

State of Wisconsin\Government Accountability Board

212 East Washington Avenue, 3rd Floor
Post Office Box 7984
Madison, WI 53707-7984
Voice (608) 261-2028
Fax (608) 267-0500
E-mail: gab@wisconsin.gov
<http://gab.wi.gov>



JUDGE VICTOR MANIAN
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

TO: Wisconsin County Clerks
Milwaukee County Election Commission
Wisconsin Municipal Clerks
Milwaukee City Election Commission

FROM: Diane Lowe
Lead Elections Specialist

DATE: June 29, 2016

SUBJECT: Clarification – Counting Write-in Votes at the Partisan Primary

At the WCCA Conference in Onalaska on June 28, 2016, G.A.B. staff provided information with respect to counting write-in votes at the Partisan Primary. The document provided to conference attendees addressing counting write-in votes is attached with this memorandum.

Because a clerk had previously brought up the question “What if a voter writes in an independent candidate at the partisan primary?” staff included the topic in the presentation. The ensuing discourse ended in confusion, and staff did not effectively dispel that confusion. This memo will hopefully clear up any misunderstanding and make it easier for inspectors to deal with this scenario should it occur (if they even realize it has occurred). This memo also addresses the vote thresholds a write-in candidate must meet in order to qualify for the general election ballot.

Write-in Votes for Independent Candidates who have Qualified for the General Election Ballot

Independent candidates do not appear on the partisan primary ballot. They have already secured placement on the general election ballot in November. If an independent candidate is written in on the partisan primary ballot, election inspectors treat the write-in the same way they would treat any other nonregistered write-in candidate:

- **If there are one or more ballot candidates** for the office in the party in which the independent candidate is written, the write in vote is not counted unless a ballot candidate is deceased.
- **If there are no ballot candidates** for the office in the party in which the independent candidate is written, the write in vote is counted.

For example: Two candidates qualified to run for the office of Columbia County District Attorney--a Republican candidate and an independent candidate. The Republican candidate will appear on the partisan primary ballot; the independent candidate will not.

If a voter writes in the name of the independent candidate in any party for any office that does not have a ballot candidate, the vote is counted. If a voter writes in the name of the independent candidate in any party for any office that has a ballot candidate, the vote is not counted unless the candidate is deceased.

The Certification of Independent Candidates for the general election has been posted [here](#). (Elections/Fall 2016 General Election)

Vote Thresholds Required of Write-in Candidates in order to Qualify for the November Ballot

Wis. Stat. §8.16 provides,

8.16(1) *(Applies to offices with one or more ballot candidates)*

Except as provided in sub. (2), the person who receives the greatest number of votes for an office on a party ballot at any partisan primary, regardless of whether the person's name appears on the ballot, shall be the party's candidate for the office, and the person's name shall so appear on the official ballot at the next election. *(Whoever gets the most votes wins, whether ballot candidate or registered write-in candidate.)*

8.16(2) *(Applies to offices with no ballot candidate)*

A person who receives only write-in votes shall not appear on the ballot as the candidate of a recognized political party for an office whenever no candidate's name appears on the ballot for that office unless the person receives at least 5% of the vote cast in the jurisdiction or district for the party's gubernatorial candidate at the last general election or the number of votes equivalent to the minimum number of signatures required on nomination papers for that office under s. 8.15 (6), whichever is greater...

I hope this clears up any misunderstandings. If you have further questions, please contact me.

Attachment (1)