

State of Wisconsin



2015 Senate Bill 121

Date of enactment: **July 1, 2015**
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2015 WISCONSIN ACT 37

AN ACT *to repeal* 7.50 (2) (f); and *to amend* 7.50 (1) (d), 7.50 (2) (b), 7.50 (2) (em), 7.50 (2) (j), 7.53 (1) (a), 8.05 (1) (a), 9.20 (4), 67.05 (6a) (a) 2. a. and 120.06 (9) (a) of the statutes; **relating to:** various election law changes.

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

SECTION 1. 7.50 (1) (d) of the statutes is amended to read:

7.50 (1) (d) Whenever an electronic voting system is used at a polling place in a partisan primary, and the same ballot is utilized to cast votes for candidates of more than one recognized political party or candidates of a party and independent candidates, if an elector designates a preference for a party or for independent candidates, only votes cast within that preference category may be counted. If an elector does not designate a preference and makes a mark ~~or affixes a sticker~~ opposite candidates of more than one recognized political party or opposite a candidate in the independent candidates' column and a candidate of a recognized political party, no votes cast by the elector for any candidate for partisan office are valid. Votes for other candidates and votes on ballot questions, if any, shall be counted if otherwise valid.

SECTION 2. 7.50 (2) (b) of the statutes is amended to read:

7.50 (2) (b) A ballot cast without any marks ~~or stickers~~ may not be counted. A ballot without a mark at the top of a party column may be counted only for persons for whom marks are applicable.

SECTION 3. 7.50 (2) (em) of the statutes is amended to read:

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

SECTION 4. 7.50 (2) (f) of the statutes is repealed.

SECTION 5. 7.50 (2) (j) of the statutes is amended to read:

7.50 (2) (j) If an elector writes in ~~or pastes a sticker in the position~~ an individual for an office, it is a vote for that office, even if the elector writes in ~~or the sticker indicates~~ the name of a different office.

SECTION 6. 7.53 (1) (a) of the statutes is amended to read:

7.53 (1) (a) Where the municipality constitutes one ward or combines all wards to utilize a single polling place under s. 5.15 (6) (b), the canvass of the votes cast at the polling place shall be conducted publicly under s. 7.51 and the inspectors, other than any inspector appointed under s. 7.30 (1) (b), shall act as the municipal

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

board of canvassers. The inspectors shall then complete the return statement for all votes cast at the polling place. If there are no provisional ballots that are eligible to be counted under s. 6.97 and the municipal clerk has not mailed or transmitted absentee ballots to any electors of the municipality that have not been returned by election night, and no absentee ballots are being canvassed under s. 7.52, the inspectors may complete and sign the canvass statement and determination on election night. In municipalities where absentee ballots are canvassed under s. 7.52, after the canvass of the absentee ballots is completed under s. 7.52, the board of absentee ballot canvassers shall reconcile the poll list of the electors who vote by absentee ballot with the corresponding poll list of the electors who vote in person to ensure that no elector is allowed to cast more than one ballot. If an elector who votes in person has submitted an absentee ballot, the absentee ballot is void. Except as authorized in par. (b), if one or more electors of the municipality have cast provisional ballots that are eligible to be counted under s. 6.97 or if the municipal clerk receives one or more absentee ballots by 4 p.m. on the Friday after the election that are eligible to be counted under s. 7.515 (6) (b), the inspectors, acting as the board of canvassers, shall reconvene no later than 9 a.m. on the Monday after the election to count the valid provisional and absentee ballots and shall adjust the returns accordingly. The inspectors, acting as the board of canvassers, need not reconvene if the municipal clerk certifies that he or she has received no provisional or absentee ballots from the time that the board of canvassers completed the initial canvass and 4 p.m. on the Friday after the election. Upon completion of the canvass under this paragraph and any canvass that is conducted under s. 7.52 and ascertainment of the results by the inspectors or, in municipalities where absentee ballots are canvassed under s. 7.52, by the inspectors and the board of absentee ballot canvassers, the municipal clerk shall publicly read to the inspectors or the board of absentee ballot canvassers the names of the persons voted for and the number of votes for each person for each municipal office, the names of the persons declared by the inspectors or board of absentee ballot canvassers to have won nomination or election to each municipal office, and the number of votes cast for and against each municipal referendum question.

SECTION 7. 8.05 (1) (a) of the statutes is amended to read:

8.05 (1) (a) When nomination papers are not used, there shall be a caucus to nominate candidates. The gov-

erning body shall between December 1 and January 1 decide the date of the caucus. The date of the caucus may be established between ~~the first Tuesday in January 2~~ and ~~the last Tuesday in January 21~~. When possible, preference should be given to having the caucus on ~~the last Tuesday in January 21~~.

SECTION 8. 9.20 (4) of the statutes is amended to read:

9.20 (4) The common council or village board shall, without alteration, either pass the ordinance or resolution within 30 days following the date of the clerk's final certificate, or submit it to the electors at the next spring or general election, if the election is more than ~~6 weeks~~ 70 days after the date of the council's or board's action on the petition or the expiration of the 30-day period, whichever first occurs. If there are ~~6 weeks~~ 70 days or less before the election, the ordinance or resolution shall be voted on at the next election thereafter. The council or board by a three-fourths vote of the members-elect may order a special election for the purpose of voting on the ordinance or resolution at any time prior to the next election, but not more than one special election for direct legislation may be ordered in any 6-month period.

SECTION 8m. 67.05 (6a) (a) 2. a. of the statutes is amended to read:

67.05 (6a) (a) 2. a. Direct the school district clerk to call a special election for the purpose of submitting the resolution to the electors for approval or rejection, or direct that the resolution be submitted at the next regularly scheduled primary or election to be held not earlier than 45 70 days after the adoption of the resolution. The resolution shall not be effective unless adopted by a majority of the school district electors voting at the referendum.

SECTION 9. 120.06 (9) (a) of the statutes is amended to read:

120.06 (9) (a) The primary and spring elections for school board members shall be conducted by the election officials for state and municipal elections. In a school board election or referendum held in conjunction with a state, county, municipal, or judicial election, the polling places for the state, county, municipal, or judicial election shall be the polling places for the school board election or referendum, and the municipal election hours shall apply. If no state, county, municipal, or judicial election is held on the day of the school board election or referendum, the school board may select the polling places to be used. The election costs shall be charged as provided in ss. 5.68 and 7.03.