

1963 Stats.	1965 Stats.
(2).....	7.25 (6) (a)
(3).....	7.25 (2) (b)
(4).....	7.25 (2) (c)
11.12 (1).....	Repealed <sup>47</sup>
(2).....	7.51 (1) (b)
11.13 (1st sentence, 1st part).....	7.51 (3) (c)
(1st sentence, last part).....	7.23 (1)
(2nd sentence).....	7.51 (3) (c)
(3rd sentence).....	7.23 (1)
(last sentence).....	7.51 (3) (c)
11.14.....	Repealed <sup>48</sup>
11.15.....	5.37 (4)
11.16.....	7.50 (2) (h)
11.17 (1).....	5.01 (2)
(2).....	7.23 (1)
11.18.....	12.68 (2)
11.19.....	12.68 (3)
11.20.....	12.69 (5)
11.54 (1) (1st sentence, 1st part).....	6.20 (1)
(last part).....	6.85
(2).....	6.22 (2)
11.55.....	6.86
11.56.....	6.86
11.57 (1st part).....	6.87 (1)
(2nd part).....	6.87 (3)
(last sentence).....	6.87 (6)
11.58 (1).....	6.87 (2)
(2).....	6.87 (5)
11.59.....	6.87 (4)
11.60.....	6.88 (1)
11.605.....	6.89
11.61.....	6.88 (2)
11.62 (1st to 3rd sentences).....	6.88 (3) (a)
(4th to 5th sentences).....	6.88 (3) (b)
(last sentence).....	6.88 (3) (c)
11.63.....	6.93
11.64.....	6.20 (2) and 6.88 (3) (b)
11.65 (1st part).....	5.01 (2)
(last sentence).....	7.51 (3) (c)
11.66.....	7.21
11.67.....	12.59 (4)
11.68.....	Repealed <sup>49</sup>
11.70 (1).....	6.22 (1)
(2).....	6.22 (3)
(3).....	6.22 (6)
(4).....	6.22 (4)
(5) (1st sentence).....	6.22 (5)
(2nd sentence).....	6.22 (2)
(3rd sentence).....	6.22 (5)
(last sentence).....	6.22 (4)
(6).....	6.22 (7)

<sup>47</sup>Repealed to prevent ambiguity with provisions of s. 7.50 (2) (h) in this bill.

<sup>48</sup>Obsolete as a bond referendum is no longer necessary to buy or try voting machines.

<sup>49</sup>Repealed as unnecessary since this is adequately provided for elsewhere in this bill.

## CHAPTER 5.

### General Provisions, Scope, Definitions.

**5.01 History:** 1965 c. 666; Stats. 1965 s. 5.01; 1967 c. 261.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 5.011. The last sentence of s. 6.75 enumerates some noncompliance provisions which are now covered by the broad terms of the provision.

Sub. (2), without enumeration, includes ss. 5.012 (1), 6.23 (19), 6.80, 7.06 (1st sentence), 8.05 (1st and 4th sentences), 9.02 (2) (last sentence), 10.35, 10.40 (1), 10.49 (1st sentence), 10.55, 11.08, 11.17 (1) and 11.65 (1st part). These sections all provide that the general rules apply unless there are exceptions.

Sub. (3) is a restatement of ss. 5.35 (1) (a) (last sentence), 5.37 (3), 6.75 (1st sentence), 8.04 (2) (last sentence), 10.37 (1st sentence), 10.47 (2nd sentence, 1st part), 10.60 (1st part).

Sub. (4) (a) and (c) are a restatement of the following sections, except the language is general to include each level of the canvass and minor changes were made to provide uniformity, ss. 5.21, 5.27 (1) (last sentence), 5.35 (3), 6.64 (last sentence, in part), 10.37 (2nd sentence), 10.47 (2nd sentence, last part), 10.60 (last part). Par. (b) is new. [Bill 755A]

On legislative power generally see notes to sec. 1, art. IV.

