10(2)(e) 9.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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due Fri 4-12

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1. Under current law, the Elections Commission is authorized to review the conduct of election officials for violations of law and abuse of discretion. Current law provides that the commission may, after investigation, issue an order requiring an election official to conform his or her conduct to the law, restraining an election official from taking an action inconsistent with the law, or requiring an election official to correct an action or decision inconsistent with the law.

This bill authorizes the commission to issue such other temporary orders of limited effect as it deems necessary to carry out its powers and duties in reviewing the conduct of election officials.

2. Under current law, only courts are authorized to review matters concerning recounts. This bill does not affect that authority but additionally authorizes the commission to review the decision or other conduct of an election official with respect to matters concerning a recount in order to determine whether the official's decision or other conduct is contrary to law or constitutes an abuse of discretion. That authority mirrors the commission's authority with respect to other matters arising in the course of elections. Under the bill, the commission may not review a final recount determination that is ripe for appeal in court.

3. This bill alters the methods of delivery of a recount petition to candidates in an election. Under current law, a petition for a recount for an elected office must be filed with the clerk or body with whom nomination papers are filed for that office. The clerk or body is required to deliver the petition to each opposing candidate or the candidate's designated agent. The candidate or agent must acknowledge personal delivery of the petition by signing a receipt. If a candidate or agent does not personally accept delivery of the petition, the clerk or body must promptly deliver the copies of the petition to the sheriff, who must then deliver the copies of the petition to each candidate at the address given on the candidate's nomination papers in the manner provided for service of a summons in civil actions.

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a. If a candidate or agent does not personally accept delivery of the petition, the clerk or body is required to attempt to notify the candidate or agent of the petition by e-mail and by telephone and, upon receiving acknowledgement from the candidate or agent, retain documentation of that notice.

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regarding an election within certain specified time periods after primaries and all other elections. This bill specifies that the certified copies must be delivered or transmitted to the commission in a manner prescribed by the commission.

9. Current law allows a municipality to appoint additional election inspectors for the canvassing of absentee ballots by the municipal board of absentee ballot canvassers. Under current law, an inspector so appointed must be a qualified elector of the municipality. This bill provides that if the municipality cannot identify a sufficient number of qualified electors of the municipality to serve as inspectors, the municipality may appoint qualified electors of the county in which the municipality is located to serve as inspectors.

10. Current law requires that spring election ballots for town, village, and school district offices include sufficient space for write-in candidates. This bill requires that spring election ballots for city offices also include sufficient space for write-in candidates.

11. This bill eliminates the requirement that a partisan primary ballot list the names of independent candidates for state office. Prior to July 1, 2011, listing the names of independent candidates for state office on the partisan primary ballot was necessary for determining eligibility for providing public financing for such candidates. Current law no longer provides public financing for campaigns for state office.

12. Under current law, a poll list created for an election must be maintained for 22 months after the election. This bill provides that an original electronic poll list need not be maintained if a true copy is maintained for the 22-month period.

13. Under current law, when a municipality uses an electronic voting system for an election, the clerks of the county and municipality where the system is used must provide notice of the ballot form and contents by arranging for the publication of an actual size copy of the ballot. Current law, however, allows a publisher to reduce the size of the facsimile ballot for publication purposes. This bill eliminates the inconsistency between these two provisions by eliminating the requirement that the clerks arrange for publication of an actual size copy of the ballot.

14. This bill specifies that a municipal clerk need not make paper copies of a registration list for use in an election if an electronic registration list is used.

15. Under current law, a municipal clerk is required upon request to provide a candidate one copy of the current poll list for those areas for which he or she is a candidate. Current law specifies that if a copying machine is unavailable, the clerk is required to remove the lists from the office to make copies and return the lists immediately thereafter. This bill removes any reference to a copying machine.

16. Under current law, one of the circumstances under which all write-in votes must be counted for a particular office in an election occurs if a candidate certified to appear on the ballot dies or withdraws before the election. Under this bill, all write-in votes must be counted under that circumstance only if a candidate certified to appear on the ballot dies before the election.

17. Under current law, the commission is required to make rules and draft whatever forms it considers necessary to standardize the form of various election

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notices. This bill eliminates the requirement to make such rules but not the requirement to draft standardized forms.

For further information see the *state and 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. 5.06 (1) of the statutes is renumbered 5.06 (1) (a) and amended to
2 read:
3 5.06 (1) (a) ~~Whenever any elector of a jurisdiction or district served by an~~
4 ~~election official person authorized under par. (b) to file a complaint~~ believes that a
5 decision or action of the an election official or the failure of the official to act with
6 respect to any matter concerning nominations, qualifications of candidates, voting
7 qualifications, including residence, ward division and numbering, recall, ballot
8 preparation, election administration ~~or~~, conduct of elections, or, subject to par. (b) 2.,
9 conduct of a recount, is contrary to law, or the official has abused the discretion vested
10 in him or her by law with respect to any such matter, the elector authorized person
11 may file a written sworn complaint with the commission requesting that the official
12 be required to conform his or her conduct to the law, be restrained from taking any
13 action inconsistent with the law, or be required to correct any action or decision
14 inconsistent with the law or any abuse of the discretion vested in him or her by law.
15 The complaint shall set forth such facts as are within the knowledge of the
16 complainant to show probable cause to believe that a violation of law or abuse of
17 discretion has occurred or will occur. The complaint may be accompanied by relevant
18 supporting documents. The commission may conduct a hearing on the matter in the
19 manner prescribed for treatment of contested cases under ch. 227 if it believes such
20 action to be appropriate.

1 **SECTION 2.** 5.06 (1) (b) of the statutes is created to read:

2 5.06 (1) (b) The following persons are authorized to file a complaint under this
3 subsection:

4 1. An elector of a jurisdiction or district served by an election official who is a
5 subject of the complaint.

6 2. A candidate voted for at an election who is an aggrieved party, as determined
7 under s. 9.01 (1) (a) 5., or an elector who voted upon a referendum question at an
8 election, with respect to a recount under s. 9.01, except that a recount determination
9 that is ripe for appeal under s. 9.01 (6) is not reviewable under this subsection.

10 **SECTION 3.** 5.06 (4) of the statutes is amended to read:

11 5.06 (4) The commission may, on its own motion, investigate and determine
12 whether any election official, with respect to any matter ~~concerning nominations,~~
13 ~~qualifications of candidates, voting qualifications, including residence, ward~~
14 ~~division and numbering, recall, ballot preparation, election administration or~~
15 ~~conduct of elections~~ specified in sub. (1), has failed to comply with the law or abused
16 the discretion vested in him or her by law or proposes to do so.

17 **SECTION 4.** 5.06 (7) of the statutes is amended to read:

18 5.06 (7) The commission may withdraw, modify or correct an order issued
19 under sub. (6) within a timely period if it finds such action to be appropriate. The
20 commission may issue such other temporary orders of limited effect as it deems
21 necessary to carry out its powers and duties under this section.

