



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5801/1
JK:amn

2019 SENATE BILL 893

March 19, 2020 - Introduced by Senators SMITH and MILLER, cosponsored by Representatives SUBECK, SPREITZER, EMERSON, C. TAYLOR, ZAMARRIPA, ANDERSON and BROSTOFF. Referred to Committee on Elections, Ethics and Rural Issues.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber and amend* 7.60 (4) (c); *to amend* 5.01 (4) (a), 5.01 (4) (b),
2 5.01 (4) (c), 7.08 (1) (c), 7.50 (1) (b), 7.50 (1) (c), 7.50 (2) (intro.), 7.51 (4) (a), 7.51
3 (5) (a) 3., 7.53 (1) (a), 7.60 (4) (a), 8.17 (1) (a), 8.17 (4), 8.17 (5) (b), 10.02 (3)
4 (intro.) and 120.06 (7) (b); and *to create* 5.05 (1) (g), 5.20, 6.80 (2) (g), 7.60 (4)
5 (c) 3., 7.60 (4) (c) 4., 7.62, 8.05 (1) (L), 10.02 (4) and 20.510 (1) (ed) of the statutes;
6 **relating to:** ranked-choice voting for local nonpartisan elections, granting
7 rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill allows local governmental units to enact an ordinance or adopt a resolution to use ranked-choice voting for the election of all local officials, not including recall elections for any such officials. The bill defines "local governmental unit" as a county, city, village, town, or special purpose district, including a school district. Under ranked-choice voting, each voter may rank as many preferences for each office or seat as there are candidates whose names appear on the ballot for that office or seat. If the voter indicates a preference for more than one candidate for an office or seat, the voter must indicate a preference between the candidates by designating one as "first choice," another as "second choice," and ranking subsequent choices in sequential preference. A voter may also indicate a preference for one or more write-in candidates for any office or seat.

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A voter who casts one vote for a candidate for an office or seat but who does not indicate a preference is considered to have cast a “first-choice” preference for that candidate. If any candidate receives a majority of the first-choice preferences for the office or seat, that candidate is elected. If no candidate receives a majority of the first-choice preferences for an office or seat, the name of the candidate receiving the least number of first-choice preferences is dropped and the second-choice preferences of the voters who preferred that candidate, if any, are then added to the first-choice preferences received by the other candidates. Subsequent preferences of those voters are allocated to the other candidates in a similar manner as candidates with the fewest voter preferences are eliminated. If any candidate for the office or seat then has a majority of the combined first-choice and reallocated preferences, that candidate is elected. If not, the procedure is repeated until one candidate receives a majority of the combined first-choice and reallocated preferences.

In the case of a multiple-seat district, the candidates whose vote total is equal to or greater than the threshold number of votes are elected. The threshold is determined by dividing the total number of votes cast for the open seats by the number of the open seats, plus one, and adding one to the quotient, disregarding any fractions. Generally, if a candidate receives more than the number of threshold votes during a round of counting the preferential votes, his or her surplus votes are allocated to the continuing candidates in order of preference until all open seats are filled. A voter may also indicate a preference for one or more write-in candidates.

Under ranked-choice voting, no primary election is held for an elective office in a local governmental unit.

Finally, the bill authorizes the Elections Commission to make expenditures to implement and administer ranked-choice voting, including updating equipment and software and implementing secure technologies, and to make grants to local governmental units for the same purpose.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 5.01 (4) (a) of the statutes is amended to read:
2 5.01 (4) (a) If Except as provided under s. 7.62, if 2 or more candidates for the
3 same office receive the greatest, but an equal number of votes, the winner shall be
4 chosen by lot in the presence of the board of canvassers charged with the
5 responsibility to determine the election, or in the case of an election for state or
6 national office or metropolitan sewerage commissioner, if the commissioner is

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1 elected under s. 200.09 (11) (am), in the presence of the chairperson of the elections
2 commission or the chairperson's designee.

