



*Wanted Wed 8/1*

# 1999 BILL

*only changes  
comp. 90  
& delete*

*Regen*

1 **AN ACT to repeal 5.25 (4) (b), 5.35 (6) (a) 4., 5.55 (form), 5.58 (2) (b), 5.64 (1) (c),**  
2 **5.64 (2) (a) and (b), 5.64 (3) (intro.), 6.865 (2), 6.92 (1) to (6), 6.925 (1) to (6), 7.15**  
3 **(1) (cs), 8.17 (2), (3) and (4) (a) and (b), 10.66 (lm) (a), 10.66 (3) (b), 10.76 (1r)**  
4 **(a) and 10.76 (3) (a); to renumber 5.64 (2) (c); to renumber and amend 5.55**  
5 **(intro.), 5.58 (2) (a), 5.62 (1) (b), 5.62 (2), 5.64 (1) (e), 5.64 (3) (a), 5.64 (3) (b), 6.92**  
6 **(intro.), 6.925 (intro.) and 8.17 (4) (c); to consolidate, renumber and amend**  
7 **6.865 (intro.) and (1); to amend 5.01 (4) (a), 5.05 (1) (e), 5.15 (6) (b), 5.25 (1), 5.37**  
8 **(3), 5.58 (1c), 5.58 (lr), 5.58 (2m), 5.60 (1) (intro.), 5.60 (1) (b), 5.60 (8) (a), 5.62**  
9 **(1) (a), 5.62 (5), 5.64 (1) (intro.), 5.64 (1) (a), 5.64 (1) (b), 5.64 (1) (d), 5.64 (1) (f),**  
10 **5.65, 5.81 (2), 6.15 (3) (b), 6.24 (1), (2) and (3), 6.24 (5), 6.275 (1) (c), 6.28 (1), 6.29**  
11 **(1), 6.30 (3) (c), 6.77 (2), 6.79 (intro.), 6.79 (1), 6.79 (2), 6.79 (5), 6.80 (2) (e) and**  
12 **(f), 6.85, 6.86 (1) (b), 6.86 (3) (a), 6.87 (2), 6.88 (l), 7.30 (2) (a), 7.51 (2) (e), 7.51**  
13 **(2) (g), 7.51 (4) (a), 7.53 (l), 7.53 (2) (d), 7.53 (3) (a), 7.60 (2), 7.60 (4) (a), 7.60 (4)**  
14 **(b), 7.60 (4) (c), 7.60 (5), 7.60 (6), 7.70 (3) (d), 7.70 (3) (f), 8.05 (1) (j), 8.05 (3) (d)**

**BILL**

1 and (e), 8.05 (5), 8.10 (3) (intro.), 8.10 (6) (a), 8.11 (1) (d), (2) and (2m), 8.12 (2),  
2 8.15 (4) (a), 8.17 (1) (a), 8.17 (5) (b), 8.20 (3), 8.20 (9), 8.21, 8.35 (2) (a), 8.40 (2),  
3 8.50 (1) (a), 8.50 (1) (b), 8.50 (2) (a), 8.50 (4) (fm), 9.01 (1) (ag) 1. and 2., 9.01 (2),  
4 9.01 (5) (a), 9.01 (7) (a), 10.02 (3) (b) 1., 10.02 (3) (b) 2., 10.02 (3) (b) 2m., 10.02  
5 (3.) (b) 3. and 4., (c) and (d), 10.82 (1) (e), 10.82 (2) (d), 10.82 (3) (d); 10.82 (4) (d),  
6 10.82 (5) (c), 11.02 (3), 11.03 (l), 11.60 (4) and (5), 24.66 (4), 32.72 (1), 38.08 (1)  
7 (a) 1., 59.05 (2), 59.08 (7) (b), 60.30 (4) (b), **60.62 (2)**, 60.74 (5) (b), 60.785 (2) (a),  
8 61.187 (l), 61.46 (l), 62.13 (6) (b), 64.39 (2), **66.021 (5) (a)**, 66.022 (3); 66.023 (4)  
9 (e) 1. and 2., 66.024 (4) (a) and (b), **66.027**, **66.028 (6) (a) and (b)**, 66.059 (2m) (b),  
10 **66.061 (1) (c)**, **66.075 (5)**, **66.521 (10) (d)**, 66.77 (3) (a) 1., 66.94 (4), 67.12 (12) (e)  
11 6., **81.01 (3) (b)**, 86.21 (2) (a), 92.11 (4) (c), 119.48 (4) (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) (b),  
13 197.10 (2), **755.01 (4)** and 778.135; and to *create* 5.02 (**26**), 5.25 (4) (d), 5.51 (8),  
14 **5.62 (1) (b) 2.**, 5.62 (2) (b), 5.64 (1) (e) 2., 5.64 (1) (eg), **5.655**, **6.77 (3)**, 7.08 (5),  
15 7.10 (5), 7.10 (6), 7.15 (1) (L), **7.21 (2m)**, 8.10 (6) (bm), 8.17 (5) (bm), **8.37**, **9.01**  
16 (1) (ag) 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;

**BILL**

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 procedure for challenging electors; terms of  
 9 office of town officers; requiring a referendum and granting rule-making  
 10 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.

---

**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**

**•Voting 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**

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

**BILL**

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, an election inspector 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 inspector must administer an oath to the challenged elector 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?

(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?

**BILL**

(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 every two 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 employees 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 of 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 either deposited directly into the ballot box by the electors or given to the inspector who must deposit them into the ballot box.

**III. ROLE OF POLITICAL PARTIES AND CANDIDATES**

• **Election Committees or Committees**

**BILL**

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.

~~• 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 three 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 five 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".

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

**BILL**

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 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 two 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. Appointees serve for 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** maintain two 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 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 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

Under current law, the county board of canvassers is composed of the county clerk and two qualified electors of the county appointed by the clerk. **If** the county clerk's office

**BILL**

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 Preparation of 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.

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.



**BILL**

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 six weeks **prior to** the election at which the question will appear. If, under current law, a referendum may be held sooner than 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 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 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 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 accept a copy of the petition personally.

**•Minutes of Recount Proceedings**

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 tiled, the court must set the matter for a hearing. However, the

## BILL

time prescribed by the statutes in which the hearing must be held appears to conflict in two different statutory provisions. One provision requires the hearing to be held within five 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 tied.

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

1           **SECTION 1.** 5.01 (4) (a) of the statutes is amended to read:

2           5.01 (4) (a) If 2 or more candidates for the same office receive the greatest, but  
3 an equal number of votes, the winner shall be chosen by lot in the presence of the  
4 board of canvassers charged with the responsibility to determine the election, ~~except~~  
5 ~~as provided in s. 9.17 (4) (b),~~ or in the case of an election for state or national office  
6 ~~or municipal judge, if the judge is elected under s. 55.01 (4),~~ or metropolitan  
7 sewerage commissioner, if the commissioner is elected under s. 66.23 (11) (am), in the  
8 presence of the chairperson of the board.

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

10          5.02 (26) "Write-in candidate" means a candidate who seeks or receives votes  
11 at an election for an office without qualifying to have his *or* her name appear on the  
12 ballot at that election for the office for which the candidate seeks or receives votes.

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

14          5.05 (1) (e) Delegate to its executive director the authority to issue a subpoena  
15 under par. (b), apply for a search warrant under par. (b), commence an action under  
16 par. (d), intervene in an action or proceeding under sub. (9), issue an order under s.  
17 5.06, exempt a polling place from accessibility requirements under- s. 5.25 (4) (a),  
18 exempt a municipality from the requirement to use voting machines or an electronic  
19 voting system under s. 5.40 (5m), approve an electronic data recording system for

**BILL**

1 ~~maintaining poll lists under s. 6.79~~, or authorize nonappointment of an individual  
2 who is nominated to serve as an election official under s. 7.30 (4) (e), subject to such  
3 limitations as the board deems appropriate.

4 **SECTION 4.** 5.15 (6) (b) of the statutes is amended to read:

5 5.15 (6) (b) No later than 60 days before each September primary and general  
6 election, and no later than 30 days before each other election the governing body of  
7 any municipality may by resolution combine 2 or more wards for voting purposes to  
8 facilitate using a common polling place. Whenever wards are so combined, the  
9 original ward numbers shall continue to be utilized for all official purposes. Except  
10 as otherwise authorized under this paragraph, every municipality having a  
11 population of 50,000 or more, ~~or 35,000 or more after June 1, 1996~~, shall maintain  
12 separate returns for each ward so combined. In municipalities having a population  
13 of less than 50,000, ~~or less than 35,000 after June 1, 1996~~, the governing body may  
14 provide in the resolution that returns shall be maintained only for each group of  
15 combined wards at any election. ~~In municipalities having a population as shown in~~  
16 ~~the 1990 federal decennial census of at least 87,000 but not more than 150,000, the~~  
17 ~~governing body may provide in a resolution adopted prior to June 1, 1996 that groups~~  
18 ~~of not more than 2 wards shall use common ballot boxes and ballots or voting~~  
19 ~~machines and that returns shall be maintained only for each group of combined~~  
20 ~~wards at any election held prior to June 1, 1996.~~ Whenever a governing body  
21 provides for common ballot boxes and ballots or voting machines, separate returns  
22 shall be maintained for each separate ballot required under ss. 5.62 and 5.64 at the  
23 September primary and general election. The municipal clerk shall transmit a copy  
24 of the resolution to the county clerk of each county in which the municipality is  
25 contained. In municipalities having a population of less than 50,000, ~~or less than~~

**BILL****SECTION 4**

1 ~~35,000 after June 1, 1996~~, the resolution shall remain in effect for each election until  
2 modified or rescinded, or until a new division is made under this section.

3 **SECTION 5.** 5.25 (1) of the statutes is amended to read:

4 **5.25** (1) All elections under chs. 5 to 12 shall be held at the polling places  
5 provided in this section. ~~So far as practicable, the~~ The places chosen shall be public  
6 buildings, ~~unless the use of a public building for this purpose is impracticable or a~~  
7 ~~nonpublic building better serves the needs of the electorate. as determined by the~~  
8 ~~authority charged with the responsibility for establishing polling places under sub.~~  
9 (2).

10 **SECTION 6.** 5.25 (4) (b) of the statutes is repealed.

11 **SECTION 7.** 5.25 (4) (d) of the statutes is created to read:

12 **5.25** (4) (d) No later than June 30, 2001, and every 2 years thereafter, the board  
13 shall submit a report on impediments to voting faced by elderly and handicapped  
14 individuals to the appropriate standing committees of the legislature under s. 13.172  
15 (3). In preparing its report under this paragraph, the board shall consult with  
16 appropriate advocacy groups representing the elderly and handicapped populations.

17 **SECTION 8.** 5.35 (6) (a) 4. of the statutes is repealed.

18 **SECTION 9.** 5.37 (3) of the statutes is amended to read:

19 **5.37** (3) For presidential electors one device shall be provided to vote for all of  
20 one party's electoral candidates at the same time. The device shall be opposite or  
21 adjacent to the ~~ballot containing the~~ names of the party's candidates for president  
22 and vice president.