22 **SECTION 5.** 5.06 (10) of the statutes is repealed.

23 **SECTION 6.** 5.15 (4) (a) of the statutes is amended to read:

24 5.15 (4) (a) Except as provided in par. (c), the division ordinance or resolution
25 shall number all wards in the municipality with unique whole numbers in

1 consecutive order, beginning with the number one, shall designate the polling place
2 for each ward, and shall describe the boundaries of each ward consistent with the
3 conventions set forth in s. 4.003. No ward line may cross the boundary of a
4 congressional, assembly, or supervisory district. The ordinance or resolution shall
5 be accompanied by a list of the block numbers used by the U.S. bureau of the census
6 that are wholly or partly contained within each ward, with any block numbers partly
7 contained within a ward identified, and a map of the municipality which illustrates
8 the revised ward boundaries. If the legislature, in an act redistricting legislative
9 districts under article IV, section 3, of the constitution, or in redistricting
10 congressional districts, establishes a district boundary within a municipality that
11 does not coincide with the boundary of a ward established under the ordinance or
12 resolution of the municipality, the municipal governing body shall, no later than
13 April 10 of the 2nd year following the year of the federal decennial census on which
14 the act is based, amend the ordinance or resolution to the extent required to effect
15 the act. The amended ordinance or resolution shall designate the polling place for
16 any ward that is created to effect the legislative act. Nothing in this paragraph shall
17 be construed to compel a county or city to alter or redraw supervisory or aldermanic
18 districts.

19 **SECTION 7.** 5.60 (3) (ag) of the statutes is amended to read:

20 5.60 (3) (ag) Except as authorized in s. 5.655, there shall be a separate ballot
21 giving the names of all candidates for city offices, printed in the same form as
22 prescribed by the commission under s. 7.08 (1) (a). Sufficient space shall be provided
23 on the ballot for write-in candidates. City election ballots may vary in form to
24 conform to the law under which an election is held.

25 **SECTION 8.** 5.62 (1) (a) of the statutes is amended to read:

1 5.62 (1) (a) At the partisan primary, the following ballot shall be provided for
2 the nomination of candidates of recognized political parties for national, state and
3 county offices ~~and independent candidates for state office~~ in each ward, in the same
4 form as prescribed by the commission under s. 7.08 (1) (a), except as authorized in
5 s. 5.655. The ballots shall be made up of the several party tickets with each party
6 entitled to participate in the primary under par. (b) or sub. (2) having its own ballot,
7 except as authorized in s. 5.655. The ballots shall be secured together at the bottom.
8 The party ballot of the party receiving the most votes for president or governor at the
9 last general election shall be on top with the other parties arranged in descending
10 order based on their vote for president or governor at the last general election. The
11 ballots of parties qualifying under sub. (2) shall be placed after the parties qualifying
12 under par. (b), in the same order in which the parties filed petitions with the
13 commission. Any ballot required under par. (b) 2. shall be placed next in order. At
14 polling places where voting machines are used, each party shall be represented in
15 one or more separate columns or rows on the ballot. At polling places where an
16 electronic voting system is used other than an electronic voting machine, each party
17 may be represented in separate columns or rows on the ballot.

18 **SECTION 9.** 5.94 of the statutes is amended to read:

19 **5.94 Sample ballots; publication.** When an electronic voting system
20 employing a ballot that is distributed to electors is used, the county and municipal
21 clerk of the county and municipality in which the polling place designated for use of
22 the system is located shall cause to be published, in the type B notices, a ~~true~~
23 ~~actual-size~~ copy of the ballot containing the names of offices and candidates and
24 statements of measures to be voted on, as nearly as possible, in the form in which they
25 will appear on the official ballot on election day. The notice may be published as a

1 newspaper insert. Municipal clerks may post the notice if the remainder of the type
2 B notice is posted.

3 **SECTION 10.** 6.45 (1) of the statutes is amended to read:

4 6.45 (1) After the deadline for revision of the registration list, the municipal
5 clerk shall make copies of the list for election use. Paper copies need not be made if
6 an electronic registration list is used.

7 **SECTION 11.** 6.46 (2) of the statutes is amended to read:

8 6.46 (2) Poll lists shall be open to public inspection, except as provided in s.
9 6.47. The municipal clerk shall furnish upon request to each candidate who has filed
10 nomination papers for an office ~~which~~ that represents at least part of the
11 municipality one copy of the current poll list for those areas for which he or she is a
12 candidate for a fee not to exceed the cost of reproduction. ~~If a copying machine is not~~
13 ~~accessible,~~ the clerk shall must remove the lists from the office for the purposes of
14 copying, and the clerk shall return them immediately thereafter. The clerk shall
15 exclude information that is confidential under s. 6.47 (2) from copies of the list, except
16 as authorized under s. 6.47 (8).

17 **SECTION 12.** 6.47 (1) (ag) of the statutes is amended to read:

18 6.47 (1) (ag) "Domestic abuse victim service provider" means an organization
19 that is certified by the department of children and families as eligible to receive
20 grants under s. 49.165 (2) and ~~whose name is included on the list provided by the~~
21 ~~commission under s. 7.08 (10).~~

22 **SECTION 13.** 6.47 (1) (dm) of the statutes is amended to read:

23 6.47 (1) (dm) "Sexual assault victim service provider" means an organization
24 that is certified by the department of justice as eligible to receive grants under s.

1 165.93 (2) and whose name is included on the list provided by the commission under
2 s. 7.08 (10).

3 **SECTION 14.** 7.08 (10) of the statutes is amended to read:

4 7.08 (10) DOMESTIC ABUSE AND SEXUAL ASSAULT SERVICE PROVIDERS. Provide to
5 each municipal clerk, on a continuous basis as needed to confirm the eligibility to vote
6 of electors who have obtained a confidential listing under s. 6.47 (2), the names and
7 addresses of organizations that are certified under s. 49.165 (4) (a) or 165.93 (4) (a)
8 to provide services to victims of domestic abuse or sexual assault.

9 **SECTION 15.** 7.23 (1) (e) of the statutes is amended to read:

10 7.23 (1) (e) Poll lists created for any election may be destroyed 22 months after
11 the election at which they were created. An original electronic poll list need not be
12 maintained under this paragraph if a true copy of the electronic poll list is
13 maintained whether in hard copy or electronic format.

14 **SECTION 16.** 7.50 (2) (em) of the statutes is amended to read:

15 7.50 (2) (em) Except as otherwise provided in this paragraph, write-in votes
16 shall only be counted if no candidates have been certified to appear on the ballot. If
17 a candidate has been certified to appear on the ballot, write-in votes may only be
18 counted for a candidate that files a registration statement under s. 11.0202 (1) (a) no
19 later than noon on the Friday immediately preceding the election. If a candidate
20 certified to appear on the ballot dies or withdraws before the election, all write-in
21 votes shall be counted. When write-in votes are counted, every vote shall be counted
22 for the candidate for whom it was intended, if the elector's intent can be ascertained
23 from the ballot itself.

