other than those nominated either at primary or by nomination papers, who throw away official ballots and use such unofficial ballots as official balls, may be prosecuted only under either this section or the last provision of 348.24, Stats. 1937. 18 Atty. Gen. 239.

12.68 History: Ann. Stats. 1869 s. 52; 1869 c. 226 s. 12; Stats. 1896 s. 4546; 1925 c. 4; Stats. 1925 s. 348.234; 1955 c. 696 s. 228; Stats. 1937. 18 Atty. Gen. 239.

The table shows the sections (as amended through Chapter 533, Laws of 1955), from which the new sections of Chapter 13, as repealed and recreated by this draft, evolved. In some cases, the new sections are changed considerably from their predecessors.

CONVERSION TABLE

<table>
<thead>
<tr>
<th>1965 Stats.</th>
<th>1963 Stats.</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.01</td>
<td>13.01</td>
</tr>
<tr>
<td>13.02</td>
<td>13.02</td>
</tr>
<tr>
<td>13.03</td>
<td>13.03</td>
</tr>
<tr>
<td>13.04</td>
<td>13.04</td>
</tr>
<tr>
<td>13.05</td>
<td>13.05</td>
</tr>
<tr>
<td>13.06</td>
<td>13.06</td>
</tr>
<tr>
<td>13.07</td>
<td>13.07</td>
</tr>
<tr>
<td>13.08</td>
<td>13.08</td>
</tr>
<tr>
<td>13.09</td>
<td>13.09</td>
</tr>
<tr>
<td>13.10</td>
<td>13.10</td>
</tr>
<tr>
<td>13.11</td>
<td>13.11</td>
</tr>
<tr>
<td>13.12</td>
<td>13.12</td>
</tr>
<tr>
<td>13.13</td>
<td>13.13</td>
</tr>
<tr>
<td>13.14</td>
<td>13.14</td>
</tr>
<tr>
<td>13.15</td>
<td>13.15</td>
</tr>
<tr>
<td>13.16</td>
<td>13.16</td>
</tr>
</tbody>
</table>

CHAPTER 13.

Legislative Branch.

Editor’s Note: The table shows the sections of the 1963 Wisconsin Statutes (as amended through Chapter 533, Laws of 1965), from which the new sections of Chapter 13, as repealed and recreated by this draft, evolved. In some cases, the new sections are changed considerably from their predecessors.

Legislative Council Note, 1965: Sub. (2) is a restatement of s. 6.591.

Sub. (3) is a restatement of s. 6.592.

Sub. (4) is a restatement of s. 6.593, except the provisions for the inspectors delivering to the county clerk are deleted for uniformity in this bill.

Sub. (5) is a restatement of s. 11.20. [Bill 755-A]

Where the inspectors and clerks place on the poll list the name of a person not voting, and not a qualified elector, and certify that such list contains the names of persons voting and none others, they may be prosecuted under secs. 4544 or 4545, Stats. 1911. 1 Atty. Gen. 217.

Legislative Council Note, 1965: This section is a restatement of s. 674. [Bill 755-A]

The principles of law relating to privilege in a civil action for libel are not changed by secs. 94-17 and 94-38, Stats. 1911; they add to the penalties which may follow the publication of false and libelous statements concerning candidates. Putnam v. Browne, 162 W 524, 165 NW 910.

Legislative Council Note, 1965: Sub. (2) is a restatement of s. 6.47. [Bill 765-A]

The words “any person not having all the qualifications of an elector” mean any person disqualified to vote from any of the causes fixed by the law, and referred to the condition at time his vote is received. Inspectors acting in a quasi-judicial capacity and discharging their duty in good faith are not criminally liable for errors of judgment or mistakes of law. Byrne v. State, 18 W 519.

Persons offering to vote and taking prescribed oath must be permitted to do so. Action lies against inspector for unlawfully refusing to receive vote, though without malice. Gillespie v. Palmer, 20 W 544.

Legislative Council Note, 1965: Sub. (2) is a restatement of s. 6.47. [Bill 765-A]

Legislative Council Note, 1965: Sub. (2) is a restatement of s. 6.591.

Sub. (3) is a restatement of s. 6.592.

Sub. (4) is a restatement of s. 6.593, except the provisions for the inspectors delivering to the county clerk are deleted for uniformity in this bill.

Sub. (5) is a restatement of s. 11.20. [Bill 755-A]

Where the inspectors and clerks place on the poll list the name of a person not voting, and not a qualified elector, and certify that such list contains the names of persons voting and none others, they may be prosecuted under secs. 4544 or 4545, Stats. 1911. 1 Atty. Gen. 217.

The principles of law relating to privilege in a civil action for libel are not changed by secs. 94-17 and 94-38, Stats. 1911; they add to the penalties which may follow the publication of false and libelous statements concerning candidates. Putnam v. Browne, 162 W 524, 165 NW 910.