3 **SECTION 2.** 5.01 (4) (b) of the statutes is amended to read:

4 5.01 (4) (b) If Except as provided under s. 7.62, if, in a primary, 2 or more
5 candidates receive an equal but not the greatest number of votes so that only one of
6 those candidates with equal votes may advance to the final election, the choice shall
7 similarly be made by drawing lots.

8 **SECTION 3.** 5.01 (4) (c) of the statutes is amended to read:

9 5.01 (4) (c) The For purposes of pars. (a) and (b), the candidates may, if all those
10 tied for the same office are present, draw for themselves. Upon refusal or absence
11 of any of the candidates, the board of canvassers shall appoint a competent person
12 to draw, and upon the results declare and certify the winner.

13 **SECTION 4.** 5.05 (1) (g) of the statutes is created to read:

14 5.05 (1) (g) Make grants to local governmental units, as defined in s. 5.20 (1)
15 (a), to update equipment and software, including the implementation of secure
16 technologies, to administer ranked-choice voting under s. 5.20 and the canvass
17 procedure for ranked-choice voting under s. 7.62.

18 **SECTION 5.** 5.20 of the statutes is created to read:

19 **5.20 Ranked-choice voting. (1)** In this section:

20 (a) "Local governmental unit" means a county, city, village, town, or special
21 purpose district, including a school district.

22 (b) "Ranked-choice voting" means a voting method in which the electors voting
23 in an election for an elective office are permitted to indicate and order their
24 preferences for all candidates whose names appear on the ballot for the same office
25 or seat.

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1 **(2)** Except as provided in ss. 8.05 (1) (L) and 9.10 (3) (d) and (e) and (4) (f), the
2 governing body of a local governmental unit may enact an ordinance or adopt a
3 resolution to use ranked-choice voting for all elective offices to be filled in the local
4 governmental unit. A governing body that enacts an ordinance or adopts a resolution
5 to use ranked-choice voting shall notify the commission that it has taken such action
6 no later than 120 days prior to the first election at which it intends to use
7 ranked-choice voting. No governing body that adopts ranked-choice voting shall
8 hold primaries for elective offices to be filled in the local governmental unit. A
9 governing body that adopts ranked-choice voting shall use ranked-choice voting for
10 all elective offices to be filled in the local governmental unit until such time as the
11 ordinance or resolution is repealed. A governing body shall notify the commission
12 of such a repeal no later than 120 days prior to the first election at which
13 ranked-choice voting will no longer be used.

14 **(3)** An elector may rank as many preferences for each office as there are
15 candidates for the office whose names appear on the ballot. If more than one seat on
16 a governing body is to be filled at large, the procedure under s. 7.62 (3) applies. If
17 write-in votes are permitted, a voter may vote for a write-in candidate in addition
18 to any candidate whose name appears on the ballot. To indicate a preference, an
19 elector shall mark his or her ballot with or cause the voting machine to indicate the
20 elector's first choice, 2nd choice, 3rd choice, and subsequent choices, if any. An elector
21 is not required to indicate a choice and is not required to indicate as many choices
22 as the elector is eligible to indicate.

23 **SECTION 6.** 6.80 (2) (g) of the statutes is created to read:

24 6.80 **(2)** (g) In elections for offices at which ranked-choice voting under s. 5.20
25 is used, an elector may rank as many preferences for each office or seat as there are

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1 candidates whose names appear on the ballot for that office or seat. If more than one
2 seat on a governing body is to be filled at large, an elector may rank as many
3 preferences for that office or seat as there are candidates whose names appear on the
4 ballot for all of the seats to be filled. If write-in votes are permitted, a voter may vote
5 for a write-in candidate in addition to any candidate whose name appears on the
6 ballot. An elector who indicates preferences for candidates for an office or seat must
7 indicate a different preference for each candidate for that office or seat. If an elector
8 casts more than one vote for any office or seat without indicating preferences, the
9 elector's intent shall be determined as provided under s. 7.62 (4).

