



2003 ASSEMBLY BILL 115

March 5, 2003 - Introduced by Representatives FREESE, BIES, VRAKAS, HINES, LADWIG, HAHN, OTT, KESTELL, GROTHMAN, KREIBICH, MUSSER and AINSWORTH, cosponsored by Senators S. FITZGERALD and SCHULTZ. Referred to Committee on Campaigns and Elections.

1 **AN ACT to amend** 7.15 (2) (a), 7.51 (2) (e), 7.51 (2) (g), 7.51 (4) (a), 7.53 (1), 7.53
2 (2) (d), 7.53 (3) (a), 7.60 (4) (a), 7.60 (4) (c), 7.70 (3) (f), 8.05 (5), 8.11 (1) (b) and
3 (d), (2), (2m) and (5), 8.185 (2), 8.21, 117.22 (2) (d), 120.06 (6) (b) 2., 120.06 (6)
4 (b) 3., 120.06 (7) (a) and 120.06 (7) (b); and **to create** 5.02 (26), 7.08 (5), 7.10 (5),
5 7.15 (1) (L) and 120.06 (8) (dm) of the statutes; **relating to:** filing of
6 declarations of candidacy and recording of votes received by write-in
7 candidates in certain elections.

Analysis by the Legislative Reference Bureau

Currently, the name of each person who receives a vote at an election is recorded on the returns for that election. When a county or state canvass of an election is performed, the names of write-in candidates who receive a comparatively small number of votes may be omitted and their votes designated on the returns as "scattering votes."

This bill permits any write-in candidate to file a declaration of candidacy with the appropriate filing officer or agency, in the same form as is currently provided for other candidates, no later than 5 p.m. on the day before a primary or other election at which the candidate seeks office. Under the bill, the name of any write-in candidate need not be recorded on the returns for any election unless the candidate has filed a timely declaration of candidacy for the office for which the candidate

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receives votes. The procedure does not apply if a write-in candidate seeks an office for which there are no candidates whose names appear on the ballot or if there appears on the ballot the name of a deceased candidate for the office that the write-in candidate seeks.

Currently, with a limited exception, the deadline for write-in candidates for the offices of president and vice president of the United States to file a declaration of candidacy and a list of presidential electors is the second Tuesday preceding the date of the general election. This bill permits the declaration and list of electors to be filed no later than 5 p.m. on the day before the general election.

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.** 5.02 (26) of the statutes is created to read:

2 5.02 (26) “Write-in candidate” means a candidate who seeks or receives votes
3 at an election for an office without qualifying to have his or her name appear on the
4 ballot at that election for the office for which the candidate seeks or receives votes.

5 **SECTION 2.** 7.08 (6) of the statutes is created to read:

6 7.08 (6) NOTICE OF WRITE-IN CANDIDATES. Whenever a write-in candidate files
7 a timely declaration of candidacy with the board, the board shall immediately notify
8 the county clerk or board of election commissioners of each county where the write-in
9 candidate seeks office of the name of the candidate and the office that the candidate
10 seeks. This subsection does not apply if the write-in candidate seeks an office for
11 which there are no candidates whose names appear on the ballot or if there appears
12 on the ballot the name of a deceased candidate for the office that the write-in
13 candidate seeks.

14 **SECTION 3.** 7.10 (5) of the statutes is created to read:

15 7.10 (5) NOTICE OF WRITE-IN CANDIDATES. Whenever a write-in candidate files
16 a timely declaration of candidacy with the county clerk, or the clerk receives notice

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1 from the board under s. 7.08 (6) that a write-in candidate seeks office in the county,
2 the clerk shall immediately notify the municipal clerk or board of election
3 commissioners of each municipality in the county where the write-in candidate
4 seeks office of the name of the candidate and the office that the candidate seeks. This
5 subsection does not apply if the write-in candidate seeks an office for which there are
6 no candidates whose names appear on the ballot or if there appears on the ballot the
7 name of a deceased candidate for the office that the write-in candidate seeks.