Legislative Council Note, 1965: This section is a restatement of s. 674. [Bill 755-A]

The principles of law relating to privilege in a civil action for libel are not changed by secs. 94-17 and 94-38, Stats. 1911; they add to the penalties which may follow the publication of false and libelous statements concerning candidates. Putnam v. Browne, 162 W 524, 165 NW 910.

Legislative Council Note, 1965: This section is a restatement of s. 674. [Bill 755-A]

The principles of law relating to privilege in a civil action for libel are not changed by secs. 94-17 and 94-38, Stats. 1911; they add to the penalties which may follow the publication of false and libelous statements concerning candidates. Putnam v. Browne, 162 W 524, 165 NW 910.

Legislative Council Note, 1965: Sub. (2) is a restatement of s. 6.47. [Bill 765-A]

The words “any person not having all the qualifications of an elector” mean any person disqualified to vote from any of the causes fixed by the law, and referred to the condition at time his vote is received. Inspectors acting in a quasi-judicial capacity and discharging their duty in good faith are not criminally liable for errors of judgment or mistakes of law. Byrne v. State, 18 W 519.

Persons offering to vote and taking prescribed oath must be permitted to do so. Action lies against inspector for unlawfully refusing to receive vote, though without malice. Gillespie v. Palmer, 20 W 544.

Legislative Council Note, 1965: Sub. (2) is a restatement of s. 6.47. [Bill 765-A]

Legislative Council Note, 1965: Sub. (2) is a restatement of s. 6.591.

Sub. (3) is a restatement of s. 6.592.

Sub. (4) is a restatement of s. 6.593, except the provisions for the inspectors delivering to the county clerk are deleted for uniformity in this bill.

Sub. (5) is a restatement of s. 11.20. [Bill 755-A]

Where the inspectors and clerks place on the poll list the name of a person not voting, and not a qualified elector, and certify that such list contains the names of persons voting and none others, they may be prosecuted under secs. 4544 or 4545, Stats. 1911. 1 Atty. Gen. 217.

The principles of law relating to privilege in a civil action for libel are not changed by secs. 94-17 and 94-38, Stats. 1911; they add to the penalties which may follow the publication of false and libelous statements concerning candidates. Putnam v. Browne, 162 W 524, 165 NW 910.
13.01 History: 1917 c. 634 s. 3; Stats. 1917 s. 13.01; 1965 c. 659.

13.02 History: R. S. 1949 c. 8 s. 1; R. S. 1955 c. 9 s. 1; R. S. 1965 c. 9 s. 1; R. S. 1969 c. 9 s. 1; Stats. 1898 s. 1; Ann. Stats. 1898 s. 1; Stats. 1898 s. 1; Stats. 1917 s. 13.02; 1965 c. 659; 1967 s. 107.

13.03 History: R. S. 1849 c. 8 ss. 5, 6; R. S. 1855 c. 9 ss. 5, 6; R. S. 1878 s. 100; Stats. 1901 s. 100; 1917 c. 634 s. 5; Stats. 1917 s. 13.03; 1965 c. 659; 1969 s. 13.03.


As to appointment and salary of public service commission when member of legislature which enacted statutes is given appointment, see 52 Atty. Gen. 435.

13.05 History: 1911 c. 117; Stats. 1911 s. 445; 1923 c. 4; Stats. 1923 s. 246; 1965 c. 866 s. 770; Stats. 1965 s. 13.73; 1965 c. 659; Stats. 1965 s. 13.05.

13.06 History: 1911 c. 117; Stats. 1911 s. 445; 1923 c. 4; Stats. 1923 s. 246; 1965 c. 34; Stats. 1965 s. 13.74; 1965 c. 659; Stats. 1965 s. 13.06.

13.07 History: 1911 c. 117; 1911 c. 644 s. 10; Stats. 1911 s. 445; 1923 c. 4; Stats. 1923 s. 246; 1965 c. 659; Stats. 1965 s. 13.07.

13.08 History: 1868 c. 7 ss. 1, 2; 1877 c. 191; 1876 c. 345 ss. 1, 2; R. S. 1879 s. 110; Stats. 1898 s. 110; 1913 c. 772 s. 61; Stats. 1917 s. 13.08; 1965 c. 659; Stats. 1965 ss. 13.08, 20.765; 1969 c. 154, 331; Stats. 1969 s. 13.08.

13.09 History: 1917 c. 59 ss. 1-5; R. S. 1858 c. 5 ss. 1-5; 1898 c. 343 ss. 1-5; 1877 c. 191; 1876 c. 243 ss. 1-5; R. S. 1878 s. 106; Stats. 1898 s. 106; 1911 c. 6; 1913 c. 618; 1917 c. 634 s. 7; Stats. 1917 s. 13.09; 1919 c. 326 ss. 25; 1919 c. 39; 1919 c. 625 s. 7; 1919 c. 626 s. 7; 1927 c. 15; 1963 c. 49; 1965 c. 609; Stats. 1965 s. 13.09.


