



DEVIN LEMAHIEU

STATE SENATOR

Testimony on SB 121
RE: Various Changes to Election Law
April 23, 2015

I'd like to thank Rep. Bernier and the Wisconsin County Clerks Association for their work on this bill.

SB 121 adopts several recommendations from the Wisconsin County Clerks Association to make election administration more streamlined, uniform, and efficient in Wisconsin.

As a former county board member, I recognize the time and effort that county and municipal clerks put in to make our elections run smoothly and believe this bill will aid them in their efforts. Our elections in Wisconsin also rely heavily on community members who give up their time to assist in running our elections, often for very little pay.

The goal of this bill is to make that process simple and more manageable, so we can continue to administer fair and uniform elections. I believe this bill strikes the right balance between streamlining Election Day processes, and also guaranteeing adequate oversight and election integrity.

I am happy to answer any questions that the committee may have. I also hope that some of the testimony to follow will shed additional light on the improvements SB 121 makes to existing law.



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SB 121 would accomplish the following:

- 1) ***Create a consistent timeline for adding referenda to the ballot.*** Under current law, certain referendum could be added 6 weeks prior to the election, while other items are 70 days. This bill creates a uniform 70 day requirement.
- 2) ***Removes the process for write-in candidates to distribute stickers.*** Currently electors are permitted to apply stickers for write-in candidates. In recent years stickers have created problems and damage to voting machines. This bill removes the process for stickers.
- 3) ***Creates uniform process for school board elections and school board referendum.*** Under existing law, if a school board election is held in conjunction with a state, county, municipal, or judicial election, the school board election must take place at the same polling place and the municipal election hours apply. This bill would extend that treatment to school board referendum as well.
- 4) ***Modifies the caucus timeline for town or village elective office.*** Currently, if a town or village does not use nomination papers for elective office, the governing body must hold a caucus sometime between the first Tuesday and last Tuesday in January. This bill provides that January 15 is the last day on which to hold the caucus.
- 5) ***Creates a timeline for write-in candidate registration.*** Currently, a write-in candidate for office must file a registration statement to have their votes counted, but no deadline is set. To ease election-day processes and allow adequate communication amongst election officials, this bill sets the deadline for filing a registration statement at noon on the Friday immediately preceding the election. In the event that a certified candidate dies or withdraws before the election, all write-in votes will be counted.
- 6) ***Removes the requirement that the board of canvassers must reconvene when no provisional or absentee ballots are received.*** Under current law, if a municipal clerk receives valid provisional or absentee ballots by 4 p.m. on the Friday after the election, the board of canvassers must reconvene no later than 9 a.m. on the Monday after the election to count the valid provisional and absentee ballots and adjust the election returns. This requirement applies even if no valid ballots are returned. This bill provides that if a clerk certifies that he or she has received no valid ballots between the initial canvas and 4 p.m. on Friday, then the board of canvassers is not required to reconvene.



COUNTY OF MANITOWOC

COUNTY CLERK

1010 South 8th St., Ste. 115
Manitowoc, WI 54220

Jamie J. Aulik
Manitowoc County Clerk

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Date: April 23, 2015
To: Members of the Senate Committee on Elections and Local Government
From: Jamie J. Aulik, Manitowoc County Clerk
Re: Testimony supporting SB-121

Dear members of the Senate Committee on Elections and Local Government:

As a local government official charged with carrying out election laws, I am frequently faced with an amalgamation of confusing, conflicting, and sometimes unworkable statutes. Ensuring that election laws make sense is in the interest of voters, election officials, and the election administration system as a whole. Senate Bill 121 brings a good dose of common sense reform to our election administration system, and the provisions of the bill are explained in further detail below.

Senate Bill 121

Relating to: various election law changes

- 1) ***Create a consistent timeline for adding referenda to the ballot.*** Under current law, certain referendum could be added 6 weeks prior to the election, while other items are 70 days. This bill creates a uniform 70 day requirement.
 - a. There are some good reasons to have exceptions, but there isn't a compelling reason to have a shorter timeline for direct petitions. If anything, because of the review period for petitions, they should have a longer timeframe than referenda involving units of governments passing resolutions to set a referendum date.
 - b. Six weeks is an extremely short timeline to program voting equipment, prepare ballots, and print and distribute them in time for absentee voting.
 - c. Example: Stoughton referendum.
- 2) ***Removes the process for write-in candidates to distribute stickers.*** Currently, electors are permitted to apply stickers for write-in candidates. In recent years stickers have created problems and damage to voting machines. This bill removes the process for stickers.
 - a. Example: Assembly District 2, City of Two Rivers – November 2006
 - b. A prohibition on stickers would be preferred, but it's unenforceable.
 - c. Adhesive stickers are oftentimes not covered under maintenance agreements with vendors, and may void the warranty on the voting equipment.
- 3) ***Creates uniform process to consolidate poll locations for school board elections and school board referendum.*** Under existing law, if a school board election is not held in conjunction with a state, county, municipal, or judicial election,

under certain conditions, the school board can opt to close poll locations. This bill would extend that treatment to school board referendum as well.

- a. Some school district attorneys have refused to allow poll locations to consolidate because “referendum” does not appear in this section of statute.
- 4) ***Modifies the caucus timeline for town or village elective office.*** Currently, if a town or village does not use nomination papers for elective office, the governing body must hold a caucus sometime between the first Tuesday and last Tuesday in January. This bill provides that January 15 is the last day on which to hold the caucus.
- a. It’s important that information be communicated quickly to county clerks because in most cases, towns and villages rely on counties to provide ballots and program voting equipment.
 - b. *After a hearing in the Assembly, the Wisconsin Towns Association, Wisconsin County Clerks Association, and Wisconsin Municipal Clerks Association respectfully request an amendment to this provision in the following way:* The governing body must hold a caucus sometime between January 2 and January 21. The municipal clerk shall notify the county clerk of the arrangement of candidates’ names on the spring election ballot within two business days of final determination.
- 5) ***Creates a timeline for write-in candidate registration.*** Currently, a write-in candidate for office must file a registration statement to have their votes counted, but no deadline is set. To ease election-day processes and allow adequate communication amongst election officials, this bill sets the deadline for filing a registration statement at noon on the Friday immediately preceding the election. In the event that a certified candidate dies or withdraws before the election, all write-in votes will be counted.
- a. It’s hard to establish communication with some poll locations to inform them that a person has become a registered write-in.
 - b. We respect the right of people to file as registered write-ins, but oftentimes the individuals who file at the last minute aren’t serious candidates.
 - c. Example: Fond du Lac – Tuesday, April 7, 2015 (Election Day) 2:45 p.m., citizen filed as a registered write-in for Multi-Jurisdictional Judge
 - d. Example: Received email from G.A.B. at 5:38 p.m. on Monday, November 3, 2014 regarding a registered write-in for Governor
- 6) ***Removes the requirement that the board of canvassers must reconvene when no provisional or absentee ballots are received.*** Under current law, if a municipal clerk receives valid provisional or absentee ballots by 4 p.m. on the Friday after the election, the board of canvassers must reconvene no later than 9 a.m. on the Monday after the election to count the valid provisional and absentee ballots and adjust the election returns. This requirement applies even if no valid ballots are returned. This bill provides that if a clerk certifies that he or she has received no valid ballots between the initial canvas and 4 p.m. on Friday, then the board of canvassers is not required to reconvene.
- a. Eliminates having to haul in canvassers between 4 p.m. Friday and 9 a.m. Monday ***to count nothing!***
 - b. Changing this requirement would save money for local government.