If an election is honestly conducted, the fact that legal votes were rejected, through error of judgment, in numbers sufficient to have changed the result, does not invalidate the election. The candidate who receives the plurality of the votes cast is elected. State ex rel. Wold v. Hanson, 87 W 177, 58 NW 237.

The statutory provision governing construction of election laws does not permit disregarding positive language of the statute as to what shall appear on the face of a petition for recall, and the year of the signing must affirmatively appear. State ex rel. Baxter v. Beckley, 192 W 367, 212 NW 792.

Under the legislative mandate for a liberal construction of the provisions of ch. 5, Stats. 1931, where the last day for filing nomination papers falls upon a legal holiday, a filing on the day subsequent is sufficient. Manning v. Young, 210 W 588, 247 NW 61.

When an election has been held, the will of electors must be given effect, though there may have been informalities or failure to comply with statutes. State ex rel. Oaks v. Brown, 211 W 571, 249 NW 50; Commonwealth Tel. Co. v. Public Service Comm. 219 W 607, 263 NW 665; Ollmann v. Kowalewski, 238 W 574, 300 NW 183; State ex rel. Zimmerman v. Carpenter, 254 W 619, 37 NW (2d) 469.

The statutory provision governing construction of election laws is not a mere rule of construction, but is a mandate to the judicial tribunal that mere informality or failure to comply with some of the provisions of the title to which it applies shall not defeat the will of the electors, and has the effect of relaxing the strict provisions of the title in all cases where the will of the electors can be ascertained from the proceedings had. State ex rel. Pelishek v. Washburn, 223 W 595, 270 NW 541.

In a case properly calling for the construction of a statute regulating elections, the rule of liberal construction may be applicable, but for the court to enlarge the time which the legislature has designated in 5.05 (1), 1949 Stats., for the filing of nomination papers would be to amend the latter statute, not to

construe it. State ex rel. Stearns v. Zimmerman, 257 W 443, 43 NW (2d) 681.

The provisions of 66.02, Stats. 1953, relating to consolidation of any town, village or city with a contiguous town, village or city, are within the purview of 6.80, Stats. 1953, relating to elections, 6.80 having been in effect prior to the enactment of 66.02. Milwaukee v. Sewerage Comm. 268 W 342, 67 NW (2d) 624.

Irregularities in the qualifying of the election officials, the absence of padlocks on the sealed ballot boxes, the time of opening the polls at one voting precinct, the failure to provide absentee ballots, and the place of counting the ballots cast at one voting precinct, none of which was shown to have affected the result of the referendum, were not such as to require the election to be declared void. Clapp v. Joint School Dist. 21 W (2d) 473, 124 NW (2d) 678.

The provision of 10.60, Stats. 1915, for casting lots in case of a tie is imperative. An election board does not lose jurisdiction by adjourning if it has not fully discharged its duty. 5 Atty. Gen. 287.

Cities and villages have authority, under 5.01 (2) and 7.15 (2), Stats. 1967, to call special elections. 57 Atty. Gen. 54.

**5.02 History:** 1965 c. 666; Stats. 1965 s. 5.02; 1967 c. 90; 1969 c. 355.

**Legislative Council Note, 1965:** The definition in sub. (1) (a) is new. It is intended to remove the necessity of restating both primary or election in the statutes when it is to apply to both. Par. (b) is a restatement of s. 5.01 (1).

Sub. (2) is based on s. 5.01 (3) but the bill provides a specific date, the 1st Tuesday in March.

Sub. (3) combines s. 5.01 (5) which states the date of the spring election with ss. 5.37 (1) (1st sentence), 6.03 (2), 8.02 (1), 10.36 (1), and 10.45 (1st sentence) which enumerate the purpose of the election. This subsection adds a provision for county board supervisors.

Sub. (4) is a restatement of ss. 5.01 (2) and 5.03.