13.10 History: 1867 c. 59 ss. 1-5; R. S. 1858 c. 9 ss. 18-22; 1876 c. 343 ss. 18-22; R. S. 1878 s. 108; Stats. 1898 s. 108; 1911 ss. 106; 1913 ss. 618; 1917 c. 634 s. 7; Stats. 1917 s. 13.10; 1965 c. 659; Stats. 1965 s. 13.10; 1967 c. 291; 1969 c. 154.

This section does not require an appropriation bill to be referred by each house to the finance committee; whether any reference is required is a question of legislative policy and not of judicial determination. State v. P. Lorillard Co. 181 W 347, 193 NW 613.

13.11 History: 1867 c. 59 ss. 1-5; R. S. 1858 c. 9 ss. 18-22; 1876 c. 343 ss. 18-22; R. S. 1878 s. 108; Stats. 1898 s. 108; 1911 c. 6; 1913 c. 618; 1917 c. 634 s. 7; Stats. 1917 s. 13.07; 1965 c. 659; Stats. 1965 s. 13.11.


A state legislator who files an affidavit stating he has established a temporary residence in Madison for a legislative session is entitled to room and board allowance even though he may have 2nd reason for maintaining a temporary residence in Madison. 46 Atty. Gen. 118.

Clerks who were appointed under mistake of law and who rendered services for the same period or term. Atty. Gen. 186. 

In connection with this section, and except documentary evidence furnished in response to questions of an officer to written and oral interrogatories as to matters included in the first subsection, no evidence can be introduced except answers to have been committed by summary process as held by the lieutenant governor or president of the United States or who rendered services for a stated period or term. 8 Atty. Gen. 186.

For discussion of contested election to the legislature and compensation and oath of office of members, see 52 Atty. Gen. 186.

On organization of the legislature see notes to sec. 7, art. IV.

On legislative journals see notes to sec. 10, art. IV.

Editor's Note: In connection with this section see Masing v. State, 14 W 592.

Due process is satisfied when the courts are open to determine promptly any question concerning the merits of a contempt found to have been committed by summary process before a legislative body for contempt committed in its presence, as expressly provided by 13.27.

In a joint session of the legislature for interpelation of any appointive state officer, the lieutenant governor or president of the senate presides over the joint meeting, the chief clerk of the assembly, assisted by the clerk of the senate, acts as clerk.

No evidence can be introduced except answers of an officer to written and oral interrogatories as to matters included in the first subsection of this section, and except documentary evidence furnished in response to ques-
346.21; 1955 C. 696

and commencement of the regular session.

one who is only reimbursed for his expenses.

compensation paid for services and excludes

1965 C. 659; 1969

issues which reflect discredit on the practice

by which one railway company agrees not

to make any effort to procure a land grant

influence legislation as come within the con-

demnation of the common law; as a contract

for meals, travel; and hotel rooms for stenog-

and is aimed at the more effectual suppres-

for the purpose of brucellosis testing

and is required by 13.66 (3), (b) to report it is a violation of the statutes re-

A lobbyist is not required to report items which may aid his work, in this case expenses

Under 14.72 (2), Stats, 1953, the emergency

for the purpose of brucellosis testing of Plan B herds under 95.26 (6) (a).

The person who complained to the district

4 Atty. Gen. 3.

1965 C. 659; 1969

Co. v. Chicago, M.

If a thing of value is given to a friend of a

by failure to join the complainant as a party.

346.24; 1955 c. 659; 1969 c. 659;

on behalf of the lobbyist or his cause, such ex-

democracy or nonpendency of criminal pro-

The person who complained to the district

as used in 13.62 (2) means for

unincorporated association which is the lobby-

of Plan B herds under 95.26 (6) (a). 43 Atty.

346.20; Stats. 1965 s. 13.61; 1965 c. 659.

4 Atty. Gen. 3.

For hire" as used in 13.62 (2) means for

54 Atty. Gen. 118.

53, s. 582 (17); 1969 c. 392 ss. 2, 85; Stats. 1969

54 Atty. Gen. 118.

13.64 History: 1947 c. 609; Stats. 1947 s.

346.24; 1955 c. 696 s. 166; Stats. 1955 s. 13.64;

1965 c. 163, 659.

13.65 History: 1947 c. 609; Stats. 1947 s.

346.23; 1955 c. 696 s. 107; Stats. 1955 s. 13.65;

1965 c. 163, 659.

13.66 History: 1947 c. 609; Stats. 1947 s.

346.34; 1955 c. 696 s. 168; Stats. 1955 s. 13.66;

1965 c. 163, 659.

