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SECTION 105

1 **SECTION 105.** 8.20 (9) of the statutes is amended to read:

2 8.20 (9) Persons nominated by nomination papers without a recognized
3 political party designation shall be placed on the official ballot at the general election
4 and at any partisan election to the right or below the recognized political party
5 candidates in their own column or row designated "Independent". At the September
6 primary, persons nominated ~~for state office~~ by nomination papers without a
7 recognized political party designation shall be placed on a separate ballot or row on
8 the voting machine designated "Independent". If the candidate's name already
9 appears under a recognized political party it may not be listed on the independent
10 ballot, column or row.

11 **SECTION 106.** 8.21 of the statutes is amended to read:

12 **8.21 Declaration of candidacy.** Each candidate, except a write-in candidate
13 or a candidate for presidential elector under s. 8.20 (2) (d), shall file a declaration of
14 candidacy, no later than the latest time provided for filing nomination papers under
15 s. 8.10 (2) (a), 8.15 (1), ~~8.17 (2)~~, 8.20 (8) (a) or 8.50 (3) (a), or the time provided under
16 s. 8.16 (2) or 8.35 (2) (c). A write-in candidate may file a declaration of candidacy no
17 later than 5 p.m. before the day of the primary or other election at which the
18 candidate seeks office. A candidate shall file the declaration with the officer or
19 agency with which nomination papers are filed for the office which the candidate
20 seeks, or if nomination papers are not required, with the clerk or board of election
21 commissioners of the jurisdiction in which the candidate seeks office. The
22 declaration shall be sworn to before any officer authorized to administer oaths. The
23 declaration shall contain the name of the candidate in the form specified under s.
24 8.10 (2) (b) for candidates for nonpartisan office or s. 8.15 (5) (a) or 8.20 (2) (a) for
25 candidates for partisan office, and shall state that the signer is a candidate for a

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1 named office, that he or she meets or will at the time he or she assumes office meet
2 applicable age, citizenship, residency or voting qualification requirements, if any,
3 prescribed by the constitutions and laws of the United States and of this state, and
4 that he or she will otherwise qualify for office if nominated and elected. ~~The~~ Except
5 in the case of a write-in candidate, the declaration shall include the candidate's
6 name in the form in which it will appear on the ballot. Each candidate for state and
7 local office shall include in the declaration a statement that he or she has not been
8 convicted of any infamous crime for which he or she has not been pardoned and a list
9 of all felony convictions for which he or she has not been pardoned. In addition, each
10 candidate for state or local office shall include in the declaration a statement that
11 discloses his or her municipality of residence for voting purposes, and the street and
12 number, if any, on which the candidate resides. The declaration is valid with or
13 without the seal of the officer who administers the oath. A candidate for state or local
14 office shall file an amended declaration under oath with the same officer or agency
15 if any information contained in the declaration changes at any time after the original
16 declaration is filed and before the candidate assumes office or is defeated for election
17 or nomination.

18 **SECTION 107. 8.35 (2) (a)** of the statutes is amended to read:

19 8.35 (2) (a) If a vacancy occurs after nomination due to the death of a candidate
20 of a recognized political party for a partisan office, ~~other than party committeeman~~
21 ~~or committeewoman,~~ the vacancy may be filled by the chairperson of the committee
22 of the proper political party under s. 7.38 (3), or the personal campaign committee,
23 if any, in the case of independent candidates. Similar vacancies in nominations of
24 candidates for nonpartisan local offices may be filled by the candidate's personal
25 campaign committee or, if the candidate had none, by the body which governs the

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1 local governmental unit in which the deceased person was a candidate for office. The
2 chairperson, chief officer of the committee, or clerk of the body making an
3 appointment shall file a certificate of appointment with the official or agency with
4 whom declarations of candidacy for the office are filed. For purposes of this
5 paragraph, the official or agency need not recognize members of a personal campaign
6 committee whose names were not filed under s. 11.05 prior to the death of the
7 candidate.

8 **SECTION 108. 8.37** of the statutes is created to read:

9 **8.37 Filing of referenda petitions or questions.** Unless otherwise required
10 by law, all proposed constitutional amendments and any other measure or question
11 that is to be submitted to a vote of the people, or any petitions requesting that a
12 measure or question be submitted to a vote of the people, if applicable, shall be filed
13 with the official or agency responsible for preparing the ballots for the election no
14 later than 42 days prior to the election at which the amendment, measure or question
15 will appear on the ballot.

16 **SECTION 109. 8.40 (2)** of the statutes is amended to read:

17 8.40 (2) ~~The affidavit certification~~ of a qualified elector stating his or her
18 residence with street and number, if any, shall appear at the bottom of each separate
19 sheet of each petition specified in sub. (1), stating that ~~the affiant~~ he or she personally
20 circulated the petition and personally obtained each of the signatures; that the
21 ~~affiant circulator~~ knows that they are electors of the jurisdiction or district in which
22 the petition is circulated; that the ~~affiant circulator~~ knows that they signed the paper
23 with full knowledge of its content; that the ~~affiant circulator~~ knows their respective
24 residences given; that the ~~affiant circulator~~ knows that each signer signed on the
25 date stated opposite his or her name; that the ~~affiant circulator~~ resides within the

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1 jurisdiction or district in which the petition is circulated; and that the ~~affiant~~
2 ~~circulator~~ is aware that falsifying the ~~affidavit certification~~ is punishable under ~~ss.~~
3 ~~s. 12.13 (3) (a) and 946.32 (1) (a). The petition is valid with or without the seal of the~~
4 ~~officer who administers the oath.~~

5 **SECTION 110 .** 8.50 (1) (a) of the statutes is amended to read:

6 8.50 (1) (a) When there is to be a special election, the special election for county
7 clerk shall be ordered by the ~~sheriff~~; the special election for any other county office
8 shall be ordered by the county clerk except as provided in s. 17.21 (5); the special
9 election for school board member in a school district organized under ch. 119 shall
10 be ordered by the school board; the special election for municipal judge shall be
11 ordered by the mayor, president or chairperson of the municipality, except in 1st class
12 cities, or if the judge is elected under s. 755.01 (4) jointly by the mayors, nresidents
13 or chairpersons of all municipalities served by the judge; and all other special
14 elections shall be ordered by the governor. When the governor or attorney general
15 issues the order, it shall be filed and recorded in the office of the board. When the
16 county clerk or sheriff issues the order, it shall be filed and recorded in the office of
17 the county clerk. When the county executive issues the order, it shall be filed in the
18 office of the county board of election commissioners. When the school board of a
19 school district organized under ch. 119 issues the order, it shall be filed and recorded
20 in the office of the city board of election commissioners. When the mayor, president
21 or chairperson issues the order, it shall be filed in the office of the municipal clerk or
22 city board of election commissioners. If a municipal iudae is elected under s. 755.01
23 (4), the order shall be filed in the office of the county clerk or board of election
24 commissioners of the county having the largest nortion of the nonulation of the
25 jurisdiction served by the iudge.

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1 **SECTION 111.** 8.50 (1) (b) of the statutes is amended to read:

2 8.50 (1) (b) Notice of any special election shall be given upon the filing of the
3 order under par. (a) by publication in a newspaper under ch. 985. If the special
4 election concerns a national or state office, the board shall give notice as soon as
5 possible to the county clerks. Upon receipt of notice from the board, or when the
6 special election is for a county office or a municipal judgeship under s. 755.01 (4), the
7 county clerk shall give notice as soon as possible to ~~all~~ the municipal clerks of all
8 municipalities in which electors are eligible to vote in the election and publish one
9 type A notice for all offices to be voted upon within the county as provided in s. 10.06
10 (2) (n) and (3) (f).

11 **SECTION 112.** 8.50 (2) (a) of the statutes is amended to read:

12 8.50 (2) (a) The date for the special election shall be not less ~~than 62 92~~ nor more
13 than ~~77~~ 107 days from the date of the order except when the special election is held
14 on the day of the general election or spring election. If a special election is held
15 concurrently with the spring or general election, the special election may be ordered
16 not earlier than 92 days prior to the spring primary or September primary,
17 respectively, and not later than 49 days prior to that primary.

18 **SECTION 113.** 8.50 (4) (~~fm~~) of the statutes is amended to read:

19 8.50 (4) (~~fm~~) A permanent vacancy in the office of municipal judge may be filled
20 by temporary appointment of the municipal governing body, or, if the judge is elected
21 under s. 755.01 (4), jointly by the governing bodies of all municipalities served by the
22 ~~judge~~ office shall then be permanently filled by special election, held
23 concurrently with the next spring election following the occurrence of the vacancy,
24 except that a vacancy occurring during the period after December 1 and on or before
25 the date of the spring election shall be filled at the 2nd succeeding spring election,

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1 and no such election may be held after the expiration of the term of office nor at the
2 time of holding the regular election for the office.

3 **SECTION 114.** 9.01 (1) (ag) 1. and 2. of the statutes are amended to read:

4 9.01 (1) (ag) 1. For the purpose of this subsection, the elections board shall
5 promulgate a rule defining the "actual cost" of conducting a recount. Each petition
6 for a recount shall be accompanied by the fee or charge prescribed in this paragraph.
7 If the difference between the votes cast for the leading candidate and those cast for
8 the petitioner or the difference between the affirmative and negative votes cast upon
9 any referendum question is less than ~~10 if 1,000 or less votes are cast or less than .5%~~
10 of the total votes cast for the office or on the question ~~if more than 1,000 votes are cast,~~
11 the petitioner is not required to pay a fee.

12 2. If the difference between the votes cast for the leading candidate and those
13 cast for the petitioner or the difference between the affirmative and negative votes
14 cast upon any referendum question is at least ~~10 if 1,000 or less votes are cast~~ at
15 least .5% if more than 1,000 votes are cast but less than 3%, the petitioner shall pay
16 a fee of \$5 for each ward for which the petition requests a ballot recount, or \$5 for each
17 municipality where no wards exist.

18 **SECTION 115.** 9.01 (1) (ag) 2g. and 2r. of the statutes are created to read:

19 9.01 (1) (ag) 2g. If the difference between the votes cast for the leading
20 candidate and those cast for the petitioner or the difference between the affirmative
21 and negative votes cast upon any referendum question is at least 3% but less than
22 5%, the petitioner shall pay 50% of the actual cost of conducting the recount.

23 2r. If the difference between the votes cast for the leading candidate and those
24 cast for the petitioner or the difference between the affirmative and negative votes

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1 cast upon any referendum question is 5% or more, the petitioner shall pay the actual
2 cost of conducting the recount.

3 **SECTION 116. 9.01 (2)** of the statutes is amended to read:

4 9.01 (2) **NOTICE TO CANDIDATES.** When the recount concerns an election for an
5 office, the clerk or body with whom the petition is filed shall promptly prepare a copy
6 of the petition for delivery to each opposing candidate for the same office whose name
7 appears on the ballot. In a recount proceeding for a partisan primary, the clerk or
8 body shall prepare a copy of the petition for delivery to each opposing candidate for
9 the same party nomination for the same office, to each opposing candidate for the
10 party nomination of each other party for the same office and to each independent
11 candidate qualifying to have his or her name placed on the ballot for the succeeding
12 election. ~~The A candidate or agent designated by a candidate may personally accept~~
13 ~~delivery of a copy of the petition. Upon such delivery! the clerk or body shall require~~
14 ~~the candidate or agent to sign a receipt therefor. If a candidate or agent does not~~
15 ~~personally accept delivery the~~ clerk or body shall then promptly deliver the copies
16 of the petition to the sheriff, who shall promptly deliver the copies of the petition to
17 each candidate at the address given on the candidate's nomination papers, without
18 fee, in the manner provided for service of a summons in civil actions.