Thank you for your consideration. If you have any questions whatsoever, do not hesitate to ask.

CALENDAR OF ELECTION AND CAMPAIGN EVENTS

NOVEMBER 2014 – DECEMBER 2015

Spring Primary – February 17, 2015

Spring Election – April 7, 2015

Note: If any deadline falls on a Saturday where you do not have regular office hours, a Sunday, or a State legal holiday, the deadline is moved to the next secular day. Wis. Stat. § 990.001(4). The below deadlines have already been adjusted to reflect this rule.

<u>DATE</u>		<u>STATUTE</u>
2014		
NOVEMBER		
18	Last day for county clerks to deliver statement of county canvass of General Election for state and federal offices to Government Accountability Board.	7.60(5) – 14 days after the General Election
-	County clerks issue certificates of election after expiration of time to file petition for recount and appeal of recount.	7.60(6)
25	County clerks publish Type A notice of Spring Primary on February 17, 2015, and Spring Election on April 7, 2015.	10.01(2)(a), 10.06(2)(a) – 4 th Tuesday in November
25	Municipal clerks publish Type A notice of local Spring Primary on February 17, 2015, and Spring Election on April 7, 2015.	10.01(2)(a), 10.06(3)(a), (4)(a) – 4 th Tuesday in November
25	Municipal clerks may clear or erase memory devices for their voting equipment from the General Election, if the data has been transferred to another medium (to be retained for 22 months).	7.23(1)(g) – 21 days after an election.
DECEMBER		
1	Last day for chairperson of the Government Accountability Board to certify results of General Election.	7.70(3)(a) – December 1
1	First day for candidates to circulate nomination papers for 2015 Spring Election.	8.05(3)(a), (4)(b), 8.10(2)(a) – December 1
1	First day for town or village governing body to set the date for caucus .	8.05(1)(a) – Between December 1 and January 1
1	Municipal clerks certify the approximate number of electors in municipality to county clerks.	5.66(1) – 1 st day of the 2 nd month preceding a primary
4	Last day for municipal clerk to submit their Registration and Voting Statistics Report (GAB-190F) for the General Election via WEDCS.	6.275 – within 30 days after each primary and election at which a state or national office is filled
9	Last day for filing officer to receive referendum questions or petitions for referendum intended for the Spring Primary ballot.	8.37 – 70 days prior to the election
10	Deadline for filing officer to file a copy of the referendum question intended for the Spring Primary with the county clerk.	8.37 – next business day after receipt by filing officer
19	Poll lists from the February 19, 2013, Spring Primary may be destroyed .	7.23(1)(e) – 22 months after election

DATE		STATUTE
DECEMBER		
26	Last day (5:00 p.m.) for incumbents not seeking reelection to file Notification of Noncandidacy (GAB-163) with the filing officer. (Failure to notify will extend nomination paper deadline 72 hours for that office.)	8.10(2)(a), 120.06(6)(b) – 2 nd Friday preceding the deadline for nomination papers
31	Closing date for January continuing campaign finance report .	11.20(8)(b) – December 31
2015		
JANUARY		
2	Last day for town or village governing body to set date for caucus .	8.05(1)(a) – between December 1 and January 1
-	Municipal clerk publishes caucus notice , if applicable.	8.05(1)(b) – at least 5 days before the date of the caucus
6	First day for town or village governing body to hold caucus .	8.05(1)(a) – between first Tuesday and last Tuesday in January
6	Last day (5:00 p.m.) for candidates to file nomination papers, declarations of candidacy, and campaign registration statements for Spring Election with filing officer.	8.05(3)(a), (4)(b), 8.10(2)(a), (5), 8.21, 8.30, 11.10(1) – 1 st Tuesday in January
9	Last day (4:30 p.m.) for all judicial candidates to file Statement of Economic Interests with Government Accountability Board.	19.43(4) – 3 rd day following deadline for nomination papers
9	Last day for governing body of a city or village to decide upon a primary , or for electors to petition for a primary , if not required by ordinance.	8.11(1)(a), (c), (1m)(a), (e) – 3 rd day following deadline for nomination papers
9	Deadline for filing officer to accept challenges to nomination papers .	8.07, GAB 2.07 Wis. Adm. Code – within 3 calendar days of the deadline to file nomination papers
-	Filing officer arranges to deliver a copy of the challenge to the challenged candidate.	GAB 2.07 (2)(a) – within 24 hours of receipt of challenge
-	Deadline for challenged candidate to file a verified response with the filing officer.	GAB 2.07(2)(b) – within 3 calendar days of the challenge being filed
12	First day for filing officers to send forms and notice to file January continuing campaign finance report to appropriate registrants (See February 2, 2015).	11.21(2), 11.22(3) – no earlier than 21 days prior to the filing deadline
13	Last day (if a primary is scheduled) for municipal governing body to designate an alternate location for requesting and voting an absentee ballot . (This location will remain will remain in use through the April election.)	6.855(1) – no fewer than 14 days prior to the time that absentee ballots are available for the election
13	Last day for filing officers to draw names of candidates by lot for placement on the Spring Primary ballot and for Spring Election where no primary is required.	5.58(1)(a), (c), (1c), (1g)(c), (2)(a), 5.60(1)(b), (4)(c), (5), (6) – 2 nd Tuesday in January
13	Last day for Government Accountability Board to send Type B notice information and certification of candidates to county clerks for Spring Primary (if required) or Spring Election (if no primary is required).	10.01(2)(b), 10.06(1)(c) – 2 nd Tuesday in January