10 **SECTION 7.** 7.08 (1) (c) of the statutes is amended to read:

11 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4) and (5), 6.33
12 (1), 6.47 (1) (am) 2. and (3), 6.55 (2), and 6.86 (2) to (3), and 7.62 (1m). All such forms
13 shall contain a statement of the penalty applicable to false or fraudulent registration
14 or voting through use of the form. Forms are not required to be furnished by the
15 commission.

16 **SECTION 8.** 7.50 (1) (b) of the statutes is amended to read:

17 7.50 (1) (b) When an elector casts more votes for any office or measure than he
18 or she is entitled to cast at an election, all the elector's votes for that office or measure
19 are invalid and the elector is deemed to have voted for none of them, except as
20 provided in par. (c) and sub. (2) (d) and s. 7.62. If an elector casts less votes for any
21 office or measure than he or she is entitled to cast at an election, all votes cast by the
22 elector shall be counted but no vote shall be counted more than once, except as
23 provided in s. 7.62.

24 **SECTION 9.** 7.50 (1) (c) of the statutes is amended to read:

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1 7.50 (1) (c) If an elector casts more than one vote for the same candidate for the
2 same office, the first vote is valid and the remaining votes are invalid, except as
3 provided in s. 7.62.

4 **SECTION 10.** 7.50 (2) (intro.) of the statutes is amended to read:

5 7.50 (2) ASCERTAINMENT OF INTENT. (intro.) All ballots cast at an election which
6 bear the initials of 2 inspectors shall be counted for the person or referendum
7 question for whom or for which they were intended, so far as the electors' intent can
8 be ascertained from the ballots notwithstanding informality or failure to fully
9 comply with other provisions of chs. 5 to 12. ~~To~~ Except as otherwise provided under
10 s. 7.62, to determine intent:

11 **SECTION 11.** 7.51 (4) (a) of the statutes is amended to read:

12 7.51 (4) (a) The tally sheets shall state the total number of votes cast for each
13 office and for each individual receiving votes for that office, whether or not the
14 individual's name appears on the ballot, and shall state the vote for and against each
15 proposition voted on. For elections conducted under s. 5.20, the tally sheets shall
16 also, for each round of tabulation, state the total number of highest-ranked
17 preferences received by each candidate and the total number of lesser-ranked
18 preferences received by each candidate, indicating the total number for each
19 preference. Upon completion of the tally sheets, the inspectors shall immediately
20 complete the inspectors' statement. The inspectors shall state the excess, if any, by
21 which the number of ballots exceeds the number of electors voting as shown by the
22 poll list and shall state the number of the last elector as shown by the poll lists. At
23 least 3 inspectors, including the chief inspector and, unless election officials are
24 appointed under s. 7.30 (4) (c) without regard to party affiliation, at least one
25 inspector representing each political party, but not including any inspector

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1 appointed under s. 7.30 (1) (b), shall then certify to the correctness of the statement
2 and tally sheets and sign their names. All other election officials assisting with the
3 tally shall also certify to the correctness of the tally sheets. When the tally is
4 complete, the inspectors shall publicly announce the results from the statement.

5 **SECTION 12.** 7.51 (5) (a) 3. of the statutes is amended to read:

6 7.51 (5) (a) 3. The inspectors shall also seal the inspectors' statement, inside
7 a separate carrier envelope, and shall similarly seal in a separate carrier envelope
8 one tally sheet and one poll list for delivery to the municipal clerk. For elections
9 conducted under s. 5.20, the inspectors shall enclose the tally sheet provided under
10 s. 7.62 (1m). For school district elections, except in 1st class cities, the inspectors
11 shall seal one tally sheet and one poll list for delivery to the school district clerk.