19 **SECTION 117. 9.01 (5) (a)** of the statutes is amended to read:

20 9.01 (5) (a) The board of canvassers or the chairperson of the board shall keep
21 complete minutes of all proceedings before the board of canvassers or chairperson.
22 Upon completion of its proceedings, a board of canvassers shall deliver one copy of
23 its minutes to the elections board. The minutes shall include a record of objections
24 and offers of evidence. If the board of canvassers or chairperson receives exhibits
25 from any party, the board of canvassers or chairperson shall number and preserve

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1 the exhibits. The board of canvassers or chairperson shall make specific findings of
2 fact with respect to any irregularity raised in the petition or discovered during the
3 recount. Any member of the board of canvassers or the chairperson may administer
4 oaths, certify official acts and issue subpoenas for purposes of this section. Witness
5 fees shall be paid by the county. In the case of proceedings before the chairperson of
6 the board, witness fees shall be paid by the board.

7 **SECTION 118.** 9.01 (7) (a) of the statutes is amended to read:

8 9.01 (7) (a) The court with whom an appeal is filed shall forthwith issue an
9 order directing each affected county or municipal clerk or board to transmit
10 immediately all ballots, papers and records affecting the appeal to the clerk of court
11 or to impound and secure such ballots, papers and records, or both. The order shall
12 fix a place ~~and a time~~ for the a hearing ~~within 5 days of the order~~ either in open court,
13 at chambers or before a referee ~~and a time for the hearing in accordance with par.~~
14 (b). The order shall be served upon each affected county or municipal clerk or board
15 and all other candidates and persons who filed a written notice of appearance before
16 any board of canvassers involved in the recount. A reference may be ordered upon
17 any question. At the assigned time and place, the matter shall be summarily heard
18 and determined and costs taxed as in other civil actions.

19 **SECTION 119.** 10.02 (3) (b) 1. of the statutes is amended to read:

20 10.02 (3) (b) 1. If an elector wishes to vote for all candidates nominated by any
21 party, the elector shall make a cross (x) ~~in the circle~~ or depress the lever or button
22 ~~under next to~~ the party designation ~~printed shown~~ at the top of the ballot, ~~except that~~
23 at the general election the elector shall cast one vote jointly for the offices of nresident
24 and vice president or governor and lieutenant governor. A vote for candidates for
25 president and vice nresident is a vote for the presidential electors of those candidates.

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1 Unless a name has been erased or crossed out, another name written in, a cross made
2 ~~to the right next to the name~~ of a candidate for the same office in another column or
3 a sticker applied, a cross ~~in the circle next to a party designation~~ at the top of the
4 column is a vote for all the party's candidates listed in the column. If an elector does
5 not wish to vote for all the candidates nominated by one party, the elector shall make
6 a cross (X) ~~in the square at the right of~~ next to or separately depress the levers or
7 buttons next to each candidate's name for whom he or she intends to vote, or shall
8 insert or write in the name of a candidate.

9 **SECTION 120.** 10.02 (3) (b) 2. of the statutes is amended to read:

10 10.02 (3) (b) 2. At a special partisan primary, the elector shall select the party
11 ballot of his or her choice and shall make a cross (X) ~~in the square at the right of~~ next
12 to or depress the lever or button next to the candidate's name for each office for whom
13 the elector intends to vote, or shall insert or write in the name of the elector's choice
14 for a candidate.

15 **SECTION 121.** 10.02 (3) (b) 2m. of the statutes is amended to read:

16 10.02 (3) (b) 2m. At the September primary, the elector shall select the party
17 ballot of his or her choice or the ballot containing the names of the independent
18 candidates ~~for state office~~, and make a cross (X) ~~in the square at the right of~~ next to
19 or depress the lever or button next to the candidate's name for each office for whom
20 the elector intends to vote or insert or write in the name of the elector's choice for a
21 party candidate, if any. In order to qualify for participation in the Wisconsin election
22 campaign fund, a candidate for state office at the September primary, other than a
23 candidate for district attorney, must receive at least 6% of all votes cast on all ballots
24 for the office for which he or she is a candidate, in addition to other requirements.

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1 **SECTION 122.** 10.02 (3) (b) 3. and 4., (c) and (d) of the statutes are amended to
2 read:

3 10.02 (3) (b) 3. When casting a presidential preference vote, the elector shall
4 select the party ballot of his or her choice and make a cross (X) ~~in the square at the~~
5 ~~right of next to~~ or depress the button or lever next to the candidate's name for whom
6 he or she intends to vote or shall, in the alternative, make a cross (X) ~~in the square~~
7 ~~at the right of next to~~ or depress the button or lever next to the words "Uninstructed
8 delegation", or shall write in the name of his or her choice for a candidate.

9 4. At a nonpartisan primary, the elector shall make a cross (X) ~~in the square~~
10 ~~at the right of next to~~ or depress the button or lever next to the candidate's name for
11 each office for whom he or she intends to vote, or insert or write in the name of his
12 or her choice for a candidate.

13 (c) In presidential elections, the elector shall make a cross (X) ~~in the square at~~
14 ~~the right of next to~~ or depress the button or lever next to the set of candidates for
15 president and vice president for whom he or she intends to vote. The vote shall be
16 counted for all the candidates for presidential electors of those candidates.

17 (d) On referenda questions, the elector shall make a cross (X) ~~in the square at~~
18 ~~the right of next to~~ or depress the button or lever next to the answer which he or she
19 intends to give.

20 **SECTION 123.** 10.66 (1m) (a) of the statutes is repealed.

21 **SECTION 124.** 10.66 (3) (b) of the statutes is repealed.

22 **SECTION 125.** 10.76 (lr) (a) of the statutes is repealed.

23 **SECTION 126.** 10.76 (3) (a) of the statutes is repealed.

24 **SECTION 127.** 10.82 (1) (e) of the statutes is amended to read:

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1 10.82 (1) (e) ***Date for special election.*** The date for the special election shall be
2 not less than ~~62~~ 92 nor more than ~~77~~ 107 days from date of order except when the
3 special election is held on the day of the spring election or the general election. See
4 s. 8.50 (2).

5 **SECTION 128.** 10.82 (2) (d) of the statutes is amended to read:

6 10.82 (2) (d) ***Date for special election.*** The date for the special election shall be
7 not less than ~~62~~ 92 nor more than ~~77~~ 107 days from date of order except when the
8 special election is held on the day of the spring election or the general election. See
9 s. 8.50 (2).

10 **SECTION 129.** 10.82 (3) (d) of the statutes is amended to read:

11 10.82 (3) (d) ***Date for special election.*** The date for the special election shall be
12 not less than ~~62~~ 92 nor more than ~~77~~ 107 days from date of order except when the
13 special election is held on the day of the spring election or the general election. See
14 s. 8.50 (2).

15 **SECTION 130.** 10.82 (4) (d) of the statutes is amended to read:

16 10.82 (4) (d) ***Date for special election.*** The date for the special election shall be
17 not less than ~~62~~ 92 nor more than ~~77~~ 107 days from date of order except when the
18 special election is held on the day of the spring election or the general election. See
19 s. 8.50 (2).

20 **SECTION 131.** 10.82 (5) (c) of the statutes is amended to read:

21 10.82 (5) (c) ***Date for special election.*** The date for the special election shall be
22 not less than ~~62~~ 92 nor more than ~~77~~ 107 days from date of order except when the
23 special election is held on the day of the spring election or the general election. See
24 s. 8.50 (2).

25 **SECTION 132.** 11.02 (3) of the statutes is amended to read:

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1 11.02 (3) The Except as provided in sub. (3e), the “filing officer” for each
2 candidate for local office and for each committee which or individual who is acting
3 in support of or in opposition to any candidate for local office, but not any candidate
4 for state office, is the clerk of the most populous jurisdiction for which any candidate
5 who is supported or opposed seeks office.

6 **SECTION 133.** 11.02 (3e) of the statutes is created to read:

7 11.02 (3e) The “filing officer” for each candidate for municipal judge elected
8 under s. 755.01 (4) and for each committee which or individual who is acting in
9 support of or in opposition to such a candidate, but not any candidate for state office,
10 is the county clerk or board of election commissioners of the county having the largest
11 portion of the population in the jurisdiction served by the judge.

12 **SECTION 134.** 11.03 (1) of the statutes is amended to read:

13 11.03 (1) Elections for the positions of presidential elector, and convention
14 delegate ~~and party committeeman or committeewoman~~ are not subject to ss. 11.05
15 to 11.23 and 11.26 to 11.29.

16 **SECTION 135.** 11.60 (4) and (5) of the statutes are amended to read:

17 11.60 (4) Actions under this section arising out of an election for state office or
18 a statewide referendum may be brought by the board or by the district attorney of
19 the county where the violation is alleged to have occurred, except as specified :in s.
20 11.38. Actions under this section arising out of an election for local office or a local
21 referendum may be brought by the district attorney of the county where the violation
22 is alleged to have occurred. Actions under this section arising out of an election for
23 county office or a county referendum may be brought by the county board of election
24 commissioners of the county wherein the violation is alleged to have occurred. If a
25 violation concerns a district attorney or circuit judge or candidate for such offices, the

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1 action shall be brought by the attorney general. If a violation concerns the attorney
2 general or a candidate for such office, the governor may appoint special counsel
3 under s. 14.11 (2) to bring suit in behalf of the state. The counsel shall be independent
4 of the attorney general and need not be a state employe at the time of appointment.

5 (5) Any elector may file a verified petition with the board, the county board of
6 election commissioners or the appropriate district attorney or ~~both~~ with more than
7 one of them where ~~the~~ their authority is concurrent under sub. (4), requesting that
8 civil action under this chapter be brought against any person, committee or group.
9 The petition shall allege such facts as are within the knowledge of the petitioner to
10 show probable cause that a violation of this chapter has occurred.

11 **SECTION 136.** 24.66 (4) of the statutes is amended to read:

12 24.66 (4) **POPULAR VOTE, WHEN REQUIRED.** If any municipality is not empowered
13 by law to incur indebtedness for a particular purpose without first submitting the
14 question to its electors, the application for a state trust fund loan for that purpose
15 must be approved and authorized by a majority vote of the electors at a special
16 election called, noticed and held in the manner provided for other special elections.
17 The question to be voted on shall be filed as provided in s. 8.37. The notice of the
18 election shall state the amount of the proposed loan and the purpose for which it will
19 be used.

20 **SECTION 137.** 32.72 (1) of the statutes is amended to read:

21 32.72 (1) Sections 32.50 to 32.71 do not take effect in any city until the following
22 question is submitted to the electors of the city at a special election and adopted by
23 a majority vote of the electors voting: "Shall subchapter II of chapter 32, Wisconsin
24 Statutes, be effective in the city of thus allowing the city to acquire and
25 condemn property for street widening and similar purposes, financed through

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1 assessments of benefits and damages?“. The auestion shall be filed as nrovided in
2 s. 8.37.

3 **SECTION 138.** 38.08 (1) (a) 1. of the statutes is amended to read:

4 38.08 (1) (a) 1. A district board shall administer the district and shall be
5 composed of 9 members who are residents of the district, including 2 employers, 2
6 employes, 3 additional members, a school district administrator, as defined under s.
7 115.001 (8), and one elected official who holds a state or local office, as defined in s.
8 5.02, ~~except for the office of party committeeman or party committeewoman~~. The
9 board shall by rule define “employer” and “employee” for the purpose of this
10 subdivision.