23 **SECTION 10.** 5.51 (8) of the statutes is created to read:

24 **5.51** (8) Unless otherwise specifically provided, the form of all ballots shall  
25 conform to the ballot forms prescribed by the board under s. 7.08 (1) (a).

**BILL**

1           **SECTION 11.** 5.55 (intro.) of the statutes is renumbered 5.55 and amended to  
2 read:

3           **5.55 Ballot identification.** On every ballot, except a ballot label or voting  
4 machine ballot, shall be printed "Official . . . . Ballot" or "Official . . . . Ballot for . . . ."  
5 followed by the designation of the polling place for which the ballot has been  
6 prepared, the date of the election, and the official endorsement and blank  
7 certificates. The number of the ward or wards or aldermanic district, if any, and the  
8 name of the municipality may be omitted in printing and stamped or written on the  
9 ballots at any location which is clearly visible at the option of the county clerk.  
10 Printed information and initials shall appear on the back and outside of the ballot.  
11 When a ballot card is employed with an electronic voting system, the date of the  
12 election may be printed or stamped on the back of the ballot card in such a manner  
13 that the card is not reusable, at the option of the county clerk. ~~Each ballot shall be~~  
14 ~~prepared in substantially the following form:~~

15           **SECTION 12.** 5.55 (form) of the statutes is repealed.

16           **SECTION 13.** 5.58 (1c) of the statutes is amended to read:

17           **5.58 (1c) MUNICIPAL JUDGE.** There shall be a separate ballot for municipal  
18 judges if they are elected under s. 755.01 (4). Arrangement of the names on the ballot  
19 shall be determined by the board. ~~The ballot shall be entitled "Official Primary~~  
20 ~~Ballot for Municipal Judge" constructed by the~~ clerk of the county board  
21 of election commissioners of the county having the largest portion of the population  
22 in the jurisdiction served by the judge.

23           **SECTION 14.** 5.58 (lr) of the statutes is amended to read:

24           **5.58 (lr) TOWN SANITARY DISTRICT COMMISSION.** There shall be a separate ballot  
25 for members of the town sanitary district commission if commissioners are elected

**BILL****SECTION 14**

1 under s. 60.74 and the boundaries of the district are not coterminous with one or more  
2 towns. Candidates for different seats shall be listed in separate columns or rows if  
3 more than one seat is contested in any election. Arrangement of the names on the  
4 ballot shall be determined by the town clerk of the town whose board of supervisors  
5 directs the election, in the same manner as provided in s. 5.60 (1) (b). ~~The ballot shall~~  
6 ~~be titled "Official Primary Ballot for Town Sanitary District Commission".~~

7 **SECTION 15.** 5.58 (2) (a) of the statutes is renumbered 5.58 (2) and amended to  
8 read:

9 **5.58 (2) STATE SUPERINTENDENT OF PUBLIC INSTRUCTION; JUDICIARY; COUNTY**  
10 **EXECUTIVE; AND COUNTY SUPERVISORS.** There shall be one separate ballot for state  
11 superintendent, judicial officers, county executive under s. 59.17 and county  
12 supervisor. In counties having a population of 500,000 or more, the ballot also shall  
13 include those offices under s. 8.11 (2) and (2m). The arrangement of names of  
14 candidates for state superintendent, justice, court of appeals judge and circuit court  
15 judge shall be determined by the board in the manner specified in s. 5.60 (1) (b).  
16 Arrangement of the names of candidates for county executive and county supervisor  
17 shall be determined by the county clerk or by the executive director of the county  
18 board of election commissioners in the manner specified in s. 5.60 (1) (b). ~~The ballot~~  
19 ~~shall be titled "Official Ballot for State Superintendent of Public Instruction,~~  
20 ~~Judicial, County Executive and County Supervisor Primary".~~

21 **SECTION 16.** 5.58 (2) (b) of the statutes is repealed.

22 **SECTION 17.** 5.58 (2m) of the statutes is amended to read:

23 **5.58 (2m) METROPOLITAN SEWERAGE COMMISSION.** There shall be a separate  
24 ballot for members of the metropolitan sewerage commission if commissioners are  
25 elected under s. 66.23 (11) (am), with candidates for different seats listed in separate

## BILL

1 columns or rows if more than one seat is contested at any election. Arrangement of  
2 the names on the ballot shall be determined by the board. ~~The ballot shall be titled~~  
3 ~~“Official Primary Ballot for Metropolitan Sewerage Commission”.~~

4 **SECTION 18.** 5.60 (1) (intro.) of the statutes is amended to read:

5 **5.60 (1) STATE SUPERINTENDENT JUDICIARY; COUNTY EXECUTIVE AND COUNTY**  
6 **SUPERVISORS.** (intro.) There shall be one separate ballot for state superintendent,  
7 judicial officers, county executive and county supervisor. For county supervisor, the  
8 ballot shall be prepared in accordance with ss. 5.58 (2) and 59.10 (3). Arrangement  
9 of the names of candidates for county executive ~~and~~, county supervisor ~~and~~  
10 municipal judge, if the judge is elected under s. 755.01 (4), shall be determined by  
11 the county clerk or the executive director of the county board of election  
12 commissioners determining ballot arrangement under s. 5.58 (1c), in the manner  
13 prescribed in par. (b).

14 **SECTION 19.** 5.60 (1) (b) of the statutes is amended to read:

15 **5.60 (1) (b)** The board shall certify the candidates' names and designate the  
16 official ballot arrangement for candidates for state superintendent, justice, court of  
17 appeals judge, circuit judge, ~~municipal judge elected under s. 755.01 (4)~~ and, if  
18 commissioners are elected under s. 66.23 (11) (am), the metropolitan sewerage  
19 commission. The arrangement of names of all candidates on the ballot whose  
20 nomination papers are filed with the board shall be determined by the board by the  
21 drawing of lots not later than the 2nd Tuesday in January, or the next day if the first  
22 Tuesday is a holiday. Whenever a primary is held for an office, a 2nd drawing of all  
23 candidates for that office shall be held by or under the supervision of the board not  
24 later than the 3rd day following the completion of the primary canvass to determine  
25 the arrangement of candidates on the election ballot.

BILL

SECTION 20. 5.60 (8) (a) of the statutes is amended to read:

5.60 (8) (a) An official ballot shall be printed and provided for use in each voting district. ~~The form of each ballot shall be substantially as follows:~~

~~Form 1, to be used when there are several candidates:~~

OFFICIAL BALLOT

PRESIDENTIAL PREFERENCE VOTE

.... Party

MARK THIS BALLOT IN ONE SPACE ONLY. You have one of 3 choices—you may either:

Express your preference for one of the persons whose names are printed on this ballot (in that case, make a cross (X) in the square after that person's name); or

Vote for an uninstructed delegation from Wisconsin to the national convention of the .... party (in that case, make a cross (X) in the square following "Uninstructed delegation"); or

Write in the name of another person to become the presidential candidate of the .... party (in that case, write that person's name into the space following "Write in candidate").

OLE CARLSON ..... ( )

AMOS DUNCAN ..... ( )

JAMES UNDERWOOD ..... ( )

Uninstructed delegation ..... ( )

Write in candidate ..... ( )

~~2. Form 2, to be used when there is only one candidate:~~

OFFICIAL BALLOT

PRESIDENTIAL PREFERENCE VOTE

.... Party



**BILL**

1           ~~MARK THIS BALLOT IN ONE SPACE ONLY. You have one of 3 choices—you may either:~~

2           ~~Express your preference for the person whose name is printed on this ballot (in~~  
3 ~~that case, make a cross (X) in the square after that person’s name); or~~

4           ~~Vote for an uninstructed delegation from Wisconsin to the national convention~~  
5 ~~of the .... party (in that case, make a cross (X) in the square marked “Uninstructed~~  
6 ~~delegation” following that person’s name); or~~

7           ~~Write in the name of another person to become the presidential candidate of the~~  
8 ~~.... party (in that case, write that person’s name into the space following “Write in~~  
9 ~~candidate”).~~

10           ~~JOHN DOE .....~~ ( )

11           ~~Uninstructed delegation .....~~ ( )

12           ~~Write in candidate .....~~

13           ~~3. Form 3, to be used when there are no candidates who have qualified to appear~~  
14 ~~on the ballot:~~

**OFFICIAL BALLOT**

**PRESIDENTIAL PREFERENCE VOTE**

**.... Party**

18           ~~MARK THIS BALLOT IN ONE SPACE ONLY. There are no candidates of the .... party who~~  
19 ~~have qualified to have their names appear on the printed ballot. You have 2~~  
20 ~~choices—you may either:~~

21           ~~Express your preference for an uninstructed delegation from Wisconsin to the~~  
22 ~~national convention of the .... party (in that case, make a cross (X) in the square~~  
23 ~~following “Uninstructed delegation”); or~~

**BILL**

1 ~~Write in the name of a person to become the presidential candidate of the ...~~  
2 ~~party (in that case, write that person's name into the space following "Write in~~  
3 ~~candidate").~~

4 ~~Uninstructed delegation .....~~ ( )

5 ~~Write in candidate .....~~

6 **SECTION 21. 5.62 (1) (a)** of the statutes is amended to read:

7 5.62 **(1)** (a) At September primaries, the following ballot shall be provided for  
8 the nomination of candidates of recognized political parties for national, state and  
9 county offices and independent candidates ~~for state office~~ in each ward, in the same  
10 form as prescribed by the board under s. 7.08 (1) (a). The ballots shall be made up  
11 of the several party tickets with each party entitled to participate in the primary  
12 under par. (b) or sub. (2) having its own ballot. The independent candidates ~~for state~~  
13 ~~office other than district attorney~~ shall have a separate ballot for all such candidates  
14 as under s. 5.64 (1) (e). The ballots shall be secured together at the bottom. The party  
15 ballot of the party receiving the most votes for president or governor at the last  
16 general election shall be on top with the other parties arranged in descending order  
17 based on their vote for president or governor at the last general election. The ballots  
18 of parties qualifying under sub. (2) shall be placed after the parties qualifying under  
19 par, (b), in the same order in which the parties filed petitions with the board. The  
20 ballot listing the independent candidates shall be placed at the bottom. On that  
21 ballot, if a place is designated to write a n v n a r t v c a n d i d a t e s u n d e r  
22 par. (b) 2. or sub. (2) (b), the places shall appear before the names of the independent  
23 candidates in the same order in which the ballots of their parties would appear under  
24 this paragraph. At polling places where voting machines are used, each party and  
25 the independent candidates shall be represented in one or more separate columns

## BILL

1 or rows on the ballot. At polling places where an electronic voting system is used  
2 other than an electronic voting machine, each party and the independent candidates  
3 may be represented in separate columns or rows on the ballot.

