



2019 SENATE BILL 422

September 17, 2019 - Introduced by Senators BERNIER and STROEBEL, cosponsored by Representatives MAGNAFICI, KULP, GUNDRUM, BROOKS, THIESFELDT and KNODL. Referred to Committee on Elections, Ethics and Rural Issues.

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

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:

SENATE BILL 422**SECTION 1**

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.

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

SENATE BILL 422

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)