11 **SECTION 139.** 59.05 (2) of the statutes is amended to read:

12 59.05 (2) If two-fifths of the legal voters of any county, to be determined by the
13 registration or poll lists of the last previous general election held in the county, the
14 names of which voters shall appear on some one of the registration or poll lists of such
15 election, present to the board a petition conforming to the requirements of s. 8.40
16 asking for a change of the county seat to some other place designated in the petition,
17 the board shall submit the question of removal of the county seat to a vote of the
18 qualified voters of the county. The board shall file the question as provided in s. 8.37.
19 The election shall be held only on the day of the general election, notice of the election
20 shall be given and the election shall be conducted as in the case of the election of
21 officers on that day, and the votes shall be canvassed, certified and returned in the
22 same manner as other votes at that election. The question to be submitted shall be
23 “Shall the county seat of county be removed to?”.

24 **SECTION 140.** 59.08 (7) (b) of the statutes is amended to read:

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1 59.08 (7) (b) The question of~~the~~ consolidation of the counties shall be submitted
2 to the voters at the next election to be held on the first Tuesday in April, or the next
3 regular election, or at a special election to be held on the day fixed in the order issued
4 under par. (a), which day shall be the same in each of the counties proposing to
5 consolidate. A copy of the order shall be filed with the county clerk of each of the
6 counties as nrovided in s. 8.37. If the question of consolidation is submitted at a
7 special election, it shall be held not less than ~~30~~ 42 days nor more than 60 days from
8 the completion of the consolidation agreement, but not within 60 days of any spring
9 or general election.

10 **SECTION 141.** 60.30 (4) (b) of the statutes is amended to read:

11 60.30 (4) (b) The regular term of elected town officers, other than the town
12 assessor, commences on the 2nd 3rd Tuesday of April in the year of their election.
13 The regular term of an elected assessor commences on June 1 in the year of the
14 assessor's election.

15 **SECTION 142.** 60.62 (2) of the statutes is amended to read:

16 60.62 (2) If the county in which the town is located has enacted a zoning
17 ordinance under s. 59.69, the exercise of the authority under sub. (1) is subject to
18 approval by the town meeting or by a referendum vote of the electors of the town held
19 at the time of any regular or special election. The auestion for the referendum vote
20 shall be filed as nrovided in s. 8.37.

21 **SECTION 143,** 60.74 (5) (b) of the statutes is amended to read:

22 60.74 (5) (b) A petition conforming to the requirements of s. 8.40 signed by
23 qualified electors of the district equal to at least 20% of the vote cast for governor in
24 the district at the last gubernatorial election, requesting a change to appointment
25 of commissioners, may be submitted to the town board, subject to sub. (5m) (a). The

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1 petition shall be filed as nrovided in s. 8.37. Upon receipt of the petition, the town
2 board shall submit the question to a referendum at the next regular spring election
3 or general election, or shall call a special election for that purpose. The inspectors
4 shall count the votes and submit a statement of the results to the commission. The
5 commission shall canvass the results of the election and certify the results to the
6 town board which has authority to appoint commissioners.

7 **SECTION 144.** 60.785 (2) (a) of the statutes is amended to read:

8 60.785 (2) (a) Any town sanitary district may be consolidated with a contiguous
9 town sanitary district by resolution passed by a two-thirds vote of all of the
10 commissioners of each district, fixing the terms of the consolidation and ratified by
11 the qualified electors of each district at a referendum held in each district. The
12 resolution shall be filed as nrovided in s. 8.37. The ballots shall contain the words
13 “for consolidation”, and “against consolidation”. If a majority of the votes cast on the
14 referendum in each town sanitary district are for consolidation, the resolutions are
15 effective and have the force of a contract. Certified copies of the resolutions and the
16 results of the referendum shall be filed with the secretary of natural resources and
17 the original documents shall be recorded with the register of deeds in each county
18 in which the consolidated district is situated.

19 **SECTION 145.** 61.187 (1) of the statutes is amended to read:

20 61.187 **(1) PROCEDURE.** Whenever a petition conforming to the requirements
21 of s. 8.40, signed by at least one-third as many electors of any village as voted for
22 village officers at the next preceding election therefor, shall be presented to the
23 village board, and filed as nrovided in s. 8.37, praying for dissolution of the village
24 corporation, such board shall submit to the electors of such village, for determination
25 by ballot in substantially the manner provided by ss. 5.64 (2) and 10.02, at a general

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1 election or at a special election called by them for that purpose, the question whether
2 or not such village corporation shall be dissolved.

3 **SECTION 146.** 61.46 (1) of the statutes is amended to read:

4 61.46 (1) **GENERAL, LIMITATION.** The village board shall, on or before December
5 15 in each year, by resolution to be entered of record, determine the amount of
6 corporation taxes to be levied and assessed on the taxable property in such village
7 for the current year. Before levying any tax for any specified purpose, exceeding one
8 percent of the assessed valuation aforesaid, the village board shall, and in all other
9 cases may in its discretion, submit the question of levying the same to the village
10 electors at any general or special election by giving 10 days' notice thereof prior to
11 such election by publication in a newspaper published in the village, if any, and if
12 there is none, then by posting notices in 3 public places in said village, setting forth
13 in such notices the object and purposes for which such taxes are to be raised and the
14 amount of the proposed tax. The village board shall file the auestion as nrovided in
15 s. 8.37.

16 **SECTION 147.** 62.13 (6) (b) of the statutes is amended to read:

17 62.13 (6) (b) The provisions of this subsection shall apply only if adopted by the
18 electors. Whenever not less than ~~30~~ 42 days prior to a regular city election a petition
19 therefor, conforming to the requirements of s. 8.40 and signed by electors equal in
20 number to not less than 20% of the total vote cast in the city for governor at the last
21 general election, shall be filed with the clerk as nrovided in s. 8.37, the clerk shall give
22 notice in the manner of notice of the regular city election of a referendum on the
23 adoption of this subsection. Such referendum election shall be held with the regular
24 city election, and the ballots shall conform with the provisions of ss. 5.64 (2) and
25 10.02, and the question shall be "Shall s. 62.13 (6) of the statutes be adopted?"

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1 **SECTION 148.** 64.39 (2) of the statutes is amended to read:

2 64.39 (2) Such petition shall conform to the requirements of s. 8.40 and shall
3 be signed by qualified electors of such city at least equal in number to 25% of the total
4 number of votes cast in such city for all candidates for governor at the last preceding
5 general election. Such petition shall be filed with the city clerk as provided in s. 8.37
6 and after being so filed, no name shall be erased or removed therefrom and no
7 signature shall be valid or be counted unless its date is less than one month preceding
8 the date of such filing.

9 **SECTION 149.** 66.021 (5) (a) of the statutes is amended to read:

10 **66.021 (5)** (a) *Notice.* Within 60 days after the filing of the petition, the common
11 council or village board may accept or reject the petition and if rejected no further
12 action shall be taken thereon. Acceptance may consist of adoption of an annexation
13 ordinance. Failure to reject the petition shall obligate the city or village to pay the
14 cost of any referendum favorable to annexation. If the petition is not rejected the
15 clerk of the city or village with whom the annexation petition is filed shall give
16 written notice thereof by personal service or registered mail with return receipt
17 requested to the clerk of any town from which territory is proposed to be detached
18 and shall give like notice to any person who files a written request therefor with the
19 clerk. Such notice shall indicate whether the petition is for direct annexation or
20 whether it requests a referendum on the question of annexation. If the notice
21 indicates that the petition is for a referendum on the question of annexation, the
22 clerk of the city or village shall file the notice as provided in s. 8.37. If the notice
23 indicates that the petition is for a referendum on the question of annexation, the
24 town clerk shall give notice as provided in par. (c) of a referendum of the electors
25 residing in the area proposed for annexation to be held ~~within 30~~ not less than 42

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1 days nor more than 72 days after the date of personal service or mailing of the notice
2 required under this paragraph. If the notice indicates that the petition is for direct
3 annexation, no referendum shall be held unless within 30 days after the date of
4 personal service or mailing of the notice required under this paragraph, a petition
5 conforming to the requirements of s. 8.40 requesting a referendum is filed with the
6 town clerk as provided in s. 8.37, signed by at least 20% of the electors residing in the
7 area proposed to be annexed. If such a petition is tiled, the clerk shall give notice as
8 provided in par. (c) of a referendum of the electors residing in the area proposed for
9 annexation to be held ~~within 30~~ not less than 42 days nor more than 72 days ~~of after~~
10 the receipt of the petition and shall mail a copy of such notice to the clerk of the city
11 or village to which the annexation is proposed. Any referendum shall be held at some
12 convenient place within the town to be specified in the notice.

13 **SECTION 150. 66.022 (3) of the statutes is amended to read:**

14 66.022 (3) The governing body of any city, village or town involved may, or if
15 a petition conforming to the requirements of s. 8.40 signed by a number of qualified
16 electors thereof equal to at least 5% of the votes cast for governor in the city, village
17 or town at the last gubernatorial election, demanding a referendum thereon, is
18 presented to it within 30 days after the passage of either of the ordinances herein
19 provided for shall, cause the question to be submitted to the electors of the city,
20 village or town whose electors petitioned therefor, at a referendum election called for
21 such purpose ~~within 30~~ not less than 42 days nor more than 72 days after the filing
22 of such petition, or after the enactment of either ordinance. The netition shall be filed
23 as nrovided in s. 8.37. Whenever a number of electors cannot be determined on the
24 basis of reported election statistics, the number shall be determined in accordance
25 with s. 60.74 (6). The governing body of the municipality shall appoint 3 election

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1 inspectors who shall be resident electors to supervise the referendum. The ballots
2 shall contain the words "For Detachment" and "Against Detachment". The
3 inspectors shall certify the results of the election by their affidavits annexed thereto
4 and file a copy with the clerk of each town, village or city involved, and none of the
5 ordinances so provided for shall take effect nor be in force unless a majority of the
6 electors shall approve the same. The referendum election shall be conducted in
7 accordance with chs. 6 and 7 insofar as applicable.

8 **SECTION 151.** 66.023 (4) (e) 1. and 2. of the statutes are amended to read:

9 66.023 (4) (e) 1. Within 30 days after adoption of a final plan under par. (d), the
10 governing body of a participating municipality may adopt a resolution calling for an
11 advisory referendum on the plan. An advisory referendum shall be held if, within
12 30 days after adoption of the final plan under par. (d), a petition, signed by a number
13 of qualified electors equal to at least 10% of the votes cast for governor in the
14 municipality at the last gubernatorial election, is filed with the clerk of a
15 participating municipality and as provided in s. 8.37, requesting an advisory
16 referendum on the cooperative plan. The petition shall conform to the requirements
17 of s. 8.40.

18 2. The advisory referendum shall be held ~~within 30~~ not less than 42 days nor
19 more than 72 days after adoption of the resolution under subd. 1. calling for the
20 referendum or ~~within 30~~ not less than 42 days nor more than 72 days after receipt
21 of the petition by the municipal clerk. The municipal clerk shall give notice of the
22 referendum by publishing a notice in a newspaper of general circulation in the
23 municipality, both on the publication day next preceding the advisory referendum
24 election and one week prior to that publication date.