24 **SECTION 17.** 7.52 (1) (b) of the statutes is amended to read:

1 7.52 (1) (b) A municipality that adopts the canvassing procedure under this
2 section may appoint additional inspectors under s. 7.30 (2) (a) to assist the absentee
3 ballot board of canvassers in canvassing absentee ballots under this section. In such
4 case, an odd number of inspectors shall be appointed, and at no time may there be
5 less than 3 inspectors who serve. Except as authorized in s. 7.30 (4) (c), all inspectors
6 shall be affiliated with one of the 2 recognized political parties receiving the largest
7 numbers of votes for president, or for governor in nonpresidential general election
8 years, in the municipality. The party whose candidate received the largest number
9 of votes in the municipality is entitled to one more inspector than the party whose
10 candidate received the next largest number of votes in the municipality. Each
11 inspector so appointed shall be a qualified elector of the municipality, except that if
12 the municipality cannot identify a sufficient number of qualified electors of the
13 municipality to serve as inspectors, the municipality may appoint qualified electors
14 of the county in which the municipality is located to serve as inspectors. The
15 inspectors who are appointed under this paragraph shall serve under the direction
16 and supervision of the board of absentee ballot canvassers.

17 **SECTION 18.** 7.60 (5) (a) of the statutes is amended to read:

18 7.60 (5) (a) Immediately following the canvass, the county clerk shall deliver
19 or transmit to the elections commission in a manner prescribed by the commission
20 a certified copy of each statement of the county board of canvassers for president and
21 vice president, state officials, senators and representatives in congress, state
22 legislators, justice, court of appeals judge, circuit judge, district attorney, and
23 metropolitan sewerage commissioners, if the commissioners are elected under s.
24 200.09 (11) (am). The statement shall record the returns for each office or
25 referendum by ward, unless combined returns are authorized under s. 5.15 (6) (b) in

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1 which case the statement shall record the returns for each group of combined wards.
2 Following primaries the county clerk shall enclose on forms prescribed by the
3 elections commission the names, party or principle designation, if any, and number
4 of votes received by each candidate recorded in the same manner. The county clerk
5 shall deliver or transmit the certified statement to the elections commission no later
6 than 9 days after each primary except the partisan primary, no later than 10 days
7 after the partisan primary and any other election except the general election, and no
8 later than 14 days after the general election. The board of canvassers shall deliver
9 or transmit a certified copy of each statement for any technical college district
10 referendum to the secretary of the technical college district board.

11 **SECTION 19.** 9.01 (2) of the statutes is amended to read:

12 9.01 (2) NOTICE TO CANDIDATES. When the recount concerns an election for an
13 office, the clerk or body with whom the petition is filed shall promptly prepare a copy
14 of the petition for delivery to each opposing candidate for the same office whose name
15 appears on the ballot. In a recount proceeding for a partisan primary, the clerk or
16 body shall prepare a copy of the petition for delivery to each opposing candidate for
17 the same party nomination for the same office, to each opposing candidate for the
18 party nomination of each other party for the same office and to each independent
19 candidate qualifying to have his or her name placed on the ballot for the succeeding
20 election. A candidate or agent designated by a candidate may personally accept
21 delivery of a copy of the petition. Upon such delivery, the clerk or body shall require
22 the candidate or agent to sign a receipt therefor acknowledging delivery of the
23 petition. If a candidate or agent does not personally accept delivery, the clerk or body
24 shall then ~~promptly deliver the copies of the petition to the sheriff, who shall~~
25 ~~promptly deliver the copies of the petition to each candidate at the address given on~~

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1 the candidate's nomination papers, without fee, in the manner provided for service
2 of a summons in civil actions attempt to notify the candidate or agent of the petition
3 by electronic mail and by telephone and, upon receiving acknowledgement from the
4 candidate or agent, retain documentation of that notice. If the clerk or body does not
5 receive acknowledgement by electronic mail or by telephone, the clerk or body shall
6 publish notice of the petition.

7 **SECTION 20.** 9.10 (2) (e) 9. of the statutes is created to read:

8 9.10 (2) (e) 9. The signer has not legibly printed his or her name in a space
9 provided next to his or her signature.

10 **SECTION 21.** 10.01 (1) of the statutes is amended to read:

11 10.01 (1) The form of the various election notices shall be prescribed by the
12 commission to standardize election notices. To accomplish this purpose, the
13 commission shall ~~make rules and~~ draft whatever forms it considers necessary.
14 Notification or certification lists of candidates or referenda questions sent to the
15 county clerks shall prescribe the form in which the county clerks shall publish the
16 relevant portions of the notice and any additional county offices and referenda
17 questions. The commission shall also prescribe the provisions for municipal notices
18 which shall be sent to each county clerk who shall immediately forward them to each
19 municipal clerk.

20 **SECTION 22.** 10.06 (2) (d) of the statutes is amended to read:

21 10.06 (2) (d) On the Monday preceding the spring primary, when held, the
22 county clerk shall publish a type B notice and, if applicable, a type C notice.

23 **SECTION 23.** 10.06 (2) (f) of the statutes is amended to read:

1 10.06 (2) (f) On the 4th Tuesday preceding the each spring primary and
2 election, the county clerk shall publish a type A notice of any state or county
3 referendum to be held at the primary or election.

4 **SECTION 24.** 10.06 (2) (j) of the statutes is amended to read:

5 10.06 (2) (j) On the Monday preceding the partisan primary the county clerk
6 shall publish a type B notice and, if applicable, a type C notice.

7 **SECTION 25.** 10.06 (2) (L) of the statutes is amended to read:

8 10.06 (2) (L) On the 4th Tuesday preceding the each partisan primary and
9 general election, the county clerk shall publish a type A notice of any state or county
10 referendum to be held at the primary or election.

11 **SECTION 26.** 10.06 (3) (as) of the statutes is amended to read:

12 10.06 (3) (as) On the 4th Tuesday preceding the spring primary, when held, the
13 municipal clerk shall publish a type E notice. In cities and villages, the municipal
14 clerk shall publish a type A notice on the 4th Tuesday preceding the spring primary
15 of any ~~direct legislation questions~~ referendum to be voted on held at the primary.

16 **SECTION 27.** 10.06 (3) (b) of the statutes is amended to read:

17 10.06 (3) (b) If there is to be a municipal primary, the municipal clerk shall
18 publish a type B notice on the Monday before the primary election. In cities and
19 villages, the municipal clerk shall publish a type C notice on the Monday before the
20 primary election of any ~~direct legislation questions~~ referendum to be voted on held
21 at the primary.

22 **SECTION 28.** 10.06 (3) (c) of the statutes is amended to read:

23 10.06 (3) (c) On the Monday before the each spring primary and election, the
24 municipal clerk shall publish a type B notice and a type D notice. If there are

1 municipal referenda, the municipal clerk shall publish a type C notice at the same
2 time.