4 **SECTION 22.** 5.62 (1) (b) of the statutes is renumbered 5.62 (1) (b) 1. and  
5 amended to read:

6 5.62 (1) (b) 1. ~~Every~~ Except as provided in subd. 2. and s. 5.64 (1) (e) 2., every  
7 recognized political party listed on the official ballot at the last gubernatorial election  
8 whose candidate for any statewide office received at least ~~one percent~~ 1% of the total  
9 votes cast for that office and, if the last general election was also a presidential  
10 election, every recognized political party listed on the ballot at that election whose  
11 candidate for president received at least ~~one percent~~ 1% of the total vote cast for that  
12 office shall have a separate primary ballot or one or more separate columns or rows  
13 on the primary ballot as prescribed in par. (a) and a separate column on the general  
14 election ballot in every ward and election district. An organization which was listed  
15 as "independent" at the last general election and whose candidate meets the same  
16 qualification shall receive the same ballot status upon petition of the chairperson  
17 and secretary of the organization to the board requesting such status and specifying  
18 their party name, which may not duplicate the name of an existing party. A petition  
19 under this ~~paragraph~~ subdivision may be filed no later than 5 p.m. on June 1 in the  
20 year of each general election. ~~This paragraph applies to a party only if at least one~~  
21 ~~candidate of the party for a state office qualifies to have his or her name appear on~~  
22 ~~the ballot under the name of the party at the last gubernatorial election.~~

23 **SECTION 23.** 5.62 (1) (b) 2. of the statutes is created to read:

24 5.62 (1) (b) 2. Subdivision 1. applies to a party within any assembly district or  
25 county at any September primary election only if at least one candidate of the party

**BILL**SECTION **23**

1 for any national, state or county office qualifies to have his or her name appear on  
2 the ballot under the name of that party within that assembly district or county. The  
3 county clerk or county board of election commissioners shall provide a place on the  
4 ballot for the independent candidates that will permit an elector to cast a vote for a  
5 write-in candidate for the nomination of any party for each national, state and  
6 county office whenever that party qualifies to be represented on a separate primary  
7 ballot or in one or more separate columns or rows under subd. 1. but does not qualify  
8 under this subdivision.

9 **SECTION 24.** 5.62 (2) of the statutes is renumbered 5.62 (2) (a) and amended to  
10 read:

11 **5.62 (2) (a)** ~~Any~~ Except as provided in par. (b) and s. 5.64 (1) (e) 2., any political  
12 organization may be represented on a separate primary ballot or in one or more  
13 separate columns or rows on the primary ballot as prescribed in sub. (1) (a) and in  
14 a separate column on the general election ballot in every ward and election district  
15 if, not later than 5 p.m. on June 1 in the year of a September primary, it files with  
16 the board a petition so requesting. To qualify for a separate ballot, the petition shall  
17 be signed by at least 10,000 electors, including at least 1,000 electors residing in each  
18 of at least 3 separate congressional districts. The petition shall conform to the  
19 requirements of s. 8.40. No signature obtained before January 1 in the year of filing  
20 is valid. When the candidates of a political organization filing a valid petition fulfill  
21 the requirements prescribed by law, they shall appear on a separate ballot or one or  
22 more separate columns or rows on the ballot for the period ending with the following  
23 general election.

24 **SECTION 25.** 5.62 (2) (b) of the statutes is created to read:

## BILL

1           5.62 (2) (b) Paragraph (a) applies to a party within any assembly district or  
2 county at any September primary election only if at least one candidate of the party  
3 for any national, state or county office qualifies to have his or her name appear on  
4 the ballot under the name of that party within that assembly district or county. The  
5 county clerk or county board of election commissioners shall provide a place on the  
6 ballot for the independent candidates that will permit an elector to cast a vote for a  
7 write-in candidate for the nomination of any party for each national, state and  
8 county office whenever that party qualifies to be represented on a separate primary  
9 ballot or in one or more separate columns or rows under par. (a) but does not qualify  
10 under this paragraph.

11           **SECTION 26.** 5.62 (5) of the statutes is amended to read:

12           5.62 (5) At the September primary, an elector may vote for the candidates of  
13 only one party, or the elector may vote for any of the independent candidates ~~for state~~  
14 ~~office~~ listed; but the elector may not vote for more than one candidate for a single  
15 office. A space shall be provided on the ballot for an elector to write in the name of  
16 his or her choice as a party candidate for any office, including a party candidate of  
17 a party whose name appears on the ballot. column or row designated for independent  
18 candidates, as provided in sub. (1) (b) or (2) (b), but no space shall be provided to write  
19 in the names of independent candidates.

20           **SECTION 2'7.** 5.64 (1) (intro.) of the statutes is amended to read:

2 1           5.64 (1) OFFICIAL BALLOT. (intro.) There shall be a separate ballot giving the  
22 names of all candidates for president and vice nresident and for statewide,  
23 congressional, legislative and county offices in the same form as prescribed by the  
24 board under s. 7.08 (1) (a).

25           **SECTION 28.** 5.64 (1) (a) of the statutes is amended to read:

**BILL****SECTION 28**

i

1           5.64 (1) (a) The ballot shall be labeled "~~Official Ballot~~" in lettering at least  
2           ~~three eighths inch high. Directly underneath in plain, legible type, shall be the~~  
3           ~~following voting instructions: "If you desire permit an elector to vote a straight party~~  
4           ~~ticket for president and vice nresident. whenever those offices are contested. and for~~  
5           ~~all statewide, congressional, legislative and county offices, make a cross (X) in the~~  
6           ~~circle under the party designation at the top of the party column. If you desire to vote~~  
7           ~~for individual candidates, ? in the square at the RIGHT of the name~~  
8           ~~of each candidate for whom you desire to vote. To for each office or to vote for a person~~  
9           ~~whose name does not appear on the ballot, write the name in the blank space~~  
10           ~~provided for the purpose for any office. When voting for governor and lieutenant~~  
11           ~~governor, you may the ballot shall permit an elector to vote only for the candidates~~  
12           ~~on one ticket jointly or write in the names of persons in both spaces.-~~  
13           ~~party designation at the top of each party column shall appear the following words~~  
14           ~~in boldface type: "Make a cross (X ) in this circle to vote a straight party ticket."~~

15           . SECTION 29. 5.64 (1) (b) of the statutes is amended to read:

16           **5.64 (1) (b)** ~~Below the voting instructions the ballot shall be divided into~~  
17           ~~vertical columns.~~ The names of the candidates on the regular party tickets  
18           nominated at the primary or replacements appointed under s. 8.35 (2) shall be  
19           ~~printed each in appear in~~ a separate column under the party designation. The  
20           columns shall be arranged from left to right according to rank, based on the number  
21           of votes received by ~~the~~ each party's candidate for president or governor at the last  
22           general election beginning with the party that received the most votes. To the right  
23           of the columns for parties qualifying under s. 5.62 (1) (b) shall be placed the columns  
24           for parties qualifying under s. 5.62 (2) in the same order in which the parties filed  
25           petitions with the board. To the right of the party columns shall be a column for the

## BILL

1 names of independent candidates for each office, or more than one column if the first  
2 column does not provide sufficient space for the names of all such candidates.

3 SECTION 30. 5.64 (1) (c) of the statutes is repealed.

4 SECTION 31. 5.64 (1) (d) of the statutes is amended to read:

5 5.64 (1) (d) The offices shall be arranged beginning with ~~president and vice,~~  
6 president or governor and lieutenant governor, whenever these offices are filled, and  
7 then the remaining offices in the order designated under s. 5.62 (3).

8 SECTION 32. 5.64 (1) (e) of the statutes is renumbered 5.64 (1) (e) 1. and  
9 amended to read:

10 5.64 (1) (e) 1. ~~Within each column, each space shall state the office to be voted~~  
11 ~~for directly above the candidate's first and last name. The~~ Except as provided in  
12 subd. 2., each candidate's name shall be placed in the ~~party~~ column of the ~~party~~ by  
13 which nominated or if independent, in a column designated independent and all  
14 candidates for the same office shall appear within the same rows on the ballot. ~~Below~~  
15 If a place is designated to write in the names of any party candidates in the column  
16 for independent candidates under subd. 2., the places shall appear before the name  
17 of the independent candidates in the same order in which the columns of their parties  
18 would appear under par. (b). Alone: with the names of the independent candidates  
19 shall appear the party or principle of the candidates, if any, in 5 words or less, as  
20 shown on their nomination papers. Independent candidates for the same county  
21 office shall be listed in the same manner in an order drawn by lot by or under  
22 supervision of the county clerk or board of election commissioners. The board shall  
23 conduct a redrawing for purposes of determining the arrangement of independent  
24 candidates for state office who appeared on the primary ballot in the manner

## BILL

1 provided in s. 5.60 (1) (b). ~~To the right of each candidate's name, in each column, shall~~  
2 ~~be a square for the elector to make his or her cross (X).~~

3 **SECTION 33.** 5.64 (1) (e) 2. of the statutes is created to read:

4 5.64 (1) (e) 2. There shall be a separate column for the candidates of each party  
5 qualifying for that column under s. 5.62 (1) (b) or (2), except that if, within any  
6 assembly district or county, there are no candidates for any national, state or county  
7 office representing such a party who qualify to have their names appear on the ballot  
8 under the name of that party within that assembly district, the county clerk or board  
9 of election commissioners shall provide a space within the column for the  
10 independent candidates that will permit an elector to cast a vote for a write-in  
11 candidate of that party for each national, state and county office.

12 **SECTION 34.** 5.64 (1) (eg) of the statutes is created to read:

13 5.64 (1) (eg) In the case of balloting for the offices of president and vice  
14 president, the names of the candidates shall be placed in the column of the party that  
15 nominated them or if independent, in a column designated independent. In each  
16 column there shall be one choice for the elector to cast a ballot jointly for both offices.

17 **SECTION 35.** 5.64 (1) (f) of the statutes is amended to read:

18 5.64 (1) (f) In the case of balloting for the office of governor and lieutenant  
19 governor, the names of the candidates shall be placed in the party column by which  
20 nominated or if independent, in a column designated independent. ~~To the right of~~  
21 ~~the names of the set of candidates for governor and lieutenant governor, in~~ In each  
22 column there shall be one square choice for the elector to cast a ballot jointly for both  
23 offices.

24 **SECTION 36.** 5.64 (2) (a) and (b) of the statutes are repealed.

25 **SECTION 37.** 5.64 (2) (c) of the statutes is renumbered 5.64 (2).



**BILL**

1           **SECTION 38.** 5.64 (3) (intro.) of the statutes is repealed.

2           **SECTION 39.** 5.64 (3) (a) of the statutes is renumbered 5.64 (1) (em) and  
3 amended to read:

4           **5.64 (1) (em)** ~~The ballot shall be titled "Official Presidential Ballot" in lettering~~  
5 ~~at least three eighths inch high. Directly underneath in plain, legible type shall be~~  
6 ~~the following voting instructions: "Make a cross (X) in the square opposite the names~~  
7 ~~of the candidates for whose electors you desire to vote or write in the names of~~  
8 ~~candidates for president and vice president in the space provided for the purpose.~~  
9 ~~Vote in ONE square only."~~ The names of the candidates for the offices of president  
10 and vice president certified under s. 8.16 (7) or filed under s. 8.20 shall appear on the  
11 ballot in the form prescribed in s. 7.08 (2) (a). The names of the presidential electors  
12 for the candidates supplied under ss. 8.18 (2) and 8.20 (2) (d) are not listed on the  
13 ballot but a vote for the candidates for president and vice president is a vote for them  
14 through their named presidential electors.