25 **SECTION 152.** 66.024 (4) (a) and (b) of the statutes are amended to read:

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1 66.024 (4) (a) If the court, after such hearing, is satisfied as to the correctness
2 of the description of the territory or any survey and that the provisions of this section
3 have been complied with, it shall make an order so declaring and shall direct a
4 referendum election within the territory which shall be described in the order, on the
5 question, whether such area should be annexed. Such order shall be filed as provided
6 in s. 8.37. Such order shall direct 3 electors named therein residing in the town in
7 which the territory proposed to be annexed lies, to perform the duties of inspectors
8 of election.

9 (b) The referendum election shall be held ~~within 30~~ not less than 42 days nor
10 more than 72 days after the entry filing of the order ~~as nrovided in s. 8.37.~~ in the
11 territory proposed for annexation, by the electors of such territory as provided in s.
12 66.021 (5), so far as applicable. The ballots shall contain the words "For Annexation"
13 and "Against Annexation". The certification of the election inspectors shall be filed
14 with the clerk of the court, and the clerk of any municipality involved, but need not
15 be filed or recorded with the register of deeds.

16 **SECTION 153.** 66.027 of the statutes is amended to read:

17 **66.027 Municipal boundaries, fixed by judgment.** Any 2 municipalities
18 whose boundaries are immediately adjacent at any point and who are parties to any
19 action, proceeding or appeal in court for the purpose of testing the validity or
20 invalidity of any annexation, incorporation, consolidation or detachment, may enter
21 into a written stipulation, compromising and settling any such litigation and
22 determining the common boundary line between the municipalities. The court
23 having jurisdiction of the litigation, whether it is a circuit court, the court of appeals
24 or the supreme court, may enter a final judgment incorporating the provisions of the
25 stipulation and fixing the common boundary line between the municipalities

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1 involved. Any stipulation changing boundaries of municipalities shall be approved
2 by the governing bodies of the detaching and annexing municipalities and s. 66.021
3 (8) and (10) shall apply. Any change of civil municipal boundaries under this section
4 is subject to a referendum of the electors residing within the territory annexed or
5 detached, if within 30 days after the publication of the stipulation to change
6 boundaries in a newspaper of general circulation in the area proposed to be annexed
7 or detached, a petition for a referendum conforming to the requirements of s. 8.40
8 signed by at least 20% of the electors of the area to be annexed or detached, is filed
9 with the clerk of the municipality from which the area is proposed to be detached and
10 is filed as provided in s. 8.37. The referendum shall be conducted as are annexation
11 referenda. If the referendum election is opposed to detachment from the
12 municipality, all proceedings under this section are void. For the purposes of this
13 section "municipalities" includes cities, villages and towns.

14 **SECTION 154.** 66.028 (6) (a) and (b) of the statutes are amended to read:

15 66.028 (6) (a) Within 30 days after the hearing under sub. (3), the governing
16 body of a participating municipality may adopt a resolution calling for an advisory
17 referendum on the agreement. An advisory referendum shall be held if, within 30
18 days after the hearing under sub. (3), a petition, signed by a number of qualified
19 electors equal to at least 10% of the votes cast for governor in the municipality at the
20 last gubernatorial election, is filed with the clerk of a participating municipality,
21 requesting an advisory referendum on the revenue sharing plan. The petition shall
22 conform to the requirements of s. 8.40 and shall be filed as provided in s. 8.37. If an
23 advisory referendum is held, the municipality's governing body may not vote to
24 approve the agreement under sub. (2) until the report under par. (d) is filed.

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1 (b) The advisory referendum shall be held ~~within 30~~ not less than 42 days nor
2 more than 72 days after adoption of the resolution under par. (a) calling for the
3 referendum or ~~within 30~~ not less than 42 days nor more than 72 days after receipt
4 of the petition under par. (a) by the municipal clerk. The municipal clerk shall give
5 notice of the referendum by publishing a notice in a newspaper of general circulation
6 in the municipality, both on the publication day next preceding the advisory
7 referendum election and one week prior to that publication date.

8 **SECTION 155.** 66.059 (2m) (b) of the statutes is amended to read:

9 66.059 (2m) (b) If a referendum is to be held on a resolution, the municipal
10 governing body shall file the resolution as provided in s. 8.37 and shall direct the
11 municipal clerk to call a special election for the purpose of submitting the resolution
12 to the electors for a referendum on approval or rejection. In lieu of a special election,
13 the municipal governing body may specify that the election be held at the next
14 succeeding spring primary or election or September primary or general election.

15 **SECTION 156.** 66.061 (1) (c) of the statutes is amended to read:

16 66.061 (1) (c) No such ordinance shall be operative until 60 days after passage
17 and publication unless sooner approved by a referendum. Within that time electors
18 equal in number to ~~20 per cent~~ 20% of those voting at the last regular municipal
19 election, may demand a referendum. The demand shall be in writing and filed with
20 the clerk and as provided in s. 8.37. Each signer shall state his or her occupation and
21 residence and signatures shall be verified by the affidavit of an elector. The
22 referendum shall be held at the next regular municipal election, or at a special
23 election within 90 days of the filing of the demand, and the ordinance shall not be
24 effective unless approved by a majority of the votes cast thereon. This paragraph
25 shall not apply to extensions by a utility previously franchised by the village or city.

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1 **SECTION 157.** 66.075 (5) of the statutes is amended to read:

2 66.075 (5) The provisions of this section shall apply only to such counties, cities,
3 villages and towns as shall have adopted the same at any general or municipal
4 election at which the question of the establishment of such county or municipal
5 slaughterhouse shall have been submitted to the voters of such county, city, village
6 or town. Such question shall, upon the filing of a petition conforming to the
7 requirements of s. 8.40 by electors of such county, city, village or town equal in
8 number to at least 10% of all the votes cast in such county, city, village or town for
9 governor at the last preceding general election, be submitted to the electors of such
10 county, city, village or town at the next ensuing election&, The netition shall
11 be filed as provided in s. 8.37. If a majority of votes cast shall be in favor of the
12 establishment of such slaughterhouse, the provisions of this section shall apply to
13 such county, city, village or town.

14 **SECTION 158.** 66.521 (10) (d) of the statutes is amended to read:

15 **66.521 (10)** (d) The governing body may issue bonds under this section without
16 submitting the proposition to the electors of the municipality for approval unless
17 within 30 days from the date of publication of notice of adoption of the initial
18 resolution for such bonds, a petition conforming to the requirements of s. 8.40, signed
19 by not less than 5% of the registered electors of the municipality, or, if there is no
20 registration of electors in the municipality, by 10% of the number of electors of the
21 municipality voting for the office of governor at the last general election as
22 determined under s. 115.01 (13), is filed with the clerk of the municipality and as
23 provided in s. 8.37 requesting a referendum upon the question of the issuance of the
24 bonds. If such a petition is filed, the bonds shall not be issued until approved by a

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1 majority of the electors of the municipality voting thereon at a general or special
2 election.

3 **SECTION 169.** 66.77 (3) (a) 1. of the statutes is amended to read:

4 66.77 (3) (a) 1. If the governing body of a county wishes to exceed the operating
5 levy rate limit otherwise applicable to the county under this section, it shall adopt
6 a resolution to that effect. The resolution shall specify either the operating levy rate
7 or the operating levy that the governing body wishes to impose for either a specified
8 number of years or an indefinite period. The governing body shall call a special
9 referendum for the purpose of submitting the resolution to the electors of the county
10 for approval or rejection. In lieu of a special referendum, the governing body may
11 specify that the referendum be held at the next succeeding spring primary or election
12 or September primary or general election to be held not earlier than ~~30~~ 42 days after
13 the adoption of the resolution of the governing body. The governing body shall file
14 the resolution to be submitted to the electors as nrovided in s. 8.37.

15 **SECTION 160.** 66.94 (4) of the statutes is amended to read:

16 66.94 (4) **MANNER OF ADOPTION.** This section may be adopted by any city, village
17 or town within the metropolitan district in the following manner: The governing body
18 of any municipality, by ordinance passed at least ~~30~~ 42 days prior to submission of
19 the question, may direct that the question of the adoption of this section be submitted
20 to the electors therein at any general, special, judicial or local election. The auestion
21 shall be filed as nrovided in s. 8.37. The clerk of such municipality or the election
22 commission of any city of the first class shall thereupon submit the question to
23 popular vote. Public notice of the election shall be given in the same manner as in
24 case of a regular municipal election except that such notice shall be published or
25 posted at least 20 days prior to the election. If a majority of those voting on the

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1 question vote in the affirmative thereon, this section shall be adopted in such
2 municipality. The proposition on the ballot to be used at such election shall be in
3 substantially the following form:

4 Shall section 66.94 of the Wisconsin statutes which creates a metropolitan
5 transit authority for ownership and operation of a public mass transportation system
6 in the metropolitan district be adopted?

7 YES NO

8 **SECTION 161.** 67.05 (3) (am) of the statutes is created to read:

9 67.05 (3) (am) The question on which the referendum is held shall be filed as
10 provided in s. 8.37.

11 **SECTION 162.** 67.12 (12) (e) 6. of the statutes is amended to read:

12 67.12 (12) (e) 6. A copy of any resolution of the district board under subd. 5.
13 which requires a referendum shall be promptly transmitted by the secretary of the
14 district board to the county clerk or board of election commissioners of each county
15 any part of which is contained within the district. A copy of the resolution shall be
16 filed as provided in s. 8.37. Costs of the referendum shall be borne as provided in ss.
17 5.68 and 7.03.

18 **SECTION 163.** 81.01 (3) (b) of the statutes is amended to read:

19 81.01 (3) (b) The town board by resolution submits to the electors of the town
20 as a referendum at a general or special town election the question of exceeding the
21 \$10,000 limit set under this subsection. A copy of the resolution shall be filed as
22 provided in s. 8.37. The board shall abide by the majority vote of the electors of the
23 town on the question. The question shall read as follows:

24 Shall the town of . . . spend \$... over the annual limit of \$10,000 for the
25 construction and repair of its highways and bridges?

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SECTION 163

1 FOR SPENDING AGAINST SPENDING

2 **SECTION 164.** 86.21 (2) (a) of the statutes is amended to read:

3 86.21 (2) (a) Before any such toll bridge is constructed or acquired under this
4 section, a resolution authorizing the construction or acquisition thereof, and
5 specifying the method of payment therefor, shall be adopted by a majority of the
6 members of the governing body of such county, town, village or city at a regular
7 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The
8 resolution shall include a general description of the property it is proposed to acquire
9 or construct. Any county, town, village or city constructing or acquiring a toll bridge
10 under this section may provide for the payment of the same or any part thereof from
11 the general fund, from taxation, or from the proceeds of either municipal bonds,
12 revenue bonds or as otherwise provided by law. Such resolution shall not be effective
13 until 15 days after its passage and publication. If within said 15 days a petition
14 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality,
15 and filed as provided in s. 8.37, signed by at least 20% of the electors thereof
16 requesting that the question of acquiring such toll bridge be submitted to the said
17 electors, such question shall be submitted at any general or regular municipal
18 election that may-be is held not less sooner than In 42 days from
19 the date of filing such petition. In case no such general or regular municipal election
20 is to be held within such stated period, then the governing body of such municipality
21 shall order a special election to be held within 30 days from the filing of such petition
22 upon the question of whether such toll bridge shall be acquired by said municipality
23 The question submitted to the electors shall specify the method of payment for such
24 toll bridge as provided in the resolution for the acquisition thereof. If no such petition
25 is filed, or if the majority of votes cast at such referendum election are in favor of the

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1 acquisition of such toll bridge, then the resolution of the governing body for the
2 acquisition of such toll bridge shall be in effect.