Sub. (5) is a restatement of ss. 5.01 (4) which sets the date and 6.03 (1) which enumerates the purpose of the election, except that s. 6.03 (1) includes that this election is provided for in the constitution. The phrase was deleted so as not to restrict the election to those offices enumerated in the constitution. The 2 exceptions for counties have been added.

Sub. (6) is a combination of s. 5.29 (1) (1st sentence) for the date of a special primary and s. 5.01 (6). The purpose of a special election is added in reference to the primary. Section 5.29 (1) (1st sentence) requires a primary for those party candidates enumerated in the 2nd sentence.

Sub. (7) (a), (b) and (c) are a restatement of s. 8.01. Par. (d) is new.

Sub. (8) provides a uniform definition; ss. 5.01 (7), 6.017 and 10.50 each now contain somewhat similar provisions. To prevent confusion and clarify the definition of precinct, the words "election district" were deleted.

Sub. (9) is new. It is intended to eliminate enumeration of city, town or village or their governing body or clerk in the many instances

where all 3 are included. The governing body definition in this bill provides for the board of election commissioners. The municipal clerk definition also includes the executive secretary of a city board of election commissioners and school clerks in those instances where applicable. The further provision for other municipal or quasi-corporations and the clerk of any school district which elects officers under s. 40.27 was deleted as unnecessary.

Sub. (10) is new. It is intended to reduce the amount of repetition to include the executive secretary of a county board of election commissioners.

In both subs. (9) and (10) the title for the secretary of the election commission was changed to executive secretary, which is more in line with their function and duties with the respective election boards.

Sub. (11) is new. [Bill 755-A]

**5.03 History:** 1965 c. 666; Stats. 1965 s. 5.03.

**Legislative Council Note, 1965:** This provision is based on ss. 6.42 (6) and 11.03 (3) (last sentence) [Bill 755-A]

**5.15 History:** 1965 c. 666; Stats. 1965 s. 5.15.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 6.05 (1) (except for the provision between the 2 semicolons).

Sub. (2) is a restatement of s. 6.04 (4) (1st and 2nd sentences in part), the remainder of s. 6.05 (1) and s. 6.05 (2) (1st sentence in part). The 2nd sentence of s. 6.05 (2) pertaining to total numbers of electors per precinct and comparative sizes was deleted since the prescribed provisions are adequate.

Sub. (3) is a restatement of s. 6.05 (2) (1st sentence in part).

Sub. (4) (a) is a restatement of s. 6.05 (3) (in part). The provision pertaining to voter convenience was deleted here since it is covered the definitions. Par. (b) is a restatement of s. 6.05 (2) (last sentence) except the posting requirement was deleted.

Sub. (5) is based on s. 6.05 (6). The provision that all other elections be held in the respective precincts was deleted as unnecessary.

Sub. (6) (a) is based on s. 6.05 (7). Par. (b) is a restatement of s. 11.04 (2nd sentence and 3rd sentence, in part).

Sub. (7) is a restatement of s. 6.05 (8). [Bill 755-A]

**5.18 History:** 1965 c. 666; Stats. 1965 s. 5.18.

**Legislative Council Note, 1965:** This is a restatement of s. 6.06. [Bill 755-A]

**5.25 History:** 1965 c. 666; Stats. 1965 s. 525.

**Legislative Council Note, 1965:** The (intro. par.) is a restatement of s. 6.04 (intro. par.) and (4) (2nd and 3rd sentences in part).

Sub. (1) is a combination of several sections. The 1st sentence is s. 10.23 (1st sentence, in part and 2nd sentence) without change. The 2nd sentence is based on ss. 6.04 (1), (2), 6.045 (1), (3), (4) and 10.46 (1st sentence) with some minor changes for clarification and uniformity.