13.67 History: 1947 c. 609; Stats. 1947 s.

346.45; 1955 c. 696 s. 169; Stats. 1955 s. 13.67;

1965 c. 163, 659.

If a thing of value is given to a friend of a

 lobbyist for the purpose of inducing the

friend to use his efforts on the legislator on

behalf of the lobbyist or his cause, such ex-

penditure is made by the lobbyist "relative to

his activities" as such, so that the failure
to report it is a violation of the statutes re-

taining to lobbying. State v. Hoebel, 258 W

4482; 1925 c. 4;

44.82 (2d) 865.

A lobbyist is not required to report items which may aid his work, in this case expenses

for meals, travel, and hotel rooms for stenog-

raphers, but which are incurred and paid di-

rectly by his principal, in this case expenses

for meals, travel, and hotel rooms for stenog-

raphers; and which as such principal is itself required by

law to report items which may aid his work, in this case expenses for meals, travel, and hotel rooms for stenographers.

As to the meaning of “engaging in prac-
tices which reflect discredit on the practice of

lobbying or the legislature” in 13.62 (3), Stats.

1965, see 44 Atty. Gen. 174.

13.62 (3) (b), by reason of 13.66 (3), Stats.

1957, is effective only during sessions of the

legislature and between the general election

and commencement of the regular session.

47 Atty. Gen. 228.

"For hire" as used in 13.62 (2) means for

compensation paid for services and excludes

one who is only reimbursed for his expenses.

54 Atty. Gen. 118.

13.63 History: 1947 c. 609; Stats. 1947 s.

346.21; 1955 c. 696 s. 165; Stats. 1955 s. 13.63;


The person who complained to the district

attorney need not be joined as a party in an

action for the revocation of the license of a


1949, as to costs, a defendant is not prejudiced by

failure to join the complainant as a party.

State v. Hoebel, 258 W 549, 41 NW (2d) 866.

The duty of the secretary of state to pass on

the qualifications of an applicant for a lobby

license rests on statute and is not affected by

pendency or nonpendency of criminal pro-

ceedings against applicant. 40 Atty. Gen. 3.

13.68 History: 1947 c. 609; Stats. 1947 s.

346.25; 1955 c. 696 s. 170; Stats. 1955 s. 13.68;

1965 c. 433, 659.


13.69 History: 1947 c. 609; Stats. 1947 s.

346.26; 1955 c. 696 s. 171; Stats. 1955 s. 13.69;

1965 c. 66 s. 8; 1965 c. 659.
such case where information of a violation occurring within his county reaches him. State ex rel. Arthur v. Superior Court, 257 W. 438, 43 NW (2d) 494.

13.70 History: 1947 c. 609, 614; Stats. 1947 ss. 346.27, 346.29; 1955 c. 696 ss. 172, 174; Stats. 1955 s. 18.70; 1965 c. 659.

13.71 History: 1947 c. 609; Stats. 1947 s. 346.28; 1955 c. 696 s. 173; Stats. 1955 s. 13.71; 1965 c. 659.

13.72 History: 1933 c. 399; Stats. 1933 s. 346.29; 1955 c. 669 s. 175; Stats. 1955 s. 13.72; 1965 c. 66 s. 5; 1963 c. 659.

13.80 History: 1963 c. 149; Stats. 1963 s. 13.31; 1965 c. 659; Stats. 1965 s. 13.80.

13.81 History: 1965 c. 659; Stats. 1965 s. 13.81; 1969 c. 154; 1969 c. 392 s. 65.

13.82 History: 1965 c. 659; Stats. 1965 s. 13.82; 1947 c. 65; 1947 c. 392 s. 14.


13.86 History: 1965 c. 659; Stats. 1965 s. 13.66; 1907 c. 43; 1949 c. 249, 659; Stats. 1965 s. 13.905 History 1965 c. 659; Stats. 1965 s. 13.905.

13.91 History: 1965 c. 659; Stats. 1965 s. 13.91.

13.92 History: 1963 c. 149; Stats. 1963 s. 13.31; 1969 c. 26; 1965 c. 66 s. 8; 1965 c. 248, 659; Stats. 1965 s. 13.92; 1967 c. 43; 1969 c. 67.

13.93 History: 1963 c. 149; Stats. 1963 s. 13.32; 1965 c. 98 s. 5; 1965 c. 249, 659; Stats. 1965 s. 13.93; 1967 c. 263; 1969 c. 276.

On construction of statutes see notes to various sections of ch. 990.


13.95 History: 1969 c. 154; Stats. 1969 s. 13.95.

CHAPTER 14

Constitutional Offices and Interstate Bodies.

14.01 History: 1969 c. 276; Stats. 1969 s. 14.01.