DATE		STATUTE
JANUARY		
-	County clerks send notification of election to municipal clerks as soon as possible after receipt of Type B notice from Government Accountability Board and after adding any county offices or referenda.	10.06(2)(b)
-	County clerks prepare Spring Primary ballots and send proofs to Government Accountability Board for review as soon as possible before printing.	5.72(1), 7.10(2)
-	Municipal clerks send absentee ballots to electors with valid requests on file for the Spring Primary as soon as they are available. (Any UOCAVA ballots must be recorded in SVRS)	42 U.S.C. § 1973ff-1, Wis. Stat. § 7.15(1)(cm)
19	Last day for filing officers to send forms and notice to file January continuing campaign finance report to appropriate registrants (see February 2, 2015).	11.21(2), 11.22(3) – no later than 14 days prior to the filing deadline.
19	Last day for governing body of municipality to establish location of polling places for Spring Primary.	5.25(3) – 30 days before the election
19	Last day for governing body of municipality to pass resolution combining wards for Spring Primary.	5.15(6)(b) – 30 days before the election
19	Last day for governing body of municipality to authorize appointment of tabulators for Spring Primary.	7.30(3)(a) – 30 days before the election
19	First day for filing officers to send forms and notice to file Spring pre-primary campaign finance report to appropriate registrants (see February 9, 2015).	11.21(2), 11.22(3) – no earlier than 21 days prior to the filing deadline
20	County and municipal clerks publish Type A notice of referenda (if required).	10.01(2)(a), 10.06(2)(n), (3)(f), (4)(f) – 4 th Tuesday preceding the election
20	Municipal clerks publish Type E notice of absentee voting instructions for Spring Primary.	10.01(2)(e), 10.06(3)(as) – 4 th Tuesday preceding the election
26	Last day for filing officers to send forms and notice to file Spring pre-primary campaign finance report to appropriate registrants (see February 9, 2015).	11.21(2), 11.22(3) – no later than 14 days prior to the filing deadline
26	Last day for county clerks and school district clerks to deliver ballots and supplies to municipal clerks for Spring Primary.	7.10(1), (3), 120.06(8)(d) – no later than 22 days before the election
26	First day for special voting deputies to conduct absentee voting for residents in nursing homes and certain other care facilities for Spring Primary. (5 working day notice required.)	6.875(6) – 4 th Monday preceding election
27	Last day for town of village governing body to hold caucus .	8.05(1)(a) – no later than last Tuesday in January
-	Municipal clerk notifies in writing the two candidates receiving the highest number of votes at the caucus of their nomination. (If unnumbered seats, candidates equal to twice the number of positions to be filled shall be notified).	8.05(1)(j)1
-	Last day (5:00 p.m.) for caucus nominees to file declarations of candidacy and campaign registration statements for Spring Election with the municipal clerk.	8.05(1)(j)2 – no later than 5 p.m. on the 5 th day after notification is mailed or personally delivered
-	Deadline for filing officers in municipalities using caucus to draw names of candidates by lot for placement on the Spring Election ballot.	8.05(1)(j)4 – 3 rd day after qualification of candidates from the caucus

DATE		STATUTE
JANUARY		
-	Municipal clerks certify names of municipal candidates and any municipal referenda to county clerks for printing of ballots for Spring Election.	10.06(3)(bm) – as soon as possible, but no later than 3 days after qualification of candidates from the caucus
27	Last day for the filing officer to receive referendum questions or petitions for referendum intended for the Spring Election ballot.	8.37 – 70 days prior to the election
27	Deadline for municipal clerks to finalize ballot styles (Milestone 4) in SVRS , in order to accommodate Online Absentee requests.	7.10(3), 7.15(1)(c), (cm) – no later than 21 days before the election
27	Deadline for municipal clerks to send absentee ballots to electors with valid requests on file for the Spring Primary.	7.15(1)(cm) – no later than 21 days before the election
28	Deadline for filing officer to file a copy of the referendum question intended for the Spring Election with the county clerk.	8.37 – next business day after receipt by filing officer
28	Last day for electors to register by mail to vote in Spring Primary. Mailed registrations must be postmarked no later than this date. (After this date, electors must register in person in municipal clerk's office or at the polls).	6.28(1) – postmarked no later than the 3 rd Wednesday before the election
29	Clerks must have the Ineligible Voter List available for in-person voter registrations.	6.29(2)(am)
29	First day for clerks to issue certificate of registration (GAB-133) to late registrants.	6.28(1), 6.29(2)(b)
FEBRUARY		
2	Last day for municipal clerk to submit their Annual Elections Costs Report (GAB-192) via WEDCS.	No later than January 31 st for the preceding calendar year.
2	Poll lists from the April 2, 2013, Spring Election may be destroyed.	7.23(1)(e) – 22 months after election
2	Last day for registrants to file January continuing campaign finance reports.	11.20(4) – no later than January 31
2	Last day for state registrants to pay filing fee , (if required).	11.055(1), (2)
2	First day for clerks to issue absentee ballots in person in the clerk's office.	6.86(1)(b) – no earlier than 3 rd Monday preceding the election
2	Closing date for Spring pre-primary campaign finance report.	11.20(8)(a) – 15 th day preceding the election
-	Municipal or county clerk must publish notice of public test of electronic voting equipment at least 48 hours prior.	5.84(1) – 48 hours prior to public test
7	First day for municipal or county clerk to conduct public test of electronic voting equipment.	5.84(1) – not more than 10 days prior to the election
9	Last day for registrants to file Spring pre-primary campaign finance reports.	11.20(2), (3) – not later than 8 days preceding the election
9	Last day (5:00 p.m.) for special voting deputies to make arrangements with certain care facility administrators for establishing one or more dates for conducting absentee voting for Spring Primary.	6.875(6) – the 6 th working day before the election

<u>DATE</u>		<u>STATUTE</u>
FEBRUARY		
9	Last day for municipal clerk to post notice of absentee voting at certain care facilities. (Notice is posted as soon as possible after arrangements have been made, but no later than 5 working days before the time absentee voting is conducted.)	6.875(6)(a) – at least 5 working days before the visit
10	First day for municipal clerk to issue absentee ballots by agent to hospitalized electors.	6.86(3)(c) – not earlier than 7 days before an election
12	Last day (5:00 p.m.) for electors to request absentee ballots by mail (except for indefinitely-confined electors and military electors) for Spring Primary.	6.86(1)(b) – the 5 th day preceding the election
13	Last day (5:00 p.m.) for indefinitely-confined electors and military electors to request absentee ballots by mail for Spring Primary.	6.86(1)(b) – the Friday preceding the election
13	Last day (5:00 p.m.) to register in person at the municipal clerk's office to vote at the Spring Primary.	6.29(2)(a) – the Friday preceding the election
13	Last day (5:00 p.m.) for electors to make application in person to the municipal clerk for absentee ballots to vote in the Spring Primary (except hospitalized electors and sequestered jurors).	6.86(1)(b) – the Friday preceding the election
16	County and municipal clerks publish a Type B notice of voting instructions and sample ballots for Spring Primary (if required).	10.01(2)(b), 10.02, 10.06(2)(d), (3)(b) – the Monday preceding election
16	County and municipal clerks publish Type C notice of referenda (if required).	10.01(2)(c), 10.06(3)(b) – the Monday preceding the election
16	Municipal clerks publish Type D notice of the location and hours of polling places for Spring Primary (if required).	10.01(2)(d) – the Monday preceding the election
16	Last day (5:00 p.m.) for special voting deputies to conduct absentee voting for residents in nursing homes and certain qualified facilities for Spring Primary.	6.875(6) – the Monday preceding the election
17	SPRING PRIMARY (if required).	5.02(22) – 3 rd Tuesday in February
17	Deadline (5:00 p.m.) for sequestered juror or hospitalized elector to apply for an absentee ballot for Spring Primary.	6.86(1)(b), (3)(c) – Election Day
17	Deadline (8:00 p.m.) for absentee ballots to be delivered to the polling place.	6.87(6) – Election Day
17	Election inspectors complete the returns for all votes cast at the polling place.	7.51, 7.53(1)(a) – immediately after the polls close
17	Election inspectors in municipalities that have combined wards and one polling place complete and sign the canvass statement for the Spring Primary.	7.53(1)(a) – immediately after the polls close
17	Election inspectors report results of Spring Primary to proper clerks immediately upon completion of ward/election district canvass.	7.51(4)(b), 7.60(1) – immediately after votes are tabulated
17	Deadline (8:00 p.m.) for clerk to post at his or her office and on the Internet, a statement of the number of absentee ballots the clerk has mailed or transmitted to absentee electors that have not been returned.	7.515(5) – no later than closing hour of the polls on Election Day