3 **SECTION 165. 92.11 (4)(c)** of the statutes is amended to read:

4 92.11 (4) (c) *Wording of ballot question; procedure.* The county board shall
5 include the wording of the question to be placed before the electors in the referendum
6 as a part of the ordinance adopted under this section or the revision to an ordinance
7 adopted under this section. Upon the adoption of the ordinance or revision the county
8 board shall forward a copy of the ordinance or revision to the county clerk who shall
9 cause the question to be placed before the voters of the affected area in the next
10 spring or general election occurring not less than 45 days after the adoption of the
11 ordinance or revision. The form of the ballot shall correspond substantially ~~with to~~
12 the form "D" annexed to prescribed under s. 5.64 (2).

13 **SECTION 166. 119.48 (4) (c)** of the statutes is amended to read:

14 119.48 (4) (c) Upon receipt of the communication, the common council shall file
15 the communication as provided in s. 8.37 and shall cause the question of exceeding
16 the levy rate specified under s. 65.07 (1) (f) to be submitted to the voters of the city
17 at the September election or at a special election. The question of exceeding the levy
18 rate specified under s. 65.07 (1) (f) shall be submitted upon a separate ballot or in
19 some other manner so that the vote upon exceeding the levy rate specified in s. 65.07
20 (1) (f) is taken separately from any other question submitted to the voters. If a
21 majority of the electors voting on the question favors exceeding the levy rate specified
22 under s. 65.07 (1) (f), the common council shall approve the increase in the levy rate
23 and shall levy and collect a tax equal to the amount of money approved by the
24 electors.

25 **SECTION 167. 119.49 (2)** of the statutes is amended to read:

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1 119.49 (2) Upon receipt of the communication, the common council shall file the
2 communication as provided in s. 8.37 and shall cause the question of issuing such
3 school bonds in the stated amount and for the stated school purposes to be submitted
4 to the voters of the city at the next election held in the city. The question of issuing
5 such school bonds shall be submitted upon a separate ballot or in some other manner
6 so that the vote upon issuing such school bonds is taken separately from any other
7 question submitted to the voters. If a majority of the electors voting on the school
8 bond question favors issuing such school bonds, the common council shall cause the
9 school bonds to be issued immediately or within the period permitted by law, in the
10 amount requested by the board and in the manner other bonds are issued.

11 **SECTION 168.** 120.06 (6) (b) of the statutes is amended to read:

12 120.06 (6) (b) No later than the first Tuesday in December prior to the spring
13 election, the school district clerk shall publish a type A notice of the school district
14 election under s. 10.01 (2) (a). Except as authorized in this paragraph, no later than
15 5 p.m. on the first Tuesday in January prior to the spring election, or on the next day
16 if Tuesday is a holiday, any qualified elector of the school district, other than a
17 write-in candidate, as defined in s. 5.02 (26), may file a sworn declaration of
18 candidacy with the school district clerk in the form provided in s. 8.21 at the place
19 specified in the notice. A write-in candidate may file a declaration of candidacy no
20 later than 5 p.m. before the day of the primary or other election at which the
21 candidate seeks office. If the school district contains territory lying within a 2nd
22 class city, or if the school board or annual meeting requires nomination papers under
23 par. (a), any qualified elector of the school district who desires to be a candidate, other
24 than a write-in candidate, shall in addition file nomination papers in the form
25 prescribed under s. 8.10 (2) and (3) with the school district clerk at the place specified

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1 in the notice. If an incumbent fails to file a declaration of candidacy, and nomination
2 papers, where required, within the time prescribed by this paragraph, all candidates
3 for the office held by the incumbent, other than the incumbent, may file a declaration
4 of candidacy and nomination papers, where required, no later than 72 hours after the
5 latest time prescribed in this paragraph. No extension of the time for filing a
6 declaration of candidacy or nomination papers applies if the incumbent files written
7 notification with the school district clerk, no later than 5 p.m. on the 2nd Friday
8 preceding the latest time prescribed in this paragraph for filing declarations of
9 candidacy, that the incumbent is not a candidate for reelection to his or her office, and
10 the incumbent does not file a declaration of candidacy for that office within the time
11 prescribed in this paragraph. In the case of a 3-member school board, the qualified
12 elector shall state in his or her declaration of candidacy and on the face of his or her
13 nomination papers, if any, the office for which the elector is a candidate. In the case
14 of an apportioned or numbered school board, the qualified elector shall state in his
15 or her declaration of candidacy and on the face of his or her nomination papers, if any,
16 the apportioned area or numbered seat for which the elector is a candidate. If a
17 candidate has not filed a registration statement under s. 11.05 by the time he or she
18 files a declaration of candidacy, the candidate shall file the statement with the
19 declaration. A candidate shall file an amended declaration under oath with the
20 school district clerk in the event of a change in any information provided in the
21 declaration as provided in s. 8.21.

22 **SECTION 169. 120.06 (7) (a)** of the statutes is amended to read:

23 120.06 (7) (a) No later than 5 p.m. on the 2nd Tuesday in January, the school
24 district clerk shall verify the declarations of candidacy and certify the names of
25 candidates who have filed valid nomination papers, where required, and who qualify

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1 for office. In making verifications or certifications, the school district clerk shall
2 designate the form of each candidate's name to appear on the ballot in the manner
3 prescribed in s. 7.08 (2) (a). Once filed, a declaration of candidacy or nomination
4 papers may not be withdrawn. This paragraph does not apply to write-in
5 candidates, as defined in s. 5.02 (26).

6 SECTION 170. 120.06 (7) (b) of the statutes is amended to read:

7 120.06 (7) (b) The school board shall require a primary election if there are
8 more than 2 candidates, other than write-in candidates, as defined in s. 5.02 (26),
9 for any seat on a 3-member board or more than twice as many candidates as there
10 are members to be elected to an unnumbered school board of more than 3 members.
11 In school districts in which a plan of apportionment of school board members under
12 s. 120.02 (2) or a plan for election of school board members to numbered seats has
13 been adopted, the school board shall require a primary election for particular
14 apportioned areas for which there are more than twice as many candidates, other
15 than write-in candidates, as there are members to be elected and for any numbered
16 seat for which there are more than 2 candidates. When there is a primary election
17 it shall be held in conjunction with the spring primary.

18 SECTION 171. 120.06 (8) (dm) of the statutes is created to read:

19 120.06 (8) (dm) Whenever a write-in candidate, as defined in s. 5.02 (26), files
20 a timely declaration of candidacy with the clerk, immediately notify the municipal
21 clerk or board of election commissioners of each municipality in the school district
22 of the name of the candidate and the office which the candidate seeks, unless there
23 are no candidates whose names appear on the ballot for that office or unless there
24 appears on the ballot the name of a deceased candidate for that office.

25 SECTION 172. 121.91 (3) (a) of the statutes is amended to read:

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1 121.91 (3) (a) If a school board wishes to exceed the limit under sub. (2m)
2 otherwise applicable to the school district in any school year, it shall promptly adopt
3 a resolution supporting inclusion in the final school district budget of an amount
4 equal to the proposed excess revenue. The resolution shall specify whether the
5 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
6 proposed excess revenue is for both recurring and nonrecurring purposes, the
7 amount of the proposed excess revenue for each purpose. The resolution shall be filed
8 as provided in s. 8.37. Within 10 days after adopting the resolution, the school board
9 shall notify the department of the scheduled date of the referendum and submit a
10 copy of the resolution to the department. The school board shall call a special
11 referendum for the purpose of submitting the resolution to the electors of the school
12 district for approval or rejection. In lieu of a special referendum, the school board
13 may specify that the referendum be held at the next succeeding spring primary or
14 election or September primary or general election, if such election is to be held not
15 ~~earlier sooner~~ than ~~35~~ 42 days after the ~~adoption filing~~ of the resolution of the school
16 board. The school district clerk shall certify the results of the referendum to the
17 department within 10 days after the referendum is held.

18 **SECTION 173.** 125.05 (1) (b) 5. of the statutes is amended to read:

19 125.05 (1) (b) 5. The petition shall be filed with the clerk of the municipality
20 ~~affected by the question~~ at least ~~30~~ 42 days prior to the first Tuesday of April.

21 **SECTION 174.** 197.04 (1) (b) of the statutes is amended to read:

22 197.04 (1) (b) If within either of the ~~90-day~~ periods described in par. (a) a
23 petition conforming to the requirements of s. 8.40 is filed with the clerk of the
24 municipality as provided in s. 8.37 and the petition has been signed by 5% of the
25 electors of a 1st class city or by 10% of the electors of all other municipalities

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SECTION 174

1 requesting that the question of discontinuing the proceeding to acquire the plant or
2 equipment of the public utility be submitted to the electors of the municipality, the
3 applicable question under par. (c) shall be submitted to the electors at any general
4 or regular municipal election that ~~may be~~ is held not less than ~~30, 42~~ and not more
5 than ~~35, 47~~ days from the date of the filing of the petition. If no general election or
6 regular municipal election is to be held within the stated ~~periods~~ period, the
7 governing body of the municipality shall order the holding of a special election for the
8 purpose of submitting the question to the electors.

9 **SECTION 175.** 197.10 (2) of the statutes is amended to read:

10 197.10 (2) Such contract when adopted by the common council of said city and
11 accepted by the owner or owners of such public utility shall be submitted to the public
12 service commission for its approval and upon such approval the same shall be filed
13 as provided in s. 8.37 and submitted in such manner as the common council shall
14 determine to a vote of the electors of such city at the next regular municipal election
15 or at a special election called for that purpose, and such contract shall not become
16 binding upon such city until approved by a majority vote of the qualified electors of
17 such city voting thereon. No bonds shall in any case be issued by said city under the
18 contract or contracts mentioned in sub. (1), until the proposition of their issue shall
19 have been submitted to the people of such city and adopted by a majority of the
20 electors voting thereon.

21 **SECTION 176.** 755.01 (4) of the statutes is amended to read:

22 **755.01 (4)** Two or more cities, towns or villages of this state may enter into an
23 agreement under s. 66.30 for the joint exercise of the power granted under sub. (1),
24 except that for purposes of this subsection, any agreement under s. 66.30 shall be
25 effected by the enactment of identical ordinances by each affected city, town or

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1 village. Electors of each municipality entering into the agreement shall be eligible
2 to vote for the judge of the municipal court so established. If a municipality enters
3 into an agreement with a municipality that already has a municipal court, the
4 municipalities may provide by ordinance or resolution that the judge for the existing
5 municipal court shall serve as the judge for the joint court until the end of the term
6 or until a special election is held under s. 8.50 (4) (fm). Each municipality shall adopt
7 an ordinance or bylaw under sub. (1) prior to entering into the agreement. The
8 contracting municipalities need not be contiguous and need not all be in the same
9 county. ~~Upon entering into or discontinuing such an agreement, the contracting~~
10 ~~municipalities shall each transmit a certified copy of the ordinance effecting or~~
11 ~~discontinuing the agreement to the elections board. The elections board shall serve~~
12 ~~as filing officer for candidates for the office of municipal judge in any municipality~~
13 ~~where an agreement is in effect. **The contracting municipalities shall notify the**~~
14 ~~annronriate filing officer under s. 11.02 (3e) when the joint court is created. When~~
15 ~~a municipal iudee is elected under this subsection. candidates shall be nominated by~~
16 ~~filing nomination papers under s. 8.10 (6) (bm), and shall register with the filing~~
17 ~~officer specified in s. 11.02 (3e).~~

18 **SECTION 177. 778.135 of the statutes is amended to read:**

19 **778.135 Elections board Campaign finance forfeitures; how recovered.**

20 Notwithstanding s. 778.13, whenever any action or proposed action by the elections
21 board under s. 5.05 (1) (c) is settled as a result of agreement between the parties
22 without approval of the court, the moneys accruing to the state on account of such
23 settlement shall be paid to the board and deposited with the state treasurer.
24 **Whenever any proposed action by a county board of election commissioners under s.**
25 **7.21 (2m) (a) is settled as a result of agreement between the parties, the moneys**

BILL

1 accruing to the county on account of such settlement shall be paid to the board of
2 election commissioners and denosited with the county treasurer in the same manner
3 as provided for forfeitures under s. 778.13.

