

1975 Assembly Bill 1

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CHAPTER 275, Laws of 1975

AN ACT to renumber 10.06 (2) (c) to (i); to amend 6.30 (2), 6.86, 10.01 (2) (intro.), 16.765 (1) and (2) (a), 66.432 (1) and (2), 101.22 (1), (1m) (b) and (4n), 118.13, 138.20 (1), 227.033, 255.01, 255.02 (3) (c), 625.12 (2) and 942.04 (1) (a) to (c); to repeal and recreate 111.32 (5) (f); and to create 5.25 (3), 6.82 (1) (c), 7.15 (1) (j), 10.01 (2) (e), 10.06 (2) (c), (f), (i) and (L), 101.223 and 255.01 (2) of the statutes, relating to civil rights for the physically and developmentally disabled.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 5.25 (3) of the statutes is created to read:

5.25 (3) Wherever the inspectors do not receive ballots at the door to a polling place under s. 6.82 (1), the polling place shall have at least one entrance which is accessible to persons in wheelchairs.

SECTION 2. 6.30 (2) of the statutes is amended to read:

6.30 (2) (title) WHEN CONFINED OR DISABLED. (a) Registration affidavits for qualified electors may be completed at the home or institution where an elector is confined because of physical illness or infirmity or where a disabled elector resides if such person finds it difficult to register in another manner. The affidavit shall may be made in the presence of the municipal clerk any person authorized to register electors, or the affidavit may be witnessed by 2 electors in the ward or aldermanic district and then mailed or delivered to the municipal clerk. The affidavit shall indicate that the elector is confined because of physical illness or infirmity or is disabled and finds it difficult to register in another manner.

(b) An elector who is confined because of physical illness or infirmity or is disabled may by signing an affidavit to that effect require that an absentee ballot application be sent to him automatically for every election. The affidavit form and instructions shall be prescribed by the board. The envelope containing the absentee

ballot application shall be clearly marked as not forwardable.

SECTION 3. 6.82 (1) (c) of the statutes is created to read:

6.82 (1) (c) If a polling place does not have at least one entrance which is accessible to persons in wheelchairs, the ward inspectors shall receive the ballots of physically disabled persons at the door.

SECTION 4. 6.86 of the statutes is amended to read:

6.86 Application for absentee ballot. Any elector, qualifying under ss. 6.20 (1) and 6.85 as an absent elector may apply to the municipal clerk for his official ballot either in writing ~~or~~, in person, or by completing an affidavit as provided under s. 6.30 (2) (b). If application is made in writing, the application, signed by the elector, shall be received no sooner than the first of the month 3 months before the election nor after 5 p.m. on the Friday immediately preceding the election. If application is made in person the application shall not be made sooner than the first of the month 3 months before the month of the election nor later than 5 p.m. on the day preceding the election. If the elector is making written application and the reason for requesting an absentee ballot is that the elector is a sequestered juror, the application shall be received no sooner than the first of the month 3 months before the election nor after 12 noon on election day. If the application is received after 5 p.m. on the Friday immediately preceding the election, the municipal clerk or his agent shall immediately take the ballot to the court in which the elector is serving as a juror and deposit it with the judge. The judge shall recess his court, as soon as convenient, and give the elector his ballot. The judge shall then notarize the affidavit as provided in s. 6.87 and shall turn the ballot over to the clerk or his agent who shall deliver it to the polling place as required in s. 6.88. If application is made by completing an affidavit as provided under s. 6.30 (2) (b), the affidavit may be received at any time before 5 p.m. on the Friday immediately preceding the election.

SECTION 5. 7.15 (1) (j) of the statutes is created to read:

7.15 (1) (j) Send an absentee ballot application automatically to each registered elector requesting the same under s. 6.30 (2) (b).