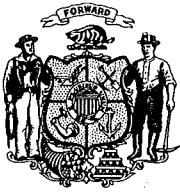
3 **SECTION 29.** 10.06 (3) (d) of the statutes is amended to read:

4 10.06 (3) (d) On the Monday preceding the each partisan primary and general
5 election, the municipal clerk shall publish a type D notice. If there are municipal
6 referenda, the municipal clerk shall publish type B and C notices at the same time.

7 **SECTION 30. Initial applicability.**

8 (1) RECALL PETITIONS. The treatment of s. 9.10 (2) (e) 9. first applies to a recall
9 petition filed on the effective date of this subsection.

10 (END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Insert A-Jk

1 **AN ACT to amend** 7.53 (4), 7.60 (6) and 7.70 (5) (a) of the statutes; **relating to:**
2 time for issuing a certificate of election.

Analysis by the Legislative Reference Bureau

18. Under current law, a certificate of election may not be provided to a winning candidate until after expiration of the time allowed to file a petition for a recount, regardless of whether any candidate in the election is authorized to file a petition for a recount. Current law authorizes only the following candidates to petition for a recount:

- 1. For an election at which 4,000 or fewer votes are cast for the office that the candidate seeks, a candidate who trails the leading candidate by no more than 40 votes.
- 2. For an election at which more than 4,000 votes are cast for the office that the candidate seeks, a candidate who trails the leading candidate by no more than 1 percent of the total votes cast for that office.

Under this bill, if there is no candidate in an election who may petition for a recount, the certificate of election may be issued immediately after completion of the canvass.

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

3 **SECTION 1.** 7.53 (4) of the statutes is amended to read:

Insert 10-16 Jk

1 7.53 (4) CERTIFICATE OF ELECTION. As soon as the deadline for filing a petition
2 for a recount has passed, the municipal clerk shall issue promptly a certificate of
3 election to each person elected to any municipal office, except that the municipal
4 clerk need not wait until expiration of the time allowed to file a petition for a recount
5 if there is no aggrieved party, as defined in s. 9.01 (1) (a) 5. When a valid petition for
6 a recount is filed, the municipal clerk shall not issue the certificate of election for the
7 office in question until the recount has been completed and the time allowed for filing
8 an appeal has passed, or if appealed until the appeal is decided. *end 10-16 JK*

9 **SECTION 2.** 7.60 (6) of the statutes is amended to read:

10 7.60 (6) CERTIFICATE OF ELECTION. Immediately after expiration of the time
11 allowed to file a petition for a recount the county clerk shall issue a certificate of
12 election to each person who is elected to any county office, except that the county
13 clerk need not wait until expiration of the time allowed to file a petition for a recount
14 if there is no aggrieved party, as defined in s. 9.01 (1) (a) 5. The certificate notice shall
15 state the amount of the required official bond, if any. When a petition for a recount
16 is filed, the county clerk shall not issue the certificate of election for the office in
17 question until the recount has been completed and the time allowed for filing an
18 appeal has passed, or if appealed until the appeal is decided.

19 **SECTION 3.** 7.70 (5) (a) of the statutes is amended to read:

20 7.70 (5) (a) The commission shall record in its office each certified statement
21 and determination made by the commission chairperson or the chairperson's
22 designee. Immediately after the expiration of the time allowed to file a petition for
23 recount, the commission shall make and transmit to each person declared elected a
24 certificate of election under the seal of the commission, except that the commission
25 need not wait until expiration of the time allowed to file a petition for recount if there

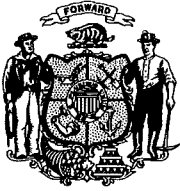
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11-10 JK*

1 is no aggrieved party, as defined in s. 9.01 (1) (a) 5. It shall also prepare similar
2 certificates, attested by the commission administrator, addressed to the U.S. house
3 of representatives, stating the names of those persons elected as representatives to
4 the congress from this state. In the case of U.S. senators, the commission shall
5 prepare a certificate of election for the governor's signature, and the governor shall
6 sign and affix the great seal of the state and transmit the certificate to the president
7 of the U.S. senate. The certificate shall be countersigned by the secretary of state.
8 If a person elected was elected to fill a vacancy, the certificate shall so indicate. When
9 a valid petition for recount is filed, the commission chairperson or the chairperson's
10 designee may not certify a nomination, and the governor or commission may not
11 issue a certificate of election until the recount has been completed and the time
12 allowed for filing an appeal has passed, or if appealed until the appeal is decided.

13

(END)

Insert 11-10 JK



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

R4

1 **AN ACT** *to repeal* 5.06 (10); *to renumber and amend* 5.06 (1); *to amend* 5.06
2 (4), 5.06 (7), 5.15 (4) (a), 5.60 (3) (ag), 5.62 (1) (a), 5.94, 6.45 (1), 6.46 (2), 6.47 (1)
3 (ag), 6.47 (1) (dm), 7.08 (10), 7.23 (1) (e), 7.50 (2) (em), 7.52 (1) (b), 7.53 (4), 7.60
4 (5) (a), 7.60 (6), 7.70 (5) (a), 9.01 (2), 10.01 (1), 10.06 (2) (d), 10.06 (2) (f), 10.06
5 (2) (j), 10.06 (2) (L), 10.06 (3) (as), 10.06 (3) (b), 10.06 (3) (c) and 10.06 (3) (d); and
6 **to create** 5.06 (1) (b) and 9.10 (2) (e) 9. of the statutes; **relating to:** elections
7 administration, recall petitions, and recount procedures.

Analysis by the Legislative Reference Bureau

This bill makes various changes to the state's election laws, including the following:

1. Under current law, the Elections Commission is authorized to review the conduct of election officials for violations of law and abuse of discretion. Current law provides that the commission may, after investigation, issue an order requiring an election official to conform his or her conduct to the law, restraining an election official from taking an action inconsistent with the law, or requiring an election official to correct an action or decision inconsistent with the law.

This bill authorizes the commission to issue such other temporary orders of limited effect as it deems necessary to carry out its powers and duties in reviewing the conduct of election officials.

2. Under current law, only courts are authorized to review matters concerning recounts. This bill does not affect that authority but additionally authorizes the commission to review the decision or other conduct of an election official with respect to matters concerning a recount in order to determine whether the official's decision or other conduct is contrary to law or constitutes an abuse of discretion. That authority mirrors the commission's authority with respect to other matters arising in the course of elections. Under the bill, the commission may not review a final recount determination that is ripe for appeal in court.

3. This bill alters the methods of delivery of a recount petition to candidates in an election. Under current law, a petition for a recount for an elected office must be filed with the clerk or body with whom nomination papers are filed for that office. The clerk or body is required to deliver the petition to each opposing candidate or the candidate's designated agent. The candidate or agent must acknowledge personal delivery of the petition by signing a receipt. If a candidate or agent does not personally accept delivery of the petition, the clerk or body must promptly deliver the copies of the petition to the sheriff, who must then deliver the copies of the petition to each candidate at the address given on the candidate's nomination papers in the manner provided for service of a summons in civil actions.

