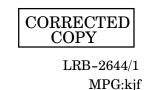


State of Misconsin 2019 - 2020 LEGISLATURE



2019 ASSEMBLY BILL 342

July 16, 2019 - Introduced by Representatives Magnafici, Kulp, Gundrum, Brooks, Thiesfeldt and Knodl, cosponsored by Senators Bernier and Stroebel. Referred to Committee on Campaigns and Elections.

- 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

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:

Section 1. 7.53 (4) of the statutes is amended to read:

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

Section 2. 7.60 (6) of the statutes is amended to read:

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

Section 3. 7.70 (5) (a) of the statutes is amended to read:

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

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

13 (END)