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1 **SECTION 101.** 8.17 (4) (c) of the statutes is renumbered 8.17 (4) and amended
2 to read:

3 8.17 (4) The term of office of each ~~elected or appointed~~ committeeman or
4 committeewoman shall end on the date of the meeting held under sub. (5) (b)
5 following each September primary.

6 **SECTION 102.** 8.17 (5) (b) of the statutes is amended to read:

7 8.17 (5) (b) A combined meeting of the county committee and members in good
8 standing of the party in the county shall be held no sooner than 15 days after the
9 September primary and no later than April 1 of the following year. At this meeting,
10 the party committeemen or committeewomen and the county committee offices of
11 chairperson, vice chairperson, secretary and treasurer shall be filled by election by
12 the committeemen, committeewomen and party members present and voting, each
13 of whom is entitled to one vote. At this meeting, the county committee shall elect the
14 members of the congressional district committee as provided in sub. (6) (b), (c) and
15 (d). The secretary of the county committee shall give at least 7 days' written notice
16 of the meeting to party and committee members. Individuals elected as county
17 committee ~~officers~~ or as congressional district committee members may be, but are
18 not required to be, committeemen or committeewomen. They are required to be party
19 members in good standing. ~~Their~~ The terms gf committeemen and
20 committeewomen, county committee officers and congressional district committee
21 members begin during the meeting immediately upon completion and verification of
22 the voting for each office.

23 **SECTION 103.** 8.17 (5) (bm) of the statutes is created to read:

24 8.17 (5) (bm) A county committee may require that candidates for party
25 committeemen and committeewomen file nomination papers with the county

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1 committee prior to the combined meeting under par. (b). The form, content and
2 circulation and filing deadlines of the nomination papers shall be established by the
3 county committee.

4 **SECTION 104.** 8.20 (3) of the statutes is amended to read:

5 8.20 (3) The ~~affidavit certification~~ of an elector under s. 8.15 (4) (a) shall be
6 appended to each nomination paper.

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

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

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

18 **8.21 Declaration of candidacy.** Each candidate, except a write-in candidate
19 or a candidate for presidential elector under s. 8.20 (2) (d), shall file a declaration of
20 candidacy, no later than the latest time provided for filing nomination papers under
21 s. 8.10 (2) (a), 8.15 (1), ~~8.17 (2)~~, 8.20 (8) (a) or 8.50 (3) (a), or the time provided under
22 s. 8.16 (2) or 8.35 (2) (c). A write-in candidate may file a declaration of candidacy no
23 later than 5 p.m. before the day of the primary or other election at which the
24 candidate seeks office. A candidate shall file the declaration with the officer or
25 agency with which nomination papers are filed for the office which the candidate

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1 seeks, or if nomination papers are not required, with the clerk or board of election
2 commissioners of the jurisdiction in which the candidate seeks office. The
3 declaration shall be sworn to before any officer authorized to administer oaths. The
4 declaration shall contain the name of the candidate in the form specified under s.
5 8.10 (2) (b) for candidates for nonpartisan office or s. 8.15 (5) (a) or 8.20 (2) (a) for
6 candidates for partisan office, and shall state that the signer is a candidate for a
7 named office, that he or she meets or will at the time he or she assumes office meet
8 applicable age, citizenship, residency or voting qualification requirements, if any,
9 prescribed by the constitutions and laws of the United States and of this state, and
10 that he or she will otherwise qualify for office if nominated and elected. The Except
11 in the case of a write-in candidate, the declaration shall include the candidate's
12 name in the form in which it will appear on the ballot. Each candidate for state and
13 local office shall include in the declaration a statement that he or she has not been
14 convicted of any infamous crime for which he or she has not been pardoned and a list
15 of all felony convictions for which he or she has not been pardoned. In addition, each
16 candidate for state or local office shall include in the declaration a statement that
17 discloses his or her municipality of residence for voting purposes, and the street and
18 number, if any, on which the candidate resides. The declaration is valid with or
19 without the seal of the officer who administers the oath. A candidate for state or local
20 office shall file an amended declaration under oath with the same officer or agency
21 if any information contained in the declaration changes at any time after the original
22 declaration is filed and before the candidate assumes office or is defeated for election
23 or nomination.