This bill replaces service by the sheriff with the following:

a. If a candidate or agent does not personally accept delivery of the petition, the clerk or body is required to attempt to notify the candidate or agent of the petition by e-mail and by telephone and, upon receiving acknowledgement from the candidate or agent, retain documentation of that notice.

b. If the clerk or body does not receive acknowledgement by e-mail or by telephone, the clerk or body must publish notice of the petition.

4. Under current law, the commission is required to provide information on a continuing basis to all municipal clerks concerning the names and addresses of domestic abuse and sexual assault service providers. Under this bill, the commission is required to provide that information only as needed to verify the voting eligibility of a voter whose identity must be kept confidential because the voter is the victim of domestic abuse, sexual assault, or stalking.

5. Under this bill, an individual's signature on a recall petition may not be counted unless, among the other requirements provided under current law, the signer legibly prints his or her name in a space provided next to his or her signature.

6. This bill requires county clerks to publish a type A notice of a referendum prior to a partisan primary or spring primary if a referendum will appear on the ballot at the spring or partisan primary. Under current law, a type A notice of a referendum must contain the text of the ballot question and a statement specifying where a copy of the resolution directing submission of the question may be obtained.

7. This bill requires municipal clerks to publish certain notices, required under current law for spring and general elections, prior to a partisan primary or spring primary when a referendum will appear on the ballot at the spring or partisan primary.

8. Under current law, each county clerk is required to deliver or transmit to the commission a certified copy of each statement of a county board of canvassers

regarding an election within certain specified time periods after primaries and all other elections. This bill specifies that the certified copies must be delivered or transmitted to the commission in a manner prescribed by the commission.

9. Current law allows a municipality to appoint additional election inspectors for the canvassing of absentee ballots by the municipal board of absentee ballot canvassers. Under current law, an inspector so appointed must be a qualified elector of the municipality. This bill provides that if the municipality cannot identify a sufficient number of qualified electors of the municipality to serve as inspectors, the municipality may appoint qualified electors of the county in which the municipality is located to serve as inspectors.

10. Current law requires that spring election ballots for town, village, and school district offices include sufficient space for write-in candidates. This bill requires that spring election ballots for city offices also include sufficient space for write-in candidates.

11. This bill eliminates the requirement that a partisan primary ballot list the names of independent candidates for state office. Prior to July 1, 2011, listing the names of independent candidates for state office on the partisan primary ballot was necessary for determining eligibility for providing public financing for such candidates. Current law no longer provides public financing for campaigns for state office.

12. Under current law, a poll list created for an election must be maintained for 22 months after the election. This bill provides that an original electronic poll list need not be maintained if a true copy is maintained for the 22-month period.

13. Under current law, when a municipality uses an electronic voting system for an election, the clerks of the county and municipality where the system is used must provide notice of the ballot form and contents by arranging for the publication of an actual size copy of the ballot. Current law, however, allows a publisher to reduce the size of the facsimile ballot for publication purposes. This bill eliminates the inconsistency between these two provisions by eliminating the requirement that the clerks arrange for publication of an actual size copy of the ballot.

14. This bill specifies that a municipal clerk need not make paper copies of a registration list for use in an election if an electronic registration list is used.

15. Under current law, a municipal clerk is required upon request to provide a candidate one copy of the current poll list for those areas for which he or she is a candidate. Current law specifies that if a copying machine is unavailable, the clerk is required to remove the lists from the office to make copies and return the lists immediately thereafter. This bill removes any reference to a copying machine.

16. Under current law, one of the circumstances under which all write-in votes must be counted for a particular office in an election occurs if a candidate certified to appear on the ballot dies or withdraws before the election. Under this bill, all write-in votes must be counted under that circumstance only if a candidate certified to appear on the ballot dies before the election.

17. Under current law, the commission is required to make rules and draft whatever forms it considers necessary to standardize the form of various election

notices. This bill eliminates the requirement to make such rules but not the requirement to draft standardized forms.

18. Under current law, a certificate of election may not be provided to a winning candidate until after expiration of the time allowed to file a petition for a recount, regardless of whether any candidate in the election is authorized to file a petition for a recount. Current law authorizes only the following candidates to petition for a recount:

a. For an election at which 4,000 or fewer votes are cast for the office that the candidate seeks, a candidate who trails the leading candidate by no more than 40 votes.

b. For an election at which more than 4,000 votes are cast for the office that the candidate seeks, a candidate who trails the leading candidate by no more than 1 percent of the total votes cast for that office.

Under this bill, if there is no candidate in an election who may petition for a recount, the certificate of election may be issued immediately after completion of the canvass.

For further information see the *state and 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.** 5.06 (1) of the statutes is renumbered 5.06 (1) (a) and amended to
2 read:

3 5.06 (1) (a) ~~Whenever any elector of a jurisdiction or district served by an~~
4 ~~election official~~ person authorized under par. (b) to file a complaint believes that a
5 decision or action of the an election official or the failure of the official to act with
6 respect to any matter concerning nominations, qualifications of candidates, voting
7 qualifications, including residence, ward division and numbering, recall, ballot
8 preparation, election administration ~~or~~, conduct of elections, or, subject to par. (b) 2.,
9 conduct of a recount, is contrary to law, or the official has abused the discretion vested
10 in him or her by law with respect to any such matter, the elector authorized person
11 may file a written sworn complaint with the commission requesting that the official
12 be required to conform his or her conduct to the law, be restrained from taking any

1 action inconsistent with the law, or be required to correct any action or decision
2 inconsistent with the law or any abuse of the discretion vested in him or her by law.
3 The complaint shall set forth such facts as are within the knowledge of the
4 complainant to show probable cause to believe that a violation of law or abuse of
5 discretion has occurred or will occur. The complaint may be accompanied by relevant
6 supporting documents. The commission may conduct a hearing on the matter in the
7 manner prescribed for treatment of contested cases under ch. 227 if it believes such
8 action to be appropriate.

9 **SECTION 2.** 5.06 (1) (b) of the statutes is created to read:

10 5.06 (1) (b) The following persons are authorized to file a complaint under this
11 subsection:

12 1. An elector of a jurisdiction or district served by an election official who is a
13 subject of the complaint.

14 2. A candidate voted for at an election who is an aggrieved party, as determined
15 under s. 9.01 (1) (a) 5., or an elector who voted upon a referendum question at an
16 election, with respect to a recount under s. 9.01, except that a recount determination
17 that is ripe for appeal under s. 9.01 (6) is not reviewable under this subsection.