12 **SECTION 13.** 7.53 (1) (a) of the statutes is amended to read:

13 7.53 (1) (a) Where the municipality constitutes one ward or combines all wards
14 to utilize a single polling place under s. 5.15 (6) (b), the canvass of the votes cast at
15 the polling place shall be conducted publicly under s. 7.51 and the inspectors, other
16 than any inspector appointed under s. 7.30 (1) (b), shall act as the municipal board
17 of canvassers. The inspectors shall then complete the return statement for all votes
18 cast at the polling place. If there are no provisional ballots that are eligible to be
19 counted under s. 6.97 and no absentee ballots are being canvassed under s. 7.52, the
20 inspectors may complete and sign the canvass statement and determination on
21 election night. In municipalities where absentee ballots are canvassed under s. 7.52,
22 after the canvass of the absentee ballots is completed under s. 7.52, the board of
23 absentee ballot canvassers shall reconcile the poll list of the electors who vote by
24 absentee ballot with the corresponding poll list of the electors who vote in person to
25 ensure that no elector is allowed to cast more than one ballot. If an elector who votes

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1 in person has submitted an absentee ballot, the absentee ballot is void. Except as
2 authorized in par. (b), if one or more electors of the municipality have cast provisional
3 ballots that are eligible to be counted under s. 6.97, the inspectors, acting as the board
4 of canvassers, shall reconvene no later than 9 a.m. on the Monday after the election
5 to count the valid provisional ballots and shall adjust the returns accordingly. The
6 inspectors, acting as the board of canvassers, need not reconvene if the municipal
7 clerk certifies that he or she has received no provisional ballots from the time that
8 the board of canvassers completed the initial canvass and 4 p.m. on the Friday after
9 the election. Upon completion of the canvass under this paragraph and any canvass
10 that is conducted under s. 7.52 or 7.62 and ascertainment of the results by the
11 inspectors or, in municipalities where absentee ballots are canvassed under s. 7.52,
12 by the inspectors and the board of absentee ballot canvassers, the municipal clerk
13 shall publicly read to the inspectors or the board of absentee ballot canvassers the
14 names of the persons voted for and the number of votes for each person for each
15 municipal office; for elections conducted under s. 5.20, the number of
16 highest-ranked preferences and the number of lesser-ranked preferences for each
17 person for each office, indicating the numbers for each preference; the names of the
18 persons declared by the inspectors or board of absentee ballot canvassers to have won
19 nomination or election to each municipal office; and the number of votes cast for and
20 against each municipal referendum question.

21 **SECTION 14.** 7.60 (4) (a) of the statutes is amended to read:

22 7.60 (4) (a) The board of canvassers shall make separate duplicate statements
23 showing the numbers of votes cast for the offices of president and vice president; state
24 officials; U.S. senators and representatives in congress; state legislators; justice;
25 court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage

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1 commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a
2 municipal judge elected under s. 755.01 (4) serves a municipality that is located
3 partially within the county and candidates for that judgeship file nomination papers
4 in another county, the board of canvassers shall prepare a duplicate statement
5 showing the numbers of votes cast for that judgeship in that county for transmittal
6 to the other county. For partisan candidates, the statements shall include the
7 political party or principle designation, if any, next to the name of each candidate.
8 The board of canvassers shall also prepare a statement showing the results of any
9 county, technical college district, or statewide referendum. Each statement shall
10 state the total number of votes cast in the county for each office; the names of all
11 persons for whom the votes were cast, as returned; the number of votes cast for each
12 person; for elections conducted under s. 5.20, the number of highest-ranked
13 preferences and lesser-ranked preferences cast for each person, indicating the
14 numbers for each preference; and the number of votes cast for and against any
15 question submitted at a referendum. The board of canvassers shall use one copy of
16 each duplicate statement to report to the elections commission, technical college
17 district board, or board of canvassers of any other county and shall file the other
18 statement in the office of the county clerk or board of election commissioners.

19 **SECTION 15.** 7.60 (4) (c) of the statutes is renumbered 7.60 (4) (c) (intro.) and
20 amended to read:

21 7.60 (4) (c) (intro.) In preparing the statements and determinations, the board
22 of canvassers shall carefully review the tally sheets and inspectors' statement. The
23 board of canvassers may omit the names of individuals whose names do not appear
24 on the ballot and who receive a comparatively small number of votes. The board of
25 canvassers shall designate votes received by such individuals as scattering votes.