DATE

STATUTE

FEBRUARY

17	Deadline for clerk to post at his or her office and on the Internet, a statement of the number of electors who have cast provisional ballots that cannot be counted until the electors provide the necessary documentation.	7.15(15) – as soon as possible after the closing hour for all polling places in the municipality on election night
17	Municipal clerk must enter the information from the Provisional Ballot Reporting Form (GAB-123r) from each reporting unit into the Provisional Ballot Tracking System. (Even if no provisional ballots are issued.)	42 U.S.C. § 15482
18	Municipal clerks deliver tally sheets, inspectors' statements, ballots, and applicable envelopes and materials to county and school district clerks by 4:00 p.m.	7.51(5) – the day following Election Day
19	Municipal clerks (in municipalities that canvass absentee ballots at an alternate location) deliver tally sheets, inspectors' statements, ballots, and applicable envelopes to county clerks by 4:00 p.m.	7.51(5), 7.52 – the 2 nd day following Election Day
20	Deadline (4:00 p.m.) for all absentee ballots to be delivered via USPS to the municipal clerk (must be postmarked by Election Day).	6.87(6), 7.515(3) – the Friday after the election
20	Deadline (4:00 p.m.) for electors who voted provisionally to provide missing information (either proof of residence or driver license/state ID number) so that their ballot may be counted.	6.97(3)(b) – the Friday after the election
23	Deadline (9:00 a.m.) for the Municipal Board of Canvassers to convene for processing late-arriving ballots and the canvass of the Spring Primary, if necessary.	7.53(1)(a), 7.53(2)(d) – no later than 9:00 a.m. on the Monday after the election
23	Deadline (4:00 p.m.) for the Municipal Board of Canvassers to finish processing late-arriving ballots and the canvass of the Spring Primary, if necessary.	7.51(5)(b) – no later than 4:00 p.m. on the Monday after the election
-	Municipal clerks certify names of municipal candidates and any municipal referenda to county clerks for printing of ballots for Spring Election.	10.06(3)(bm) – as soon as possible, but no later than 3 days after the municipal canvass is complete
24	Deadline (9:00 a.m.) for the County Board of Canvassers to convene for the canvass of the Spring Primary, if necessary.	7.60(3) – no later than 9:00 a.m. on the Tuesday after the election
24	Deadline (9:00 a.m.) for the School District Board of Canvassers to convene for the canvass of the Spring Primary, if necessary.	7.53(3)(a) – no later than 9:00 a.m. on the Tuesday after the election
24	Deadline (4:00 p.m.) for the School District Board of Canvassers to complete the canvass of the Spring Primary, if necessary.	7.53(3)(a) – no later than 4:00 p.m. on the Tuesday after the election
26	Last day for county clerks to deliver statement of county canvass of Spring Primary for judicial offices to Government Accountability Board.	7.60(5) – no later than 9 days after a primary
-	Deadline for filing officers to draw names of candidates by lot for placement on the Spring Election ballot.	5.60(1)(b), (5), (6) – 3 rd day after completion of the canvass

DATE		STATUTE
MARCH		
3	Clerks may clear memory devices for their voting equipment from the Spring Primary if the data has been transferred to another medium to be retained for 22 months. (No further retention if the equipment was approved for use prior to January 1, 2009.)	7.23(1)(g) – 14 days after a primary.
3	Last day (if no primary was held) for municipal governing body to provide for the relocation of the absentee ballot processing and voting function. This location will remain in use through the April election).	6.855(1) – no fewer than 14 days prior to the deadline for ballots to be available
3	Last day for chairperson of the Government Accountability Board to certify results of the Spring Primary.	7.70(3)(a) – 2 nd Tuesday following Spring Primary
3	Last day for Government Accountability Board to send Type B notice information and certification of candidates for Spring Election to county clerks.	10.01(2)(b), 10.06(1)(e) – no later than the 1 st Tuesday in March
-	County clerks send notification of election to municipal clerks as soon as possible after receipt of Type B notice from Government Accountability Board and after adding any county offices or referenda.	10.06(2)(e)
-	County clerks prepare ballots and send proofs to Government Accountability Board for review as soon as possible before printing.	5.72(1), 7.10(2)
-	Municipal clerks send absentee ballots to electors with valid requests on file for the Spring Election as soon as they are available. (Any UOCAVA ballots must be recorded in SVRS)	42 U.S.C. § 1973ff-1, Wis. Stat. § 7.15(1)(cm)
9	Last day for governing body of municipality to establish location of polling places for Spring Election.	5.25(3) – 30 days before election
9	Last day for governing body of municipality to pass resolution combining wards for Spring Election.	5.15(6)(b) – 30 days before election
9	Last day for governing body of municipality to authorize appointment of tabulators for Spring Election.	7.30(3)(a) – 30 days before election
9	First day for filing officers to send forms and notice to file Spring pre-election campaign finance report to appropriate registrants (see March 30, 2015).	11.21(2), 11.23(3) – no earlier than 21 days before the filing deadline
10	County and municipal clerks publish Type A notice of referenda (if required).	10.01(2)(a), 10.06(2)(f), (3)(bs) – 4 th Tuesday before the election
10	Municipal clerks publish Type E notice of absentee voting instructions for Spring Election.	10.01(2)(e), 10.06(3)(bs) – 4 th Tuesday before the election
16	First day for special voting deputies to conduct absentee voting for residents in nursing homes and certain other care facilities for Spring Election. (5 working day notice required.)	6.875(6) – no earlier than the 4 th Monday preceding the election
16	Last day for filing officers to send forms and notice to file Spring pre-election campaign finance report to appropriate registrants (see March 30, 2015).	11.21(2), 11.23(3) – No later than 14 days before the filing deadline
16	Last day for county and school district clerks to deliver ballots and supplies to municipal clerks for Spring Election.	7.10(1), (3), 120.06(8)(d) – 22 days before an election

