

# State of Wisconsin\Government Accountability Board

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JUDGE THOMAS H. BARLAND  
Chair

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## MEMORANDUM

**DATE:** May 26, 2011

**TO:** All Municipal Clerks and the Milwaukee City Board of Election Commissioners  
All County Clerks and the Milwaukee County Board of Election Commissioners

**FROM:** Nathaniel E. Robinson  
Elections Division Administrator  
Government Accountability Board

**SUBJECT:** Distribution of Cost Relative to Special Elections or Recall Elections for a State Office

With the anticipated state senate recall elections and at least one special election (Assembly District 48) coming up this summer, several county and municipal clerks have asked for clarification of distribution of costs for these elections.

Section 5.68(2), Wis. Stats., provides that if no other level of government is involved in a *school or special district* election, whether occurring on a regularly-scheduled election day\* or not, the district calling the election shall pay for all costs of ballots, supplies, notices and other materials.

Sections 5.68(2), (5), and 7.03(1)(bm), Wis. Stats., provides that when a *county, school district, or special purpose district* holds a special election *at a time other than a regularly-scheduled election day\**, all costs of the election are the responsibility of the jurisdiction calling the special election (all costs of the ballots, supplies, notices and other materials, including the cost of the polling place, if any, and election inspectors.

Neither statute mentions special elections for state offices (which are called by the Governor) or recall elections for state offices (which are called by the Government Accountability Board). Due to the silence of the statute with respect to these types of elections, it is assumed that none of the special cost provisions cited above apply to special or recall elections for state office, and that the standard cost distribution applies.

If you have questions, please contact Diane Lowe at 608-266-3276 or [diane.lowe@wi.gov](mailto:diane.lowe@wi.gov).

Thank you.