SECTION 6. 10.01 (2) (intro.) of the statutes is amended to read:

10.01 (2) (intro.) For election purposes there shall be ~~4~~5 basic types of notices, modified as necessary to apply to the various elections, which shall be published in substantially the same form as prescribed by the board. The ~~4~~5 types of notices are:

SECTION 7. 10.01 (2) (e) of the statutes is created to read:

10.01 (2) (e) Type E — The type E notice shall state the qualifications for absentee voting, the procedures for obtaining an absentee ballot in the case of registered and unregistered voters, and the places and the deadlines for application and return of application. The county clerk shall publish one notice on the first Tuesday of each of the 2 months preceding each spring primary and election, and each September primary and election.

SECTION 8. 10.06 (2) (c) of the statutes is renumbered 10.06 (2) (d).

SECTION 9. 10.06 (2) (c) of the statutes is created to read:

10.06 (2) (c) On the first Tuesday of the 2 months preceding the spring primary, when held, a type E notice shall be published. Publication shall be on the next day if Tuesday is a holiday.

SECTION 10. 10.06 (2) (d) to (f) of the statutes are renumbered 10.06 (2) (e), (g) and (h), respectively.

SECTION 11. 10.06 (2) (f) of the statutes is created to read:

10.06 (2) (f) On the first Tuesday of the 2 months preceding the spring election, a type E notice shall be published. Publication shall be on the next day if Tuesday is a holiday.

SECTION 12. 10.06 (2) (g) to (i) of the statutes are renumbered 10.06 (2) (j), (k) and (m), respectively.

SECTION 13. 10.06 (2) (i) and (L) of the statutes are created to read:

10.06 (2) (i) On the first Tuesday of the 2 months preceding a September primary, when held, a type E notice shall be published. Publication shall be on the next day if Tuesday is a holiday.

(L) On the first Tuesday of the 2 months preceding the general election, when held, a type E notice shall be published. Publication shall be on the next day if Tuesday is a holiday.

SECTION 14. 16.765 (1) and (2) (a) of the statutes are amended to read:

16.765 (1) Contracting agencies of the state shall include in all contracts executed by them a provision obligating the contractor not to discriminate against any employe or applicant for employment because of race, religion, color, physical condition, developmental disability as defined in s. 51.434 (1) or national origin, and obligating the contractor to take affirmative action to ensure equal employment opportunities for persons with physicial disabilities.

(2) (a) In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employe or applicant for employment because of race, religion, color, physical condition, developmental disability as defined in s. 51.434 (1) or national origin. ~~The aforesaid~~ This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor further agrees to take affirmative action to ensure equal employment opportunities for persons with disabilities. The contractor agrees to post in conspicuous places, available for employes and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

SECTION 15. 66.432 (1) and (2) of the statutes are amended to read:

66.432 (1) DECLARATION OF POLICY. The right of all persons to have equal opportunities for housing regardless of their race, color, physical condition, developmental disability as defined in s. 51.434 (1), religion, national origin or ancestry is a matter both of state-wide concern under s. 101.22 and also of local interest under this section and s. 66.433. The enactment of s. 101.22 by the legislature shall not ~~pre-empt~~ preempt the subject matter of equal opportunities in housing from consideration by local governments, and shall not exempt cities, villages, towns and counties from their duty, nor deprive them of their right, to enact ordinances which prohibit discrimination in any type of housing solely on the basis of race, color, physical condition, developmental disability as defined in s. 51.434 (1), religion, national origin or ancestry.

(2) ANTIDISCRIMINATION HOUSING ORDINANCES. Cities, villages and towns may enact ordinances prohibiting discrimination in the sale or rental of any type of housing within their respective boundaries solely on the basis of race, color, physical condition, developmental disability as defined in s. 51.434 (1), religion, national origin or ancestry. Such an ordinance may be similar to s. 101.22 or may be more inclusive in its terms or in respect to the different types of housing subject to its provisions, but any such ordinance establishing a forfeiture as a penalty for violation shall not be less than the statutory forfeitures under s. 101.22. Counties may enact such ordinances under ss. 59.07 (11) and 66.433.