15           **SECTION 40.** 5.64 (3) (b) of the statutes is renumbered 5.64 (1) (es) and amended  
16 to read:

17           5.64 (1) (es) The party candidates shall be arranged consecutively from top to  
18 bottom based on the number of votes received by their party's candidate for governor  
19 at the last election beginning with the party that received the most votes. The  
20 independent president-vice president candidates shall be listed together in an order  
21 drawn by lot by or under supervision of the board, following under the party  
22 candidates. Below Along with the names of the independent candidates shall appear  
23 the party or principle of the candidates, if any, in 5 words or less, as shown on their  
24 nomination papers. Following under the independent candidates, a space shall be  
25 left for writing in the names of a candidate for president and vice president.

## BILL

1           **SECTION 41.** 5.65 of the statutes is amended to read:

2           **5.65 Special referendum ballots.** Unless otherwise provided, ballots for  
3 special referenda shall conform to the format prescribed ~~in~~ under s. 5.64 (2), insofar  
4 as applicable.

5           **SECTION 42.** 5.655 of the statutes is created to read:

6           **5.655 Special consolidated paper ballot. (1)** Whenever a municipality  
7 employing paper ballots is required to utilize separate ballots for certain offices or  
8 referenda at an election, the municipality may, with the approval of the county clerk  
9 or board of election commissioners of each county in which there is located any  
10 portion of the municipality where one or more electors reside, substitute a ballot that  
11 isutilized with an electronic voting system by any municipality that is located in any  
12 such county, if the ballot contains all of the applicable information required to be  
13 provided for paper ballots at that election. On such a ballot, there shall appear all  
14 offices and referenda on which votes are to be cast at the election. Such a ballot may  
15 only be distributed to electors who are eligible to vote for all of the offices and in all  
16 of the referenda appearing on the ballot. The municipality shall utilize separate  
17 ballots to the extent required to permit participation in an election by those electors  
18 of the municipality who are not authorized to vote for all offices and in all referenda.

19           (2) The board shall require the same notices and instructions to be given to  
20 electors who use a ballot that is authorized under sub. (1) as are provided to electors  
21 who use the same ballot with an electronic voting system, insofar as applicable.

22           **SECTION 43.** 5.81 (2) of the statutes is amended to read:

23           5.81 (2) When an electronic voting system utilizes a ballot label booklet and  
24 ballot card, ballots for candidates and ballots on referenda may be placed' on the  
25 voting device by providing in the ballot booklet separate ballot label pages or series

**BILL**

1 of pages distinguished by differing colors. Whenever practicable, all candidates for  
2 the same office shall appear in the booklet on the same page or facing pages. More  
3 than one question may be placed on the same ballot page or series of pages. In  
4 elections where provision is made for straight party voting ~~by marking a party circle,~~  
5 the designation of the political parties for straight party voting shall be on a separate  
6 page on which no names of candidates may appear. On each succeeding page of the  
7 candidate booklet, where the ballot information is listed vertically, the party  
8 affiliation of each candidate or the designation "independent" or the candidate's  
9 statement of principles, if any, shall appear ~~immediately to the left of~~ next to the  
10 candidate's name, and the name of candidates for the same office shall be listed  
11 vertically under the title of that office.

12 **SECTION 44.** 6.15 (3) (b) of the statutes is amended to read:

13 6.15 (3) (b) *Election* day. An eligible elector may appear at the polling place for  
14 the ward or election district where he or she resides and make application for a ballot  
15 under sub. (2). In such case, the inspector or special registration deputy shall  
16 perform the duties of the municipal clerk. The elector shall provide identification.  
17 If the elector is qualified, he or she shall be permitted to vote. The elector shall mark  
18 or punch the ballot and, unless the ballot is utilized with an electronic voting system,  
19 the elector shall fold the ballot, and shall ~~&posit the ballot in the ballot box or give~~  
20 it to the inspector. The inspector shall deposit it directly in the ballot box. Voting  
21 machines or ballots utilized with electronic voting systems may only be used by  
22 electors voting under this section if they permit voting for president and vice  
23 president only.

24 **SECTION 45.** 6.24 (1), (2) and (3) of the statutes are amended to read:

**BILL**

1           6.24 (1) DEFINITION. In this section, "overseas elector" means a U.S. citizen who  
2 is not disqualified from voting under s. 6.03, who has attained or will attain the age  
3 of 18 by the date of an election at which the citizen proposes to vote and who does not  
4 qualify as a resident of this state under s. 6.10, but who was last domiciled in this  
5 state or whose parent was last domiciled in this state immediately prior to the  
6 parent's departure from the United States, and who is not registered to vote or voting  
7 in any other state, territory or possession.

8           (2) ELIGIBILITY. An overseas elector under sub. (1) may vote in any election for  
9 national office, including the September primary and presidential preference  
10 primary and any special primary or election. Such elector may not vote in an election  
11 for state or local office. An overseas elector shall vote in the ward or election district  
12 in which ~~he or she~~ the elector was last domiciled ~~on the date the elector's parent was~~  
13 last domiciled prior to departure from the United States.

14           (3) REGISTRATION. If registration is required in the municipality where the  
15 overseas elector ~~resides~~ resided or where the elector's parent resided, the elector  
16 shall register on a form prescribed by the board designed to ascertain the elector's  
17 qualifications under this section. The form shall be substantially similar to the  
18 original form under s. 6.33 (1), insofar 'as applicable. Registration shall be  
19 accomplished in accordance with s. 6.30 (3).

20           **SECTION 46.** 6.24 (5) of the statutes is amended to read:

21           6.24 (5) BALLOTS. The board shall prescribe a special ballot for use under this  
22 section whenever necessary. Official ballots ~~under ss. 5.60 (8) and 5.64 (3)~~ prescribed  
23 for use in the presidential preference primary may also be used. l l b e  
24 designed to comply with the requirements ~~of~~ prescribed under ss. 5.60 (8), 5.62 and  
25 5.64 (1) insofar as applicable. All ballots shall be limited to national offices only.

**BILL**

1           SECTION 47. 6.275 (1) (c) of the statutes is amended to read:

2           6.275 (1) (c) Where registration applies, the total number of electors of the  
3           municipality residing in that county who registered after the close of registration and  
4           prior to the day of the primary or election under ~~s. ss. 6.28(1) and 6.29.~~

5           SECTION 48. 6.28 (1) of the statutes is amended to read:

6           6.28 (1) REGISTRATION LOCATIONS; DEADLINE. ~~Registration~~ Except as authorized  
7           in ss. 6.29 and 6.55 (2), registration in person for any election shall close at 5 p.m.  
8           on the 2nd Wednesday preceding the election. Registrations made by mail under s.  
9           6.30 (4) must be delivered to the office of the municipal clerk or postmarked no later  
10          than the 2nd Wednesday preceding the election. Application for registration in  
11          person or by mail may be accepted for placement on the registration list after the  
12          specified deadline, if the municipal clerk determines that the registration list can be  
13          revised to incorporate the registration in time for the election. All applications for  
14          registration corrections and additions may be made throughout the year at the office  
15          of the city board of election commissioners, at the office of the municipal clerk, at the  
16          office of any register of deeds or at other locations provided by the board of election  
17          commissioners or the common council in cities over 500,000 population or by either  
18          or both the municipal clerk, or the common council, village or town board in all other  
19          municipalities and may also be made during the school year at any high school by  
20          qualified persons under sub. (2) (a). Other registration locations may include but are  
21          not limited to fire houses, police stations, public libraries, institutions of higher  
22          education, supermarkets, community centers, plants and factories, banks, savings  
23          and loan associations and savings banks. Special registration deputies shall be  
24          appointed for all locations.

25          SECTION 49. 6.29 (1) of the statutes is amended to read:

**BILL**

1           6.29 (1) No names may be added to a registration list for any election after the  
2 close of registration, except as authorized under this section or s. ~~6.28 (1) or~~ 6.55 (2)  
3 ~~or (3)~~. Any person whose name is not on the registration list but who is otherwise  
4 a qualified elector is entitled to vote at the election upon compliance with this section.

5           **SECTION 50.** 6.30 (3) (c) of the statutes is amended to read:

6           6.30 (3) (c) The elector shall return the registration form to the clerk of the  
7 municipality where the elector resides. The form shall be prepostpaid for return  
8 when mailed at any point within the United States. To be eligible to vote in an  
9 election the form shall be received by the clerk prior to the close of the clerk's office  
10 on the registration deadline date for that election, unless the clerk accents the form  
11 for placement on the registration list after the deadline date as provided in s. 6.28  
12 (1).

13           **SECTION 51.** 6.77 (2) of the statutes is amended to read:

14           6.77 (2) ~~Whenever~~ Except as provided in sub. (3), whenever territory which was  
15 formerly a part of one municipality becomes a part of another municipality, an elector  
16 of the territory shall vote in the municipality in which the territory is included on the  
17 day of the election.

18           **SECTION 52.** 6.77 (3) of the statutes is created to read:

19           6.77 (3) Whenever territory which was formerly a part of one municipality  
20 becomes a part of another municipality less than 10 days prior to the election, an  
21 elector of the territory shall vote in the municipality in which the territory was  
22 formerly included.

23           **SECTION 53.** 6.79 (intro.) of the statutes is amended to read:

24           6.79 **Recording electors.** (intro.) 'Two election officials at each election ward  
25 shall be in charge of and shall maintain 2 separate lists of all persons voting. The

## BILL

1 ~~municipal clerk may elect to maintain the information on the poll list manually or~~  
2 ~~electronically. If the list is maintained electronically, the officials shall enter the~~  
3 ~~information in an electronic data recording system that enables retrieval of~~  
4 ~~printed COPY of the poll list at the polling place. The system employed is subject to~~  
5 ~~the approval of the board.~~

6 SECTION 54. 6.79 (1) of the statutes is amended to read:

7 6.79 (1) **MUNICIPALITIES WITHOUT REGISTRATION.** Where there is no registration,  
8 before being permitted to vote, each person shall state his or her full name and  
9 address. The officials shall ~~record~~ enter each name and address on a poll list in the  
10 same order as the votes are cast. If the residence of the elector does not have a  
11 number, the election officials shall, in the appropriate space, ~~write~~ enter "none".  
12 Alternatively, the municipal clerk may maintain a poll list consisting of the full name  
13 and address of electors compiled from previous elections. Whenever an elector  
14 appears to vote, the officials shall verify the correctness of the elector's name and  
15 address, and shall enter a serial number next to the name of the elector in the order  
16 that the votes are cast, beginning with the number one. If the name and address of  
17 an elector do not appear on the prepared poll list, the officials shall ~~record~~ enter the  
18 name, address and serial number of the elector at the bottom of the list. The officials  
19 may require any elector to provide identification, including acceptable proof of  
20 residence, or to have another elector corroborate his or her information in accordance  
21 with the procedure specified in s. 6.55 (2) (b) before permitting the elector to vote.  
22 The officials shall maintain a separate list of those persons voting under ss. 6.15 and  
23 6.24.