4 **SECTION 178. Nonstatutory provisions.**

5 (1) **REFERENDUM.** There shall be submitted to the vote of the electors at the
6 general election to be held in November 2000 the following question: "Shall section
7 45 of 1999 Wisconsin Act . . . (this act), which extends the right to vote in federal
8 elections in this state to the adult children of U.S. citizens who resided in this state
9 prior to establishing residency abroad, become effective on January 1, 2001?" If the
10 question is approved by a majority of all votes cast on the question at the election,
11 **SECTION 45** of this act shall become law; otherwise, it shall not take effect.

12 (2) **TERMS OF TOWN OFFICIALS ELECTED IN 2001 AND 2002.** Notwithstanding section
13 60.30 (4) of the statutes, the terms of office of town officers who are elected in 2001
14 and 2002 shall commence on the 2nd Tuesday of April of the year of election and these
15 officers shall serve for terms of 2 years and 7 days.

16 **SECTION 179. Initial applicability.**

17 (1) The treatment of sections 8.37, 24.66 (4), 32.72 (1), 59.05 (2), 59.08 (7) (b),
18 60.62 (2), 60.74 (5) (b), 60.785 (2) (a), 61.187 (1), 61.46 (1), 62.13 (6) (b), 64.39 (2),
19 66.021 (5) (a), 66.022 (3), 66.023 (4) (e) 1. and 2., 66.024 (4) (a) and (b), 66.027, 66.028
20 (6) (a) and (b), 66.059 (2m) (b), 66.061 (1) (c), 66.075 (5), 66.521 (10) (d), 66.77 (3) (a)
21 l., 66.94 (4), 67.05 (3) (am), 67.12 (12) (e) 6., 81.01 (3) (b), 86.21 (2) (a), 119.48 (4) (c),
22 119.49 (2), 121.91 (3) (a), 125.05 (1) (b) 5., 197.04 (1) (b) and 197.10 (2) of the statutes
23 first applies with respect to referenda called on the effective date of this subsection.

24 **SECTION 180. Effective dates.** This act takes effect on the day after
25 publication, except as follows:

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1 (1) The treatment of section 6.24 (1), (2) and (3) of the statutes takes effect on
2 January 1, 2001, if the condition set forth in SECTION 178 (1) of this act is satisfied.

3 (3) The treatment of section 60.30 (4) (b) of the statutes takes effect on July 1,
4 2000.

5 (4) The treatment of section 121.91 (3) (a) of the statutes takes effect on July
6 1, 2000.

7 (END)

(2) The treatment of sections 6.92 (intro.) and (1) to (6) and 6.925 (intro.) and (1) to (6) of the statutes takes effect on the first day of the 6th month beginning after publication.

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INSERT 2-17

1 (intro.), 8.10 (6) (a), 8.11 (1) (b) and (d), (2), (2m) and (5), 8.12 (2), 8.15 (4) (a),
 2 8.17 (1) (a), 8.17 (5) (b), 8.20 (3), 8.20 (9), 8.21, 8.35 (2) (a), 8.40 (2), 8.50 (1) (a),
 3 8.50 (1) (b), 8.50 (2) (a), 8.50 (4) (fm), 9.01 (1) (ag) 1. and 2., 9.01 (2), 9.01 (5) (a),
 4 9.01 (7) (a), 10.02 (3) (b) 1., 10.02 (3) (b) 2., 10.02 (3) (b) 2m., 10.02 (3) (b) 3., 4.,
 5 (c) and (d), 10.82 (1) (e), 10.82 (2) (d), 10.82 (3), 10.82 (4) (d), 10.82 (5) (c),
 6 11.02 (3), 11.03 (1), 11.60 (4) and (5), 24.66 (4), 32.72 (l), 38.08 (1) (a) 1., 59.05
 7 (2), 59.08 (7) (b), 60.24, 60.3.624 (2), 60.74 (5) (b), 60.785 (2) (a),
 8 61.187 (1), 61.46 (1), 62.13 (b), 64 (2), 66.021 (5) (a), 66.022 (3), 66.023 (4)
 9 (e) 1. and 2., 66.024 and (b), 66.027 (66) (a) and (b), 66.059 (2m) (b),
 10 66.061 (1) (c), 66.075 (5), 66.521 (10) (d), 67 (c) (a) 66.94 (4), 67.12 (12) (e)
 11 6., 81.01 (3) (b), 86.21 (2) (a), 92.11 (4) (c), 119.48 (c), 119.49 (2), 120.06 (6)
 12 (b), 120.06 (7) (a), 120.06 (7) (b), 121.91 (3) (a), 125.05 (1) (b) 5., 197.04 (1), 197.10
 13 (2), 755.01 (4) and 778.135; and **to create 5.02 (26), 5.25 (4) (d), 5.51 (8), 5.62**
 14 **(b) 2., 5.62 (2) (b), 5.64 (1) (e) 2., 5.64 (1) (eg), 5.655, 6.77 (3), 7.08 (5), 7.10**
 15 **(5), 7.10 (6), 7.15 (1) (L), 7.21 (2m), 8.10 (6) (bm), 8.17 (5) (bm), 8.37, 9.01 (1) (ag)**
 16 **2g. and 2r., 11.02 (3e), 67.05 (3) (am) and 120.06 (8) (dm) of the statutes;**

17 **relating to:** absentee voting qualifications; late voter registration; location of
 18 polling places; reports on impediments to voting; selection of party
 19 committeemen and committeewomen; recount fees; delivery of recount
 20 petitions to affected candidates; minutes of recount proceedings; certifications
 21 by circulators of nomination papers and election-related petitions; presidential
 22 ballots; maintenance of poll lists in an electronic format; an elector's residency
 23 for voting purposes after municipal annexation; qualification of political
 24 parties for separate positions on partisan primary and election ballots; the date
 25 of special elections; the composition of the county board of canvassers;

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1 eligibility of adult children of overseas electors to vote in this state; reporting
 2 of election returns by ward; authorizing a county board of election
 3 commissioners to bring civil actions for violations of the campaign financing
 4 law; administration of elections for joint municipal judges; depositing ballots
 5 in ballot boxes; the time for a hearing on recount appeals; write-in absentee
 6 ballots; consolidated paper ballots; filing of referenda questions; ballot design;
 7 filing of declarations of candidacy and recording of votes received by write-in
 8 candidates in certain elections; ~~the method of selection of election officials;~~
 9 procedure for challenging electors; terms of office of town officers; ~~granting~~
 10 ~~rule-making authority, and~~ requiring a referendum. *and grant rule-making authority.*

Analysis by the Legislative Reference Bureau

This bill is explained in the **NOTE** provided by the joint legislative council in the body of the bill.

For further information **see** the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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

PREFATORY NOTE: This bill was prepared for the joint legislative council's special committee to review the election process.

I. DATE OF SPECIAL ELECTIONS

Generally, under current law, the date of a special election may not be less than 62 days nor more than 77 days from the date of the order requiring the special election. This bill provides that the date of the special election may not be less than 92 days nor more than 107 days from the date of the order requiring the special election.

II. REGISTRATION AND VOTER PARTICIPATION***● VotinP Absentee***

Under current law, the authority to vote absentee is restricted to electors who will be absent from the municipality in which they are qualified electors on election day for any reason or who because of age, sickness, handicap, physical disability, jury duty, service as an election official or religious reasons cannot appear at the polling place in their wards.

This bill authorizes absentee voting by any qualified elector who for any reason is unable or unwilling to vote at the polling place.

****Late Voter Registration***

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Under current law, the deadline for voter registration is 5 p.m. on the 2nd Wednesday preceding the election. Registrations made by mail must be delivered to the office of municipal clerk or board of election commissioners or postmarked not later than the 2nd Wednesday preceding the election. Voters may register after this deadline in person at the office of the municipal clerk or board of election commissioners or at the proper polling place on election day.

This bill authorizes a municipal clerk to accept a registration in any manner after the 2nd Wednesday preceding an election, if the clerk determines that the registration list can be revised to incorporate the registration in time for the election without creating a secondary registration list or separate registration material to accommodate the late registrant.

*Location of Polling places

Under current law, the governing body of a city, village or town establishes polling places, except that the city board of election commissioners establishes polling places in cities over 500,000 population. So far as practicable, the places chosen must be public buildings.

This bill permits the authority charged with establishing polling places to choose a nonpublic building for this purpose if a public building is not practicable, as under current law, or a nonpublic building better serves the needs of the electorate.

*Challenging Electors-

Under current law, election inspectors must challenge an elector's qualifications to vote if the inspector knows or suspects that the elector attempting to vote is unqualified. In doing so, the challenged elector ~~must be administered an oath~~ and must ask various questions specified in the statutes designed to aid in determining the elector's qualifications. The inspector may also ask any other questions to determine the elector's qualifications. The statutory questions are as follows:

- “(1) If challenged as unqualified on the ground that the person is not a citizen: Are you a citizen of the United States?
- (2) If challenged as unqualified on the ground that the person is not a resident of the ward where the person's vote is offered:
- (a) When did you last come into this ward?
- (b) Did you come for a temporary purpose only, or for the purpose of making it your home?
- (c) Did you come into this ward for the purpose of voting here?
- (d) Have you now and have you had for the last 10 days a voting residence in this ward? If so, what is the particular description, name and location of your residence?
- (e) If the answer to par. (d) is no, then: Have you moved from the ward after the close of registration?
- (f) Have you registered to vote at this election at any other place within or outside this state?
- (g) Have you applied for an absentee ballot at any place in this or any other state?
- (h) If single, do you board for part of the week, month or year with your parents?
- (i) If you have no parents, or are self-supporting, have you registered to vote in this ward?
- (j) Will you file your next state income tax return as a resident of this ward?
- (3) If challenged as unqualified on the ground that the person is not 18 years of age: Are you 18 years of age to the best of your knowledge and belief?
- (4) If challenged as unqualified on the ground that the person has made or become directly or indirectly interested in any bet or wager depending upon the result of the election:
- (a) Have you made, in any manner, any bet or wager depending upon the result of this election, or on the election of any person for whom votes may be cast at the election?
- (b) Are you in any manner, directly or indirectly, interested in any bet or wager depending in any way upon the result of this election?

the inspector must administer an oath to

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(5) If challenged as unqualified on the ground that the person has been convicted of treason, felony or bribery and not been subsequently restored to civil rights:

(a) Have you ever been tried or convicted in this state of any crime? If yes, then-

(b) Of what crime, when and in what court were you so convicted?

(c) Have you in any manner since the conviction been restored to civil rights, and if yes, how?"