8 **SECTION 4.** 7.15 (1) (L) of the statutes is created to read:

9 7.15 (1) (L) Whenever a write-in candidate files a timely declaration of
10 candidacy with the municipal clerk, or the clerk receives notice from the county clerk
11 or board of election commissioners under s. 7.10 (5) or a school district clerk under
12 s. 120.06 (8) (dm) that a write-in candidate seeks office in the municipality, notify
13 the inspectors at each polling place in the municipality where the write-in candidate
14 seeks office of the name of the candidate and the office that the candidate seeks no
15 later than 8 p.m. on election day. This paragraph does not apply if the write-in
16 candidate seeks an office for which there are no candidates whose names appear on
17 the ballot or if there appears on the ballot the name of a deceased candidate for the
18 office that the write-in candidate seeks.

19 **SECTION 5.** 7.15 (2) (a) of the statutes is amended to read:

20 7.15 (2) (a) In municipal elections, the municipal clerks shall perform the
21 duties prescribed for county clerks by under s. 7.10 (1) to (4) and (6).

22 **SECTION 6.** 7.51 (2) (e) of the statutes is amended to read:

23 7.51 (2) (e) If, after any ballots have been laid aside, the number of ballots still
24 exceeds the total number of electors recorded on the registration or poll list, the
25 inspectors shall separate the absentee ballots from the other ballots. If there is an

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1 excess number of absentee ballots, the inspectors shall place the absentee ballots in
2 the ballot box and one of the inspectors shall publicly and without examination draw
3 therefrom by chance the number of ballots equal to the excess number of absentee
4 ballots. If there is an excess number of other ballots, the inspectors shall place those
5 ballots in the ballot box and one of the inspectors shall publicly and without
6 examination draw therefrom by chance the number of ballots equal to the excess
7 number of those ballots. All ballots so removed may not be counted but shall be
8 specially marked as having been removed by the inspectors on original canvass due
9 to an excess number of ballots, set aside and preserved. When the number of ballots
10 and total shown on the poll or registration list agree, the inspectors shall return all
11 ballots to be counted to the ballot box and shall turn the ballot box in such manner
12 as to thoroughly mix the ballots. The inspectors shall then open, count and record
13 the number of votes. In recording the votes cast for an office, the inspectors may
14 indicate votes cast for a write-in candidate who did not file a timely declaration of
15 candidacy under s. 8.21 for that office as scattering votes, unless there are no
16 candidates whose names appear on the ballot for that office or unless there appears
17 on the ballot the name of a deceased candidate for that office. When the ballots are
18 counted, the inspectors shall separate them into piles for ballots similarly voted.
19 Objections may be made to placement of ballots in the piles at the time the separation
20 is made.

21 **SECTION 7.** 7.51 (2) (g) of the statutes is amended to read:

22 7.51 (2) (g) Immediately after the polls close, where voting machines are used,
23 the inspectors shall open the registering or recording compartments or remove the
24 record of the votes cast and shall canvass, record, announce and return on the tally
25 sheets and certificates furnished. In recording the votes cast for an office, the

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1 inspectors may indicate votes cast for a write-in candidate who did not file a timely
2 declaration of candidacy under s. 8.21 for that office as scattering votes, unless there
3 are no candidates whose names appear on the ballot for that office or unless there
4 appears on the ballot the name of a deceased candidate. In recording the votes
5 registered on any counter which, before the opening of the polls, did not register 000,
6 the inspectors shall upon the return sheets subtract the number registered before the
7 polls opened from the number registered when the polls closed. The difference
8 between the 2 numbers is the correct vote for the candidate whose name was
9 represented by the counter, except if the number registered on the counter when the
10 polls closed is smaller than the number registered thereon when the polls opened,
11 the number 1,000 shall be added to the number registered when the polls closed,
12 before the subtraction is made.