SECTION 16. 101.22 (1), (1m)(b) and (4n) of the statutes are amended to read:

101.22 (1) INTENT. It is the intent of this act to render unlawful discrimination in housing. It is the declared policy of this state that all persons shall have an equal opportunity for housing regardless of race, color, physical condition, developmental disability as defined in s. 51.434 (1), religion, national origin or ancestry and it is the duty of the local units of government to assist in the orderly prevention or removal of all discrimination in housing through the powers granted under s. 66.433. The legislature hereby extends the state law governing equal housing opportunities to cover single-family residences which are owner-occupied. The legislature finds that the sale and rental of single-family residences constitute a significant portion of the housing business in this state and should be regulated. This section shall be deemed an exercise of the police powers of the state for the protection of the welfare, health, peace, dignity and human rights of the people of this state.

(1m)(b) "Discriminate" and "discrimination" mean to segregate, separate, exclude or treat any person unequally only because of race, color, physical condition, developmental disability as defined in s. 51.434 (1), religion, national origin or ancestry. It is intended that the factors set forth herein shall be the sole bases for prohibiting discrimination.

(4n) REQUIRING REFERENCES. Nothing in this section shall be deemed to prohibit an owner, or his agent, from requiring that any person who seeks to buy, rent or lease housing supply information concerning his family, marital, financial and business status but not concerning race, color, physical condition, developmental disability as defined in s. 51.434 (1) or creed.

SECTION 17. 101.223 of the statutes is created to read:

101.223 Post-secondary education: prohibition against discrimination on basis of physical condition or developmental disability. (1) Subject to sub. (3), no school, university or other institution offering courses or programs in post-secondary education or vocational training which is supported wholly or in part by public funds may refuse to admit any person to any school, institution, course or program or any curricular or extracurricular activity, or may otherwise discriminate against any person, solely on the basis of physical condition or developmental disability as defined in s. 51.434 (1).

(2) If admission to any such school, university, institution, program or course requires that a prospective enrollee take a standardized aptitude examination and the prospective enrollee is unable to take such an examination under standard conditions because of his physical condition or developmental disability as defined in s. 51.434 (1), the school, university or institution shall make a good-faith effort to modify the examination conditions in a manner which will permit the prospective enrollee to demonstrate his aptitude. The failure of any school, university or institution to make such a good-faith effort is discrimination within the meaning of this section.

(3) The prohibition against discrimination under sub. (1) does not apply to:

(a) Courses, programs or activities involving the handling or operation of hazardous substances, machines or appliances if there is no feasible way in which the physical safety of the disabled student or of other persons can be adequately protected; or

(b) The admission of a person who does not meet the minimum physical standards which are reasonably necessary for a particular course, program or activity. The school, university or other institution has the burden of proving that such minimum physical standards are reasonably necessary.

(4) (a) The department shall receive and investigate complaints charging discrimination or discriminatory practices in particular cases, and publicize its findings

with respect thereto. The department shall have all powers provided under s. 111.36 with respect to the disposition of such complaints.

(b) Findings and orders of the department under this section are subject to review under ch. 227.

SECTION 18. 111.32 (5) (f) of the statutes is repealed and recreated to read:

111.32 (5) (f) It is discrimination because of handicap:

1. For an employer, labor organization, licensing agency or other person to refuse to hire, employ, admit or license, or to bar or to terminate from employment, membership or licensure any individual, or to discriminate against any individual in promotion, compensation or in terms, conditions or privileges of employment unless such handicap is reasonably related to the individual's ability adequately to undertake the job-related responsibilities of that individual's employment, membership or licensure.

2. For an employer to contribute a lesser amount to the fringe benefits, including life or disability insurance coverage, of any employe because of his handicap.

SECTION 19. 118.13 of the statutes is amended to read:

118.13 Pupil discrimination prohibited. No person may be excluded from any public school on account of his religion, nationality, physical condition, developmental disability as defined in s. 51.434 (1) or color. No separate school or department may be maintained for any person on account of his religion, nationality or color. Any member of a school board who votes to exclude from any public school any child on account of his religion, nationality, physical condition, developmental disability as defined in s. 51.434 (1) or color may be fined not more than \$100 or imprisoned not less than 30 days nor more than 6 months or both.