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

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1 **8.35 (2)** (a) If a vacancy occurs after nomination due to the death of a candidate
2 of a recognized political party for a partisan office, ~~other than party committeeman~~
3 ~~or committeewoman~~, the vacancy may be filled by the chairperson of the committee
4 of the proper political party under s. 7.38 (3), or the personal campaign committee,
5 if any, in the case of independent candidates. Similar vacancies in nominations of
6 candidates for nonpartisan local offices may be filled by the candidate's personal
7 campaign committee or, if the candidate had none, by the body which governs the
8 local governmental unit in which the deceased person was a candidate for office. The
9 chairperson, chief officer of the committee, or clerk of the body making an
10 appointment shall file a certificate of appointment with the official or agency with
11 whom declarations of candidacy for the office are filed. For purposes of this
12 paragraph, the official or agency need not recognize members of a personal campaign
13 committee whose names were not filed under s. 11.05 prior to the death of the
14 candidate.

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

16 **8.37 Filing of referenda petitions or questions.** Unless otherwise required
17 by law, all proposed constitutional amendments and any other measure or question
18 that is to be submitted to a vote of the people, or any petitions requesting that a
19 measure or question be submitted to a vote of the people, if applicable, shall be filed
20 with the official or agency responsible for preparing the ballots for the election no
21 later than 42 days prior to the election at which the amendment, measure *or* question
22 will appear on the ballot.

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

24 8.40 (2) The ~~affidavit certification~~ of a qualified elector stating his or her
25 residence with street and number, if any, shall appear at the bottom of each separate

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1 sheet of each petition specified in sub. (1), stating that ~~the affiant~~ he or she personally
 2 circulated the petition and personally obtained each of the signatures; that the
 3 ~~affiant circulator~~ circulator knows that they are electors of the jurisdiction or district in which
 4 the petition is circulated; that ~~the affiant circulator~~ circulator knows that they signed the paper
 5 with full knowledge of its content; that the ~~affiant circulator~~ circulator knowstheir respective
 6 residences given; that the ~~affiant circulator~~ circulator knows that each signer signed on the
 7 date stated opposite his or her name; that the ~~affiant circulator~~ circulator resides within the
 8 jurisdiction or district in which the petition is circulated; and that the ~~affiant~~
 9 ~~circulator~~ circulator is aware that falsifying the ~~affidavit certification~~ certification is punishable under ~~ss.~~
 10 ~~s. 12.13 (3) (a) and 946.22 (1) (a). The petition is valid with or without the seal of the~~
 11 ~~officer who administers the oath.~~

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

13 8.50 (1) (a) When there is to be a special election, the special election for county
 14 clerk shall be ordered by the sheriff; the special election for any other county office
 15 shall be ordered by the county clerk except as provided in s. 17.21 (5); the special
 16 election for school board member in a school district organized under ch. 119 shall
 17 be ordered by the school board; the special election for municipal judge shall be
 18 ordered by the mayor, president or chairperson of the municipality, except in 1st class
 19 cities ~~excepted judge is s. 755.01(4) jointly by the mayors, presidents~~
 20 ~~and municipal judges as provided by the judge; and all other special~~
 21 elections shall be ordered by the governor. When the governor or attorney general
 22 issues the order, it shall be filed and recorded in the office of the board. When the
 23 county clerk or sheriff issues the order, it shall be filed and recorded in the office of
 24 the county clerk. When the county executive issues the order, it shall be filed in the
 25 office of the county board of election commissioners. When the school board of a

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1 school district organized under ch. 119 issues the order, it shall be filed and recorded
2 in the office of the city board of election commissioners. When the mayor, president
3 or chairperson issues the order, it shall be filed in the office of the municipal clerk or
4 city board of election commissioners. If a municipal judge is elected under s. 755.01
5 (4), the order shall be filed in the office of the county clerk or board of election
6 commissioners of the county having the largest portion of the population of e
7 jurisdiction served by the judge.

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

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

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

19 8.50 (2) (a) The date for the special election shall be not less than ~~62~~ 92 nor more
20 than ~~77~~ 107 days from the date of the order except when the special election is held
21 on the day of the general election or spring election. If a special election is held
22 concurrently with the spring or general election, the special election may be ordered
23 not earlier than 92 days prior to the spring primary or September primary,
24 respectively, and not later than 49 days prior to that primary.