Sub. (2) is a restatement of parts of ss. 6.04 (3), 10.53 (1). Parts of those sections and s. 10.53 (2), (3), (5) and (6) (in part) are combined in this bill and are transferred to s. 60.07, Stats. Sec. 10.53 (6) (last part) was deleted as unnecessary. [Bill 755-A]

A town meeting is an election, and so is every lawful assembly of electors to make a choice by ballot. *Phillips v. Albany*, 28 W 340.

The place of holding a town meeting cannot be changed otherwise than as the law provides. *State ex rel. Bruce v. Davidson*, 32 W 114.

If a town has been duly vacated and the electors, residing within its former boundaries, without authority of law, open a poll and cast their votes, they cannot be counted at an election for county officers. *State ex rel. Hawes v. Pierce*, 35 W 93.

The failure of village officers to provide a separate polling place does not authorize the counting of ballots cast by village electors at the town polling place. *State ex rel. Wannemaker v. Alder*, 87 W 554, 58 NW 1045.

**5.35 History:** 1965 c. 666; Stats. 1965 s. 5.35.

**Legislative Council Note, 1965:** Sub (1) is based on s. 6.79 (in part). The present provision requires the flag to be flown only at general elections.

Sub. (2) is based on s. 6.30, but makes 2 changes. The number of voting electors was changed from 50 to 100 per booth to be consistent with actual practice. Also, to reflect present practice, the specifications pertaining to the physical arrangement in polling places have been revised.

Sub. (3) is based on ss. 6.045 (2) (in part), 6.23 (18), 6.46 (in part), 7.06 (2nd sentence), 8.04 (2) (2nd sentence, in part), 8.05 (3rd sentence) and 10.47 (1st sentence in part). Sec. 6.045 (2) stating one ballot box per ward shall be provided, one or more sets of election officials may serve the whole municipality and each ward shall be separately canvassed has been deleted. The necessity of these special provisions could not be justified. [Bill 755-A]

**5.37 History:** 1965 c. 666; Stats. 1965 s. 5.37.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 11.03 (1), (2) and (4), and s. 11.06 (4) (last sentence) except that the machines must now provide a method for voting a straight party ticket. Present law makes this permissive.

Sub. (2) is a restatement of s. 11.04 (3rd sentence in part).

Sub. (3) is a restatement of s. 11.03 (3), except the last part of the last sentence was deleted since s. 5.03 in this bill sufficiently states the provision.

Sub. (4) is a restatement of s. 11.15.

Sub. (5) (1st sentence) is a restatement of s. 11.06 (1). Sub. (5) (remainder) is based on s. 11.06 (4), but as in s. 5.35 (2) in this bill, physical specifications have been revised. [Bill 755-A]

**Editor's Note:** In a series of opinions, rendered before the adoption of this section, the attorneys general dealt with questions concerning the use of voting machines; the citations are 1 Atty. Gen. 247, 5 Atty. Gen. 658, 5 Atty. Gen. 703, 5 Atty. Gen. 739, 5 Atty. Gen. 752, 9 Atty. Gen. 435, and 25 Atty. Gen. 175.

**5.40 History:** 1965 c. 666; Stats. 1965 s. 5.40.

**Legislative Council Note, 1965:** Subs. (1) and (2) are a restatement of s. 11.04 (1st part). The provisions of s. 11.14 pertaining to ex-

perimental use of voting machines was deleted as unnecessary. The provision of s. 10.24 pertaining to voting machines in the city of Milwaukee was also deleted. [Bill 755-A]

**5.51 History:** 1965 c. 666; Stats. 1965 s. 5.51.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 6.23 (16) (1st sentence, last part) and s. 6.23 (17) (b) (1st sentence, 1st part).

Sub. (2) is a restatement of s. 6.23 (16) (1st sentence, 1st part) except the color of paper was deleted, and s. 6.23 (17) (b) (remainder).

Sub. (3) is a restatement of s. 6.23 (3).

Sub. (4) is a restatement of s. 6.23 (11) with some clarification.