13 **SECTION 8.** 7.51 (4) (a) of the statutes is amended to read:

14 7.51 (4) (a) The tally sheets shall state the total number of votes cast for each
15 office and for each individual receiving votes for that office, ~~whether or not the~~
16 ~~individual's name appears on the ballot, and shall~~ except a write-in candidate who
17 has not filed a timely declaration of candidacy under s. 8.21 for that office, unless
18 there are no candidates whose names appear on the ballot for that office or unless
19 there appears on the ballot the name of a deceased candidate for that office. The tally
20 sheets shall also state the vote for and against each proposition voted on. Upon
21 completion of the tally sheets, the inspectors shall immediately complete inspectors'
22 statements in duplicate. The inspectors shall state the excess by which the number
23 of ballots exceeds the number of electors voting as shown by the poll or registration
24 list, if any, and shall state the number of the last elector as shown by the registration
25 or poll lists. At least 3 inspectors, including the chief inspector and, unless election

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1 officials are appointed under s. 7.30 (4) (c) without regard to party affiliation, at least
2 one inspector representing each political party, shall then certify to the correctness
3 of the statements and tally sheets and sign their names. All other election officials
4 assisting with the tally shall also certify to the correctness of the tally sheets. When
5 the tally is complete, the inspectors shall publicly announce the results from the
6 statements.

7 **SECTION 9.** 7.53 (1) of the statutes is amended to read:

8 7.53 (1) MUNICIPALITIES WITH ONE POLLING PLACE. Where the municipality
9 constitutes one ward or combines all wards to utilize a single polling place under s.
10 5.15 (6) (b), the canvass shall be conducted publicly under s. 7.51 and the inspectors
11 shall act as the municipal board of canvassers. Upon completion of the canvass and
12 ascertainment of the results by the inspectors, the clerk shall publicly read the
13 names of the persons voted for and the number of votes for each person for each
14 municipal office, except a write-in candidate who has not filed a timely declaration
15 of candidacy under s. 8.21 for the office for which the candidate receives a vote, unless
16 there are no candidates whose names appear on the ballot for that office or unless
17 there appears on the ballot the name of a deceased candidate for that office. The clerk
18 shall also publicly read the names of the persons declared by the inspectors to have
19 won nomination or election to each municipal office and the number of votes cast for
20 and against each municipal referendum question.

21 **SECTION 10.** 7.53 (2) (d) of the statutes is amended to read:

22 7.53 (2) (d) The municipal board of canvassers shall publicly canvass the
23 returns of every municipal election. The canvass shall begin within 24 hours after
24 the polls close. At the spring election, the board of canvassers shall publicly declare
25 the results on or before the 2nd Tuesday in April. The board of canvassers shall

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1 prepare a statement showing the results of each election for any municipal office and
2 each municipal referendum. After each primary for municipal offices, the board of
3 canvassers shall prepare a statement certifying the names of those persons who have
4 won nomination to office. After each other election for a municipal office and each
5 municipal referendum, the board of canvassers shall prepare a determination
6 showing the names of the persons who are elected to each municipal office and the
7 results of each municipal referendum. The statement shall include the number of
8 votes cast for each person for each municipal office, except a write-in candidate who
9 has not filed a timely declaration of candidacy under s. 8.21 for the office for which
10 the candidate receives a vote, unless there are no candidates whose names appear
11 on the ballot for that office or unless there appears on the ballot the name of a
12 deceased candidate for that office. The statement shall also include the number of
13 votes cast for and against each question submitted by the municipality. The board
14 of canvassers shall file each statement and determination in the office of the
15 municipal clerk or board of election commissioners.

