

# State of Wisconsin\Government Accountability Board

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



JUDGE GERALD C. NICHOL  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

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## MEMORANDUM

**DATE:** February 3, 2015

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

**FROM:** Michael Haas  
Elections Division Administrator

Diane Lowe  
Lead Elections Specialist

**SUBJECT:** Counting Write-in Votes in “Vote for More than One” Situations

2013 Wisconsin Act 178 limits write-in votes that may be counted for an office, depending upon whether candidates’ names appear on the ballot for the office. The Act also provides direction on counting write-in votes if a ballot candidate is deceased. These are the basic elements of Act 178:

- If there is at least one ballot candidate for a given office, only tally votes for registered write-in candidates.
- If there are no ballot candidates for a given office, tally all write-in votes.
- If there are any ballot candidates for a given office, and one or more pass away, tally all write-in votes.

Act 178 presumes that the voter is voting for one candidate, and does not specifically address counting write-in votes in situations, such as the offices of Town Board Supervisor or Village Trustee, where more than one seat in a particular office may be up for election. It is the sense of G.A.B. staff that the intent of the law is to count the votes of nonregistered write-in candidates only when there are less ballot candidates than there are seats to fill. Therefore, when counting votes for offices with more than one seat, the following applies:

- If the number of ballot candidates for a given office is equal to or more than the number of seats to be filled, only tally votes for registered write-in candidates.
- If the number of ballot candidates for a given office is less than the number of seats to be filled, tally all write-in votes.
- If there are any ballot candidates for a given office, and one or more pass away, tally all write-in votes.

If you have questions, please contact the GAB Help Desk at 608-261-2028 or [gabhelpdesk@wi.gov](mailto:gabhelpdesk@wi.gov).