Sub. (5) is a combination of s. 5.11 (5) (2nd sentence) and s. 6.23 (17) (c) without substantive change.

Sub. (6) is new. It is intended to prevent the use of different size type on any ballot for candidates for the same office. [Bill 755-A]

**Editor's Notes:** (1) In the following cases, decided before the adoption of this section, the supreme court ruled on questions concerning the use of "stickers" or "pasters": *State ex rel. Kleist v. Donald*, 164 W 545, 160 NW 1067; *State ex rel. Tank v. Anderson*, 191 W 538, 211 NW 938; and *Petition of Leuch*, 244 W 305, 12 NW (2d) 61.

(2) Seven opinions of the attorneys general, rendered before the adoption of this section, dealt with existing statutory requirements as to ballot form; the citations are 9 Atty. Gen. 464, 11 Atty. Gen. 794, 24 Atty. Gen. 348, 25 Atty. Gen. 513, 25 Atty. Gen. 693, 35 Atty. Gen. 334 and 41 Atty. Gen. 212.

Facts and circumstances of public notoriety are admissible when doubt arises from misspelling name or adding different or erroneous Christian names. *Attorney General v. Ely*, 4 W 420.

The printing of names on a ballot twice is forbidden, even when all the candidates of one party are also the nominees of another. *State ex rel. Runge v. Anderson*, 100 W 523, 76 NW 482.

**5.53 History:** 1965 c. 666; Stats. 1965 s. 5.53.

**Legislative Council Note, 1965:** This section is a restatement of ss. 10.24 (in part) and 11.09 (2). The remainder of s. 10.24 has been deleted—see the note to s. 5.40 in this bill. [Bill 755-A]

**5.55 History:** 1965 c. 666; Stats. 1965 s. 5.55.

**Legislative Council Note, 1965:** This section is a restatement of s. 6.23 (14) plus supplemental provisions to give the complete requirements of the ballot backs, which, while referred to, are not specifically set forth in a particular section. Based on a change in duties whereby the county clerk will not be one of the issuers of absentee ballots, the form reflects this change. [Bill 755-A]

**5.58 History:** 1965 c. 666; Stats. 1965 s. 5.58; 1967 c. 290; 1969 c. 55.

**Legislative Council Note, 1965:** The intro. par. (1st sentence) is new. It is intended to provide uniformity among the several sections pertaining to the ballots to be used at the different elections. The 2nd sentence is a restatement of s. 5.25 (1).

Sub. (1) is based on several sections. Par. (a) is a restatement of s. 5.25 (2) (a). Par. (b) is a restatement of s. 5.25 (2) (b). Par. (c) is based on s. 5.27 (4) (b) and (c), except the ballot is annexed as are other ballots, rather than being printed in the context of the statutes.

Sub. (2) (a) is a restatement of ss. 5.25 (2) (c) (1st sentence) and 5.25 (3) (1st sentence). Par. (b) is based on s. 5.25 (3) (2nd sentence), but the provision is state-wide under this bill and the name of the judge being succeeded has been deleted from the ballot provisions.

Sub. (3) is a restatement of ss. 5.25 (2) (c) (last sentence), 5.25 (3) (last sentence) and 5.26 (4). [Bill 755-A]

**5.60 History:** 1965 c. 666; Stats. 1965 s. 5.60; 1967 c. 90; 1967 c. 92 s. 22; 1967 c. 228 ss. 1, 6; 1967 c. 290; 1969 c. 55, 419.

**Legislative Council Note, 1965:** The intro. par. is new; see note to s. 5.58 (intro. par.).

Sub. (1) (intro. par.) is a restatement of s. 6.23 (16) (2nd sentence). The ballot color is by local discretion. Par. (a) is a combination of ss. 6.23 (15) and 6.24 (in part). The 2nd sentence of s. 6.24 has been deleted as unnecessary as this is a nonpartisan election and a nonpartisan ballot. Par. (b) is a restatement of s. 6.19 (2), (3), (4) and (5) with some clarification as to who certifies circuit judge candidates. Par. (c) is a restatement of s. 6.20 with some clarification. Par. (d) is a restatement of s. 8.04 (2) (2nd sentence in part), except the statement of who is being succeeded has been deleted.