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

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1 8.50 (4) (fm) A permanent vacancy in the office of municipal judge may be filled
 2 by temporary appointment of the municipal governing body, ~~or, if the judge is elected~~
 3 ~~under s. 755.01, jointly by the governing bodies of all municipalities served by the~~
 4 ~~judge.~~ The office shall then be permanently filled by special election, held
 5 concurrently with the next spring election following the occurrence of the vacancy,
 6 except that a vacancy occurring during the period after December 1 and on or before
 7 the date of the spring election shall be filled at the 2nd succeeding spring election,
 8 and no such election may be held after the expiration of the term of office nor at the
 9 time of holding the regular election for the office.

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

11 9.01 (1) (ag) 1. ~~For the purpose of this subsection, the elections board shall~~
 12 ~~promulgate a rule defining the "actual cost" of conducting a recount.~~ Each petition
 13 for a recount shall be accompanied by the fee or charge prescribed in this paragraph.
 14 If the difference between the votes cast for the leading candidate and those cast for
 15 the petitioner or the difference between the affirmative and negative votes cast upon
 16 a n y r e f e r e n d u m q u e s t i o n i s l e s s t h a n 1 . 5 %
 17 of the total votes cast for the office or on the question ~~if more than 1,000 votes are cast,~~
 18 the petitioner is not required to pay a fee.

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

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

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SECTION 115

1 9.01 (1) (ag) 2g. If the difference between the votes cast for the leading
2 candidate and those cast for the petitioner or the difference between the affirmative
3 and negative votes cast upon any referendum question is at least 3% but less than
4 5%, the petitioner shall pay 50% of the actual cost of conducting the recount.

5 2r. If the difference between the votes cast for the leading candidate and those
6 cast for the petitioner or the difference between the affirmative and negative votes
7 cast upon any referendum question is 5% or more, the petitioner shall pay the actual
8 cost of conducting the recount.

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

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

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

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1 9.01 (5) (a) The board of canvassers or the chairperson of the board shall keep
2 complete minutes of all proceedings before the board of canvassers or chairperson.
3 Upon completion of its proceedings, a board of canvassers shall deliver one copy of
4 its minutes to the elections board The minutes shall include a record of objections
5 and offers of evidence. If the board of canvassers or chairperson receives exhibits
6 from any party, the board of canvassers or chairperson shall number and preserve
7 the exhibits. The board of canvassers or chairperson shall make specific findings of
8 fact with respect to any irregularity raised in the petition or discovered during the
9 recount. Any member of the board of canvassers or the chairperson may administer
10 oaths, certify official acts and issue subpoenas for purposes of this section. Witness
11 fees shall be paid by the county. In the case of proceedings before the chairperson of
12 the board, witness fees shall be paid by the board.

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

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

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

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1 10.02 (3) (b) 1. If an elector wishes to vote for all candidates nominated by any
 2 party, the elector shall make a cross (X) ~~in the circle~~ or depress the lever or button
 3 ~~under next to~~ the party designation ~~printed shown~~ at the top of the ballot, ~~except that~~
 4 ~~at the general election the elector shall~~ ~~jointly for the offices of president~~
 5 ~~and vice president or governor and lieutenant governor. A vote for candidates for~~
 6 ~~president or vice president or residential electors of those dates.~~
 7 Unless a name has been erased or crossed out, another name written in, a cross made
 8 ~~to the right~~ next to the name of a candidate for the same office in another column or
 9 a sticker applied, a cross ~~in the circle~~ next to a party designation at the top of the
 10 'column is a vote for all the party's candidates listed in the column. If an elector does
 11 not wish to vote for all the candidates nominated by one party, the elector shall make
 12 a cross (X) ~~in the square at the right of~~ next to or separately depress the levers or
 13 buttons next to each candidate's name for whom he or she intends to vote, or shall
 14 insert or write in the name of a candidate.