24 SECTION 55. 6.79 (2) of the statutes is amended to read:

**BILL**

1           6.79 (2) **MUNICIPALITIES WITH REGISTRATION.** Where there is registration, each  
2 person, before receiving a voting number, shall state his or her full name and  
3 address. Upon the prepared registration list, after the name of each elector, the  
4 officials shall enter the serial number of the vote as it is polled, beginning with  
5 number one. Each elector shall receive a slip bearing the same serial number. A  
6 separate list shall be maintained for electors who are voting under s. 6.15, 6.29 or  
7 6.55 (2) or (3) and electors who are reassigned from another polling place under s.  
8 5.25 (5) (b). Each such elector shall have his or her full name, address and serial  
9 number likewise ~~recorded~~ entered and shall be given a slip bearing such number.

10           **SECTION 56.** 6.79 (5) of the statutes is amended to read:

11           6.79 (5) **POLL LIST FORMS FORMAT.** Poll lists shall be kept on forms ~~designed or~~  
12 in an electronic format prescribed by the board to be substantially similar to the  
13 standard registration list forms used in municipalities where registration is required  
14 and shall require, for each person offering to vote, the entry of the person's full name  
15 and address.

16           **SECTION 57.** 6.80 (2) (e) and (f) of the statutes are amended to read:

17           6.80 (2) (e) Upon voting his or her ballot, the elector shall publicly and in person  
18 deposit it ~~in~~ into the ballot box or deliver it to an inspector ~~for, who shall~~ deposit the  
19 ballot in into the ballot box.

20           (f) In the presidential preference primary and other partisan primary elections  
21 at polling places where ballots are distributed to electors, unless the ballots are  
22 utilized with an electronic voting system in which all candidates appear on the same  
23 ballot, after the elector prepares his or her ballot the elector shall detach the  
24 remaining ballots, fold the ballots to be discarded? and fold the completed ballot  
25 unless the ballot is intended for counting with automatic tabulating equipment. The



**BILL**

1 elector shall then either personally deposit the ballots to be discarded ~~in~~ into the  
 2 separate ballot box marked "blank ballot box", and deposit the completed ballot ~~in~~  
 3 into the ballot box indicated by the inspectors, ~~or give the ballots to an inspector who~~  
 4 shall deposit the ballots directly into the appropriate ballot boxes. The inspectors  
 5 shall keep the blank ballot box locked until the canvass is completed and shall  
 6 dispose of the blank ballots as prescribed by the municipal clerk.

7 **SECTION 58.** 6.85 of the statutes is amended to read:

8 **6.85 Absent elector; definition.** An absent elector is any otherwise qualified  
 9 elector who ~~is or expects to be absent from the municipality in which the absent~~  
 10 ~~elector is a qualified elector on election day whether by reason of active service in the~~  
 11 ~~U.S. armed forces or f o r a n y o t h e r r e , a s , o n ;~~  
 12 ~~physical disability, jury duty, service as an election official or religious reasons~~  
 13 ~~cannot~~ is unable or unwilling to appear at the polling place in his or her ward. ~~No~~  
 14 ~~person under the age of 70 qualifies as an absent elector solely because of age.~~ Any  
 15 otherwise qualified elector who changes residence within this state by moving to a  
 16 different ward or municipality later than 10 days prior to an election may vote an  
 17 absentee ballot in the ward or municipality where he or she was qualified to vote  
 18 before moving. An elector qualifying under this section may vote by absentee ballot  
 19 under ss. 6.86 to 6.89.

20 **SECTION 59.** 6.86 (1) (b) of the statutes is amended to read:

21 6.86 (1) (b) Except as provided in this section, if application is made in writing,  
 22 the application, signed by the elector, shall be received no later than 5 p.m. on the  
 23 Friday immediately preceding the election. If application is made in person, the  
 24 application shall be made no later than 5 p.m. on the day preceding the election. If  
 25 the elector is making written application and the application indicates that the

**BILL****SECTION 59**

1 reason for requesting an absentee ballot is that the elector is a sequestered juror, the  
2 application shall be received no later than 5 p.m. on election day. If the application  
3 is received after 5 p.m. on the Friday immediately preceding the election, the  
4 municipal clerk or the clerk's agent shall immediately take the ballot to the court in  
5 which the elector is serving as a juror and deposit it with the judge. The judge shall  
6 recess court, as soon as convenient, and give the elector the ballot. The judge shall  
7 then notarize the affidavit as provided in s. 6.87 and shall deliver the ballot to the  
8 clerk or agent of the clerk who shall deliver it to the polling place as required in s.  
9 6.88. If application is made under sub. (2), the application may be received no later  
10 than 5 p.m. on the Friday immediately preceding the election.

11 **SECTION 60.** 6.86 (3) (a) of the statutes is amended to read:

12 **6.86 (3)** (a) Any elector who is registered, or otherwise qualified where  
13 registration is not required, and who ~~qualifies under ss. 6.20 and 6.85 as an absent~~  
14 ~~elector~~ ~~cause the elector~~ is hospitalized, may apply for and obtain an official ballot  
15 by agent. The agent may apply for and obtain a ballot for the hospitalized absent  
16 elector by presenting a form prescribed by the board and containing the required  
17 information supplied by the hospitalized elector and signed by that elector and any  
18 other elector residing in the same municipality as the hospitalized elector,  
19 corroborating the information contained therein. The corroborating elector shall  
20 state on the form his or her full name and address.

21 **SECTION 61.** 6.865 (intro.) and (1) of the statutes are consolidated, renumbered  
22 6.865 and amended to read:

23 **6.865 Federal postcard request form.** A federal postcard registration and  
24 absentee ballot request form may be used to apply for an absentee ballot under s. 6.86  
25 (1) if the form is completed in such manner that the municipal clerk or board of

**BILL**

1 election commissioners with whom it is filed is able to determine ~~all of the following:~~  
 2 ~~(1) That that~~ the applicant is an elector of this state and of the ward or election  
 3 district where the elector seeks to vote.

4 **SECTION 62.** 6.865 (2) of the statutes is repealed.

5 **SECTION 63.** 6.87 (2) of the statutes is amended to read:

6 6.87 (2) The municipal clerk shall place the ballot in an unsealed envelope  
 7 furnished by the clerk. The envelope shall have the name, official title and  
 8 post-office address of the clerk upon its face. The other side of the envelope shall  
 9 have a printed ~~certificate-affidavit~~ in substantially the following form:

10 [STATE OF . . . .

11 County of . . . .I

12 or

13 [(name of foreign country and city or other jurisdictional unit)]

14 I, . . . . . (certify) (do solemnly swear) subject to the penalties of s. 12.60 (1) (b), Wis.  
 15 Stats., for false statements, that I am a resident of the [... ward of the] (town) (village)  
 16 of . . . . . or of the . . . . . aldermanic district in the city of . . . . . residing at . . . . . in said city, the  
 17 county of . . . . . state of Wisconsin, and am entitled to vote in the (ward) (election  
 18 district) at the election to be held on . . . . . that I am not voting at any other location  
 19 in this election; that I ~~cannot am unable or unwilling to~~ appear at the polling place  
 20 in the (ward) (election district) on election day ~~because I expect to be absent from the~~  
 21 ~~municipality or because of age, sickness, handicap, physical disability, religious~~  
 22 ~~reasons, jury duty, service as an election official, or because I have changed my~~  
 23 ~~residence within the state from one ward or election district to another within 10~~  
 24 ~~days before the election.~~ I (certify) (swear) that I exhibited the enclosed ballot  
 25 unmarked to the (2 witnesses) (person administering the oath), that I then in (their)

**BILL**

1 (his) (her) presence and in the presence of no other person marked the ballot and  
2 enclosed and sealed the same in this envelope in such a manner that no one but  
3 myself and any person rendering assistance under s. 6.87 (5), Wis. Stats., if I  
4 requested assistance, could know how I voted.

5 Signed ....

6 The (2 witnesses) (person administering the oath) shall execute either of the  
7 following as appropriate:

8 We, the undersigned witnesses, subject to the penalties of s. 12.60 (1) (b), Wis.  
9 Stats., for false statements, certify that the above statements are true and the voting  
10 procedure was executed as there stated. Neither of us is a candidate for any office  
11 on the enclosed ballot (except in the case of an incumbent municipal clerk). The  
12 elector was not solicited or advised by us to vote for or against any candidate or  
13 measure.

14 ....(Name)

15 ....(Address)

16 ....(Name)

17 ....(Address)

18 Subscribed and sworn to before me this . . . . day of . . . . A.D., . . . . and I hereby  
19 certify that I am not a candidate on the ballot upon which the affiant voted (unless  
20 I am an incumbent municipal clerk), that the voting procedure above was executed  
21 as therein stated, and that the affiant was not solicited or advised by me to vote for  
22 or against any candidate or measure.

23 ....(Name)

24 ....(Title)

25 . . . .(State or nation)

## BILL

1           **SECTION 64.** 6.88 (1) of the statutes is amended to read:

2           **6.88 (1)** When an absentee ballot arrives at the office of the municipal clerk,  
3 the clerk shall enclose it, unopened, in a carrier envelope which shall be securely  
4 sealed and endorsed with the name and official title of the clerk-  
5 ~~envelope contains the ballot of an absent, aged, sick, handicapped or disabled elector~~  
6 ~~or the ballot of an election official and must be opened at the polls during polling~~  
7 -. The clerk shall keep the ballot in the clerk's office until  
8 delivered, as required in sub. (2).

9           **SECTION 65.** 6.92 (intro.) of the statutes is renumbered 6.92 and amended to  
10 read:

11           **6.92 Inspector making challenge.** Each inspector shall challenge for  
12 cause any person offering to vote whom the inspector knows or suspects is not a  
13 qualified elector. If a person is challenged as unqualified by an inspector, one of the  
14 inspectors shall administer the following oath or affirmation to the person: "You do  
15 solemnly swear (or affirm) that you will fully and truly answer all questions put to  
16 you regarding your place of residence and qualifications as an elector of this  
17 election"; and shall then ask ~~those of the following~~ questions which are appropriate  
18 as determined by the board, by rule, to test the person's qualifications&

19           **SECTION 66.** 6.92 (1) to (6) of the statutes are repealed.

20           **SECTION 67.** 6.925 (intro.) of the statutes is renumbered 6.925 and amended  
21 to read:

22           **6.925 Elector making challenge in person.** Any elector may challenge for  
23 cause any person offering to vote whom the elector knows or suspects is not a  
24 qualified elector. If a person is challenged as unqualified by an elector, one of the  
25 inspectors may administer the oath or affirmation to the challenged elector under s.