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1 The board of canvassers shall append the following to each statement and
2 determination ~~and~~:

3 1. A tabulation of the votes cast at each election district, ward, or combination
4 of wards authorized under s. 5.15 (6) (b) in the county for each office and each
5 individual, whether the votes are canvassed or not, ~~as well as the~~.

6 2. The total canvassed votes cast for each individual and each office, except
7 where scattering votes are designated. ~~If any votes are rejected, the board of~~
8 ~~canvassers shall specify the reasons therefor.~~

9 **SECTION 16.** 7.60 (4) (c) 3. of the statutes is created to read:

10 7.60 (4) (c) 3. After elections at which ranked-choice voting under s. 5.20 is
11 used, the number of highest-ranked preferences and lesser-ranked preferences for
12 each person for each office, indicating the numbers for each choice.

13 **SECTION 17.** 7.60 (4) (c) 4. of the statutes is created to read:

14 7.60 (4) (c) 4. For each rejected vote, the board of canvassers' explanation for
15 rejecting the vote.

16 **SECTION 18.** 7.62 of the statutes is created to read:

17 **7.62 Canvass procedure for ranked-choice voting. (1) DEFINITION.** In
18 this section, "continuing candidate" means a candidate that has not been eliminated
19 or elected.

20 **(1m) TALLY SHEETS.** The commission shall prescribe a tally sheet form for
21 canvassing of elections in which ranked-choice voting is used. The inspectors shall
22 use the form in preparing the returns and shall retain the form as a part of the official
23 returns.

24 **(2) SINGLE-SEAT ELECTION.** (a) For determining the winning candidate for a
25 single-seat election using ranked-choice voting, the candidate that receives the

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1 majority of the highest-ranked preferences for an office or seat shall be elected. If
2 no candidate for an office or seat receives a majority of the highest-ranked
3 preferences, the candidate who receives the least number of highest-ranked
4 preferences shall be eliminated and the next-ranked preferences, if any, indicated
5 by the electors who voted for that candidate shall be added to the highest-ranked
6 preferences received by the other continuing candidates.

7 (b) If more than one continuing candidate receives the least number of
8 highest-ranked preferences, the tie shall be resolved as provided under sub. (6). If
9 after the reapportionment of preferences a continuing candidate has a majority of
10 highest-ranked preferences and reapportioned next-ranked preferences, that
11 candidate shall be declared elected. If after the reapportionment of preferences no
12 continuing candidate has a majority of highest-ranked preferences and
13 reapportioned next-ranked preferences, the apportionment begins again with
14 additional choice preferences tallied in the same manner so that the continuing
15 candidate with the least number of choice preferences is eliminated and his or her
16 choice preferences reapportioned to the remaining continuing candidates.

17 (c) Any time during tabulation when the continuing candidate with the least
18 number of highest-ranked preferences would be defeated, if there are 2 or more
19 candidates for whom it is mathematically impossible to be elected, then all
20 continuing candidates for whom it is mathematically impossible to be elected shall
21 be eliminated simultaneously. For purposes of this paragraph, continuing
22 candidates for whom it is mathematically impossible to be elected include the
23 following:

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1 1. Continuing candidates whose vote total plus the sum of current votes for
2 continuing candidates with fewer votes would not be enough to equal or surpass the
3 continuing candidate with the next highest current vote total.

4 2. Any continuing candidate that has a lower current vote total than a
5 continuing candidate for whom it is mathematically impossible to be elected under
6 subd. 1.

7 (d) Reapportionment of preferences continues under this subsection until a
8 continuing candidate has the majority of highest-ranked and reapportioned
9 preferences and until the results of the reapportionment and tabulation indicate
10 which 2 continuing candidates received the most highest-ranked and reapportioned
11 preferences. The continuing candidate with the majority of highest-ranked and
12 reapportioned preferences shall be declared elected. If the 2 continuing candidates
13 with the most highest-ranked preferences are tied, the tie shall be resolved as
14 provided under sub. (6) and the winner declared elected.