18 **SECTION 3.** 5.06 (4) of the statutes is amended to read:

19 5.06 (4) The commission may, on its own motion, investigate and determine
20 whether any election official, with respect to any matter concerning nominations,
21 ~~qualifications of candidates, voting qualifications, including residence, ward~~
22 ~~division and numbering, recall, ballot preparation, election administration or~~
23 ~~conduct of elections specified in sub. (1),~~ has failed to comply with the law or abused
24 the discretion vested in him or her by law or proposes to do so.

25 **SECTION 4.** 5.06 (7) of the statutes is amended to read:

1 5.06 (7) The commission may withdraw, modify or correct an order issued
2 under sub. (6) within a timely period if it finds such action to be appropriate. The
3 commission may issue such other temporary orders of limited effect as it deems
4 necessary to carry out its powers and duties under this section.

5 **SECTION 5.** 5.06 (10) of the statutes is repealed.

6 **SECTION 6.** 5.15 (4) (a) of the statutes is amended to read:

7 5.15 (4) (a) Except as provided in par. (c), the division ordinance or resolution
8 shall number all wards in the municipality with unique whole numbers in
9 consecutive order, beginning with the number one, shall designate the polling place
10 for each ward, and shall describe the boundaries of each ward consistent with the
11 conventions set forth in s. 4.003. No ward line may cross the boundary of a
12 congressional, assembly, or supervisory district. The ordinance or resolution shall
13 be accompanied by a list of the block numbers used by the U.S. bureau of the census
14 that are wholly or partly contained within each ward, with any block numbers partly
15 contained within a ward identified, and a map of the municipality which illustrates
16 the revised ward boundaries. If the legislature, in an act redistricting legislative
17 districts under article IV, section 3, of the constitution, or in redistricting
18 congressional districts, establishes a district boundary within a municipality that
19 does not coincide with the boundary of a ward established under the ordinance or
20 resolution of the municipality, the municipal governing body shall, no later than
21 April 10 of the 2nd year following the year of the federal decennial census on which
22 the act is based, amend the ordinance or resolution to the extent required to effect
23 the act. The amended ordinance or resolution shall designate the polling place for
24 any ward that is created to effect the legislative act. Nothing in this paragraph shall

1 be construed to compel a county or city to alter or redraw supervisory or aldermanic
2 districts.

3 **SECTION 7.** 5.60 (3) (ag) of the statutes is amended to read:

4 5.60 (3) (ag) Except as authorized in s. 5.655, there shall be a separate ballot
5 giving the names of all candidates for city offices, printed in the same form as
6 prescribed by the commission under s. 7.08 (1) (a). Sufficient space shall be provided
7 on the ballot for write-in candidates. City election ballots may vary in form to
8 conform to the law under which an election is held.

9 **SECTION 8.** 5.62 (1) (a) of the statutes is amended to read:

10 5.62 (1) (a) At the partisan primary, the following ballot shall be provided for
11 the nomination of candidates of recognized political parties for national, state and
12 county offices ~~and independent candidates for state office~~ in each ward, in the same
13 form as prescribed by the commission under s. 7.08 (1) (a), except as authorized in
14 s. 5.655. The ballots shall be made up of the several party tickets with each party
15 entitled to participate in the primary under par. (b) or sub. (2) having its own ballot,
16 except as authorized in s. 5.655. The ballots shall be secured together at the bottom.
17 The party ballot of the party receiving the most votes for president or governor at the
18 last general election shall be on top with the other parties arranged in descending
19 order based on their vote for president or governor at the last general election. The
20 ballots of parties qualifying under sub. (2) shall be placed after the parties qualifying
21 under par. (b), in the same order in which the parties filed petitions with the
22 commission. Any ballot required under par. (b) 2. shall be placed next in order. At
23 polling places where voting machines are used, each party shall be represented in
24 one or more separate columns or rows on the ballot. At polling places where an

1 electronic voting system is used other than an electronic voting machine, each party
2 may be represented in separate columns or rows on the ballot.

3 **SECTION 9.** 5.94 of the statutes is amended to read:

4 **5.94 Sample ballots; publication.** When an electronic voting system
5 employing a ballot that is distributed to electors is used, the county and municipal
6 clerk of the county and municipality in which the polling place designated for use of
7 the system is located shall cause to be published, in the type B notices, a ~~true~~
8 ~~actual-size~~ copy of the ballot containing the names of offices and candidates and
9 statements of measures to be voted on, as nearly as possible, in the form in which they
10 will appear on the official ballot on election day. The notice may be published as a
11 newspaper insert. Municipal clerks may post the notice if the remainder of the type
12 B notice is posted.

13 **SECTION 10.** 6.45 (1) of the statutes is amended to read:

14 6.45 (1) After the deadline for revision of the registration list, the municipal
15 clerk shall make copies of the list for election use. Paper copies need not be made if
16 an electronic registration list is used.

17 **SECTION 11.** 6.46 (2) of the statutes is amended to read:

18 6.46 (2) Poll lists shall be open to public inspection, except as provided in s.
19 6.47. The municipal clerk shall furnish upon request to each candidate who has filed
20 nomination papers for an office which ~~that~~ represents at least part of the
21 municipality one copy of the current poll list for those areas for which he or she is a
22 candidate for a fee not to exceed the cost of reproduction. ~~If a copying machine is not~~
23 ~~accessible,~~ the clerk shall must remove the lists from the office for the purposes of
24 copying, and the clerk shall return them immediately thereafter. The clerk shall

1 exclude information that is confidential under s. 6.47 (2) from copies of the list, except
2 as authorized under s. 6.47 (8).

3 **SECTION 12.** 6.47 (1) (ag) of the statutes is amended to read:

4 6.47 (1) (ag) "Domestic abuse victim service provider" means an organization
5 that is certified by the department of children and families as eligible to receive
6 grants under s. 49.165 (2) and whose name is included on the list provided by the
7 commission under s. 7.08 (10).

8 **SECTION 13.** 6.47 (1) (dm) of the statutes is amended to read:

9 6.47 (1) (dm) "Sexual assault victim service provider" means an organization
10 that is certified by the department of justice as eligible to receive grants under s.
11 165.93 (2) and whose name is included on the list provided by the commission under
12 s. 7.08 (10).

13 **SECTION 14.** 7.08 (10) of the statutes is amended to read:

14 7.08 (10) DOMESTIC ABUSE AND SEXUAL ASSAULT SERVICE PROVIDERS. Provide to
15 each municipal clerk, on a continuous basis as needed to confirm the eligibility to vote
16 of electors who have obtained a confidential listing under s. 6.47 (2), the names and
17 addresses of organizations that are certified under s. 49.165 (4) (a) or 165.93 (4) (a)
18 to provide services to victims of domestic abuse or sexual assault.

19 **SECTION 15.** 7.23 (1) (e) of the statutes is amended to read:

20 7.23 (1) (e) Poll lists created for any election may be destroyed 22 months after
21 the election at which they were created. An original electronic poll list need not be
22 maintained under this paragraph if a true copy of the electronic poll list is
23 maintained whether in hard copy or electronic format.