SECTION 20. 138.20 (1) of the statutes is amended to read:

138.20 (1) RULE. No financial organization, as defined under s. 71.07 (2) (d) 1, or any other credit granting commercial institution may discriminate in the granting or extension of any form of loan or credit, or of the privilege or capacity to obtain any form of loan or credit, on the basis of the applicant's physical condition, developmental disability as defined in s. 51.434 (1), sex or marital status; provided, however, that no such organization or institution shall be required to grant or extend any form of loan or credit to any person who such organization or institution has evidence demonstrating the applicant's lack of legal capacity to contract therefor or to contract with respect to any mortgage or security interest in collateral related thereto.

SECTION 21. 227.033 of the statutes is amended to read:

227.033 Discrimination by rule prohibited. No rule, either in its terms or in its application, shall discriminate for or against any person by reason of his race, creed, color, national origin, or ancestry. A rule which discriminates for or against any person by reason of physical condition or developmental disability as defined in s. 51.434 (1) shall be permitted only if that rule is strictly necessary to a function of the agency and is supported by data demonstrating that necessity. Every person affected by a rule shall be entitled to the same benefits and subject to the same obligations as any other person under the same or similar circumstances.

SECTION 22. 255.01 of the statutes is amended to read:

255.01 Qualifications of jurors. (1) Persons ~~(1)~~ who are citizens of the United States, ~~(2)~~ who are electors of the state, ~~(3)~~ who are possessed of their natural faculties, ~~(4)~~ who are not infirm, ~~(5)~~ who are esteemed in their communities as of good character and sound judgment, ~~(6)~~ who are able to read and write the English language understandingly, and ~~(7)~~ who have not been sworn on voir dire as grand or petit jurors in the same county within 2 years of the end of the last term during which

such person was sworn on voir dire as a juror, shall be liable to be drawn as grand or petit jurors.

SECTION 23. 255.01 (2) of the statutes is created to read:

255.01 (2) Subsection (1) shall not exempt, exclude or disqualify a person from jury service on the ground of infirmity because of a physical condition unless the judge finds that the person clearly cannot fulfill the responsibilities of a juror. The judge shall not consider the structural, physical or architectural limitations or barriers of a building, courtroom, jury box or other facility in making such a finding.

SECTION 24. 255.02 (3) (c) of the statutes is amended to read:

255.02 (3) (c) No citizen shall be excluded from service as grand or petit juror in any court of this state on account of race or color or because of a physical condition, except as provided in s. 255.01 (2).

SECTION 25. 625.12 (2) of the statutes is amended to read:

625.12 (2) CLASSIFICATION. Risks may be classified in any reasonable way for the establishment of rates and minimum premiums, except that no classifications may not be based on race, color, creed or national origin, and classifications in automobile insurance may not be based on physical condition or developmental disability as defined in s. 51.434 (1). Rates thus produced may be modified for individual risks in accordance with rating plans or schedules which establish reasonable standards for measuring probable variations in hazards, expenses, or both.

SECTION 26. 942.04 (1) (a) to (c) of the statutes are amended to read:

942.04 (1) (a) Denies to another or charges another a higher price than the regular rate for the full and equal enjoyment of any public place of accommodation or amusement because of his race, color, creed, physical condition, developmental disability as defined in s. 51.434 (1), national origin or ancestry; or

(b) Directly or indirectly publishes, circulates, displays or mails any written communication which he knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of his race, color, creed, physical condition, developmental disability as defined in s. 51.434 (1), national origin or ancestry or that the patronage of a person is unwelcome, objectionable, or unacceptable for any of those reasons; or

(c) Refuses to furnish or charges another a higher rate for any automobile insurance because of his race, color, creed, physical condition, developmental disability as defined in s. 51.434 (1), national origin or ancestry.