15 **(3) MULTIPLE-SEAT ELECTION.** (a) For determining the winning candidates for
16 a multiple-seat election using ranked-choice voting, each candidate that receives no
17 less than the number of threshold votes for the open office or seat shall be elected.
18 The threshold shall be determined by dividing the total number of votes cast for the
19 open offices or seats by the number of such offices or seats, plus one, and adding one
20 to the quotient, disregarding any fractions.

21 (b) For purposes of this subsection, a first ranked-choice tabulation shall be
22 done under this paragraph before a tabulation under par. (c). If the number of
23 candidates, other than any undeclared or declared write-in candidate, whose vote
24 total is equal to or greater than the threshold determined under par. (a) is equal to
25 the number of seats to be filled, those candidates are declared elected. If the number

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1 of candidates, other than any undeclared or declared write-in candidate, whose vote
2 total is equal to or greater than the threshold is less than the number of seats to be
3 filled, the canvassers shall perform a tabulation under par. (c).

4 (c) After the tabulation under par. (b), the tabulation of votes shall proceed in
5 rounds for each office to be counted and the tabulation for each round shall proceed
6 sequentially as follows:

7 1. The number of votes cast for each continuing candidate for the current round
8 shall be counted. If the number of continuing candidates, other than any undeclared
9 write-in candidate, whose vote total is equal to or greater than the threshold
10 determined under par. (a) is equal to the number of seats to be filled, those continuing
11 candidates are elected and the tabulation is complete. Then, if the number of
12 continuing candidates, including any undeclared write-in candidates, whose vote
13 total is equal to or greater than the threshold determined under par. (a) is equal to
14 the number of seats to be filled, those continuing candidates are elected and the
15 tabulation is complete. If the number of continuing candidates whose vote total is
16 equal to or greater than the threshold is not equal to the number of seats to be filled,
17 a new round begins and the tabulation continues as described in subds. 2. and 3.

18 2. Surplus votes for any continuing candidates whose vote total is equal to or
19 greater than the threshold determined under par. (a) shall be calculated.

20 3. The surplus of the elected candidate with the largest surplus is transferred
21 using the Weighted Inclusive Gregory Method as follows:

22 a. The number of surplus votes of the elected candidate shall be divided by the
23 number of votes received by the candidate and the resulting fraction shall be the
24 surplus fraction.

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1 b. In relation to any particular ballots for surplus votes of the elected candidate,
2 the surplus fraction shall be multiplied by the transfer value at which those ballots
3 were transferred to the elected candidate, or by one if they expressed first
4 preferences for the elected candidate, and the product shall be the continued transfer
5 value of those particular ballots.

6 c. The total number of ballots for surplus votes of the elected candidate that
7 express the next available preference and have a particular current value shall be
8 multiplied by that transfer value. The number so obtained, disregarding any
9 fraction, shall be added to the number of votes of the continuing candidate and all
10 those ballots shall be transferred to the continuing candidate. If on the completion
11 of the transfer of the surplus votes of the elected candidate to a particular continuing
12 candidate that continuing candidate has received a number of votes equal to or
13 greater than the threshold, that continuing candidate shall be elected. If no
14 continuing candidate has a surplus, the tabulation continues as described in subd.

15 4. Otherwise, the tabulation continues as described in subd. 1.

16 4. All continuing candidates for whom it is mathematically impossible to be
17 elected shall be eliminated simultaneously. Votes for the eliminated candidates shall
18 be transferred to each ballot's next-ranked continuing candidate, except votes for
19 candidates eliminated in the final round are not transferred if, by their elimination,
20 the number of continuing candidates is reduced to the number of seats yet to be filled.
21 If no continuing candidate can be eliminated under this subdivision, the tabulation
22 continues as described in subd. 5. Otherwise, the tabulation continues as described
23 in subd. 1. For purposes of this subdivision, continuing candidates for whom it is
24 mathematically impossible to be elected include the following:

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1 a. Continuing candidates whose vote total plus the sum of current votes for
2 continuing candidates with fewer votes would not be enough to equal or surpass the
3 continuing candidate with the next highest current vote total.

4 b. Any continuing candidate that has a lower current vote total than a
5 continuing candidate for whom it is mathematically impossible to be elected under
6 subd. 4. a.