24 **SECTION 16.** 7.50 (2) (em) of the statutes is amended to read:

1 7.50 (2) (em) Except as otherwise provided in this paragraph, write-in votes
2 shall only be counted if no candidates have been certified to appear on the ballot. If
3 a candidate has been certified to appear on the ballot, write-in votes may only be
4 counted for a candidate that files a registration statement under s. 11.0202 (1) (a) no
5 later than noon on the Friday immediately preceding the election. If a candidate
6 certified to appear on the ballot dies or withdraws before the election, all write-in
7 votes shall be counted. When write-in votes are counted, every vote shall be counted
8 for the candidate for whom it was intended, if the elector's intent can be ascertained
9 from the ballot itself.

10 **SECTION 17.** 7.52 (1) (b) of the statutes is amended to read:

11 7.52 (1) (b) A municipality that adopts the canvassing procedure under this
12 section may appoint additional inspectors under s. 7.30 (2) (a) to assist the absentee
13 ballot board of canvassers in canvassing absentee ballots under this section. In such
14 case, an odd number of inspectors shall be appointed, and at no time may there be
15 less than 3 inspectors who serve. Except as authorized in s. 7.30 (4) (c), all inspectors
16 shall be affiliated with one of the 2 recognized political parties receiving the largest
17 numbers of votes for president, or for governor in nonpresidential general election
18 years, in the municipality. The party whose candidate received the largest number
19 of votes in the municipality is entitled to one more inspector than the party whose
20 candidate received the next largest number of votes in the municipality. Each
21 inspector so appointed shall be a qualified elector of the municipality, except that if
22 the municipality cannot identify a sufficient number of qualified electors of the
23 municipality to serve as inspectors, the municipality may appoint qualified electors
24 of the county in which the municipality is located to serve as inspectors. The

1 inspectors who are appointed under this paragraph shall serve under the direction
2 and supervision of the board of absentee ballot canvassers.

3 **SECTION 18.** 7.53 (4) of the statutes is amended to read:

4 7.53 (4) CERTIFICATE OF ELECTION. As soon as the deadline for filing a petition
5 for a recount has passed, the municipal clerk shall issue promptly a certificate of
6 election to each person elected to any municipal office, except that the municipal
7 clerk need not wait until expiration of the time allowed to file a petition for a recount
8 if there is no aggrieved party, as defined in s. 9.01 (1) (a) 5. When a valid petition for
9 a recount is filed, the municipal clerk shall not issue the certificate of election for the
10 office in question until the recount has been completed and the time allowed for filing
11 an appeal has passed, or if appealed until the appeal is decided.

12 **SECTION 19.** 7.60 (5) (a) of the statutes is amended to read:

13 7.60 (5) (a) Immediately following the canvass, the county clerk shall deliver
14 or transmit to the elections commission in a manner prescribed by the commission
15 a certified copy of each statement of the county board of canvassers for president and
16 vice president, state officials, senators and representatives in congress, state
17 legislators, justice, court of appeals judge, circuit judge, district attorney, and
18 metropolitan sewerage commissioners, if the commissioners are elected under s.
19 200.09 (11) (am). The statement shall record the returns for each office or
20 referendum by ward, unless combined returns are authorized under s. 5.15 (6) (b) in
21 which case the statement shall record the returns for each group of combined wards.
22 Following primaries the county clerk shall enclose on forms prescribed by the
23 elections commission the names, party or principle designation, if any, and number
24 of votes received by each candidate recorded in the same manner. The county clerk
25 shall deliver or transmit the certified statement to the elections commission no later

1 than 9 days after each primary except the partisan primary, no later than 10 days
2 after the partisan primary and any other election except the general election, and no
3 later than 14 days after the general election. The board of canvassers shall deliver
4 or transmit a certified copy of each statement for any technical college district
5 referendum to the secretary of the technical college district board.

6 **SECTION 20.** 7.60 (6) of the statutes is amended to read:

7 7.60 (6) CERTIFICATE OF ELECTION. Immediately after expiration of the time
8 allowed to file a petition for a recount the county clerk shall issue a certificate of
9 election to each person who is elected to any county office, except that the county
10 clerk need not wait until expiration of the time allowed to file a petition for a recount
11 if there is no aggrieved party, as defined in s. 9.01 (1) (a) 5. The certificate notice shall
12 state the amount of the required official bond, if any. When a petition for a recount
13 is filed, the county clerk shall not issue the certificate of election for the office in
14 question until the recount has been completed and the time allowed for filing an
15 appeal has passed, or if appealed until the appeal is decided.

16 **SECTION 21.** 7.70 (5) (a) of the statutes is amended to read:

17 7.70 (5) (a) The commission shall record in its office each certified statement
18 and determination made by the commission chairperson or the chairperson's
19 designee. Immediately after the expiration of the time allowed to file a petition for
20 recount, the commission shall make and transmit to each person declared elected a
21 certificate of election under the seal of the commission, except that the commission
22 need not wait until expiration of the time allowed to file a petition for recount if there
23 is no aggrieved party, as defined in s. 9.01 (1) (a) 5. It shall also prepare similar
24 certificates, attested by the commission administrator, addressed to the U.S. house
25 of representatives, stating the names of those persons elected as representatives to

1 the congress from this state. In the case of U.S. senators, the commission shall
2 prepare a certificate of election for the governor's signature, and the governor shall
3 sign and affix the great seal of the state and transmit the certificate to the president
4 of the U.S. senate. The certificate shall be countersigned by the secretary of state.
5 If a person elected was elected to fill a vacancy, the certificate shall so indicate. When
6 a valid petition for recount is filed, the commission chairperson or the chairperson's
7 designee may not certify a nomination, and the governor or commission may not
8 issue a certificate of election until the recount has been completed and the time
9 allowed for filing an appeal has passed, or if appealed until the appeal is decided.

10 **SECTION 22.** 9.01 (2) of the statutes is amended to read:

11 9.01 (2) NOTICE TO CANDIDATES. When the recount concerns an election for an
12 office, the clerk or body with whom the petition is filed shall promptly prepare a copy
13 of the petition for delivery to each opposing candidate for the same office whose name
14 appears on the ballot. In a recount proceeding for a partisan primary, the clerk or
15 body shall prepare a copy of the petition for delivery to each opposing candidate for
16 the same party nomination for the same office, to each opposing candidate for the
17 party nomination of each other party for the same office and to each independent
18 candidate qualifying to have his or her name placed on the ballot for the succeeding
19 election. A candidate or agent designated by a candidate may personally accept
20 delivery of a copy of the petition. Upon such delivery, the clerk or body shall require
21 the candidate or agent to sign a receipt therefor acknowledging delivery of the
22 petition. If a candidate or agent does not personally accept delivery, the clerk or body
23 shall then ~~promptly deliver the copies of the petition to the sheriff, who shall~~
24 ~~promptly deliver the copies of the petition to each candidate at the address given on~~
25 ~~the candidate's nomination papers, without fee, in the manner provided for service~~

1 of a summons in civil actions attempt to notify the candidate or agent of the petition
2 by electronic mail and by telephone and, upon receiving acknowledgement from the
3 candidate or agent, retain documentation of that notice. If the clerk or body does not
4 receive acknowledgement by electronic mail or by telephone, the clerk or body shall
5 publish notice of the petition.