**BILL**

1 6.92 and ask the challenged elector the questions under that section which are  
2 appropriate to test the elector's qualifications. In addition, one of the inspectors shall  
3 administer the following oath or affirmation to the challenging elector: 'You do  
4 solemnly swear (or affirm) that you will fully and truly answer all questions put to  
5 you regarding the challenged person's place of residence and qualifications as an  
6 elector of this election"; and shall then ask ~~those of the following~~ questions which are  
7 appropriate as determined by the board by rule, to test the qualifications of the  
8 challenged elector;

9 **SECTION 68.** 6.925 (1) to (6) of the statutes are repealed.

10 **SECTION 69.** 7.08 (5) of the statutes is created to read:

11 7.08 (5) NOTICE OF WRITE-IN CANDIDATES. Whenever a write-in candidate files  
12 a timely declaration of candidacy with the board, the board shall immediately notify  
13 the county clerk or board of election commissioners of each county where the write-in  
14 candidate seeks office of the name of the candidate and the office that the candidate  
15 seeks. This subsection does not apply if the write-in candidate seeks an office for  
16 which there are no candidates whose names appear on the ballot or if there appears  
17 on the ballot the name of a deceased candidate for the office that the write-in  
18 candidate seeks.

19 **SECTION 70.** 7.10 (5) of the statutes is created to read:

20 7.10 (5) NOTICE OF WRITE-IN CANDIDATES. Whenever a write-in candidate files  
21 a timely declaration of candidacy with the county clerk or the clerk receives notice  
22 from the board under s. 7.08 (5) that a write-in candidate seeks office in the county,  
23 the clerk shall immediately notify the municipal clerk or board of election  
24 commissioners of each municipality in the county where the write-in candidate  
25 seeks office of the name of the candidate and the office that the candidate seeks. This

**BILL**

1 subsection does not apply if the write-in candidate seeks an office for which there are  
2 no candidates whose names appear on the ballot or if there appears on the ballot the  
3 name of a deceased candidate for the office that the write-in candidate seeks.

4 **SECTION 71.** 7.10 (6) of the statutes is created to read:

5 7.10 (6) **MUNICIPAL JUDGE; CERTIFIED LIST.** If candidates for the office of a  
6 municipal judge who is elected under s. 755.01 (4) file nomination papers in the office  
7 of the county clerk and any municipality served by the judge prepares its own ballots  
8 for voting machines or an electronic voting system, the county clerk shall certify to  
9 the municipal clerk of that municipality the names of the candidates for judge as soon  
10 as possible after the last day for filing nomination papers and after certification by  
11 the county board of canvassers of the results of any primary election.

12 **SECTION 72.** 7.15 (1) (cs) of the statutes is repealed.

13 **SECTION 73.** 7.15 (1) (L) of the statutes is created to read:

14 7.15 (1) (L) Whenever a write-in candidate files a timely declaration of  
15 candidacy with the municipal clerk or the clerk receives notice from the county clerk  
16 or board of election commissioners under s. 7.10 (5) or a school district clerk under  
17 s. 120.06 (8) (dm) that a write-in candidate seeks office in the municipality, notify  
18 the inspectors at each polling place in the municipality where the write-in candidate  
19 seeks office of the name of the candidate and the office that the candidate seeks no  
20 later than 8 p.m. on election day. This paragraph does not apply if the write-in  
21 candidate seeks an office for which there are no candidates whose names appear on  
22 the ballot or if there appears on the ballot the name of a deceased candidate for the  
23 office that the write-in candidate seeks.

24 **SECTION 74.** 7.21 (2m) of the statutes is created to read:

25 7.21 (2m) The county board of election commissioners may:

## BILL

## SECTION 74

1           (a) Bring civil actions to require forfeitures under s. 11.60 for any violation of  
2 ch. 11. Forfeiture actions brought by the county board of election commissioners may  
3 concern only violations with respect to reports or statements required by law to be  
4 filed with it. The county board of election commissioners may compromise and settle  
5 any civil action or potential action brought or authorized to be brought by it under  
6 ch. 11 which, in the opinion of the county board of election commissioners, constitutes  
7 a minor violation, a violation caused by excusable neglect, or which for other good  
8 cause shown, should not in the public interest be prosecuted under such chapter.  
9 Notwithstanding s. 778.06, an action or proposed action authorized under this  
10 paragraph may be settled for such sum as may be agreed between the parties. Any  
11 settlement made by the county board of election commissioners shall be in such  
12 amount as to deprive the alleged violator of any benefit of his or her wrongdoing and  
13 may contain a penal component to serve as a deterrent to future violations. In  
14 settling actions or proposed actions, the county board of election commissioners shall  
15 treat comparable situations in a comparable manner and shall ensure that any  
16 settlement bears a reasonable relationship to the severity of the offense or alleged  
17 offense. Forfeiture actions brought by the county board of election commissioners  
18 shall be brought in the circuit court for the county served by the board of election  
19 commissioners.

20           (b) In the discharge of its authority under par. (a) and upon notice to the party  
21 or parties being investigated, subpoena and bring before it any person in the state  
22 and require the production of any papers, books or other records relevant to an  
23 investigation. A circuit court may by order permit the inspection and copying of the  
24 accounts and the depositor's and loan records at any financial institution, as defined  
25 in s. 705.01 (3), doing business in the state to obtain evidence of any violation of ch.



**BILL**

1 11 upon showing by the county board of election commissioners of probable cause to  
2 believe that there is a violation and that such accounts and records may have a  
3 substantial relation to the violation. In the discharge of its duties, the county board  
4 of election commissioners may cause the deposition of witnesses to be taken in the  
5 manner prescribed for taking depositions in civil actions in circuit court.

6 (c) Delegate to its executive director the authority to issue a subpoena or apply  
7 for a search warrant under par. (b), subject to such limitations as the county board  
8 of election commissioners considers appropriate.

9 **SECTION 75. 7.30 (2) (a) of the statutes is amended to read:**

10 7.30 (2) (a) Only election officials appointed under this section may conduct an  
11 election. Except as authorized in s. 7.15 (1) (k), each inspector shall be a qualified  
12 elector in the ward for which the polling place is established. Special registration  
13 deputies appointed under s. 6.55 (6) and election officials serving more than one ward  
14 or when necessary to fill a vacancy under par. (b) need not be a resident of that ward,  
15 but shall be a resident of the municipality. Special registration deputies may be  
16 appointed to serve more than one polling place. All officials shall be able to read and  
17 write the English language, be capable, be of good understanding, and may not be  
18 a candidate, ~~other than for party committeeman or committeewoman, for any office~~  
19 to be voted for at an election at which they serve. In 1st class cities, they may hold  
20 no public office other than notary public. Except as authorized under sub. (4) (c), all  
21 inspectors shall be affiliated with one of the 2 recognized political parties which  
22 received the largest number of votes for president, or governor in nonpresidential  
23 general election years, in the ward or combination of wards served by the polling  
24 place at the last election. The party which received the largest number of votes is  
25 entitled to one more inspector than the party receiving the next largest number of

## BILL

1 votes at each polling place. The same election officials may serve the electors of more  
2 than one ward where wards are combined under s. 5.15 (6) (b). If a municipality is  
3 not divided into wards, the ward requirements in this paragraph apply to the  
4 municipality at large.

5 **SECTION 76. 7.51 (2) (e)** of the statutes is amended to read:

6 **7.51 (2) (e)** If, after any ballots have been laid aside, the number of ballots still  
7 exceeds the total number of electors recorded on the registration or poll list, the  
8 inspectors shall separate the absentee ballots from the other ballots. If there is an  
9 excess number of absentee ballots, the inspectors shall place the absentee ballots in  
10 the ballot box and one of the inspectors shall publicly and without examination draw  
11 therefrom by chance the number of ballots equal to the excess number of absentee  
12 ballots. If there is an excess number of other ballots, the inspectors shall place those  
13 ballots in the ballot box and one of the inspectors shall publicly and without  
14 examination draw therefrom by chance the number of ballots equal to the excess  
15 number of those ballots. All ballots so removed may not be counted but shall be  
16 specially marked as having been removed by the inspectors on original canvass due  
17 to an excess number of ballots, set aside and preserved. When the number of ballots  
18 and total shown on the poll or registration list agree, the inspectors shall return all  
19 ballots to be counted to the ballot box and shall turn the ballot box in such manner  
20 as to thoroughly mix the ballots. The inspectors shall then open, count and record  
21 the number of votes. In recording the votes cast for an office, the inspectors may  
22 indicate votes cast for a write-in candidate who does not file a timely declaration of  
23 and dacv for the office for which the candidate receives votes as scattering votes,  
24 unless there are no candidates whose names appear on the ballot for that office or  
25 unless the name appears on the ballot the name of a deceased candidate for that office.

**BILL**

1 When the ballots are counted, the inspectors shall separate them into piles for ballots  
2 similarly voted. Objections may be made to placement of ballots in the piles at the  
3 time the separation is made.

4 **SECTION 77. 7.51 (2) (g)** of the statutes is amended to read:

5 **7.51 (2)(g)** Immediately after the polls close, where voting machines are used,  
6 the inspectors shall open the registering or recording compartments or remove the  
7 record of the votes cast and shall canvass, record, announce and return on the tally  
8 sheets and certificates furnished. In recording the votes cast for an office, the  
9 inspectors may indicate votes cast for a write-in candidate who does not file a timely  
10 declaration of candidacy for the office for which the candidate receives votes as  
11 scattering votes, unless there are no candidates whose names appear on the ballot  
12 for that office or unless there appears on the ballot the name of a deceased candidate.

13 In recording the votes registered on any counter which, before the opening of the  
14 polls, did not register 000, the inspectors shall upon the return sheets subtract the  
15 number registered before the polls opened from the number registered when the  
16 polls closed. The difference between the 2 numbers is the correct vote for the  
17 candidate whose name was represented by the counter, except if the number  
18 registered on the counter when the polls closed is smaller than the number registered  
19 thereon when the polls opened, the number 1,000 shall be added to the number  
20 registered when the polls closed, before the subtraction is made.

21 **SECTION 78. 7.51 (4) (a)** of the statutes is amended to read:

22 **7.51 (4) (a)** The tally sheets shall state the total number of votes cast for each  
23 office and for each individual receiving votes for that office, ~~whether or not the~~  
24 ~~individual's name appears on the ballot, and shall~~ except a write-in candidate who  
25 has not. filed a timely declaration of candidacy for the office for which the candidate

**BILL**

1 ~~receives a vote, unless there are no candidates whose names appear on the ballot for~~  
 2 ~~that office unless appears on the ballot the name of a deceased candidate~~  
 3 ~~that office.~~ The tally sheets shall also state the vote for and against each proposition  
 4 voted on. Upon completion of the tally sheets, the inspectors shall immediately  
 5 complete inspectors' statements in duplicate. The inspectors shall state the excess  
 6 by which the number of ballots exceeds the number of electors voting as shown by  
 7 the poll or registration list, if any, and shall state the number of the last elector as  
 8 shown by the registration or poll lists. At least 3 inspectors, including the chief  
 9 inspector and, unless election officials are appointed under s. 7.30 (4) (c) without  
 10 regard to party affiliation, at least one inspector representing each political party,  
 11 shall then certify to the correctness of the statements and tally sheets and sign their  
 12 names. All other election officials assisting with the tally shall also certify to the  
 13 correctness of the tally sheets. When the tally is complete, the inspectors shall  
 14 publicly announce the results from the statements.