Challenges to an elector's qualifications may also be made by other electors who know or suspect that an elector is not qualified to vote. In such a case, the elector making the challenge is asked similar questions, which are also specified in the statutes, designed to elicit information about the challenged elector's qualifications.

This bill repeals the statutory questions used when an elector's qualifications are challenged. Instead, the bill requires the elections board, by rule, to determine the questions to be asked when an elector's qualifications are challenged.

• Report on Impediments to Voting

Under current federal and state law, all polling places, with limited exceptions, must be accessible to handicapped and elderly voters. Until 1994, federal law also required the chief election officer of each state to report to the federal election commission ^{two} every 8 years the number of accessible and inaccessible polling places in the state and the reasons for any instances of inaccessibility. State law requires the executive director of the state elections board to transmit a copy of each such report to the legislature. Federal law, however, no longer requires this report.

This bill deletes the current reporting requirements and instead requires the state elections board to submit a biennial report on the impediments faced by elderly and handicapped voters in the state to each house of the legislature for distribution to the appropriate standing committees.

● Voting Residence After Annexation

Under current law, when territory of a municipality becomes part of another municipality, an elector of the territory must vote in the municipality in which the territory is included on the day of the election.

This bill provides that when such territory becomes part of another municipality fewer than 10 days prior to an election, an elector must vote in the municipality in which the territory was included prior to the change.

• Children of Overseas Electors

Under current law, the adult dependent children of members of the armed forces and merchant marine, federal employes and peace corps volunteers who are stationed abroad may vote in elections in this state in the ward or election district where the parent who provides support for the children is entitled to vote. This bill extends the privilege of voting, in federal elections only, to the adult citizen children of other U.S. citizens who are residing overseas, subject to approval at a statewide referendum to be held in November 2000.

● Deposit Ballots in Ballot Boxes

Generally, under current law, when an elector has completed voting his or her ballot, the elector may either deposit the ballot in the ballot box or deliver it to an election inspector for deposit in the ballot box. However, in certain situations, electors are not given such an option. For example, persons otherwise qualified to vote, but who have not resided in the state for 10 days prior to the date of the presidential election, may vote for president but the statutes provide that such electors' ballots must be given to an election inspector who must deposit the ballots in the ballot box. Conversely, at partisan primaries and the presidential preference primary when paper ballots are distributed to electors, the statutes provide that an elector must place the ballot in the appropriate ballot box and do not provide the option for an inspector to deposit the ballot. This bill amends current law to specifically provide that, in these situations, the ballots may be

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either deposited directly in the ballot box by the electors or given to the inspector who must deposit them in the ballot box.

III. ROLE OF POLITICAL PARTIES AND CANDIDATES

• Election of Committeemen or Committeewomen

Under current law, political parties qualifying for separate ballot status elect their party committeemen or committeewomen at the September primary. The function of committeemen and committeewomen is to represent their neighborhoods in the structure of the political parties and to serve as liaisons between their party and the residents of their election districts.

This bill requires that political party committeemen or committeewomen be selected by a vote of the county political party members in good standing at a meeting held after the September primary but before April 1 of the following year.

● A. Affidavits Relating to Nomination Papers and Petitions

Under current law, the circulator of nomination papers or other election-related petitions must make, under oath, an affidavit attesting to certain information including the fact that he or she personally circulated the nomination papers or petition, personally obtained the signatures thereon and knows the respective residences of the signers thereof. A circulator falsifying any such information may be fined not more than \$10,000 or imprisoned not more than ~~3~~ years, or both, under the election laws. The person may also be subject to a fine of not more than \$10,000 or imprisonment not to exceed ~~3~~ years, or both, for false swearing.

This bill deletes the requirement that circulators of nomination papers or election-related petitions make an affidavit under oath. Instead, the bill requires circulators to certify all of the information currently required in the affidavit, subject to the same penalties under the election laws. However, under the bill, falsifying the information in the circulator's certification would not subject a person to the penalties for false swearing.

***Presidential Ballots**

Current law requires a separate ballot when the president and vice president of the United States are to be elected. This bill eliminates that requirement and requires instead that the names of candidates for president and vice president be placed on the official general election ballot in a manner that will allow electors to vote for a political party's candidates for president and vice president by voting a straight party ticket.

***Partisan Primary and Election Ballots**

Under current law, every recognized political party listed on the official ballot at the last gubernatorial election whose candidate for any statewide office received at least 1% of the total votes cast for that office and, if the last general election was also a presidential election, every recognized political party listed on the ballot at that election whose candidate for president received at least 1% of the total votes cast for that office is entitled to a separate primary ballot or one or more separate columns or rows on the September primary ballot. In addition, at least one candidate of the party for a state office must have qualified to have his or her name appear on the ballot under the name of the party at the last gubernatorial election.

This bill imposes an additional requirement that, within each assembly district or county, the party have at least one candidate for any national, state or county office listed on the current ballot. If a party does not qualify for a separate ballot, column or row, the bill requires that the ballot contain a place for casting a vote for a write-in candidate of the party for each office.

● Filing Declarations of Candidacy

Currently, the name of each person who receives a vote at an election is recorded on the returns for that election. When a county or state canvass of an election is performed, the names of write-in candidates who receive a comparatively small number of votes may be omitted and the votes designated on the returns as "scattering votes".

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This bill permits any write-in candidate to file a declaration of candidacy with the appropriate filing officer or agency, in the same form as is currently provided for other candidates, no later than 5 p.m. on the day before a primary or other election at which the candidate seeks office. Under the bill, the name of any write-in candidate need not be recorded on the returns for any election unless the candidate has filed a timely declaration of candidacy for the office for which the candidate receives votes. The procedure does not apply if a write-in candidate seeks an office for which there are no candidates whose names appear on the ballot or if there appears on the ballot the name of a deceased candidate for the office which the write-in candidate seeks.

• Commencement of Terms of Office for Certain Elected Town Officers

This bill changes the date of commencement of the terms of office for elected town officers from one week after the spring election to ^{two} ~~2~~ weeks after the election, consistent with the commencement dates of elected county, city and village officers. The bill does not change the June 1 commencement date for the term of an elected town assessor.

IV ELECTIONS ADMINISTRATION

● Appointment of Poll Workers

Currently, party committeemen and committeewomen, if any, may nominate to municipalities individuals to serve as election inspectors (poll workers) and special voting deputies at certain nursing and retirement homes and community-based residential facilities. Under the appointment procedure for election inspectors, a committeeman or committeewoman submits a number of nominees equal to the number of inspectors to be appointed. A committeeman or committeewoman may designate any individual as a first choice nominee. The municipal governing body or board of election commissioners must appoint every first choice nominee unless the governing body or board of election commissioners obtains permission from the state elections board not to appoint the nominee. The elections board may only permit nonappointment if a showing of good cause is made. A municipality's request for nonappointment may be contested and is subject to notice and hearing under the state administrative procedure act. The decision of the elections board may be appealed to circuit court. **Regardless of whether nominees are submitted to a municipality by a committeeman or committeewoman, all election inspectors must be designated to represent one of the ~~2~~ political parties whose candidate for president or governor received the greatest number of votes in the area served by the polling place at the most recent general election, with the party whose candidate received the greatest number of votes entitled to be represented by one more inspector than the other party.** ^{two} Appointees serve for ~~2~~ ^{two} year terms. Vacancies are filled by the municipal clerk or board of election commissioners of each municipality in the same manner that original appointments are made.

This bill provides that whenever there are an insufficient number of nominees submitted to a municipality by the appropriate party committeemen and committeewomen, the municipality may appoint election inspectors or special voting deputies without regard to party affiliation.

● Electronic Poll Lists

Under current law, election officials at each election ward must ^{two} ~~2~~ maintain separate lists of all persons voting.

This bill authorizes those lists to be maintained in an electronic format approved by the elections board or its executive director.

• Reporting Election Returns by Ward

Current law authorizes the governing body of a municipality to combine ^{two} ~~2~~ or more wards for voting purposes to facilitate using a common polling place. **However, with certain exceptions, every municipality having a population of 35,000 or more is required to maintain separate election returns for each ward so combined.** This bill changes the

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population threshold so that only municipalities with a population of 50,000 or more are required to maintain separate election returns for each ward so combined.

**Composition of County Board of Canvassers*

two Under current law, the county board of canvassers is composed of the county clerk and ~~2~~ qualified electors of the county appointed by the clerk. If the county clerk's office is vacant, if the clerk cannot perform his or her duties or if the clerk is a candidate for an office to be canvassed by the board, the county executive or the chairperson of the county board of supervisors, if there is no executive, must designate another qualified elector of the county to perform the clerk's duties.

Also under current law, every county clerk is required to appoint one or more deputies.

This bill provides that, if a county clerk's office is vacant, if the clerk cannot perform his or her duties, or if the clerk is a candidate at an election being canvassed, the county clerk shall designate a deputy clerk to perform his or her duties. Under the bill, if the county clerk and the designated deputy clerk are both unable to perform their duties, the county executive or chairperson of the county board of supervisors designates another qualified elector to serve, as currently provided.

**Enforcement of Campaign Finance Law by Milwaukee County Board of Election Commissioners*

Under current law, the state elections board is authorized to investigate, subpoena records and commence and settle civil actions requiring the payment of civil forfeitures for violations of the campaign financing law. This bill grants the same authority to the county board of election commissioners, which must be established in any county with a population of more than 500,000 (currently, Milwaukee County), with respect to campaign finance reports and statements for county offices and referenda.

•Administration of Elections for Joint Municipal Judges

Under current law, municipalities may enter into an agreement to establish a joint municipal court. In such cases, candidates for municipal judge file nomination papers with the elections board and their elections are certified by the board of state canvassers. This bill requires those candidates to file nomination papers with the county clerk or board of election commissioners of the county having the largest population in the jurisdiction served by the judge and their elections to be certified by the board of canvassers of that county.

•Elimination of Requirement to Prepare Write-In Absentee Ballots for Military and Overseas Electors

Under current law, municipal clerks must prepare write-in absentee ballots for delivery to military and overseas electors no later than 90 days before the election and distribute those ballots when available or when requested. This bill deletes the requirement to prepare and distribute these ballots. Under the bill, electors who prepare these ballots themselves may continue to cast them.

•Consolidated Paper Ballots

Under current law, if a municipality utilizes paper ballots at an election, it must provide separate ballots for certain offices or combinations of offices specified by law and separate ballots for referenda. The ballots are then distributed only to those groups of electors who are eligible to vote in the elections to which they pertain.

This bill authorizes a municipality, with the consent of the county clerk or board of election commissioners of each county in which there is located any portion of the municipality, to substitute for paper ballots a consolidated ballot that is prepared for utilization with an electronic voting system in any municipality located in any such county. With the consolidated ballot, all of the offices and referenda appear on the same ballot.

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The bill provides that a consolidated ballot may only be distributed to electors who are eligible to vote for all of the offices and in all of the referenda appearing on the ballot.

Filing of Referendum Questions

Generally, under current law, notice of referenda questions that will appear on an election ballot must be published by the appropriate county or municipal clerk or other appropriate election official or agency prior to the election at which they will appear. However, the statutes do not provide a specific time by which the questions must be provided to the official or agency. This bill requires that, unless otherwise required by current law, all referenda questions that will appear on an election ballot, and all petitions seeking to have questions submitted to a vote of the people, be submitted to the official or agency responsible for the preparation of the ballots no later than ~~6~~ ^{six} weeks prior to the election at which the question will appear. If, under current law, a referendum may be held sooner than ~~6~~ ^{six} weeks after the filing of a petition or the passage of a resolution calling for that referendum, this bill extends the time period before which the referendum may be held to not less than ~~6~~ ^{six} weeks.