Sub. (2) is a restatement of s. 6.24 (in part), except the population figures have been made uniform.

Sub. (3) (intro. par.) combines ss. 5.14 (3), 6.23 (17) (a) (in part) and 6.24 (in part) but deletes the color of the ballot and provides the exception based on s. 10.41. Par. (a) is based on s. 6.24, but deletes the provision permitting a nonpartisan statement following each candidate's name. Par. (b) is a restatement of s. 10.36 (4).

Sub. (4) is a restatement of s. 10.41.

Sub. (5) (intro. par.) is based on s. 10.47 (1st sentence in part). Par. (a) is a restatement of ss. 5.27 (1) (19th sentence) and 10.48 (1) (sentences 3 and 4). Par. (b) is a restatement of s. 10.48 (2).

Sub. (6) is a restatement of s. 10.52 (1) (first and last sentences) and s. 10.52 (2).

The ballots are annexed to the statutes as are other sample ballots rather than being printed in the context of the statutes.

Sub. (7) is based on s. 10.61. The general provisions of the section are presented elsewhere and are not repeated here.

Sub. (8) (intro. par.) is based on s. 5.39 (1) (a), but the ballot is annexed rather than printed in context. Par. (a) is a restatement of s. 5.39 (2). Par. (b) is a restatement of s. 5.39 (1) (b) (2nd sentence) with some clarification. Par. (c) is a restatement of s. 5.39 (1) (b) (1st sentence). Par. (d) is a restatement of s. 5.39 (1) (b) (3rd sentence) and (3) (1st sentence). Par. (e) is a restatement of s. 5.39 (1) (b) (4th sentence).

Sub. (9) provides a cross-reference to the section where all referenda ballot provisions are set forth. [Bill 755-A]

**Editor's Note:** That part of 10.48, Stats. 1929, relating to the forms of ballots for village elections was construed by the attorney

general in an opinion published in 20 Atty. Gen. 159. See also 27 Atty. Gen. 150.

The provision for the nonpartisan nomination and election of school and judicial officers and members of county boards in populous counties contained in 6.24, Stats. 1919, is not in conflict with the implied constitutional right to vote a party ballot on most governmental questions; such implied right being subject to modification and even to abrogation, as changed standards and ideals require, or as new conditions make modification or abrogation expedient. *State ex rel. Binner v. Buer*, 174 W 120, 182 NW 855.

**5.62 History:** 1965 c. 666; Stats. 1965 s. 5.62.

**Legislative Council Note, 1965:** The intro. par. is new and gives a number to the ballot presently annexed at s. 5.11.

Sub. (1) (a) is a restatement of s. 5.13 (1) with some clarification. Par. (b) is a restatement of s. 5.13 (2).

Sub. (2) is a restatement of s. 5.13 (3) with one exception—the date has been fixed.

Sub. (3), with one exception, is a restatement of s. 5.08 (2) (a), (b), (c), (3) (a), and (b). The section uses cross-references to decrease duplication. The circuit court judge provision, a nonpartisan office, of sub. (2) (b) has been deleted as s. 5.58 in the bill pertains to the spring primary and includes the necessary provisions for that office.