15 **SECTION 79. 7.53 (1)** of the statutes is amended to read:

16 **7.53 (1) MUNICIPALITIES WITH ONE POLLING PLACE.** Where the municipality  
 17 constitutes one ward or combines all wards to utilize a single polling place under s.  
 18 5.15 (6) (b), the canvass shall be conducted publicly under s. 7.51 and the inspectors  
 19 shall act as the municipal board of canvassers. Upon completion of the canvass and  
 20 ascertainment of the results by the inspectors, the clerk shall publicly read the  
 21 names of the persons voted for and the number of votes for each person for each  
 22 municipal office, ~~except a write-in candidate who has not filed a timely declaration~~  
 23 ~~of candidacy for the office for which the candidate receives a vote, unless there are~~  
 24 ~~no candidates whose names appear on the ballot for that office or unless there~~  
 25 ~~appears on the ballot the name of a deceased candidate for that office.~~ The clerk shall

**BILL**

1 also publicly read the names of the persons declared by the inspectors to have won  
2 nomination or election to each municipal office and the number of votes cast for and  
3 against each municipal referendum question.

4 **SECTION 80.** 7.53 (2) (d) of the statutes is amended to read:

5 7.53 (2) (d) The municipal board of canvassers shall publicly canvass the  
6 returns of every municipal election. The canvass shall begin within 24 hours after  
7 the polls close. At the spring election, the board of canvassers shall publicly declare  
8 the results on or before the 2nd Tuesday in April. The board of canvassers shall  
9 prepare a statement showing the results of each election for any municipal office and  
10 each municipal referendum. After each primary for municipal offices, the board of  
11 canvassers shall prepare a statement certifying the names of those persons who have  
12 won nomination to office. After each other election for a municipal office and each  
13 municipal referendum, the board of canvassers shall prepare a determination  
14 showing the names of the persons who are elected to each municipal office and the  
15 results of each municipal referendum. The statement shall include the number of  
16 votes cast for each person for each municipal office, except a write-in candidate who  
17 has not filed a timely declaration of candidacy for the office for which the candid&  
18 receives a vote, unless there are no candidates whose names appear on the ballot for  
19 that office or unless there appears on the ballot the name of a deceased candidate for  
20 that office. The statement shall also include the number of votes cast for and against  
21 each auestion submitted by the municipality. The board of canvassers shall file each  
22 statement and determination in the office of the municipal clerk or board of election  
23 commissioners.

24 **SECTION 81.** 7.53 (3) (a) of the statutes is amended to read:

**BILL****SECTION 81**

1           7.53 (3) (a) In a common, union high or unified school district, the school district  
2 clerk shall appoint 2 qualified electors of the school district prior to the date of the  
3 election being canvassed who shall, with the school district clerk, constitute the  
4 school district board of canvassers. If the school district clerk is a candidate at the  
5 election being canvassed, the other 2 members of the board of canvassers shall  
6 designate a 3rd member to serve in lieu of the clerk for that election. The canvass  
7 shall begin as soon as possible after receipt of the returns, and shall continue,  
8 without adjournment, until completed. The board of canvassers may return  
9 defective returns to the municipal board of canvassers in the manner provided in s.  
10 7.60 (3). The board of canvassers shall prepare a written statement showing the  
11 numbers of votes cast for each person for each office ~~and, except a write-in candidate~~  
12 who has not filed a timely declaration of candidacy for the office for which the  
13 candidate receives a vote, unless there are no candidates whose names appear on the  
14 ballot for that office or unless there appears on the ballot for that office the name of  
15 a deceased candidate. The statement shall also show the numbers of votes cast for  
16 and against each question and. The board of canvassers shall also prepare a  
17 determination showing the names of the persons who are elected to the school board  
18 and the results of any school district referendum. Following each primary election,  
19 the board of canvassers shall prepare a statement certifying the names of the persons  
20 who have won nomination to the school board. Each statement and determination  
21 shall be attested by each of the canvassers. The board of canvassers shall file each  
22 statement and determination in the school district office. The school district clerk  
23 shall certify nominations after each primary and issue certificates of election to  
24 persons who are elected to the school board after each election in the manner  
25 provided in sub. (4).

## BILL

1           **SECTION 82.** 7.60 (2) of the statutes is amended to read:

2           7.60 (2) COUNTY BOARD OF CANVASSERS. The county clerk and 2 qualified electors  
3 of the county appointed by the clerk constitute the county board of canvassers. The  
4 members of the board of canvassers shall serve for 2-year terms commencing on  
5 January 1 of each odd-numbered year, except that any member who is appointed to  
6 fill a permanent vacancy shall serve for the unexpired term of the original appointee.  
7 One member of the board of canvassers shall belong to a political party other than  
8 the clerk's. If the county clerk's office is vacant, ~~or~~ if the clerk cannot perform his or  
9 her duties pr if the clerk is a candidate at an election being canvassed, the county  
10 clerk shall designate a deputy clerk to perform the clerk's duties. If the county clerk  
11 and designated deputy clerk are both unable to perform their duties, the county  
12 executive or, if there is no county executive, the chairperson of the county board of  
13 supervisors shall designate another qualified elector of the county to perform the  
14 clerk's duties. If a member other than the clerk cannot perform his or her duties, the  
15 clerk shall appoint another member to serve. No person may serve on the county  
16 board of canvassers if the person is a candidate for an office to be canvassed by that  
17 board. If lists of candidates for the county board of canvassers are submitted to the  
18 county clerk by political party county committees, the lists shall consist of at least  
19 3 names and the clerk shall choose the board members from the lists. Where there  
20 is a county board of election commissioners, it shall serve as the board of canvassers.

21           **SECTION 83.** 7.60 (4) (a) of the statutes is amended to read:

22           7.60 (4) (a) The board of canvassers shall make separate duplicate statements  
23 showing the numbers of votes cast for the offices of president and vice president.; state  
24 officials; U.S. senators and representatives in congress; state legislators; justice;  
25 court of appeals judge; circuit judges; district attorneys; ~~municipal judge~~, if they are

## BILL

1 ~~elected under s. 755.01 (4);~~ and metropolitan sewerage commissioners, if the  
2 commissioners are elected under s. 66.23 (11) (am). If a municipal judge elected  
3 under s. 755.01 (4) serves a municipality that is located partially within the county  
4 and candidates for that judgeship file nomination papers in another county, the  
5 board of canvassers duplicate statement showing the numbers of  
6 votes cast for the judgeship in that county for transmittal to the other county. r  
7 partisan candidates, the statements shall include the political party or principle  
8 designation, if any, next to the name of each candidate. The board of canvassers shall  
9 also prepare a statement showing the results of any county, technical college district  
10 or statewide referendum. Each statement shall ~~state~~ show the total number of votes  
11 cast in the county for each office; the names of all persons for whom the votes were  
12 cast, as returned; and the number of votes cast for each person; ~~and, except a write-in~~  
13 candidate who has not filed a timely declaration of candidacy for the office for which  
14 the candidate receives a vote, unless there are no candidates whose names appear  
15 on the ballot for that office or unless there appears on the ballot for that office the  
16 name of a deceased candidate. The statement shall also show the number of votes  
17 cast for and against any question submitted at a referendum. The board of  
18 canvassers shall use one copy of ~~the~~ each duplicate statement to report to the  
19 elections board ~~or~~, technical college district board or board of canvassers of any other  
20 county and shall file the other statement in the office of the county clerk or board of  
21 election commissioners.

22 **SECTION 84. 7.60 (4) (b)** of the statutes is amended to read:

23 7.60 (4) (b) The board of canvassers shall then prepare a written  
24 determination, in duplicate where necessary, giving the names of the persons elected  
25 to any county office and to any municipal judgeship if the judge is elected under s.



**BILL**

1 755.01 (4) and candidates for that judgeship file nomination papers in that county.  
2 The board of canvassers shall likewise prepare a written determination showing the  
3 results of any county referendum. Following any primary election, the board of  
4 canvassers shall prepare a statement certifying the names of all persons who have  
5 won nomination to any county office gr any municipal judgeship; if the judge is  
6 elected under s. 755.01 (4) and candidates for that judgeship file nomination papers  
7 in that county. The board of canvassers shall file all statements and determinations  
8 in the office of the county clerk or board of election commissioners.

9 **SECTION 85.** 7.60 (4) (c) of the statutes is amended to read:

10 7.60 (4) (c) In preparing the statements and determinations, the board of  
11 canvassers shall carefully review the tally sheets and inspectors' statement. The  
12 board of canvassers may omit the ~~names of individuals whose names do not appear~~  
13 ~~on the ballot and who receive a comparatively small number of votes.~~ The board of  
14 canvassers shall name of any write-in candidate who has not filed a timely  
15 declaration of candidacy for the office for which the candidate receives votes, and  
16 designate votes received by ~~such individuals~~ the candidate as scattering votes,  
17 unless there are no candidates whose names appear on the ballot for that office or  
18 unless there appears on the ballot for that office the name of a deceased candidate.  
19 The board of canvassers shall append to each statement and determination a  
20 tabulation of the votes cast at each election district, ward or combination of wards  
21 authorized under s. 5.15 (6) (b) in the county for each office and each individual,  
22 whether the votes are canvassed or not, as well as the total canvassed votes cast for  
23 each individual and each office, except where scattering votes are designated. If any  
24 votes are rejected, the board of canvassers shall specify the reasons therefor.

25 **SECTION 86.** 7.60 (5) of the statutes is amended to read:

**BILL****SECTION 86**

1           7.60 (5) **REPORTING.** Immediately following the canvass the county clerk shall  
2 deliver or send to the elections board, by 1st class mail, a certified copy of each  
3 statement of the county board of canvassers for president and vice president; state  
4 officials; senators and representatives in congress; state legislators; justice; court of  
5 appeals judge; circuit judge; district attorney; ~~municipal judge, if elected under s.~~  
6 ~~755.01 (4)~~; and metropolitan sewerage commissioners, if the commissioners are  
7 elected under s. 66.23 (11) (am). The statement shall record the returns for each  
8 office or referendum by ward, unless combined returns are authorized under s. 5.15  
9 (6) (b) in' which case the statement shall record the returns for each group of  
10 combined wards. Following primaries the county clerk shall enclose on blanks  
11 prescribed by the elections board the names, party or principle designation, if any,  
12 and number of votes received by each candidate recorded in the same manner. The  
13 county clerk shall deliver or transmit the certified statement to the elections board  
14 no later than 7 days after each primary and no later than 10 days after any other  
15 election. The board of canvassers shall deliver *or* transmit a certified copy of each  
16 statement for any technical college district referendum to the secretary of the  
17 technical college district board. If the board of canvassers becomes aware of a  
18 material mistake in the canvass of an election for state or national office *or* a  
19 statewide or technical college district referendum prior to the close of business on the  
20 day the elections board receives returns from the last county board of canvassers  
21 with respect to that canvass, the board of canvassers may petition the elections board  
22 to reopen and correct the canvass. The elections board shall direct the canvass to be  
23 reopened and corrected if it determines that the public interest so requires: If the  
24 elections board directs the canvass to be reopened, the board of canvassers shall

## BILL

1 reconvene and transmit a certified corrected copy of the canvass statement to the  
2 elections board or secretary of the technical college district board.