<u>DATE</u>		<u>STATUTE</u>
MARCH		
17	Deadline for municipal clerks to finalize ballot styles (Milestone 4) in SVRS , in order to accommodate Online Absentee requests.	7.10(3), 7.15(1)(c), (cm) – no later than 21 days before the election
17	Deadline for municipal clerks to send absentee ballots to electors with valid requests on file for the Spring Election.	7.10(3), 7.15(1)(c), (cm) – no later than 21 days before the election
18	Last day for electors to register by mail to vote in Spring Election. Mailed registrations must be postmarked no later than this date. (After this date, electors must register in person in municipal clerk's office or at the polls).	6.28(1) – postmarked no later than the 3 rd Wednesday before the election
18	Clerks must have the Ineligible Voter List available for in-person voter registrations.	6.29(2)(am)
19	First day for clerks to issue certificate of registration (GAB-133) to late registrants .	6.28(1), 6.29(2)(b)
19	Ballots from Spring Primary may be destroyed if no election contest, recount, or litigation is pending.	7.23(1)(h) – 30 days after the election
19	Last day for municipal clerk to submit their Registration and Voting Statistics Report (GAB-190NF) for the Spring Primary via WEDCS.	6.275 – within 30 days after each primary and election at which a state or national office is filled
23	Closing date for Spring pre-election campaign finance report .	11.20(8)(a) – 15 th day preceding the election
23	First day for clerks to issue absentee ballots in person in the clerk's office .	6.86(1)(b) – no earlier than 3 rd Monday preceding the election
-	Municipal or county clerk must publish notice of public test of electronic voting equipment at least 48 hours before the test.	5.84(1)
28	First day for municipal or county clerk to conduct public test of electronic voting equipment.	5.84(1) – no earlier than 10 days preceding the election
30	Last day for registrants to file Spring pre-election campaign finance reports .	11.20(2), (3) – No later than 8 days preceding the election
30	Last day (5:00 p.m.) for special voting deputies to make arrangements with nursing home and certain other qualified facility administrators for establishing one or more dates for conducting absentee voting for Spring Election.	6.875(6) – the 6 th working day before the election
30	Last day for municipal clerk to post notice of absentee voting at certain care facilities . (Notice is posted as soon as possible after arrangements have been made, but no later than 5 working days before the time absentee voting is conducted.)	6.875(6)(a) – at least 5 working days before the visit
31	First day for municipal clerk to issue absentee ballots by agent to hospitalized electors .	6.86(3)(c) – not earlier than 7 days before an election
APRIL		
2	Last day (5:00 p.m.) for electors to request absentee ballots by mail (except for indefinitely-confined electors and military electors) for Spring Election.	6.86(1)(b) – 5 th day before the election
3	Last day (5:00 p.m.) for indefinitely-confined electors and military electors to request absentee ballots by mail for Spring Election.	6.86(1)(b) – Friday before the election

DATE		STATUTE
APRIL		
3	Last day (5:00 p.m.) for electors to register to vote in the Spring Election in the municipal clerk's office.	6.29(2)(a) – Friday before the election
3	Last day (5:00 p.m.) for electors to make application in person to the municipal clerk for absentee ballots to vote in the Spring Election (except hospitalized electors and sequestered jurors).	6.86(1)(b) – Friday before the election
6	County and municipal clerks publish Type B notice of voting instructions and facsimile ballots for Spring Election.	10.01(2)(b), 10.02, 10.06(2)(g), (3)(c) – Monday before the election
6	County and municipal clerks publish Type C notice of referenda (if required).	10.01(2)(c), 10.06(2)(g), (3)(c) – Monday before the election
6	Municipal clerks publish Type D notice of the location and hours of polling places for the Spring Election.	10.01(2)(d), 10.06 (3)(c) – Monday before the election
6	Last day (5:00 p.m.) for special voting deputies to conduct absentee voting for residents in nursing homes and certain other qualified facilities for Spring Election.	6.875(6) – Monday before the election
7	SPRING ELECTION for Supreme Court Justice, Court of Appeals Judge, Circuit Court Judge, County Nonpartisan Offices, Municipal Offices, School District Offices, and Referenda (if required).	5.02(21) – 1 st Tuesday in April
7	Deadline (5:00 p.m.) for sequestered jurors to apply for an absentee ballot and for hospitalized elector to make application by agent for an absentee ballot for Spring Election.	6.86(1)(b), (3)(c) – Election Day
7	Deadline (8:00 p.m.) for absentee ballots to be delivered to the polling place.	6.87(6) – Election Day
7	Election inspectors complete the returns for all votes cast at the polling place.	7.51, 7.53(1)(a) – immediately after the polls close
7	Election inspectors in municipalities that have combined wards and one polling place complete and sign the canvass statement for the Spring Election.	7.53(1)(a) – immediately after the polls close
7	Election inspectors report results of Spring Election to proper clerks immediately upon completion of ward/election district canvass.	7.51(4)(b), 7.60(1) – Election Day
7	Deadline (8:00 p.m.) for clerk to post at his or her office and on the Internet, a statement of the number of absentee ballots the clerk has mailed or transmitted to absentee electors that have not been returned.	7.515(5) – no later than closing hour of the polls on Election Day
7	Deadline for clerk to post at his or her office and on the Internet, a statement of the number of electors who have cast provisional ballots that cannot be counted until the electors provide the necessary documentation.	7.15(15) – as soon as possible after the closing hour for all polling places in the municipality on election night
7	Municipal clerk must enter the information from the Provisional Ballot Reporting Form (GAB-123r) from each reporting unit into the Provisional Ballot Tracking System. (Even if no provisional ballots are issued.)	42 U.S.C. § 15482
8	Municipal clerks deliver tally sheets, inspectors' statements, ballots, and applicable envelopes and materials to county and school district clerks by 4:00 p.m.	7.51(5) – Day after Election Day

DATE		STATUTE
APRIL		
9	Municipal clerks (in municipalities that canvass absentee ballots at an alternate location) deliver tally sheets, inspectors' statements, ballots, and applicable envelopes to county clerks by 4:00 p.m.	7.51(5), 7.52 – 2 nd day after Election Day
10	Deadline (4:00 p.m.) for all absentee ballots to be delivered via USPS to the municipal clerk (must be postmarked by Election Day) .	6.87(6), 7.515(3) – the Friday after the election
10	Deadline (4:00 p.m.) for electors who voted provisionally to provide missing information (either proof of residence or driver license/state ID number) so that their ballot may be counted.	6.97(3)(b) – the Friday after the election
13	Deadline (9:00 a.m.) for the Municipal Board of Canvassers to convene for processing late-arriving ballots and the canvass of the Spring Election.	7.53(1)(a), 7.53(2)(d) – no later than 9:00 a.m. on the Monday after the election
13	Deadline (4:00 p.m.) for the Municipal Board of Canvassers to finish processing late-arriving ballots and the canvass of the Spring Election.	7.51(5)(b) – no later than 4:00 p.m. on the Monday after the election
14	Deadline (9:00 a.m.) for the County Board of Canvassers to convene for the canvass of the Spring Election.	7.60(3) – no later than 9:00 a.m. on the Tuesday after the election
14	Deadline (9:00 a.m.) for the School District Board of Canvassers to convene for the canvass of the Spring Election.	7.53(3)(a) – no later than 9:00 a.m. on the Tuesday after the election
14	Deadline (4:00 p.m.) for the School District Board of Canvassers to complete the canvass of the Spring Election.	7.53(3)(a) – no later than 4:00 p.m. on the Tuesday after the election
17	Last day for county clerks to deliver statement of county canvass of Spring Election for judicial offices to Government Accountability Board.	7.60(5) – no later than 10 days after the election
-	County, municipal, and school district clerks issue certificates of election after expiration of time to file petition for recount and appeal of recount.	7.53(4), 7.60(6), 120.06(10)
28	Clerks may clear memory devices for their voting equipment from the Spring Election if the data has been transferred to another medium to be retained for 22 months. (No further retention if the equipment was approved for use prior to January 1, 2009.)	7.23(1)(g) – 21 days after an election.
MAY		
7	Ballots from Spring Election may be destroyed if no election contest, recount, or litigation is pending.	7.23(1)(h) – 30 days after the election
7	Last day for municipal clerk to submit their Registration and Voting Statistics Report (GAB-190NF) for the Spring Election via WEDCS.	6.275 – within 30 days after each primary and election at which a state or national office is filled
JUNE		
29	First day for filing officers to send forms and notice to file July continuing campaign finance report to appropriate registrants (see July 20, 2015).	11.21(2), 11.23(3) – no earlier than 21 days before the filing deadline
30	Closing date for July continuing campaign finance report .	11.20(8)(c) – June 30