6 **SECTION 23.** 9.10 (2) (e) 9. of the statutes is created to read:

7 9.10 (2) (e) 9. The signer has not legibly printed his or her name in a space
8 provided next to his or her signature.

9 **SECTION 24.** 10.01 (1) of the statutes is amended to read:

10 10.01 (1) The form of the various election notices shall be prescribed by the
11 commission to standardize election notices. To accomplish this purpose, the
12 commission shall ~~make rules and~~ draft whatever forms it considers necessary.
13 Notification or certification lists of candidates or referenda questions sent to the
14 county clerks shall prescribe the form in which the county clerks shall publish the
15 relevant portions of the notice and any additional county offices and referenda
16 questions. The commission shall also prescribe the provisions for municipal notices
17 which shall be sent to each county clerk who shall immediately forward them to each
18 municipal clerk.

19 **SECTION 25.** 10.06 (2) (d) of the statutes is amended to read:

20 10.06 (2) (d) On the Monday preceding the spring primary, when held, the
21 county clerk shall publish a type B notice and, if applicable, a type C notice.

22 **SECTION 26.** 10.06 (2) (f) of the statutes is amended to read:

23 10.06 (2) (f) On the 4th Tuesday preceding the each spring primary and
24 election, the county clerk shall publish a type A notice of any state or county
25 referendum to be held at the primary or election.

1 **SECTION 27.** 10.06 (2) (j) of the statutes is amended to read:

2 10.06 (2) (j) On the Monday preceding the partisan primary the county clerk
3 shall publish a type B notice and, if applicable, a type C notice.

4 **SECTION 28.** 10.06 (2) (L) of the statutes is amended to read:

5 10.06 (2) (L) On the 4th Tuesday preceding the each partisan primary and
6 general election, the county clerk shall publish a type A notice of any state or county
7 referendum to be held at the primary or election.

8 **SECTION 29.** 10.06 (3) (as) of the statutes is amended to read:

9 10.06 (3) (as) On the 4th Tuesday preceding the spring primary, when held, the
10 municipal clerk shall publish a type E notice. In cities and villages, the municipal
11 clerk shall publish a type A notice on the 4th Tuesday preceding the spring primary
12 of any ~~direct legislation questions~~ referendum to be voted on held at the primary.

13 **SECTION 30.** 10.06 (3) (b) of the statutes is amended to read:

14 10.06 (3) (b) If there is to be a municipal primary, the municipal clerk shall
15 publish a type B notice on the Monday before the primary election. In cities and
16 villages, the municipal clerk shall publish a type C notice on the Monday before the
17 primary election of any ~~direct legislation questions~~ referendum to be voted on held
18 at the primary.

19 **SECTION 31.** 10.06 (3) (c) of the statutes is amended to read:

20 10.06 (3) (c) On the Monday before the each spring primary and election, the
21 municipal clerk shall publish a type B notice and a type D notice. If there are
22 municipal referenda, the municipal clerk shall publish a type C notice at the same
23 time.

24 **SECTION 32.** 10.06 (3) (d) of the statutes is amended to read:

Kreye, Joseph

From: Nelson, Scott
Sent: Thursday, April 18, 2019 1:00 PM
To: Kreye, Joseph
Subject: FW: Draft review: LRB -2329/P3

Joe,

Here are the changes.

Thanks,

W. Scott Nelson

Office of State Senator Kathy Bernier
23rd Senate District
608-266-7511

From: Haas, Michael R - ELECTIONS <Michael.Haas@wisconsin.gov>
Sent: Thursday, April 18, 2019 12:56 PM
To: Nelson, Scott <Scott.Nelson@legis.wisconsin.gov>
Cc: Wolfe, Meagan - ELECTIONS <Meagan.Wolfe@wisconsin.gov>; Rydecki, Richard H - ELECTIONS <Richard.Rydecki@wisconsin.gov>
Subject: RE: Draft review: LRB -2329/P3

Scott,

That looks good to us.

We also received a call this morning from Rock County Clerk Lisa Tollefson, who is taking over for Scott McDonell as the County Clerks' legislative lead. I'm not sure how she received the draft bills but she has reviewed all three of them and raised the following two minor issues:

1. In LRB-1456, page 4, line 15, the draft deletes the municipal clerk as a possible recipient for the address verification postcard, which we did not intend to do. Our request was only to clarify that the Commission could send out the postcard, and typically the return address is the municipal clerk. I don't know how I missed that but we would like to remove that change on line 15.
2. In LRB-2186, page 14, lines 3-5 allow service of a recount petition by publication if personally delivered is not successful and the candidate does not respond to telephone or email notification. We were attempting to authorize the recount to proceed if a candidate was avoiding or refuse to acknowledge notification. Lisa pointed out that many small municipalities use a weekly newspaper as their official newspaper which would cause a significant delay in the recount, which is a legitimate concern. We would suggest adding language to that sentence that would allow posting a notice at least 24 hours before the start of the recount either instead of or as an alternative to publication. Notice of the recount would need to be posted as a public meeting in any event and that should suffice for notice to the candidate that has not responded to other attempts to be served.

Sorry for the late additions, but hopefully they do not cause a problem. We can certainly talk by phone but I thought I'd put this in writing in case it is helpful in passing along to LRB. Let me know if you have any questions. Thanks for all your help.

Mike

Michael Haas
Staff Counsel
Wisconsin Elections Commission
608-266-0136
michael.haas@wi.gov

From: Nelson, Scott - LEGIS <Scott.Nelson@legis.wisconsin.gov>
Sent: Thursday, April 18, 2019 10:44 AM
To: Haas, Michael R - ELECTIONS <Michael.Haas@wisconsin.gov>
Cc: Wolfe, Meagan - ELECTIONS <Meagan.Wolfe@wisconsin.gov>
Subject: FW: Draft review: LRB -2329/P3

Mike,

Here is the new draft. Let me know what you think.

Thanks,

W. Scott Nelson

Office of State Senator Kathy Bernier
23rd Senate District
608-266-7511

From: Sen. Bernier <Sen.Bernier@legis.wisconsin.gov>
Sent: Thursday, April 18, 2019 9:21 AM
To: Nelson, Scott <Scott.Nelson@legis.wisconsin.gov>
Subject: FW: Draft review: LRB -2329/P3

From: LRB.Legal <lrblegal@legis.wisconsin.gov>
Sent: Wednesday, April 17, 2019 4:25 PM
To: Sen. Bernier <Sen.Bernier@legis.wisconsin.gov>
Subject: Draft review: LRB -2329/P3

Following is the PDF version of draft LRB -2329/P3.