Sub. (4) is a combination of s. 5.11 (2), (3) and (4). The intro. par. establishes the scope established by the present provisions. Par. (a) is a restatement of s. 5.11 (2) and (3). Par. (b) is a restatement of s. 5.11 (4). [Bill 755-A]

**5.64 History:** 1965 c. 666; Stats. 1965 s. 5.64; 1967 c. 261; 1969 c. 421.

**Legislative Council Note, 1965:** The intro. par. is a restatement of s. 6.23 (1) (in part).

Sub. (1) (intro. par.) is a restatement of s. 6.23 (1) (last part) and incorporates the cross references thereto of s. 6.23 (17) (a) (1st part) and s. 9.02 (2) (1st sentence). Par. (a) is a restatement of s. 6.23 (7) (1st 3 sentences) with some clarifications. Par. (b) is a restatement of s. 6.23 (2). Par. (c) is a restatement of s. 6.23 (7) (4th sentence), except the provision for erased or written over names is set forth in s. 7.50 in this bill and is not repeated here. Par. (d) is a restatement of s. 6.23 (6). Par. (e) is a restatement of s. 6.23 (4).

Sub. (2) (intro. par.) is a restatement of s. 6.23 (8) (1st sentence, in part, and last sentence) and s. 6.23 (17) (a) (in part). Par. (a) is a restatement of s. 6.23 (3) (2nd and 3rd sentences). Par. (b) is a restatement of s. 6.23 (8) (1st sentence, in part). Par. (c) sets forth the referenda ballots at the end of present ch. 6 and the referendum ballot referred to in present s. 5.27 (4) (e), (s. 8.05(3) (f) in this bill). The color provisions have been deleted.

Sub. (3) intro. par. is a restatement of s. 6.23 (9) (1st sentence in part). Par. (a) is a restatement of s. 6.23 (9) (1st sentence, in part) and (10) (a) with some clarification. Par. (b) is a restatement of 6.23 (9) (remainder). [Bill 755-A]

**5.66 History:** 1965 c. 666; Stats. 1965 s. 5.66.

**Legislative Council Note, 1965:** Sub. (1) is a combination of ss. 5.11 (5) (3rd sentence) and 6.26 (1) with one change—the date has now

been fixed so it will apply to any primary rather than just the September primary.

Sub. (2) is based on ss. 5.11 (5) (3rd sentence), 6.26 (2) and 11.09 (4). The provision of s. 6.26 (2) limiting the number of sample ballots has been changed. The provisions of s. 11.09 (4) pertaining to sample ballots for municipalities over 200,000 population using voting machines was incorporated into this section and several provisions were changed for uniformity. [Bill 755-A]

To meet the requirements of 6.26, Stats. 1917, a newly incorporated village containing parts of 2 assembly districts must be furnished by the county clerk with ballots for the election or primary for both districts in proportion to the number of votes in each district. 7 Atty. Gen. 436.

**5.68 History:** 1965 c. 666; Stats. 1965 s. 5.68.

**Legislative Council Note, 1965:** Sub. (1) is a combination of ss. 6.25 (5), 6.26 (2) (last sentence), 6.46 (1st sentence, in part), 6.82, 8.05 (2nd sentence), 10.38, 10.48 (1) (1st sentence, in part), 10.53 (4) all relating to payment of election costs. S. 6.79 is also included.

Sub. (2) is based on ss. 6.21 (4) (last part) and 11.09 (1) (b). It also now specifically provides for school districts. [Bill 755-A]

**5.70 History:** 1965 c. 666; Stats. 1965 s. 5.70; 1969 c. 419.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 6.25 (1) (after the 1st semicolon), except the provision for 2 sureties has been changed.

Sub. (2) is based on s. 10.14 but makes some changes for uniformity. [Bill 755-A]

**5.75 History:** 1965 c. 666; Stats. 1965 s. 5.75.

**Legislative Council Note, 1965:** This is a restatement of s. 6.43. [Bill 755-A]

## CHAPTER 6.

### The Electors.

**6.02 History:** 1965 c. 666; Stats. 1965 s. 6.02; 1967 c. 28.

**Legislative Council Note, 1965:** Subs. (1) and (2) are based on s. 6.01 (1). Sub. (3) is new. It is intended to prevent confusion which exists due to change of address on election day. This does not disenfranchise an otherwise qualified elector. [Bill 755-A]

On electors see notes to sec. 1, art. III.