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

16 10.02 (3) (b) 2. At a special partisan primary, the elector shall select the party
 17 ballot of his or her choice and shall make a cross (X) ~~in the square at the right of~~ next
 18 to or depress the lever or button next to the candidate's name for each office for whom
 19 the elector intends to vote, or shall insert or write in the name of the elector's choice
 20 **for** a candidate.

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

22 10.02 (3) (b) 2m. At the September primary, the elector shall select the party
 23 ballot of his or her choice or the ballot containing the names of the independent
 24 candidates ~~for state office~~, and make a cross (X) ~~in the square at the right of~~ next
 25 or depress the lever or button next to the candidate's name for each office for whom

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1 the elector intends to vote or insert or write in the name of the elector's choice for a
2 party candidate, if any. In order to qualify for participation in the Wisconsin election
3 campaign fund, a candidate for state office at the September primary, other than a
4 candidate for district attorney, must receive at least 6% of all votes cast on all ballots
5 for the office for which he or she is a candidate, in addition to other requirements.

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

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

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

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

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

25 SECTION 123. 10.66 (lm) (a) of the statutes is repealed.

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

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

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

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

5 **16.82 (1)(e) *Date for special election.*** The date for the special election shall be
6 not less than ~~62 92~~ nor more than ~~77 107~~ days from date of order except when the
7 special election is held on the day of the spring election or the general election. See
8 s. 8.50 (2).

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

10 **10.82 (2) (d) *Date for special election.*** The date for the special election shall be
11 not less than ~~62 92~~ nor more than ~~77 107~~ days from date of order except when the
12 special election is held on the day of the spring election or the general election. See
13 s. 8.50 (2).

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

15 **10.82 (3) (d) *Date for special election.*** The date for the special election shall be
16 not less than ~~62 92~~ nor more than ~~77 107~~ days from date of order except when the
17 special election is held on the day of the spring election or the general election. See
18 s. 8.50 (2).

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

20 **10.82 (4) (d) *Date for special election.*** The date for the special election shall be
21 not less than ~~62 92~~ nor more than ~~77 107~~ days from date of order except when the
22 special election is held on the day of the spring election or the general election. See
23 s. 8.50 (2).

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

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1 10.82 (5) (c) ***Date for special election.*** The date for the special election shall be
2 not less than ~~62~~ 92 nor more than ~~77~~ 107 days from date of order except when the
3 special election is held on the day of the spring election or the general election. See
4 s. 8.50 (2).

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

6 11.02 (3) ~~The~~ Except as provided in sub. (3e), the “filing officer” for each
7 candidate for local office and for each committee which or individual who is acting
8 in support of or in opposition to any candidate for local office, but not any candidate
9 for state office, is the clerk of the most populous jurisdiction for which any candidate
10 who is supported or opposed seeks office.

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

12 11.02 (3e) The “filing officer” for each candidate for municipal judge elected
13 under s. 755.01 (4) and for each committee which or individual who is acting in
14 support of or in opposition to such a candidate, but not any candidate for state office,
15 is the county clerk or board of election commissioners of the county having the largest
16 portion of the population in the jurisdiction served by the judge.

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

18 11.03 (1) Elections for the positions of presidential elector, and convention
19 delegate ~~and party committee~~ ~~committee~~ ~~woman~~ are not subject to ss. 11.05
20 to 11.23 and 11.26 to 11.29.

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

22 11.60 (4) Actions under this section arising out of an election for state office or
23 a statewide referendum may be brought by the board or by the district attorney of
24 the county where the violation is alleged to have occurred, except as specified in s.
25 11.38. Actions under this section arising out of an election for local office or a local

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1 referendum may be brought by the district attorney of the county where the violation
2 is alleged to have occurred. Actions under this section ~~out of an election for~~
3 county office or a county referendum may be brought by the county board of election
4 commissioners of the county wherein the violation is alleged to have occurred If a
5 violation concerns a district attorney or circuit judge or candidate for such offices, the
6 action shall be brought by the attorney general. If a violation concerns the attorney
7 general or a candidate for such office, the governor may appoint special counsel
8 under s. 14.11 (2) to bring suit in behalf of the state. The counsel shall be independent
9 of the attorney general and need not be a state employe at the time of appointment.