16 **SECTION 11.** 7.53 (3) (a) of the statutes is amended to read:

17 7.53 (3) (a) In a common, union high or unified school district, the school district
18 clerk shall appoint 2 qualified electors of the school district prior to the date of the
19 election being canvassed who shall, with the school district clerk, constitute the
20 school district board of canvassers. If the school district clerk is a candidate at the
21 election being canvassed, the other 2 members of the board of canvassers shall
22 designate a 3rd member to serve in lieu of the clerk for that election. The school
23 district clerk shall appoint a member to fill any other temporary vacancy on the board
24 of canvassers. The canvass shall begin as soon as possible after receipt of the returns,
25 and shall continue, without adjournment, until completed. The board of canvassers

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1 may return defective returns to the municipal board of canvassers in the manner
2 provided in s. 7.60 (3). The board of canvassers shall prepare a written statement
3 showing the numbers of votes cast for each person for each office ~~and, except a~~
4 write-in candidate who has not filed a timely declaration of candidacy under s. 8.21
5 for the office for which the candidate receives a vote, unless there are no candidates
6 whose names appear on the ballot for that office or unless there appears on the ballot
7 for that office the name of a deceased candidate. The statement shall also show the
8 numbers of votes cast for and against each question and. The board of canvassers
9 shall also prepare a determination showing the names of the persons who are elected
10 to the school board and the results of any school district referendum. Following each
11 primary election, the board of canvassers shall prepare a statement certifying the
12 names of the persons who have won nomination to the school board. Each statement
13 and determination shall be attested by each of the canvassers. The board of
14 canvassers shall file each statement and determination in the school district office.
15 The school district clerk shall certify nominations after each primary and issue
16 certificates of election to persons who are elected to the school board after each
17 election in the manner provided in sub. (4).

18 **SECTION 12.** 7.60 (4) (a) of the statutes is amended to read:

19 7.60 (4) (a) The board of canvassers shall make separate duplicate statements
20 showing the numbers of votes cast for the offices of president and vice president; state
21 officials; U.S. senators and representatives in congress; state legislators; justice;
22 court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage
23 commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a
24 municipal judge elected under s. 755.01 (4) serves a municipality that is located
25 partially within the county and candidates for that judgeship file nomination papers

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1 in another county, the board of canvassers shall prepare a duplicate statement
2 showing the numbers of votes cast for that judgeship in that county for transmittal
3 to the other county. For partisan candidates, the statements shall include the
4 political party or principle designation, if any, next to the name of each candidate.
5 The board of canvassers shall also prepare a statement showing the results of any
6 county, technical college district or statewide referendum. Each statement shall
7 state show the total number of votes cast in the county for each office; the names of
8 all persons for whom the votes were cast, as returned; and the number of votes cast
9 for each person; and, except a write-in candidate who has not filed a timely
10 declaration of candidacy under s. 8.21 for the office for which the candidate receives
11 a vote, unless there are no candidates whose names appear on the ballot for that
12 office or unless there appears on the ballot for that office the name of a deceased
13 candidate. The statement shall also show the number of votes cast for and against
14 any question submitted at a referendum. The board of canvassers shall use one copy
15 of each duplicate statement to report to the elections board, technical college district
16 board or board of canvassers of any other county and shall file the other statement
17 in the office of the county clerk or board of election commissioners.

18 **SECTION 13.** 7.60 (4) (c) of the statutes is amended to read:

19 7.60 (4) (c) In preparing the statements and determinations, the board of
20 canvassers shall carefully review the tally sheets and inspectors' statement. The
21 board of canvassers may omit the ~~names of individuals whose names do not appear~~
22 ~~on the ballot and who receive a comparatively small number of votes.~~ The board of
23 ~~canvassers shall~~ name of any write-in candidate who has not filed a timely
24 declaration of candidacy under s. 8.21 for the office for which the candidate receives
25 votes, and designate votes received by ~~such individuals~~ the candidate as scattering

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1 votes, unless there are no candidates whose names appear on the ballot for that office
2 or unless there appears on the ballot for that office the name of a deceased candidate.

