



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2003 Assembly Bill 115**

**Assembly  
Amendment 1**

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Generally, under current law, 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.”

**2003 Assembly Bill 115** allows any write-in candidate to file a declaration of candidacy with the appropriate filing officer or agency no later than 5:00 p.m. on the day before the primary or other election at which the candidate seeks office. The bill provides that 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 he or she receives votes. The provisions of the bill would 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.

**Assembly Amendment 1** clarifies that a board of canvassers may not certify or determine that a write-in candidate has won nomination or election whenever votes are not permitted to be recorded for that candidate under the bill. In addition, the amendment prohibits the board of canvassers from including on their tally sheets the names of write-in candidates who did not timely file a declaration. Finally, Assembly Amendment 1 changes the date on which a declaration of candidacy from a write-in candidate is due to 5:00 p.m. on the *seventh day before the primary or other election* at which the candidate seeks election.

### Legislative History

**Assembly Amendment 1**, offered by Representative Grothman, was adopted by the Assembly on March 18, 2003 by a vote of Ayes, 56; Noes, 41. **Assembly Bill 115** was passed by the Assembly, as amended, on the same date by a vote of Ayes, 57; Noes, 40.

RJC:ksm;jal;ksm