



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

<b>2015 Senate Bill 121</b>	<b>Senate Amendment 1</b>
<i>Memo published: June 8, 2015</i>	<i>Contact: Katie Bender-Olson, Staff Attorney (266-2988)</i>

### **2015 SENATE BILL 121**

#### **Write-In Votes**

Under **current law**, write-in votes are only counted if no candidates have been certified to appear on the election ballot or if a candidate certified to appear on the ballot dies or withdraws before the election. In addition, write-in votes are counted for a candidate who files a registration statement under campaign finance law. Current law does not require a registration statement to be filed by a specific deadline in order for write-in votes to be counted.

**Senate Bill 121** specifies a date by which a registration statement must be filed for a write-in candidate. Specifically, the bill requires a write-in candidate to file a registration statement no later than noon on the Friday immediately preceding the election, in order for write-in votes for that candidate to be counted.

#### **Municipal Board of Canvassers**

Under **current law**, a municipal board of canvassers must reconvene no later than 9 a.m. on the Monday after the election to count valid provisional and late-arriving absentee ballots, if any elector casts a provisional ballot or if the municipal clerk received any late-arriving absentee ballots.

The **bill** provides that a municipal board of canvassers need not reconvene if the municipal clerk certifies that he or she has received no provisional or absentee ballots between the time of the board's initial canvass and 4 p.m. on the Friday after the election.

### **Direct Legislation**

Under **current law**, if a common council or village board does not pass an ordinance or resolution that arose from a direct legislation petition, it must submit the ordinance or resolution to the electors at the next spring or general election, if the election is more than six weeks after the date of the council's or board's action on the petition or the expiration of the 30-day period in the statute, whichever occurs first. If there are six weeks or less before the election, the ordinance or resolution must be voted on at the next election thereafter.

The **bill** changes "6 weeks" to "70 days" in this provision to be consistent with a statutory requirement to file a referendum no later than 70 days prior to the election at which the referendum will be considered.

### **Use of Stickers on Ballots**

The **bill** deletes statutory language relating to the affixing of stickers to an election ballot.

### **School Referendum**

Under **current law**, if a school board election is held in conjunction with a state, county, municipal, or judicial election, the polling places for the state, county, municipal, or judicial election are the polling places for the school board election and the municipal election hours apply. If no state, county, municipal, or judicial election is held on the day of the school board election, the school board may select the polling places to be used, subject to certain requirements.

The **bill** applies these provisions to school district referenda.

### **Town or Village Caucus**

Under **current law**, if a town or village uses a caucus procedure to nominate candidates for town or village elected offices, the caucus must be held between the first Tuesday and last Tuesday in January.

The **bill** requires the caucus to be held between January 2 and January 15.

### **SENATE AMENDMENT 1**

Senate Amendment 1 makes a change to the bill's provision relating to a town or village caucus. Specifically, the amendment requires a town or village caucus to be held between January 2 and January 21.

In addition, the amendment changes "45 days" to "70 days" in the statute relating to school district bond referenda, to be consistent with a statutory requirement to file a referendum no later than 70 days prior to the election at which the referendum will be considered.

**BILL HISTORY**

Senate Amendment 1 was offered by Senator LeMahieu on June 1, 2015. On June 5, 2015, the Senate Committee on Elections and Local Government recommended adoption of the amendment on a vote of Ayes, 5; Noes, 0. The committee then recommended passage of Senate Bill 121, as amended, on a vote of Ayes, 5; Noes, 0.

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