Ballot Design Requirements

Current law sets forth numerous, specific ballot design requirements for use in elections, including spring primary ballots, spring election ballots, September primary ballots, general election ballots and special referenda ballots.

This bill deletes these specific requirements. Instead, the bill requires that, unless otherwise provided by the statutes, all ballots conform with the ballot forms prescribed by the state elections board.

Recount Fees

Under current law, each petition for a recount must be accompanied by a fee ~~which~~ ^{that} is determined by the vote differential between the votes cast for the leading candidate and those for the petitioner or between the affirmative and negative votes cast upon a referendum question. If the vote differential is less than 10 and the total votes cast are 1,000 or less, or less than one-half of 1% of the total votes cast if more than 1,000 votes are cast, the petitioner is not required to pay a fee. If the vote differential is at least 10 out of a total vote of 1,000 or less, or at least ~~one-half~~ ^{one-half} of 1% if more than 1,000 votes are cast, the petitioner is required to pay a fee of \$5 for each ward for which the petition requests a ballot recount, or \$5 for each municipality where no wards exist.

This bill specifies the following recount fees depending on the vote differential between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question:

1. No fee if the vote differential is less than one-half of 1%.
2. Five dollars per ward (or municipality where no wards exist) if the vote differential is at least one-half of 1% but less than 3%.
3. One-half the actual cost of the recount if the vote differential is at least 3% but less than 5%.
4. The actual cost of the recount if the vote differential is 5% or more.

Additionally, the bill requires the elections board to promulgate an administrative rule defining the "actual cost" of conducting a recount.

Delivery of Recount Documents

Under current law, when a petition for an election recount is filed, the clerk or body with whom the petition is filed must have copies of the petition delivered to the candidates affected by the recount by the sheriff in the manner provided for service of a summons in a civil action.

This bill allows the opportunity for a candidate or an agent designated by the candidate to personally accept a copy of the petition.

Minutes of Recount Proceedings

ASSEMBLY BILL 959

Under current law, a board of canvassers must keep complete minutes of all of its recount proceedings. This bill requires a copy of those minutes to be provided to the state elections board.

Time for a Hearing on Recount Appeals

Under current law, an appeal of a recount determination may be made to the circuit court. When an appeal is filed, the court must set the matter for a hearing. However, the time prescribed by the statutes in which the hearing must be held appears to conflict in & different statutory provisions. One provision requires the hearing to be held within 5 days of the date of the order requiring the municipal clerks to transfer relevant election materials to the court, and another provision requires the hearing to be held within 15 days of the filing of an answer to the appeal. This bill removes this apparent conflict and requires the court to hold a hearing 15 days after the date that the answer to the appeal is filed.

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five

1 **SECTION 1.** 5.01 (4) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is
2 amended to read:

3 5.01 (4) (a) If 2 or more candidates for the same office receive the greatest, but
4 an equal number of votes, the winner shall be chosen by lot in the presence of the
5 board of canvassers charged with the responsibility to determine the election, except
6 as provided in s. 8.17 (4) (b), or in the case of an election for state or national office
7 or municipal judge, if the judge is elected under s. 755.01 (4), or metropolitan
8 sewerage commissioner, if the commissioner is elected under s. 66.23 (11) (am), in the
9 presence of the chairperson of the board.

10 **SECTION 2.** 5.02 (26) of the statutes is created to read:

11 5.02 (26) "Write-in candidate" means a candidate who seeks or receives votes
12 at an election for an office without qualifying to have his or her name appear on the
13 ballot at that election for the office for which the candidate seeks or receives votes.

14 **SECTION 3.** 5.05 (1) (e) of the statutes is amended to read:

15 5.05 (1) (e) Delegate to its executive director the authority to issue a subpoena
16 under par. (b), apply for a search warrant under par. (b), commence an action under
17 par. (d), intervene in an action or proceeding under sub. (9), issue an order under s.

18 5.06, exempt a polling place from accessibility requirements under s. 5.25 (4) (a),

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3 140/1dn
JTK & RJM:.....

cmv

1. This draft is generally the same as 1997 AB-959, with updates to reflect legislation enacted since that bill was drafted and a chief clerk's correction and other miscellaneous changes to keep the statutes consistent. Please review the treatment of the following statutes to ensure that you approve: ss. 6.275 (1) (c), 6.30 (3) (c), 6.79 (5), 10.66 (3) (b) and 10.76 (3) (a), stats. In addition, this draft does not treat s. 8.11 (1) (b) and (5), stats., although this statute was treated in AB-959. The treatment in AB-959 was ~~unnecessary~~ because write-in candidates do not file nomination papers. Please let one of us know if you do not approve of any of these changes.

more sentence

2. We identified a few provisions that we believe require treatment in coordination with changes proposed in AB-959.

INSERT DNOTE

on page 3 of D-NOTE

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DRAFTER'S NOTE (2)
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2338/1dn
JTK&RJM:cmh:ijs

March 9, 1999

~~LOSS OF DRAFT NOTE~~

~~INTENT TEXT~~

This draft is generally the same as 1997 AB-959, with updates to reflect legislation enacted since that bill was drafted and a chief clerk's correction and other miscellaneous changes to keep the statutes consistent.

5. 2. See the material concerning the elimination of separate ballots and columns for parties which field no candidates for state office at a particular election under ss. 5.62 (1) (a) and (b), (2) and (5), 5.64 (1) (e), 8.20 (9) and 10.02 (3) (b) 2m., stats. Currently at the primary there is no independent ballot or column for the county office candidates to which the party write-in candidates could be shifted, so this draft places all independent candidates for county office on the primary ballot in order to create a place to which the shift can be made. This may create some confusion because a vote for any of these independent candidates at the primary is completely ineffective and irrelevant. Independent candidates are nominated by nomination papers only. In the independent ballot or column, the draft therefore permits a write-in vote only for the party candidates who are shifted over to this ballot or column from a party ballot or column that would otherwise be blank, but does not permit a write-in vote for the "real" independent candidates. See s. 5.62 (5), stats.

6. 8. Currently, s. 6.275 (1)(c), stats., requires a municipal clerk to report to the county clerk or board of elections the number of voters who registered under s. 6.29, stats. The proposed s. 6.28 (1) would provide an additional method to preregister voters after the registration deadline. Unlike AB-959, this draft would also require a clerk to report the number of individuals registering under the proposed s. 6.28 (1) after the deadline. *stats.*

7. 4. Proposed s. 6.77 (3), which provides that an elector who becomes a resident of a municipality less than 10 days before an election as the result of a municipal annexation shall vote in the municipality where the elector formerly resided, appears to contravene article III, section 1, of the Wisconsin Constitution, which provides that "[e]very United States citizen age 18 or older who is a resident of an election district in this state is a qualified elector of that district." A more legally feasible approach to this issue might be to preclude annexation ordinances from becoming effective less than 10 days before an election.

8. 5. The text of s. 6.79, stats., as amended by this draft, permits electronic data entry of poll lists but requires any data entry system to be approved by the board. You may wish to provide that any data entry system shall meet the same security standard that is required for recording of votes by electronic voting systems under s. 5.91 (11), stats.,

in order to preserve entered data in the event of a power outage, evacuation or malfunction.

There is one other problem we can foresee if the officials are able to generate updated poll lists periodically from a printer. There may develop confusion over which list is the final list. Either preliminary lists should not be generated or each list should prominently be dated and timed or labeled "preliminary" or "final" by the computer. (The elections board may be able to handle this problem administratively.)

9. 6. The repeal of the requirements for preparation and delivery of a write-in absentee ballot for military and overseas electors under s. 7.15 (1) (cs), stats. may result in some confusion because under 42 USC 1973ff-2 and s. 6.25 (2) and (3), stats., overseas electors may continue to use these ballots to vote for national offices and military electors may continue to use these ballots to vote for national, state and local offices. This change requires that electors handwrite the offices, in addition to the names of the candidates, from whom they wish to vote. As a result, electors may not only attempt to cast votes for the wrong candidates (as is possible now) but also for the wrong offices or improperly named offices. It also appears that, under this change, any slip of paper may be used as a ballot as long as it contains the required information under s. 6.25 (2) and (3), stats.

10. 7. Concerning proposed s. 8.37, stats., which requires the legislature to submit questions no later than 42 days prior to the election at which they will appear on the ballot, this provision creates a rule of procedure under article IV, section 8, of the Wisconsin Constitution. The supreme court has held that the remedy for noncompliance with this type of provision lies exclusively within the legislative branch. See *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 363-369 (1983). In other words, while this type of provision may be effective to govern internal legislative procedure, the courts will not enforce this type of provision and it does not affect the validity of any enactment resulting from a procedure that may be viewed as contravening the provision.

Also, the deadline for filing of petitions under this provision is somewhat problematic because it can sometimes take a while to verify the legal sufficiency of a petition and the filing officer is not always the one who directly places the question on the ballot in response to the petition. See, for example, s. 9.20 (3) and (4), stats. [direct legislation], where the municipal governing body must consider and act upon the petition.

12. 8. Currently, s. 197.04 (1) (b), stats., allows a municipality to place a referendum regarding the municipal acquisition of a utility on the general election ballot only if the general election is held 30 to 35 days after the filing of the referendum petition. Otherwise, the municipality must call a special election. Although the 5-day period is unusual, the proposed s. 197.04 (1) (b) retains this window of opportunity to utilize the general election. ~~However~~ you may want to amend these provisions, in order to allow a greater opportunity to determine the referendum at a general election.

13. 9. Under this bill, as provided in AB-959, town officers take office on the 3rd, rather than the 2nd, Tuesday in April. AB-959 accomplished this transition by extending the term for officials currently in office by 7 days. The method of transition in AB-959 may

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END OF INSERT D-NOTE

draft

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454

the 4. AB-959 did not provide a method for transitioning to a system where the elections board determines questions required for challenging electors. This draft provides a delayed effective date for the treatment of ss. 6.92 (intro.) and (1) to (6), stats., so that the elections board may have time to promulgate the necessary rules. Please contact one of us if you do not approve. budget bill).

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3140/1dnins
JTK & RJM.....

PN5 D2A

11. Although we did not make any change to the treatment of s. 9.01 (1) (ag), stats., we think there is a problem with this text in that s. 9.01 (1) (ag) l., stats., as affected by this draft, requires prepayment of any recount charge or fee at the time that a recount petition is filed and proposed s. 9.01 (1) (ag) 2g. and 2r. fix the amount of the charge in certain cases at either 50% or 100% of the actual cost of conducting a recount. Since the actual cost is not known at the time that the petition is filed, it is not possible to administer this proposed language. Since AB-959 was drafted, we have revisited this issue in 1999 AB-337 and 1999 SB-175, which require any fee that is not known at the time a petition is filed to be estimated at that time and then adjusted after the recount is complete. At some point, we will need to address this problem with the draft.

*(END OF
INSERT)*

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3140/1dn
JTK & RJM:cmh:kjf

July 15, 1999

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5. See the material concerning the elimination of separate ballots and columns for parties which field no candidates for state office at a particular election under ss. 5.62 (1) (a) and (b), (2) and (5), 5.64 (1) (e), 8.20 (9) and 10.02 (3) (b) 2m., stats. Currently at the primary there is no independent ballot or column for the county office candidates

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