A child born at Washington, D. C., to a U. S. government employe who was a resident of this state and who has throughout the intervening years maintained his residence in this state, takes the domicile and residence of said parent, and said child, although still living in Washington, D. C., with said parent, upon whom she is dependent, upon reaching her majority and until she intentionally acquires residence elsewhere, is a resident of this state for voting purposes by virtue of 6.01, Stats. 1937. 28 Atty. Gen. 208.

**6.03 History:** 1965 c. 666; Stats. 1965 s. 6.03.

**Legislative Council Note, 1965:** Sub. (1) (intro. par.) is a combination of ss. 6.01 (3) (in part) and 6.54 (in part). Both provisions are made general. Par. (a) is a restatement of s.

6.54 (in part). Par. (b) is a restatement of s. 6.01 (3) but incorporates treason and felony from Article III, s. 6 of the Wisconsin constitution.

Sub. (2) is a restatement of s. 6.01 (2). [Bill 755-A]

**6.05 History:** 1965 c. 666; Stats. 1965 s. 6.05.

**Legislative Council Note, 1965:** This is a restatement of ss. 6.185 (5) and 10.16 (1) with some clarifications. [Bill 755-A]

**6.10 History:** 1965 c. 666; Stats. 1965 s. 6.10.

**Legislative Council Note, 1965:** This section is mainly derived from s. 6.51, but it does not attempt to combine the residence requirements with the questions to be submitted to challenged electors at the polls. This section establishes the residence requirements. S. 6.92 in this bill sets forth the questions to be submitted to challenged electors at the polls.

The intro. par. is a restatement of s. 6.51 (intro. par.) except as noted above. S. 10.47 (last sentence) pertaining to residence is deleted since this section includes these provisions.

Sub. (1) is a restatement of s. 6.51 (2).

Sub. (2) is a restatement of s. 6.51 (7) and (8).

Sub. (3) is based on s. 6.51 (12) (2nd sentence). Changes were made to be consistent with s. 6.02 in this bill.

Sub. (4) is based on s. 6.51 (12) (1st sentence) and (13), except that obsolete provisions were deleted.

Sub. (5) is a restatement of s. 6.51 (3). Because of the conflict between that provision and s. 6.51 (6), the latter subsection is deleted.

Sub. (6) is a restatement of s. 6.51 (1).

Sub. (7) is a combination of ss. 6.51 (11) (1st sentence) and (14) and are made uniform. S. 6.02 (2), providing contradictory provisions, is deleted.

Sub. (8) is a restatement of s. 6.51 (4).

Sub. (9) is a restatement of s. 6.51 (11) (2nd sentence).

Sub. (10) is a restatement of s. 6.51 (5) and (10).

Sub. (11) is a restatement of s. 6.51 (9). [Bill 755-A]

A person out of the state a large portion of the time, but whose absences are temporary, and always with the intention of returning, is a qualified elector within the meaning of sec. 69, Stats. 1898. *Hughes v. State*, 109 W 397, 85 NW 333.

Evidence that a voter was in the election district only temporarily and that he intended to leave as soon as he finished certain work that he was doing shows that he is not a resident of such district within the meaning of sec. 69, Stats. 1898. *State ex rel. Hallam v. Lally*, 134 W 253, 114 NW 447.

Members of a logging crew went to work on a logging job intending to remain no longer than the job lasted. They were citizens of the state, had no other place they claimed as a home, were unmarried, and ate, slept and kept their clothing at the camp. But, under sec. 69, Stats. 1898, they did not gain a residence nor the right to vote in the town. *State ex rel. Small v. Bosacki*, 154 W 475, 143 NW 175.

Attendance at an institution of learning for the sole purpose of acquiring an education is not of itself sufficient, under 6.51, Stats. 1915,