3 **SECTION 87.** 7.60 (6) of the statutes is amended to read:

4 7.60 (6) **CERTIFICATE OF ELECTION.** Immediately after expiration of the time  
5 allowed to file a petition for a recount the county clerk shall issue a certificate of  
6 election to each person who is elected to any county office ~~and to each person who is~~  
7 ~~elected to the office of party committeeman or committeewoman.~~ The certificate  
8 notice shall state the amount of the required official bond, if any. When a petition  
9 for a recount is filed, the county clerk shall not issue the certificate of election for the  
10 office in question until the recount has been completed and the time allowed for filing  
11 an appeal has passed, or if appealed until the appeal is decided.

12 **SECTION 88.** 7.70 (3) (d) of the statutes is amended to read:

13 7.70 (3) (d) When the certified statements and returns are received, the  
14 chairperson of the board shall proceed to examine and make a statement of the total  
15 number of votes cast at any election for the offices involved in the election for  
16 president and vice president; a statement for each of the offices of governor,  
17 lieutenant governor, if a primary, and a joint statement for the offices of governor and  
18 lieutenant governor, if a general election; a statement for each of the offices of  
19 secretary of state, state treasurer, attorney general, and state superintendent; for  
20 U.S. senator; representative in congress for each congressional district; the state  
21 legislature; justice; court of appeals judge; circuit judge; district attorney; ~~municipal~~  
22 ~~judge, if he or she is elected under s. 755.01 (4); metropolitan sewerage commission,~~  
23 if the commissioners are elected under s. 66.23 (11) (am); and for any referenda  
24 questions submitted by the legislature.

25 **SECTION 89.** 7.70 (3) (f) of the statutes is amended to read:

**BILL****SECTION 89**

1           7.70 (3) (f) The statements shall show the persons' names receiving votes, and  
2 any referenda questions; the whole number of votes given to each; and an individual  
3 listing by the districts or counties in which they were given. The ~~names of persons~~  
4 ~~not regularly nominated who received only a comparatively small number of votes~~  
5 ~~name of any write-in candidate who has not filed a timely declaration of candidacy~~  
6 for the office for which the candidate receives votes may be omitted and ~~their~~ the  
7 votes cast for that candidate may be designated as scattering votes.

8           **SECTION 90.** 8.05 (1) (j) of the statutes is amended to read:

9           8.05 (1) (j) The municipal clerk shall notify in writing each candidate whose  
10 name is certified as a nominee under par. (h) of his or her nomination. If a municipal  
11 judge is elected under s. 755.01 (4), the county clerk of the county having the lar  
12 portion of the population in the jurisdiction served by the judge shall make the  
13 notification. Upon receipt of the notice, each candidate shall file a declaration of  
14 candidacy in the manner prescribed by s. 8.21 with the municipal clerk making the  
15 notification no later than 5 p.m. on the 5th day after the notification is mailed *or*  
16 personally delivered to the candidate by the municipal clerk, except as authorized  
17 in this paragraph. If an incumbent whose name is certified as a nominee fails to file  
18 a declaration of candidacy within the time prescribed by this paragraph, each  
19 certified candidate for the office held by the incumbent, other than the incumbent,  
20 may file a declaration of candidacy no later than 72 hours after the latest time  
21 prescribed in this paragraph. If the candidate has not filed a registration statement  
22 under s. 11.05 at the time of the notification, the candidate shall file the statement  
23 with the declaration. A candidate for municipal judge shall also file a statement of  
24 economic interests with the ethics board under s. 19.43 (4) no later than 4:30 p.m.  
25 on the 5th day after notification of nomination is mailed or personally delivered to

## BILL

1 the candidate ~~by the municipal clerk~~, or no later than 4:30 p.m. on the next business  
2 day after the last day for filing a declaration of candidacy whenever that candidate  
3 is granted an extension of time for filing a declaration of candidacy under this  
4 paragraph. Upon receipt of the declaration of candidacy and registration statement  
5 of each qualified candidate, and upon filing of a statement of economic interests by  
6 each candidate for municipal judge, the municipal clerk, or the county clerk if the  
7 judge is elected under s. 755.01 (4), shall place the name of the candidate on the  
8 ballot. No later than the end of the 3rd day following qualification by all candidates,  
9 the municipal clerk, or the county clerk if the judge is elected under s. 755.01 (4),  
10 shall draw lots to determine the arrangement of candidates' names on the spring  
11 election ballot.

12 **SECTION 91.** 8.05 (3) (d) and (e) of the statutes are amended to read:

13 8.05 (3) (d) The question of adoption of the nonpartisan primary under this  
14 subsection may be submitted to the electors at any regular election held in the town  
15 or at a special election called for the purpose. When a petition ~~requesting adontion~~  
16 of the nonpartisan primary conforming to the requirements of s. 8.40 signed by at  
17 least 20 electors of the town is filed with the town clerk ~~so requesting as provided in~~  
18 s. 8.37, the question shall be submitted to a vote.

19 (e) Petitions requesting a vote on the question at a regular town election shall  
20 be filed in accordance with s. 8.37 no later than 5 p.m. the last Tuesday in February.  
21 When the petition is filed, the clerk shall check its sufficiency. Whether at a regular  
22 or special election, the clerk shall give separate notice by one publication in a  
23 newspaper at least 5 days before the election.

24 **SECTION 92.** 8.05 (5) of the statutes is amended to read:

**BILL****SECTION 92**

1           **8.05 (5) WHEN PRIMARY IS HELD.** Towns and villages adopting the nonpartisan  
2 primary to nominate candidates, under subs. (3) and (4), shall hold a primary only  
3 when the number of candidates for an elective office in 'the municipality exceeds  
4 twice the number to be elected to the office. A primary for the office of municipal  
5 judge under s. 755.01 (4) shall be held whenever there are more than 2 candidates  
6 for that office. Those offices for which a primary has been held shall have only the  
7 names of candidates nominated at the primary appear on the official spring election  
8 ballot. When the number of candidates for an office does not exceed twice the number  
9 to be elected, their names shall appear on the official ballot for the election without  
10 a primary.

11           **SECTION 93.** 8.10 (3) (intro.) of the statutes is amended to read:

12           8.10 (3) (intro.) The affidavit certification of a qualified elector under s. 8.15  
13 (4) (a) shall be appended to each nomination paper. The number of required  
14 signatures on nomination papers filed under this section is:

15           **SECTION 94. 8.10 (6) (a)** of the statutes is amended to read:

16           8.10 (6) (a) For state offices; ~~municipal judges, if they are elected under s.~~  
17 ~~755.01(4);~~ or seats on a metropolitan sewerage commission, if the commissioners are  
18 elected under s. 66.23 (11) (am), in the office of the board.

19           **SECTION 95.** 8.10 (6) (bm) of the statutes is created to read:

20           8.10 (6) (bm) For municipal judge, if the judge is elected under s. 755.01 (4), in  
21 the office of the county clerk or board of election commissioners of the county having  
22 the largest portion of the population in the jurisdiction served by the judge.

23           **SECTION 96.** 8.11 (1) (d), (2) and (2m) of the statutes are amended to read:

24           8.11 (1) (d) When the number of candidates, other than write-in candidates,  
25 for any city office does not exceed twice the number to be elected to the office, no

## BILL

1 primary may be held for the office and the candidates' names shall appear on the  
2 ballot for the ensuing election.

3 (2) **MILWAUKEE COUNTY.** A primary shall be held in counties having a population  
4 of 500,000 or more whenever there are more than twice the number of candidates  
5 other than write-in candidates, to be elected to any judicial office within the county  
6 or to the county board of supervisors from any one district.

7 **(2m) FIRST CLASS CITY SCHOOL BOARD.** A primary shall be held in 1st class cities  
8 whenever there are more than 2 candidates, other than write-in candidates, for  
9 member of the board of school directors at-large or from any election district in any  
10 year.

11 **SECTION 97.** 8.12 (2) of the statutes is amended to read:

12 8.12 (2) **BALLOTS.** The form of the official ballots shall be prescribed by the  
13 board ~~under s. 5.60 (8)~~. The ballot shall provide to an elector the opportunity to vote  
14 for an uninstructed delegation to represent this state at the presidential nominating  
15 convention of his or her party or to write in the name of a candidate for the  
16 presidential nomination of his or her party.

17 **SECTION 98.** 8.15 (4) (a) of the statutes is amended to read:

18 8.15 (4) (a) The affidavit certification of a qualified elector stating his or her  
19 residence with street and number, if any, shall appear at the bottom of each  
20 nomination paper, stating he or she personally circulated the nomination paper and  
21 personally obtained each of the signatures; he or she knows they are electors of the  
22 ward, aldermanic district, municipality or county, as the nomination papers require;  
23 he or she knows they signed the paper with full knowledge of its content; he or she  
24 knows their respective residences given; he or she knows each signer signed on the  
25 date stated opposite his or her name; and, that he or she, the affiant circulator,

**BILL**

1 resides within the district which the candidate named therein will represent, if  
2 elected; that he or she intends to support the candidate; and that he or she is aware  
3 that falsifying the ~~affidavit certification~~ is punishable under ~~ss. s.~~ 12.13 (3) (a) ~~and~~  
4 ~~946.32 (1) (a)~~, Wis. stats. The ~~affidavit certification~~ may be made by the candidate  
5 or any qualified elector. ~~The nomination papers are valid with or without the seal~~  
6 ~~of the officer who administers the oath.~~

7 SECTION 99. 8.17 (1) (a) of the statutes is amended to read:

8 8.17 (1) (a) Political parties qualifying for a separate ballot under s. 5.62 (1) (b)  
9 or (2) shall elect their party committeemen and committeewomen ~~at the September~~  
10 primary as provided under sub. (5) (b). The function of committeemen and  
11 committeewomen is to represent their neighborhoods in the structure of a political  
12 party. Committeemen and committeewomen shall act as liaison representatives  
13 between their parties and the residents of the election districts in which they serve.  
14 Activities of committeemen and committeewomen shall include, but not be limited  
15 to, voter identification; assistance in voter registration drives; increasing voter  
16 participation in political parties; polling and other methods of passing information  
17 from residents to political parties and elected public offkials; and dissemination of  
18 information from public offkials to residents. For assistance in those and other  
19 activities of interest to a political party, each committeeman and committeewoman  
20 may appoint a captain to engage in these activities in each ward, if the election  
21 district served by the committeeman or committeewoman includes more than one  
22 ward. In an election district which includes more than one ward, the committeeman  
23 or committeewoman shall coordinate the activities of the ward captains in promoting  
24 the interests of his or her party.

25 SECTION 100. 8.17 (2), (3) and (4) (a) and (b) of the statutes are repealed.