3 The board of canvassers shall append to each statement and determination a
4 tabulation of the votes cast at each election district, ward or combination of wards
5 authorized under s. 5.15 (6) (b) in the county for each office and each individual,
6 whether the votes are canvassed or not, as well as the total canvassed votes cast for
7 each individual and each office, except where scattering votes are designated. If any
8 votes are rejected, the board of canvassers shall specify the reasons therefor.

9 **SECTION 14.** 7.70 (3) (f) of the statutes is amended to read:

10 7.70 (3) (f) The statements shall show the persons' names receiving votes, and
11 any referenda questions; the whole number of votes given to each; and an individual
12 listing by the districts or counties in which they were given. The names of persons
13 ~~not regularly nominated who received only a comparatively small number of votes~~
14 name of any write-in candidate who has not filed a timely declaration of candidacy
15 under s. 8.21 for the office for which the candidate receives votes may be omitted and
16 ~~their~~ the votes cast for that candidate may be designated as scattering votes, unless
17 there are no candidates whose names appear on the ballot for that office or unless
18 there appears on the ballot for that office the name of a deceased candidate.

19 **SECTION 15.** 8.05 (5) of the statutes is amended to read:

20 8.05 (5) WHEN PRIMARY IS HELD. Towns and villages adopting the nonpartisan
21 primary to nominate candidates, under subs. (3) and (4), shall hold a primary only
22 when the number of candidates, other than write-in candidates, for an elective office
23 in the municipality exceeds twice the number to be elected to the office. A primary
24 for the office of municipal judge under s. 755.01 (4) shall be held whenever there are
25 more than 2 candidates, other than write-in candidates, for that office. Those offices

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1 for which a primary has been held shall have only the names of candidates
2 nominated at the primary appear on the official spring election ballot. When the
3 number of candidates, other than write-in candidates, for an office does not exceed
4 twice the number to be elected, their names shall appear on the official ballot for the
5 election without a primary.

6 **SECTION 16.** 8.11 (1) (b) and (d), (2), (2m) and (5) of the statutes are amended
7 to read:

8 8.11 (1) (b) Any city may provide by charter ordinance, under s. 66.0101, that
9 whenever 3 or more candidates, other than write-in candidates, file nomination
10 papers for a city office, a primary to nominate candidates for the office shall be held.

11 (d) When the number of candidates, other than write-in candidates, for any
12 city office does not exceed twice the number to be elected to the office, no primary may
13 be held for the office and the candidates' names shall appear on the ballot for the
14 ensuing election.

15 (2) MILWAUKEE COUNTY. A primary shall be held in counties having a population
16 of 500,000 or more whenever there are more than twice the number of candidates,
17 other than write-in candidates, to be elected to any judicial office within the county
18 or to the county board of supervisors from any one district.

19 (2m) FIRST CLASS CITY SCHOOL BOARD. A primary shall be held in 1st class cities
20 whenever there are more than 2 candidates, other than write-in candidates, for
21 member of the board of school directors at-large or from any election district in any
22 year.

23 (5) COUNTY SUPERVISORS. A primary shall be held in an election for county board
24 supervisor whenever 3 or more candidates, other than write-in candidates, file
25 nomination papers.

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1 **SECTION 17.** 8.185 (2) of the statutes is amended to read:

2 8.185 (2) Any candidates for the office of president and vice president of the
3 United States as write-in candidates shall file ~~a list of presidential electors and with~~
4 the board a declaration of candidacy in the manner prescribed in s. 8.21 ~~with the~~
5 ~~board no later than 4:30 p.m. on the 2nd Tuesday preceding the day of the general~~
6 ~~election to choose the president and vice president of the United States and, together~~
7 with the declaration of candidacy, a list of presidential electors. The list shall contain
8 one presidential elector from each congressional district and 2 electors from the state
9 at large and the names of the candidates for president and vice president for whom
10 they intend to vote, if elected. ~~Compliance with this subsection may be waived by the~~
11 ~~board but only if the results of the general election indicate that a write-in candidate~~
12 ~~for the office of president is eligible to receive the electoral votes of this state except~~
13 ~~for noncompliance with this subsection. In such event, the write-in candidate shall~~
14 ~~have until 4:30 p.m. on the Friday following the general election to comply with the~~
15 ~~filing requirements of this subsection.~~