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

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

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

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

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1 32.72 (1) Sections 32.50 to 32.71 do not take effect in any city until the following
2 question is submitted to the electors of the city at a special election and adopted by
3 a majority vote of the electors voting: "Shall subchapter II of chapter 32, Wisconsin
4 Statutes, be effective in the city of thus allowing the city to acquire and
5 condemn property for street widening and similar purposes, financed through
6 assessments of benefits and damages?". The question shall be filed as provided in
7 s. 8.37.

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

9 38.08 (1) (a) 1. A district board shall administer the district and shall be
10 composed of 9 members who are residents of the district, including 2 employers, 2
11 employes, 3 additional members, a school district administrator, as defined under s.
12 **115.001** (8), and one elected official who holds a state or local office, as defined in s.
13 ~~5.02, except for the office of party committee chairman or party committee woman.~~ The
14 board shall by rule define "employer" and "employee" for the purpose of this
15 subdivision.

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

17 59.05 (2) If two-fifths of the legal voters of any county, to be determined by the
18 registration or poll lists of the last previous general election held in the county, the
19 names of which voters shall appear on some one of the registration or poll lists of such
20 election, present to the board a petition conforming to the requirements of s. 8.40
21 asking for a change of the county seat to some other place designated in the petition,
22 the board shall submit the question of removal of the county seat to a vote of the
23 qualified voters of the county. The board shall file the question as provided in s. 8.32
24 The election shall be held only on the day of the general election, notice of the election
25 shall be given and the election shall be conducted as in the case of the election of

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1 officers on that day, and the votes shall be canvassed, certified and returned in the
2 same manner as other votes at that election. The question to be submitted shall be
3 “Shall the county seat of . . . county be removed to . . .?”.

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

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

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

15 60.30 (4) (b) The regular term of elected town officers, other than the town
16 assessor, commences on the ~~2nd~~ 3rd Tuesday of April in the year of their election.
17 The regular term of an elected assessor commences on June 1 in the year of the
18 assessor’s election.

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

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

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

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1 60.74 (5) (b) A petition conforming to the requirements of s. 8.40 signed by
2 qualified electors of the district equal to at least 20% of the vote cast for governor in
3 the district at the last gubernatorial election, requesting a change to appointment
4 of commissioners, may be submitted to the town board, subject to sub. (5m) (a). The
5 petition shall be filed as provided in s. 8.37. Upon receipt of the petition, the town
6 board shall submit the question to a referendum at the next regular spring election
7 or general election, or shall call a special election for that purpose. The inspectors
8 shall count the votes and submit a statement of the results to the commission. The
9 commission shall canvass the results of the election and certify the results to the
10 town board which has authority to appoint commissioners.

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

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

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

24 61.187 (1) **PROCEDURE.** Whenever a petition conforming to the requirements
25 of s. 8.40, signed by at least one-third as many electors of any village as voted for

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1 village officers at the next preceding election therefor, shall be presented to the
2 village board, and filed as nrovided in s. 8.37, praying for dissolution of the village
3 corporation, such board shall submit to the electors of such village, for determination
4 by ballot in substantially the manner provided by ss. 5.64 (2) and 10.02, at a general
5 election or at a special election called by them for that purpose, the question whether
6 or not such village corporation shall be dissolved.

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

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

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

21 62.13 (6) (b) The provisions of this subsection shall apply only if adopted by the
22 electors. Whenever not less than ~~30~~ 42 days prior to a regular city election a petition
23 therefor, conforming to the requirements of s. 8.40 and signed by electors equal in
24 number to not less than 20% of the total vote cast in the city for governor at the last
25 general election, shall be filed with the clerk as nrovided in s. 8.37, the clerk shall give

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1 notice in the manner of notice of the regular city election of a referendum on the
2 adoption of this subsection. Such referendum election shall be held with the regular
3 city election, and the ballots shall conform with the provisions of ss. 5.64 (2) and
4 10.02, and the question shall be "Shall s. 62.13 (6) of the statutes be adopted?"

