ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 124

May 18, 2015 – Offered by Representative ZAMARRIPA.

1   AN ACT *to amend* 9.01 (1) (ag) 1., 9.01 (1) (ag) 1m., 9.01 (1) (ag) 2. and 9.01 (1)

2   (ag) 3m.; and *to create* 9.01 (1) (ag) 1d. of the statutes; **relating to:** fees for

3   election recounts.

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

4   **SECTION 1.** 9.01 (1) (ag) 1. of the statutes is amended to read:

5   9.01 **(1)** (ag) 1. If the difference between the votes cast for the leading candidate

6   and those cast for the petitioner or the difference between the affirmative and

7   negative votes cast upon any referendum question is equal to or less than 10 if 1,000

8   or less votes are cast or not more than 0.5% 0.25 percent of the total votes cast for the

9   office or on the question if more than 1,000 votes are cast following canvassing of all

10   valid provisional and absentee ballots, the petitioner is not required to pay a fee.

11   **SECTION 2.** 9.01 (1) (ag) 1d. of the statutes is created to read:

1   9.01 **(1)** (ag) 1d.   If the difference between the votes cast for the leading

2   candidate and those cast for the petitioner or the difference between the affirmative

3   and negative votes cast upon any referendum question is more than 0.25 percent but

4   not more than 0.5 percent if more than 1,000 votes are cast following canvassing of

5   all valid provisional and absentee ballots, the petitioner shall pay a fee of $25 for each

6   ward for which the petition requests a ballot recount, or $25 for each municipality

7   for which the petition requests a recount where no wards exist.

8   SECTION 3. 9.01 (1) (ag) 1m. of the statutes is amended to read:

9   9.01 **(1)** (ag) 1m.   If the difference between the votes cast for the leading

10   candidate and those cast for the petitioner or the difference between the affirmative

11   and negative votes cast upon any referendum question is at least more than 10 if

12   1,000 or less votes are cast, but not more than 25, or is more than 0.5% 0.5 percent

13   but not more than 2% 1 percent if more than 1,000 votes are cast following canvassing

14   of all valid provisional and absentee ballots, the petitioner shall pay a fee of $5 $50

15   for each ward for which the petition requests a ballot recount, or $5 $50 for each

16   municipality for which the petition requests a recount where no wards exist.

17   SECTION 4. 9.01 (1) (ag) 2. of the statutes is amended to read:

18   9.01 **(1)** (ag) 2. If the difference between the votes cast for the leading candidate

19   and those cast for the petitioner or the difference between the affirmative and

20   negative votes cast upon any referendum question is more than 25 if 1,000 or less

21   votes are cast or more than 2% 1 percent if more than 1,000 votes are cast following

22   canvassing of all valid provisional and absentee ballots, the petitioner shall pay a fee

23   equal to the actual cost of performing the recount in each ward for which the petition

24   requests a recount, or in each municipality for which the petition request requests

25   a recount where no wards exist.

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SECTION 5

1   **SECTION 5.** 9.01 (1) (ag) 3m. of the statutes is amended to read:

2   9.01 **(1)** (ag) 3m. The petitioner shall pay any balance owing toward the fee due

3   under subd. 2. within 30 days after the clerk or body receiving the petition provides

4   the petitioner with a written statement of the amount due. If the petitioner has

5   overpaid the fee due under subd. 2. the clerk or body receiving the petition shall

6   refund the amount overpaid within 30 days after the board of canvassers makes its

7   determination in the recount. <u>If, as a result of the recount, the petitioner is the</u>

8   <u>leading candidate, or the majority of votes cast on the referendum changes from</u>

9   <u>affirmative to negative or from negative to affirmative, the clerk or body receiving</u>

10   <u>the petition shall refund the amount paid under subd. 1d., 1m., or 2. within 30 days</u>

11   <u>after the board of canvassers makes its determination in the recount. For purposes</u>

12   <u>of this subdivision, a petitioner has not overpaid the fees due under subd. 1d., 1m.,</u>

13   <u>or 2., and is therefore not entitled to a refund under this subdivision, if the recount</u>

14   <u>results in a difference in the votes cast that is below the threshold for paying the fee</u>

15   <u>under subd. 1d., 1m., or 2.</u>

16   **SECTION 6. Initial applicability.**

17   (1) RECOUNTS. This act first applies to petitions filed on the effective date of this

18   subsection.

19   **(END)**