16 **SECTION 18.** 8.21 of the statutes is amended to read:

17 **8.21 Declaration of candidacy.** Each candidate, except a write-in candidate
18 or a candidate for presidential elector under s. 8.20 (2) (d), shall file a declaration of
19 candidacy, no later than the latest time provided for filing nomination papers under
20 s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a) or 8.50 (3) (a), or the time provided under s. 8.16
21 (2) or 8.35 (2) (c). A write-in candidate may file a declaration of candidacy no later
22 than 5 p.m. on the day before the day of the primary or other election at which the
23 candidate seeks office. A candidate shall file the declaration with the officer or
24 agency with which nomination papers are filed for the office which the candidate
25 seeks, or if nomination papers are not required, with the clerk or board of election

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1 commissioners of the jurisdiction in which the candidate seeks office. The
2 declaration shall be sworn to before any officer authorized to administer oaths. The
3 declaration shall contain the name of the candidate in the form specified under s.
4 8.10 (2) (b) for candidates for nonpartisan office or s. 8.15 (5) (a) or 8.20 (2) (a) for
5 candidates for partisan office, and shall state that the signer is a candidate for a
6 named office, that he or she meets or will at the time he or she assumes office meet
7 applicable age, citizenship, residency or voting qualification requirements, if any,
8 prescribed by the constitutions and laws of the United States and of this state, and
9 that he or she will otherwise qualify for office if nominated and elected. The Except
10 in the case of a write-in candidate, the declaration shall include the candidate's
11 name in the form in which it will appear on the ballot. Each candidate for state and
12 local office shall include in the declaration a statement that he or she has not been
13 convicted of any misdemeanor designated under state or federal law as a violation
14 of the public trust or any felony for which he or she has not been pardoned. In
15 addition, each candidate for state or local office shall include in the declaration a
16 statement that discloses his or her municipality of residence for voting purposes, and
17 the street and number, if any, on which the candidate resides. The declaration is
18 valid with or without the seal of the officer who administers the oath. A candidate
19 for state or local office shall file an amended declaration under oath with the same
20 officer or agency if any information contained in the declaration changes at any time
21 after the original declaration is filed and before the candidate assumes office or is
22 defeated for election or nomination.

23 **SECTION 19.** 117.22 (2) (d) of the statutes is amended to read:

24 117.22 (2) (d) At least 12 weeks prior to the date of the election, the school
25 district clerk shall publish a type A notice of the school board election, under s. 10.01

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1 (2) (a). No later than 5 p.m. on the date 10 weeks prior to the election, any qualified
2 elector of the school district created by the reorganization, other than a write-in
3 candidate as defined in s. 5.02 (26), may file with the school district clerk a sworn
4 declaration of candidacy for the school board and, if required, nomination papers, as
5 provided under s. 120.06 (6) (b). A write-in candidate may file a declaration of
6 candidacy no later than 5 p.m. on the day before the day of the primary or other
7 election at which the candidate seeks office. For purposes of this paragraph, a
8 candidate who resides in the territory of the school district created pursuant to a
9 reorganization under s. 117.105 and is otherwise a qualified elector shall be
10 considered a qualified elector for a school board election under par. (bm). A candidate
11 shall file an amended declaration with the school district clerk as provided in s.
12 120.06 (6) (b) 5. Within 8 days after the first election in the newly created school
13 district, the school district clerk shall notify the successful candidates of their
14 election. On the 2nd Tuesday following the election, the clerk shall administer or
15 receive the official oath and the newly elected members shall take office.