<u>DATE</u>		<u>STATUTE</u>
JULY		
6	Last day for filing officers to send forms and notice to file July continuing campaign finance report to appropriate registrants (see July 20, 2015).	11.21(2), 11.23(3) – No later than 14 days before the filing deadline
JULY		
20	Last day for registrants to file July continuing campaign finance reports.	11.20(4), (3) – No later than July 20
AUGUST		
SEPTEMBER		
OCTOBER		
NOVEMBER		
15	Government Accountability Board sends Type A notice of Spring Primary on February 16, 2016, and Spring Election on April 5, 2016, to county clerks.	10.01(1), (2)(a), 10.06(1)(a) – No later than November 15
24	County clerks publish Type A notice of Spring Primary on February 16, 2016, and Spring Election on April 5, 2016.	10.01(2)(a), 10.06(2)(a) – 4 th Tuesday of November
24	Municipal clerks publish Type A notice of local Spring Primary on February 16, 2016, and Spring Election on April 5, 2016.	10.01(2)(a), 10.06(3)(a), (4)(a) – 4 th Tuesday of November
30	Last day for political parties to submit list of nominees for election inspectors and special voting deputies to municipalities.	6.875(4), 7.30(4)(b), (c) – no later than November 30
DECEMBER		
1	First day for candidates to circulate nomination papers for 2015 Spring Election.	8.05(3)(a), (4)(b), 8.10(2)(a) – December 1
1	First day for town or village governing body to set the date for caucus.	8.05(1)(a) – Between December 1 and January 1
1	Municipal clerks certify the approximate number of electors in municipality to county clerks.	5.66(1) – 1 st day of the 2 nd month preceding a primary
8	Last day for filing officer to receive referendum questions or petitions for referendum intended for the Spring Primary ballot.	8.37 – 70 days prior to the election
9	Deadline for filing officer to file a copy of the referendum question intended for the Spring Primary with the county clerk.	8.37 – next business day after receipt by filing officer
18	Poll lists from the February 18, 2014, Spring Primary may be destroyed.	7.23(1)(e) – 22 months after election
28	Last day (5:00 p.m.) for incumbents not seeking reelection to file Notification of Noncandidacy (GAB-163) with the filing officer. (Failure to notify will extend nomination paper deadline 72 hours for that office.)	8.10(2)(a), 120.06(6)(b) – 2 nd Friday preceding the deadline for nomination papers
31	Closing date for January continuing campaign finance report.	11.20(8)(b) – December 31
31	Last day for governing body to appoint election officials for the 2016-2017 term.	7.30(4) – no later than December 31

Wisconsin County Clerks Association

President – Bruce Strama, Taylor County

Vice President – Karen Gibson, Dodge County

info@wisconsincountyclerks.org

www.wisconsincountyclerks.org



2015-2016 Legislative Objectives

Legislative Initiatives

Elections:

- Seventy days is seventy days for adding referenda to the ballot.
 - A Municipal Board of Canvassers should not have to reconvene if no late arriving absentee or provisional ballots have come in.
 - Except for military and overseas absentee ballots, absentee ballots must either be received by mail or be delivered to the polling place by 8 p.m. on Election Day in order to be counted.
 - Support limits for scheduling referenda on any date other than a regularly scheduled election date, except for municipal incorporation referendums.
 - Write-in candidates shall file a campaign registration statement with the appropriate filing officer, no later than 5:00 p.m. on the Thursday before any election at which the candidate seeks office, in order for the write-in vote to be recorded on the returns.
 - Increase the reimbursement rate for recount requests.
 - Clarify statutes to allow school districts to consolidate poll locations for elections and referenda.
 - Implement an Online Voter Registration System, with clerks having significant input on the design of the system.
 - Make the residency requirement for candidacy consistent across all state and local offices.
 - Stickers shall not be allowed on ballots.
 - Support discontinuing the EAC certification requirement for voting equipment, establish a state certification process, with clerks having significant input on the development of the process.
 - Move up the latest date a nomination by caucus can occur. The current date is January 30.
-

- Over-voted absentee ballots shouldn't have to be remade.

Vital Records:

- Support making the waiver fee an equal maximum amount for marriage licenses and domestic partnerships (\$25).
 - Domestic Partnerships should expire after 30 days (currently, unlike marriage licenses there is no expiration).
-

STATEMENT OF THE MUNICIPAL BOARD OF CANVASSERS

Reconciliation of Late-Arriving and Provisional Ballots Processed

(Date of Primary or Election)

No absentee ballots were returned and no provisional ballots rehabilitated. Election night results stand.
(MBOC must complete and sign certification below. *)

1. Breakdown of Absentee Ballot Processing

- a. Total number of absentee ballots counted by MBOC: _____
- b. Total number of absentee ballots rejected by MBOC: _____
- c. **TOTAL:** _____

(Number must match the number in 3.a. below.)

2. Breakdown of Provisional Ballot Processing

- a. Total number of provisional ballots counted by MBOC: _____
- b. Total number of provisional ballots rejected by MBOC: _____
- c. **TOTAL:** _____

(Number must match the number in 3.b. below.)

3. Total Number of Ballots Processed by MBOC

- a. Total number of **absentee ballots** processed by MBOC: _____
- b. Total number of **provisional ballots** processed by MBOC: _____
- c. **TOTAL:** _____

$1c+2c=3c$

* CERTIFICATION OF MUNICIPAL BOARD OF CANVASSERS *

We, the undersigned, certify that we are the members of the Municipal Board of Canvassers for

(insert municipality and county)

We certify that the above Reconciliation of Ballots Processed and the attached Statement of Tally of Late-Arriving Absentee Ballots and Provisional Ballots prepared by us, are correct and true as compiled from the absentee and provisional ballots provided to us by