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

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

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

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

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

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

18 66.022 (3) The governing body of any city, village or town involved may, or if
19 a petition conforming to the requirements of s. 8.40 signed by a number of qualified
20 electors thereof equal to at least 5% of the votes cast for governor in the city, village
21 or town at the last gubernatorial election, demanding a referendum thereon, is
22 presented **to** it within 30 days after the passage of either of the ordinances herein
23 provided for shall, cause the question to be submitted to the electors of the city,
24 village **or** town whose electors petitioned therefor, at a referendum election called for
25 such purpose ~~within 30~~ not less than 42 d. or more than 72 days after the filing

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1 of such petition, or after the enactment of either ordinance. The petition shall be filed
2 as provided in s. 8.37. Whenever a number of electors cannot be determined on the
3 basis of reported election statistics, the number shall be determined in accordance
4 with s. 60.74 (6). The governing body of the municipality shall appoint 3 election
5 inspectors who shall be resident electors to supervise the referendum. The ballots
6 shall contain the words "For Detachment" and "Against Detachment". The
7 inspectors shall certify the results of the election by their affidavits annexed thereto
8 and file a copy with the clerk of each town, village or city involved, and none of the
9 ordinances so provided for shall take effect nor be in force unless a majority of the
10 electors shall approve the same. The referendum election shall be conducted in
11 accordance with chs. 6 and 7 insofar as applicable.

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

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

22 2. The advisory referendum shall be held ~~within 30~~ not less than 42 days nor
23 more than 72 days after adoption of the resolution under subd. 1. calling for the
24 referendum or ~~within 30~~ not less than 42 days nor more than 72 days after receipt
25 of the petition by the municipal clerk. The municipal clerk shall give notice of the

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1 referendum by publishing a notice in a newspaper of general circulation in the
2 municipality, both on the publication day next preceding the advisory referendum
3 election and one week prior to that publication date.

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

5 66.024 (4) (a) If the court, after such hearing, is satisfied as to the correctness
6 of the description of the territory or any survey and that the provisions of this section
7 have been complied with, it shall make an order so declaring and shall direct a
8 referendum election within the territory which shall be described in the order, on the
9 question, whether such area should be annexed. Such order shall be filed as provided
10 in s. 3.37. Such order shall direct 3 electors named therein residing in the town in
11 which the territory proposed to be annexed lies, to perform the duties of inspectors
12 of election.

13 (b) The referendum election shall be held ~~within 30~~ not less than 42 days nor
14 more than 72 days after the ~~entry~~ filing of the order as provided in s. 8.37, in the
15 territory proposed for annexation, by the electors of such territory as provided in s.
16 66.021 (5), so far as applicable. The ballots shall contain the words "For Annexation"
17 and "Against Annexation". The certification of the election inspectors shall be filed
18 with the clerk of the court, and the clerk of any municipality involved, but need not
19 be filed or recorded with the register of deeds.

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

21 **66.027 Municipal boundaries, fixed by judgment.** Any 2 municipalities
22 whose boundaries are immediately adjacent at any point and who are parties to any
23 action, proceeding or appeal in court for the purpose of testing the validity or
24 invalidity of any annexation, incorporation, consolidation or detachment, may enter
25 into a written stipulation, compromising and settling any such litigation and

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1 determining the common boundary line between the municipalities. The court
2 having jurisdiction of the litigation, whether it is a circuit court, the court of appeals
3 or the supreme court, may enter a final judgment incorporating the provisions of the
4 stipulation and fixing the common boundary line between the municipalities
5 involved. Any stipulation changing boundaries of municipalities shall be approved
6 by the governing bodies of the detaching and annexing municipalities and s. 66.02 1
7 (8) and (10) shall apply. Any change of civil municipal boundaries under this section
8 is subject to a referendum of the electors residing within the territory annexed or
9 detached, if within 30 days after the publication of the stipulation to change
10 boundaries in a newspaper of general circulation in the area proposed to be annexed
11 or detached, a petition for a referendum conforming to the requirements of s. 8.40
12 signed by at least 20% of the electors of the area to be annexed or detached, is filed
13 with the clerk of the municipality from which the area is proposed to be detached and
14 is filed as provided in s. 8.37. The referendum shall be conducted as are annexation
15 referenda. If the referendum election is opposed to detachment from the
16 municipality, all proceedings under this section are void. For the purposes of this
17 section "municipalities" includes cities, villages and towns.