16 **SECTION 20.** 120.06 (6) (b) 2. of the statutes is amended to read:

17 120.06 (6) (b) 2. Except as authorized in this paragraph, no later than 5 p.m.
18 on the first Tuesday in January prior to the spring election, or on the next day if
19 Tuesday is a holiday, any qualified elector of the school district, other than a write-in
20 candidate as defined in s. 5.02 (26), may file a sworn declaration of candidacy with
21 the school district clerk in the form provided in s. 8.21 at the place specified in the
22 notice. A write-in candidate may file a declaration of candidacy no later than 5 p.m.
23 on the day before the day of the primary or other election at which the candidate
24 seeks office. If the school district contains territory lying within a 2nd class city, or
25 if the school board or annual meeting requires nomination papers under par. (a), any

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1 qualified elector of the school district who desires to be a candidate, other than a
2 write-in candidate, shall in addition file nomination papers in the form prescribed
3 under s. 8.10 (2) and (3) with the school district clerk at the place specified in the
4 notice.

5 **SECTION 21.** 120.06 (6) (b) 3. of the statutes is amended to read:

6 120.06 (6) (b) 3. If an incumbent fails to file a declaration of candidacy, and
7 nomination papers, where required, within the time prescribed by this paragraph,
8 all candidates for the office held by the incumbent, other than the incumbent and any
9 write-in candidate as defined in s. 5.02 (26), may file a declaration of candidacy and
10 nomination papers, where required, no later than 72 hours after the latest time
11 prescribed in this paragraph. No extension of the time for filing a declaration of
12 candidacy or nomination papers applies if the incumbent files written notification
13 with the school district clerk, no later than 5 p.m. on the 2nd Friday preceding the
14 latest time prescribed in this paragraph for filing declarations of candidacy, that the
15 incumbent is not a candidate for reelection to his or her office, and the incumbent
16 does not file a declaration of candidacy for that office within the time prescribed in
17 this paragraph.

18 **SECTION 22.** 120.06 (7) (a) of the statutes is amended to read:

19 120.06 (7) (a) No later than 5 p.m. on the 2nd Tuesday in January, the school
20 district clerk shall verify the declarations of candidacy and certify the names of
21 candidates who have filed valid nomination papers, where required, and who qualify
22 for office. In making verifications or certifications, the school district clerk shall
23 designate the form of each candidate's name to appear on the ballot in the manner
24 prescribed in s. 7.08 (2) (a). Once filed, a declaration of candidacy or nomination

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1 papers may not be withdrawn. This paragraph does not apply to write-in candidates
2 as defined in s. 5.02 (26).

3 **SECTION 23.** 120.06 (7) (b) of the statutes is amended to read:

4 120.06 (7) (b) The school board shall require a primary election if there are
5 more than 2 candidates, other than write-in candidates as defined in s. 5.02 (26), for
6 any seat on a 3-member board or more than twice as many candidates as there are
7 members to be elected to an unnumbered school board of more than 3 members. In
8 school districts in which a plan of apportionment of school board members under s.
9 120.02 (2) or a plan for election of school board members to numbered seats has been
10 adopted, the school board shall require a primary election for particular apportioned
11 areas for which there are more than twice as many candidates, other than write-in
12 candidates, as there are members to be elected and for any numbered seat for which
13 there are more than 2 candidates. When there is a primary election it shall be held
14 in conjunction with the spring primary.

15 **SECTION 24.** 120.06 (8) (dm) of the statutes is created to read:

16 120.06 (8) (dm) Whenever a write-in candidate, as defined in s. 5.02 (26), files
17 a timely declaration of candidacy with the clerk, immediately notify the municipal
18 clerk or board of election commissioners of each municipality in the school district
19 of the name of the candidate and the office that the candidate seeks, unless there are
20 no candidates whose names appear on the ballot for that office or unless there
21 appears on the ballot the name of a deceased candidate for that office.

22 (END)