_____, Clerk.
(Name of Municipal Clerk)

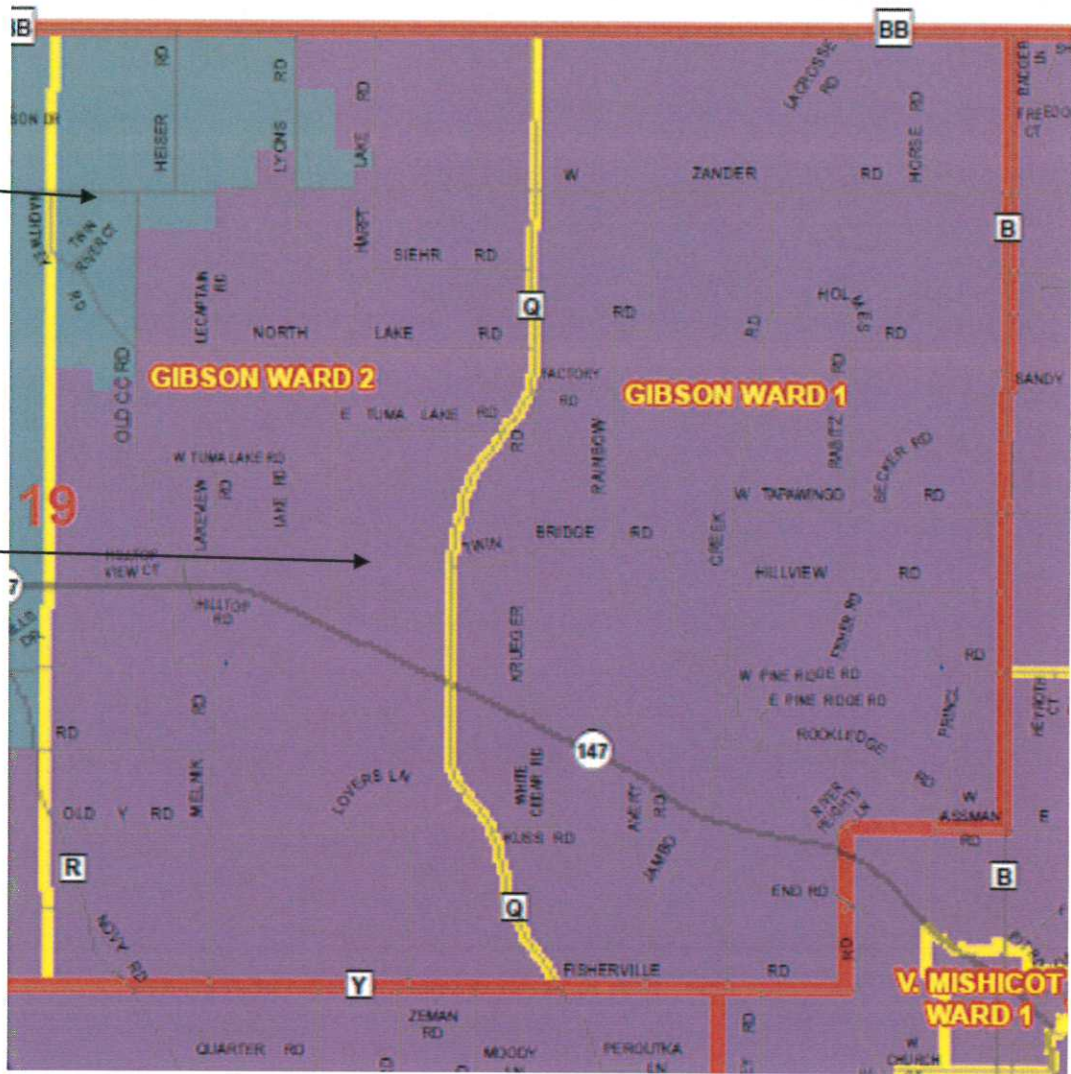
BOARD OF CANVASSERS

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____

(Date)

96 registered voters – Denmark School District

793 registered voters – Mishicot School District



WMCA ELECTION COMMUNICATION COMMITTEE

Pertaining to Assembly Committee on Campaigns and Elections

Public Hearing – Tuesday, April 21, 2015

Assembly Bill 58 – responding to a request for an absentee ballot

Assembly Bill 79 – allowing clerks to register voters on Election Day

Assembly Bill 124 – fees for election recounts

Assembly Bill 164 – various election law changes

The WMCA Election Communication Committee would like to submit testimony for the hearing today.

In general the clerks have no issues with the Bills as presented. The Committee submitted testimony to Senate Bill 47 which mirror Assembly Bill 58 in responding to absentee ballot requests. By changing the requirement to complete the request to one business day after receiving the request it makes the process reasonable and practicable to administer while ensuring the absentee request is being responded to and saving unnecessary staffing expenses for municipalities.

One other change we would like to request is that municipalities that close their offices to observe a holiday, i.e. Good Friday, would not be required to be open for absentee voting or processing late arriving absentee and Provisional Ballots. This is a huge expense for municipalities to accommodate a very small number of voters.

Assembly Bill 79 would be of help to many municipalities and would ensure there are well trained individuals to register voters. This would probably be used in smaller municipalities that don't receive a lot of registrations so the clerk would be the most trained and experienced at registering voters. The intent would be to have well trained individuals registering voters on Election Day this change allows that to happen.

Municipalities have been requesting Assembly Bill 124 for some time. Recounts should not be discouraged when the results are very close. But, are very expensive and time consuming when there is little chance the results will change. This Bill will assist municipalities in recovering some of the costs associated with a recount that has a wide spread in the results.

There are several components with Assembly Bill 164 that will clean up some items in Election Administration.

Requiring write-in candidates to file no later than noon on Friday allows Election Administrators to inform their Election Officials for Election Day purposes. Even with modern technology we still have ill effects from receiving last minute information for Election Day. This change will allow time to get these write-in's to the various entities that will be processing the ballots.

The provision that the Board of Canvassers does not have to reconvene if there are no provisional or absentee ballots received by Friday at 4:00pm is another change the clerks have requested. This would be of benefit to the municipalities.

WMCA Election Communication Committee

Diane Hermann-Brown WCPC/CMC/CPM Co-Chair	City of Sun Prairie
Sandi Wesolowski Co-Chair	City of Franklin
Chris Astrella WCMC	City of Waterloo
Sandra Boetcher	City of Altoon
Barbara Goeckner WCPC/MMC	Village of Germantown
Melissa Hongisto	Village of Suamico
Carla Ledesma, CMC	City of Wauwatosa
Sara Ludtke WCMC	Town of Middleton
Sue Peck	Village of Marshfield
Brenda Walker	Village of Coloma
Maribeth Witzel-Behl WCMC	City of Madison
Nancy Zastrow WCMC/CMC	Village of Pewaukee

State Election Communication Committee

The State Election Communication Committee shall be focused on communicating and serving as a liaison between WMCA members, Government Accountability Board and State Legislators on election related issues. The Committee will have a presence at GAB Board meetings, focus groups, Legislative Hearings and provide input that represents the WMCA membership needs and concerns in general.

The change in the caucus deadlines could have mixed opinions from town clerks, but overall would be of benefit to election administration. Many times ballots are held up countywide because the County Clerk is waiting for one township to hold their caucus. This then puts the county on a tight turn around to get ballots printed for the entire county. Municipalities without a caucus have deadlines for candidates to file their nomination papers by the first Tuesday in January, so providing towns until January 15th is accommodating but still provides a deadline that doesn't adversely affect the rest of the municipalities in that county. The town clerks I talked with didn't have an issue with this change.

The change for filing ordinance or resolution changes would be something again that would affect the timing of printing ballots. It is very difficult to calculate the dates for referendums. This change at a glance seems to streamline the timing with other election deadlines.

Stickers? What is there to say except our machines cost thousands of dollars of tax payer dollars to purchase and maintain. Stickers can really mess them up and cause delays in the voting process on Election Day. Clerks across the state will tell you that stickers should be eliminated.