7 5. If there are no transferable surplus votes and no continuing candidate is
8 eliminated under subd. 4., the continuing candidate with the fewest votes is
9 eliminated. Votes for an eliminated candidate are transferred at their transfer value
10 to each ballot's next-ranked continuing candidate, except votes for candidates
11 eliminated in the final round are not transferred if, by their elimination, the number
12 of continuing candidates is reduced to the number of seats yet to be filled.

13 6. The procedures in subds. 1. to 5. shall be repeated until the number of
14 continuing candidates whose vote total is equal to or greater than the threshold is
15 equal to the number of seats to be filled, or until the number of continuing candidates
16 is equal to the number of seats yet to be filled. If the number of continuing candidates
17 is equal to the number of seats yet to be filled, any remaining continuing candidates
18 shall be declared elected. Continuing candidates eliminated under this subdivision
19 in the final round retain their votes. Any ties between continuing candidates in
20 subds. 1. to 5. shall be resolved as provided in sub. (6).

21 **(4) ASCERTAINMENT OF INTENT.** If a ballot does not clearly show which candidate
22 the voter prefers to all others, or if it contains any word, mark, or other sign
23 apparently intended to identify the voter, it shall be set aside as invalid. Every ballot
24 not held invalid under this subsection shall be counted according to the intent of the
25 voter, so far as that can be clearly ascertained, whether marked according to the

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1 directions printed on it or not. No ballot shall be held invalid because the names of
2 candidates on the ballot for whom the voter did not mark a choice have been stricken
3 out, unless such striking out constitutes an identifying mark. A single mark on a
4 ballot on which no first choice figure appears shall be considered equivalent to a first
5 choice preference. If a ballot contains both figures and marks, the order of the choice
6 shown by the figures shall be taken as the voter's intention in so far as the order is
7 clearly indicated.

8 (5) SKIPPED RANKINGS, OVERVOTES, AND UNDERVOTES. (a) Ballots skipping one
9 ranking shall be counted for that voter's next clearly indicated choice. Ballots with
10 2 or more rankings skipped consecutively shall be declared exhausted after all
11 candidates ranked prior to the consecutively skipped rankings have been eliminated.

12 (b) Ballots with 2 or more of the same number shall be declared exhausted when
13 such duplicate rankings are reached unless only one of the candidates with the
14 duplicate ranking is a continuing candidate.

15 (c) Ballots that indicate no further rankings after the elector's initial
16 preferences have been eliminated shall be declared exhausted.

17 (d) Ballots that indicate no rankings shall be declared exhausted.

18 (6) TIES. In the event of a tie that affects the outcome of the election, the tie
19 shall be broken by comparing the votes of the tied candidates in the previous rounds
20 of counting, starting with the count immediately preceding the round in which the
21 tie occurs. If one of the tied candidates had more votes than the remaining tied
22 candidates in the preceding round or an earlier round of counting, then that
23 candidate shall advance and the others shall be eliminated. If the candidates were
24 tied in each preceding round, or if there were no preceding rounds, then the tie shall
25 be resolved by lot.

SENATE BILL 893**SECTION 19**

1 **SECTION 19.** 8.05 (1) (L) of the statutes is created to read:

2 8.05 (1) (L) A town or village may not use ranked-choice voting under s. 5.20
3 to nominate candidates for town or village offices at a caucus.

4 **SECTION 20.** 8.17 (1) (a) of the statutes is amended to read:

5 8.17 (1) (a) Political parties qualifying for a separate ballot under s. 5.62 (1) (b)
6 or (2) shall elect their party ~~committeemen and committeewomen~~ committee
7 members as provided under sub. (5) (b). The function of ~~committeemen and~~
8 ~~committeewomen~~ the committee members is to represent their neighborhoods in the
9 structure of a political party. ~~Committeemen and committeewomen~~ Committee
10 members shall act as liaison representatives between their parties and the residents
11 of the election districts in which they serve. Activities of ~~committeemen and~~
12 ~~committeewomen~~ committee members shall include, ~~but not be limited to,~~
13 identifying voters; ~~assistance~~ assisting in voter registration drives; increasing voter
14 participation in political parties; polling and other methods of passing information
15 from residents to political parties and elected public officials; and ~~dissemination of~~
16 disseminating information from public officials to residents. For assistance in those
17 and other activities of interest to a political party, each ~~committeeman and~~
18 ~~committeewoman~~ committee member may appoint a captain to engage in these
19 activities in each ward, if the election district served by the ~~committeeman or~~
20 ~~committeewoman~~ committee member includes more than one ward. In an election
21 district ~~which~~ that includes more than one ward, the ~~committeeman or~~
22 ~~committeewoman~~ committee member shall coordinate the activities of the ward
23 captains in promoting the interests of his or her party.

24 **SECTION 21.** 8.17 (4) of the statutes is amended to read:

SENATE BILL 893**SECTION 21**

1 8.17 (4) The term of office of each ~~committeeman or committeewoman~~
2 committee member shall end on the date of the meeting held under sub. (5) (b)
3 following each partisan primary.

4 **SECTION 22.** 8.17 (5) (b) of the statutes is amended to read:

5 8.17 (5) (b) A combined meeting of the county committee and members in good
6 standing of the party in the county shall be held no sooner than 15 days after the
7 partisan primary and no later than April 1 of the following year. At this meeting, the
8 party ~~committeemen or committeewomen~~ committee members and the county
9 committee offices of chairperson, vice chairperson, secretary, and treasurer shall be
10 filled by election by the incumbent ~~committeemen, committeewomen~~ committee
11 members and other party members present and voting, each of whom is entitled to
12 one vote. At this meeting, the county committee shall elect the members of the
13 congressional district committee as provided in sub. (6) (b), (c), and (d). The secretary
14 of the county committee shall give at least 7 days' written notice of the meeting to
15 party and committee members. Individuals elected as county committee officers or
16 as congressional district committee members may be, but are not required to be,
17 ~~committeemen or committeewomen~~ party committee members. They are required
18 to be party members in good standing. The terms of ~~committeemen and~~
19 ~~committeewomen~~ party committee members, county committee officers, and
20 congressional district committee members begin during the meeting immediately
21 upon completion and verification of the voting for each office.

22 **SECTION 23.** 10.02 (3) (intro.) of the statutes is amended to read:

23 10.02 (3) (intro.) The notice shall contain the following:

24 FACSIMILE BALLOT NOTICE

25 OF ... ELECTION

SENATE BILL 893**SECTION 23**

1 Office of [County] [Municipal] Clerk.

2 To the Electors of [County] [Municipality]:

3 Notice is hereby given of a election to be held in the several wards in the
4 [county] [municipality] of, on the day of, (year), at which the officers
5 named below shall be chosen. The names of the candidates for each office to be voted
6 for, whose nominations have been certified to or filed in this office, are given under
7 the title of the office and under the appropriate party or other designation, each in
8 its proper column, together with the questions submitted to a vote, in the sample
9 ballot below.

10 **INFORMATION TO ELECTORS**

11 Except as provided in sub. (4) and except where a different statement is
12 prescribed by the commission for use in whole or in part by municipalities using
13 electronic voting systems under s. 5.95, the voting instructions shall be given
14 substantially as follows:

15 **SECTION 24.** 10.02 (4) of the statutes is created to read:

16 10.02 (4) The commission shall prescribe by rule the content of type B notices
17 to be used at elections at which ranked-choice voting under s. 5.20 is used.

18 **SECTION 25.** 20.510 (1) (ed) of the statutes is created to read:

19 20.510 (1) (ed) *Elections administration; ranked-choice voting.* A sum
20 sufficient to implement and administer ranked-choice voting, as provided under ss.
21 5.20 and 7.62, including updating equipment and software and implementing secure
22 technologies, and to provide grants to local governmental units under s. 5.05 (1) (g)
23 for the same purpose.

24 **SECTION 26.** 120.06 (7) (b) of the statutes is amended to read:

