

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 (d),  
3           (2), (2m) and (5), 8.185 (2), 8.21, 117.22 (2) (d), 120.06 (6) (b) 2., 120.06 (6) (b) 3.,  
4           120.06 (7) (a) and 120.06 (7) (b); and *to create* 5.02 (26), 7.08 (6), 7.10 (5), 7.15 (1)  
5           (L) and 120.06 (8) (dm) of the statutes; **relating to:** filing of declarations of  
6           candidacy and recording of votes received by write-in candidates in certain  
7           elections.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the joint legislative council's special committee on election law review.

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 draft 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 Friday 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 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 draft permits

the declaration and list of electors to be filed no later than 5 p.m. on the Friday before the general election.

This draft contains an effective date of January 1, 2006.

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 at an  
3 election for an office without qualifying to have his or her name appear on the ballot at that  
4 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 a timely  
7 declaration of candidacy with the board, the board shall immediately notify the county clerk  
8 or board of election commissioners of each county where the write-in candidate seeks office  
9 of the name of the candidate and the office that the candidate seeks. This subsection does not  
10 apply if the write-in candidate seeks an office for which there are no candidates whose names  
11 appear on the ballot or if there appears on the ballot the name of a deceased candidate for the  
12 office that the write-in candidate seeks.

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

14       7.10 (5) NOTICE OF WRITE-IN CANDIDATES. Whenever a write-in candidate files a timely  
15 declaration of candidacy with the county clerk, or the clerk receives notice from the board  
16 under s. 7.08 (6) that a write-in candidate seeks office in the county, the clerk shall  
17 immediately notify the municipal clerk or board of election commissioners of each  
18 municipality in the county where the write-in candidate seeks office of the name of the  
19 candidate and the office that the candidate seeks. This subsection does not apply if the write-in  
20 candidate seeks an office for which there are no candidates whose names appear on the ballot  
21 or if there appears on the ballot the name of a deceased candidate for the office that the write-in  
22 candidate seeks.

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

2           7.15 (1) (L) Whenever a write-in candidate files a timely declaration of candidacy with  
3 the municipal clerk, or the clerk receives notice from the county clerk or board of election  
4 commissioners under s. 7.10 (5) or a school district clerk under s. 120.06 (8) (dm) that a  
5 write-in candidate seeks office in the municipality, notify the inspectors at each polling place  
6 in the municipality where the write-in candidate seeks office of the name of the candidate and  
7 the office that the candidate seeks no later than 8 p.m. on election day. This paragraph does  
8 not apply if the write-in candidate seeks an office for which there are no candidates whose  
9 names appear on the ballot or if there appears on the ballot the name of a deceased candidate  
10 for the office that the write-in candidate seeks.

**NOTE:** SECTIONS 2, 3, and 4 require the appropriate filing officers to  
          notify the appropriate election officials when a declaration of candidacy  
          from a write-in candidate is received.

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

12          7.15 (2) (a) In municipal elections, the municipal clerks shall perform the duties  
13 prescribed for county clerks by under s. 7.10 (1) to (4) and (6).

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

15          7.51 (2) (e) If, after any ballots have been laid aside, the number of ballots still exceeds  
16 the total number of electors recorded on the registration or poll list, the inspectors shall  
17 separate the absentee ballots from the other ballots. If there is an excess number of absentee  
18 ballots, the inspectors shall place the absentee ballots in the ballot box and one of the inspectors  
19 shall publicly and without examination draw therefrom by chance the number of ballots equal  
20 to the excess number of absentee ballots. If there is an excess number of other ballots, the  
21 inspectors shall place those ballots in the ballot box and one of the inspectors shall publicly  
22 and without examination draw therefrom by chance the number of ballots equal to the excess

1 number of those ballots. All ballots so removed may not be counted but shall be specially  
2 marked as having been removed by the inspectors on original canvass due to an excess number  
3 of ballots, set aside and preserved. When the number of ballots and total shown on the poll  
4 or registration list agree, the inspectors shall return all ballots to be counted to the ballot box  
5 and shall turn the ballot box in such manner as to thoroughly mix the ballots. The inspectors  
6 shall then open, count and record the number of votes. In recording the votes cast for an office,  
7 the inspectors may indicate votes cast for a write-in candidate who did not file a timely  
8 declaration of candidacy under s. 8.21 for that office as scattering votes, unless there are no  
9 candidates whose names appear on the ballot for that office or unless there appears on the  
10 ballot the name of a deceased candidate for that office. When the ballots are counted, the  
11 inspectors shall separate them into piles for ballots similarly voted. Objections may be made  
12 to placement of ballots in the piles at the time the separation is made.

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

14 7.51 (2) (g) Immediately after the polls close, where voting machines are used, the  
15 inspectors shall open the registering or recording compartments or remove the record of the  
16 votes cast and shall canvass, record, announce and return on the tally sheets and certificates  
17 furnished. In recording the votes cast for an office, the inspectors may indicate votes cast for  
18 a write-in candidate who did not file a timely declaration of candidacy under s. 8.21 for that  
19 office as scattering votes, unless there are no candidates whose names appear on the ballot for  
20 that office or unless there appears on the ballot the name of a deceased candidate. In recording  
21 the votes registered on any counter which, before the opening of the polls, did not register 000,  
22 the inspectors shall upon the return sheets subtract the number registered before the polls  
23 opened from the number registered when the polls closed. The difference between the 2  
24 numbers is the correct vote for the candidate whose name was represented by the counter,

1 except if the number registered on the counter when the polls closed is smaller than the number  
2 registered thereon when the polls opened, the number 1,000 shall be added to the number  
3 registered when the polls closed, before the subtraction is made.

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

5 7.51 (4) (a) The tally sheets shall state the total number of votes cast for each office and  
6 for each individual receiving votes for that office, ~~whether or not the individual's name~~  
7 ~~appears on the ballot, and shall~~ except a write-in candidate who has not filed a timely  
8 declaration of candidacy under s. 8.21 for that office, unless there are no candidates whose  
9 names appear on the ballot for that office or unless there appears on the ballot the name of a  
10 deceased candidate for that office. The tally sheets shall also state the vote for and against each  
11 proposition voted on. Upon completion of the tally sheets, the inspectors shall immediately  
12 complete inspectors' statements in duplicate. The inspectors shall state the excess by which  
13 the number of ballots exceeds the number of electors voting as shown by the poll or  
14 registration list, if any, and shall state the number of the last elector as shown by the registration  
15 or poll lists. At least 3 inspectors, including the chief inspector and, unless election officials  
16 are appointed under s. 7.30 (4) (c) without regard to party affiliation, at least one inspector  
17 representing each political party, shall then certify to the correctness of the statements and tally  
18 sheets and sign their names. All other election officials assisting with the tally shall also certify  
19 to the correctness of the tally sheets. When the tally is complete, the inspectors shall publicly  
20 announce the results from the statements.

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

22 7.53 (1) MUNICIPALITIES WITH ONE POLLING PLACE. Where the municipality constitutes  
23 one ward or combines all wards to utilize a single polling place under s. 5.15 (6) (b), the  
24 canvass shall be conducted publicly under s. 7.51 and the inspectors shall act as the municipal

1 board of canvassers. Upon completion of the canvass and ascertainment of the results by the  
2 inspectors, the clerk shall publicly read the names of the persons voted for and the number of  
3 votes for each person for each municipal office, except a write-in candidate who has not filed  
4 a timely declaration of candidacy under s. 8.21 for the office for which the candidate receives  
5 a vote, unless there are no candidates whose names appear on the ballot for that office or unless  
6 there appears on the ballot the name of a deceased candidate for that office. The clerk shall  
7 also publicly read the names of the persons declared by the inspectors to have won nomination  
8 or election to each municipal office and the number of votes cast for and against each  
9 municipal referendum question.

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

11 7.53 (2) (d) The municipal board of canvassers shall publicly canvass the returns of  
12 every municipal election. The canvass shall begin within 24 hours after the polls close. At  
13 the spring election, the board of canvassers shall publicly declare the results on or before the  
14 2nd Tuesday in April. The board of canvassers shall prepare a statement showing the results  
15 of each election for any municipal office and each municipal referendum. After each primary  
16 for municipal offices, the board of canvassers shall prepare a statement certifying the names  
17 of those persons who have won nomination to office. After each other election for a municipal  
18 office and each municipal referendum, the board of canvassers shall prepare a determination  
19 showing the names of the persons who are elected to each municipal office and the results of  
20 each municipal referendum. The statement shall include the number of votes cast for each  
21 person for each municipal office, except a write-in candidate who has not filed a timely  
22 declaration of candidacy under s. 8.21 for the office for which the candidate receives a vote,  
23 unless there are no candidates whose names appear on the ballot for that office or unless there  
24 appears on the ballot the name of a deceased candidate for that office. The statement shall also

1 include the number of votes cast for and against each question submitted by the municipality.

2 The board of canvassers shall file each statement and determination in the office of the  
3 municipal clerk or board of election commissioners.

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

5 7.53 (3) (a) In a common, union high or unified school district, the school district clerk  
6 shall appoint 2 qualified electors of the school district prior to the date of the election being  
7 canvassed who shall, with the school district clerk, constitute the school district board of  
8 canvassers. If the school district clerk is a candidate at the election being canvassed, the other  
9 2 members of the board of canvassers shall designate a 3rd member to serve in lieu of the clerk  
10 for that election. The school district clerk shall appoint a member to fill any other temporary  
11 vacancy on the board of canvassers. The canvass shall begin as soon as possible after receipt  
12 of the returns, and shall continue, without adjournment, until completed. The board of  
13 canvassers may return defective returns to the municipal board of canvassers in the manner  
14 provided in s. 7.60 (3). The board of canvassers shall prepare a written statement showing the  
15 numbers of votes cast for each person for each office and, except a write-in candidate who  
16 has not filed a timely declaration of candidacy under s. 8.21 for the office for which the  
17 candidate receives a vote, unless there are no candidates whose names appear on the ballot for  
18 that office or unless there appears on the ballot for that office the name of a deceased candidate.  
19 The statement shall also show the numbers of votes cast for and against each question and,  
20 The board of canvassers shall also prepare a determination showing the names of the persons  
21 who are elected to the school board and the results of any school district referendum.  
22 Following each primary election, the board of canvassers shall prepare a statement certifying  
23 the names of the persons who have won nomination to the school board. Each statement and  
24 determination shall be attested by each of the canvassers. The board of canvassers shall file

1 each statement and determination in the school district office. The school district clerk shall  
2 certify nominations after each primary and issue certificates of election to persons who are  
3 elected to the school board after each election in the manner provided in sub. (4).

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

5 7.60 (4) (a) The board of canvassers shall make separate duplicate statements showing  
6 the numbers of votes cast for the offices of president and vice president; state officials; U.S.  
7 senators and representatives in congress; state legislators; justice; court of appeals judge;  
8 circuit judges; district attorneys; and metropolitan sewerage commissioners, if the  
9 commissioners are elected under s. 200.09 (11) (am). If a municipal judge elected under s.  
10 755.01 (4) serves a municipality that is located partially within the county and candidates for  
11 that judgeship file nomination papers in another county, the board of canvassers shall prepare  
12 a duplicate statement showing the numbers of votes cast for that judgeship in that county for  
13 transmittal to the other county. For partisan candidates, the statements shall include the  
14 political party or principle designation, if any, next to the name of each candidate. The board  
15 of canvassers shall also prepare a statement showing the results of any county, technical  
16 college district or statewide referendum. Each statement shall state show the total number of  
17 votes cast in the county for each office; the names of all persons for whom the votes were cast,  
18 as returned; and the number of votes cast for each person; and, except a write-in candidate who  
19 has not filed a timely declaration of candidacy under s. 8.21 for the office for which the  
20 candidate receives a vote, unless there are no candidates whose names appear on the ballot for  
21 that office or unless there appears on the ballot for that office the name of a deceased candidate.  
22 The statement shall also show the number of votes cast for and against any question submitted  
23 at a referendum. The board of canvassers shall use one copy of each duplicate statement to  
24 report to the elections board, technical college district board or board of canvassers of any



1 other county and shall file the other statement in the office of the county clerk or board of  
2 election commissioners.

**NOTE:** SECTIONS 6 through 12 authorize the recording of write-in votes for candidates who did not file a timely declaration of candidacy as “scattering” unless there are no candidates on the ballot or a candidate on the ballot is deceased.

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

4 7.60 (4) (c) In preparing the statements and determinations, the board of canvassers  
5 shall carefully review the tally sheets and inspectors’ statement. The board of canvassers may  
6 omit the names of individuals whose names do not appear on the ballot and who receive a  
7 comparatively small number of votes. The board of canvassers shall name of any write-in  
8 candidate who has not filed a timely declaration of candidacy under s. 8.21 for the office for  
9 which the candidate receives votes, and designate votes received by such individuals the  
10 candidate as scattering votes, unless there are no candidates whose names appear on the ballot  
11 for that office or unless there appears on the ballot for that office the name of a deceased  
12 candidate. The board of canvassers shall append to each statement and determination a  
13 tabulation of the votes cast at each election district, ward or combination of wards authorized  
14 under s. 5.15 (6) (b) in the county for each office and each individual, whether the votes are  
15 canvassed or not, as well as the total canvassed votes cast for each individual and each office,  
16 except where scattering votes are designated. If any votes are rejected, the board of canvassers  
17 shall specify the reasons therefor.

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

19 7.70 (3) (f) The statements shall show the persons’ names receiving votes, and any  
20 referenda questions; the whole number of votes given to each; and an individual listing by the  
21 districts or counties in which they were given. ~~The names of persons not regularly nominated~~

1 ~~who received only a comparatively small number of votes~~ name of any write-in candidate who  
2 has not filed a timely declaration of candidacy under s. 8.21 for the office for which the  
3 candidate receives votes may be omitted and ~~their~~ the votes cast for that candidate may be  
4 designated as scattering votes, unless there are no candidates whose names appear on the ballot  
5 for that office or unless there appears on the ballot for that office the name of a deceased  
6 candidate.

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

8 8.05 (5) WHEN PRIMARY IS HELD. Towns and villages adopting the nonpartisan primary  
9 to nominate candidates, under subs. (3) and (4), shall hold a primary only when the number  
10 of candidates, other than write-in candidates, for an elective office in the municipality exceeds  
11 twice the number to be elected to the office. A primary for the office of municipal judge under  
12 s. 755.01 (4) shall be held whenever there are more than 2 candidates, other than write-in  
13 candidates, for that office. Those offices for which a primary has been held shall have only  
14 the names of candidates nominated at the primary appear on the official spring election ballot.  
15 When the number of candidates, other than write-in candidates, for an office does not exceed  
16 twice the number to be elected, their names shall appear on the official ballot for the election  
17 without a primary.

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

19 8.11 (1) (b) Any city may provide by charter ordinance, under s. 66.0101, that whenever  
20 3 or more candidates, other than write-in candidates, file nomination papers for a city office,  
21 a primary to nominate candidates for the office shall be held.

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

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

5           (2m) FIRST CLASS CITY SCHOOL BOARD. A primary shall be held in 1st class cities  
6           whenever there are more than 2 candidates, other than write-in candidates, for member of the  
7           board of school directors at-large or from any election district in any year.

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

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

12          8.185 (2) Any candidates for the office of president and vice president of the United  
13          States as write-in candidates shall file ~~a list of presidential electors and~~ with the board a  
14          declaration of candidacy in the manner prescribed in s. 8.21 ~~with the board no later than 4:30~~  
15          ~~p.m. on the 2nd Tuesday preceding the day of the general election to choose the president and~~  
16          ~~vice president of the United States and, together with the declaration of candidacy, a list of~~  
17          presidential electors. The list shall contain one presidential elector from each congressional  
18          district and 2 electors from the state at large and the names of the candidates for president and  
19          vice president for whom they intend to vote, if elected. ~~Compliance with this subsection may~~  
20          ~~be waived by the board but only if the results of the general election indicate that a write-in~~  
21          ~~candidate for the office of president is eligible to receive the electoral votes of this state except~~  
22          ~~for noncompliance with this subsection. In such event, the write-in candidate shall have until~~  
23          ~~4:30 p.m. on the Friday following the general election to comply with the filing requirements~~  
24          ~~of this subsection.~~

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

2           **8.21 Declaration of candidacy.** Each candidate, except a write-in candidate or a  
3 candidate for presidential elector under s. 8.20 (2) (d), shall file a declaration of candidacy,  
4 no later than the latest time provided for filing nomination papers under s. 8.10 (2) (a), 8.15  
5 (1), 8.20 (8) (a) or 8.50 (3) (a), or the time provided under s. 8.16 (2) or 8.35 (2) (c). A write-in  
6 candidate may file a declaration of candidacy no later than 5 p.m. on the Friday before the day  
7 of the primary or other election at which the candidate seeks office. A candidate shall file the  
8 declaration with the officer or agency with which nomination papers are filed for the office  
9 which the candidate seeks, or if nomination papers are not required, with the clerk or board  
10 of election commissioners of the jurisdiction in which the candidate seeks office. The  
11 declaration shall be sworn to before any officer authorized to administer oaths. The  
12 declaration shall contain the name of the candidate in the form specified under s. 8.10 (2) (b)  
13 for candidates for nonpartisan office or s. 8.15 (5) (a) or 8.20 (2) (a) for candidates for partisan  
14 office, and shall state that the signer is a candidate for a named office, that he or she meets or  
15 will at the time he or she assumes office meet applicable age, citizenship, residency or voting  
16 qualification requirements, if any, prescribed by the constitutions and laws of the United States  
17 and of this state, and that he or she will otherwise qualify for office if nominated and elected.  
18 The Except in the case of a write-in candidate, the declaration shall include the candidate's  
19 name in the form in which it will appear on the ballot. Each candidate for state and local office  
20 shall include in the declaration a statement that he or she has not been convicted of any  
21 misdemeanor designated under state or federal law as a violation of the public trust or any  
22 felony for which he or she has not been pardoned. In addition, each candidate for state or local  
23 office shall include in the declaration a statement that discloses his or her municipality of  
24 residence for voting purposes, and the street and number, if any, on which the candidate

1 resides. The declaration is valid with or without the seal of the officer who administers the  
2 oath. A candidate for state or local office shall file an amended declaration under oath with  
3 the same officer or agency if any information contained in the declaration changes at any time  
4 after the original declaration is filed and before the candidate assumes office or is defeated for  
5 election or nomination.

**NOTE:** Section 18 authorizes a write-in candidate to file a declaration of  
candidacy by 5 p.m. on the Friday before an election.

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

7 117.22 (2) (d) At least 12 weeks prior to the date of the election, the school district clerk  
8 shall publish a type A notice of the school board election, under s. 10.01 (2) (a). No later than  
9 5 p.m. on the date 10 weeks prior to the election, any qualified elector of the school district  
10 created by the reorganization, other than a write-in candidate as defined in s. 5.02 (26), may  
11 file with the school district clerk a sworn declaration of candidacy for the school board and,  
12 if required, nomination papers, as provided under s. 120.06 (6) (b). A write-in candidate may  
13 file a declaration of candidacy no later than 5 p.m. on the Friday before the day of the primary  
14 or other election at which the candidate seeks office. For purposes of this paragraph, a  
15 candidate who resides in the territory of the school district created pursuant to a reorganization  
16 under s. 117.105 and is otherwise a qualified elector shall be considered a qualified elector for  
17 a school board election under par. (bm). A candidate shall file an amended declaration with  
18 the school district clerk as provided in s. 120.06 (6) (b) 5. Within 8 days after the first election  
19 in the newly created school district, the school district clerk shall notify the successful  
20 candidates of their election. On the 2nd Tuesday following the election, the clerk shall  
21 administer or receive the official oath and the newly elected members shall take office.

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

1           120.06 (6) (b) 2. Except as authorized in this paragraph, no later than 5 p.m. on the first  
2           Tuesday in January prior to the spring election, or on the next day if Tuesday is a holiday, any  
3           qualified elector of the school district, other than a write-in candidate as defined in s. 5.02 (26),  
4           may file a sworn declaration of candidacy with the school district clerk in the form provided  
5           in s. 8.21 at the place specified in the notice. A write-in candidate may file a declaration of  
6           candidacy no later than 5 p.m. on the day before the Friday of the primary or other election  
7           at which the candidate seeks office. If the school district contains territory lying within a 2nd  
8           class city, or if the school board or annual meeting requires nomination papers under par. (a),  
9           any qualified elector of the school district who desires to be a candidate, other than a write-in  
10          candidate, shall in addition file nomination papers in the form prescribed under s. 8.10 (2) and  
11          (3) with the school district clerk at the place specified in the notice.

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

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

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

1           120.06 (7) (a) No later than 5 p.m. on the 2nd Tuesday in January, the school district  
2 clerk shall verify the declarations of candidacy and certify the names of candidates who have  
3 filed valid nomination papers, where required, and who qualify for office. In making  
4 verifications or certifications, the school district clerk shall designate the form of each  
5 candidate's name to appear on the ballot in the manner prescribed in s. 7.08 (2) (a). Once filed,  
6 a declaration of candidacy or nomination papers may not be withdrawn. This paragraph does  
7 not apply to write-in candidates as defined in s. 5.02 (26).

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

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

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

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

1 the ballot for that office or unless there appears on the ballot the name of a deceased candidate  
2 for that office.

3 **SECTION 25. Effective date.** This act takes effect on January 1, 2006.

4 (END)