The more School District election items that we can get to aligned with the rest of election administration items would make it much easier for everyone involved. I don't know if there are any School District that could conduct an election without the assistance of the Municipal and County Clerk. So the more items we can get that align with the rest of our duties, requirements and responsibilities would make it much easier for everyone involved.

Election Administration can be very confusing, time consuming, and expensive but all voters should be able to exercise their right to vote. These proposed Bill help to ensure that every ballot is counted and assists the municipalities with election administration. Please let us know if you have any questions or need additional information.

Diane Hermann-Brown WCPC/CMC/CPM
Co-Chair City of Sun Prairie

COUNTY CLERK

BROWN COUNTY

305 E. WALNUT STREET, ROOM 120
P.O. BOX 23600
GREEN BAY, WI 54305-3600

SANDRA L. JUNO
COUNTY CLERK

PHONE (920) 448-4016

FAX (920) 448-4498

juno_sl@co.brown.wi.us

Senate
Public Hearing
Committee on Elections and Local Government
Thursday, April 23, 2015
1:01 p.m.

SB-121

Relating to various election laws

I support this bill to amend the following:

Registered Write-In Candidates – It is important to set a reasonable deadline for write-in candidates to register with the clerk. I believe that noon the Friday before the election is a sufficient deadline. Currently, there is no deadline which makes it extremely difficult for clerks to communicate to poll workers tally instructions for Election Day registered write-in candidates. Any late changes make it difficult for clerks to inform poll workers of changes especially in the midst of hectic polling activity. Therefore, implementing a noon cutoff on the Friday preceding an election puts responsibility on the registered write-in to do so in a timely manner. Moreover, it provides enough time for clerks to prepare materials and communicate with poll workers tallying write-in votes.

Reconvening of canvassers for late arriving absentee ballots and provisional ballots – This is a common sense proposal that if no outstanding absentee ballots are received or provisional ballots are rectified by the Friday following the election, no changes needs to be made by the election canvassers to adjust vote totals. Therefore, it is cost effective and more efficient for the municipal clerk to certify that no additional valid ballots were received and vote totals will not change from the initial canvass.

City or Village ordinance to change combine wards at polling locations – This bill changes the number of days from 42 to 70 to inform clerks, electors, and general public of changes for the next election. This is important because of the stringent pre-election cycle of duties and responsibilities of municipal and county clerks in ballot production and printing, poll books, and elections supplies. The earlier notice of 70 days will be in sync with the 70 day deadline for referenda submission as well. Therefore, adopting this change creates an election processing work flow that meets the demands of ballot production, elector awareness, and interested parties involved in election processes.

Stickers on Ballots – The change to prohibit stickers on official ballots preserves our election equipment. The problem with using them is that it damages the electronic election tabulation equipment especially when they get stuck in the machine and gums up the parts. This equipment is very expensive and needs to have our vendor's technician do repairs which are costly. In no longer allowing stickers to be used it will ensure less equipment malfunctions on Election Day and will cause less voter frustration due to failing election equipment and voting delays

I appreciate you allowing me to comment and ask for your support in passing sb-121.

Thank you, Sandy Juno, Brown County Clerk

**Testimony of Kevin J. Kennedy
Director and General Counsel
Wisconsin Government Accountability Board**

Senate Committee on Elections and Local Government

April 23, 2015

**Room 411 South, State Capitol
Public Hearing**

Senate Bill 121

Chairperson LeMahieu and Committee Members:

Thank you for the opportunity to comment on the bills before you today. I am appearing here for information purposes and to answer any questions you or Committee members may have. The Government Accountability Board has not taken a position on this legislation.

2015 Senate Bill 121

This legislation was developed at the request of the Wisconsin County Clerks Association. It is designed achieve several goals to improve the administration of elections.

- Create a consistent timeline for adding referenda to the ballot. Under current law, certain referendum could be added 6 weeks prior to the election, while other items are 70 days. This bill creates a uniform 70 day requirement. The 70 day requirement was initiated to ensure compliance with the requirement to have absentee ballots available at least 48 days before a federal election.
- Removes the process for write-in candidates to distribute stickers. Currently electors are permitted to apply stickers for write-in candidates. In recent years stickers have created problems and damage to voting machines. This bill removes the process for stickers. Stickers are very popular with write-in candidates, particularly those with an abundance of consonants in their names. But stickers may not adhere to a ballot and can be a source of mischief at the polling place because of attempts to distribute them to voters or leave them in a voting booth.

- Creates uniform process for school board elections and school board referendum. Under existing law, if a school board election is held in conjunction with a state, county, municipal, or judicial election, the school board election must take place at the same polling place and the municipal election hours apply. This bill would extend that treatment to school board referendum as well.

One question that will arise is how does this apply if there is a state, county, municipal, or judicial election being held that day, but not in that particular municipality? Arguments will be made that the school district can select the polling place. There is also a question of who pays for the cost of conducting the school district election in that case.

Section 5.68 governs allocation of election costs. Section 120.06 (9)(b) sets the parameters under which a school board may select a polling place.

- Modifies the caucus timeline for town or village elective office. Currently, if a town or village does not use nomination papers for elective office, the governing body must hold a caucus sometime between the first Tuesday and last Tuesday in January. This bill provides that January 15 is the last day on which to hold the caucus. The benefit of this proposal is to ensure candidates are set for the Spring election in a timely manner.
- Creates a timeline for write-in candidate registration. Currently, a write-in candidate for office must file a registration statement to have their votes counted, but no deadline is set. To ease election-day processes and allow adequate communication amongst election officials, this bill sets the deadline for filing a registration statement at noon on the Friday immediately preceding the election. In the event that a certified candidate dies or withdraws before the election, all write-in votes will be counted.

The language about a candidate withdrawing is problematic. There is no provision for recognizing a candidate who withdraws. The candidate's name remains on the ballot no matter how they communicate their intention to withdraw. This language should be removed or a provision for withdrawal should be added to be clear under what circumstances a write-in vote would be counted in that contest.

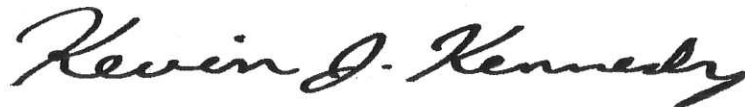
- Removes the requirement that the board of canvassers must reconvene when no provisional or absentee ballots are received. Under current law, if a municipal clerk receives valid provisional or absentee ballots by 4 p.m. on the Friday after the election, the board of canvassers must reconvene no later than 9 a.m. on the

Monday after the election to count the valid provisional and absentee ballots and adjust the election returns. This requirement applies even if no valid ballots are returned. This bill provides that if a clerk certifies that he or she has received no valid ballots between the initial canvas and 4 p.m. on Friday, then the board of canvassers is not required to reconvene.

Conclusion

Thank you for the opportunity to share my thoughts with you. I hope this testimony will help inform the Legislature's consideration of these bills. As always, we are available to answer questions and work with you in developing proposed legislation.

Respectfully submitted,

A handwritten signature in black ink that reads "Kevin J. Kennedy". The signature is written in a cursive, flowing style.

Kevin J. Kennedy
Director and General Counsel
Wisconsin Government Accountability Board

608-266-8005

Kevin.Kennedy@wi.gov