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

19 66.028 (6) (a) Within 30 days after the hearing under sub. (3), the governing
20 body of a participating municipality may adopt a resolution calling for an advisory
21 referendum on the agreement. An advisory referendum shall be held if, within 30
22 days after the hearing under sub. (3), a petition, signed by a number of qualified
23 electors equal to at least 10% of the votes cast for governor in the municipality at the
24 last gubernatorial election, is filed with the clerk of a participating municipality,
25 requesting an advisory referendum on the revenue sharing plan. The petition shall

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1 conform to the requirements of s. 8.40 ~~and shall be filed as provided in s. 8.37~~. If an
2 advisory referendum is held, the municipality's governing body may not vote to
3 approve the agreement under sub. (2) until the report under par. (d) is filed.

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

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

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

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

19 66.061 (1) (c) No such ordinance shall be operative until 60 days after passage
20 and publication unless sooner approved by a referendum. Within that time electors
21 equal in number to ~~20 per cent~~ 20% of those voting at the last regular municipal
22 election, may demand a referendum. The demand shall be in writing and filed with
23 the clerk ~~and as provided in s. 8.37~~. Each signer shall state his or her occupation and
24 residence and signatures shall be verified by the affidavit of an elector. The
25 referendum shall be held at the next regular municipal election, or at a special

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1 election within 90 days of the filing of the demand, and the ordinance shall not be
2 effective unless approved by a majority of the votes cast thereon. This paragraph
3 shall not apply to extensions by a utility previously franchised by the village or city.

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

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

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

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

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1 provided in s. 8.37 requesting a referendum upon the question of the issuance of the
2 bonds. If such a petition is filed, the bonds shall not be issued until approved by a
3 majority of the electors of the municipality voting thereon at a general or special
4 election.

5 **SECTION 159.** 66.77 (3) (a) 1. of the statutes is amended to read:

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

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

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

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1 manner as in case of a regular municipal election except that such notice shall be
2 published or posted at least 20 days prior to the election. If a majority of those voting
3 on the question vote in the affirmative thereon, this section shall be adopted in such
4 municipality. The proposition on the ballot to be used at such election shall be in
5 substantially the following form:

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

9 YES NO

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

11 67.05 (3) (am) The question on which the referendum is held shall be filed as
12 provided in s. 8.37.

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

14 67.12 (12) (e) 6. A copy of any resolution of the district board under subd. 5.
15 which requires a referendum shall be promptly transmitted by the secretary of the
16 district board to the county clerk or board of election commissioners of each county
17 any part of which is contained within the district. A copy of the resolution shall be
18 filed as provided in s. 8.37. Costs of the referendum shall be borne as provided in ss.
19 5.68 and 7.03.

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

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

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

3 FOR SPENDING AGAINST SPENDING

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

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

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1 toll bridge as provided in the resolution for the acquisition thereof. If no such petition
2 is filed, or if the majority of votes cast at such referendum election are in favor of the
3 acquisition of such toll bridge, then the resolution of the governing body for the
4 acquisition of such toll bridge shall be in effect.

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

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

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

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

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1 and shall levy and collect a tax equal to the amount of money approved by the
2 electors.

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

4 119.49 (2) Upon receipt of the communication, the common council shall file the
5 ~~communication as provided in s. 8.21 and shall~~ cause the question of issuing such
6 school bonds in the stated amount and for the stated school purposes to be submitted
7 to the voters of the city at the next election held in the city. The question of issuing
8 such school bonds shall be submitted upon a separate ballot or in some other manner
9 so that the vote upon issuing such school bonds is taken separately from any other
10 question submitted to the voters. If a majority of the electors voting on the school
11 bond question favors issuing such school bonds, the common council shall cause the
12 school bonds to be issued immediately or within the period permitted by law, in the
13 amount requested by the board and in the manner other bonds are issued.

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

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

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1 par. (a), any qualified elector of the school district who desires to be a candidate, other
2 than a write-in candidate, shall in addition file nomination papers in the form
3 prescribed under s. 8.10 (2) and (3) with the school district clerk at the place specified
4 in the notice. If an incumbent fails to file a declaration of candidacy, and nomination
5 papers, where required, within the time prescribed by this paragraph, all candidates
6 for the office held by the incumbent, other than the incumbent, may file a declaration
7 of candidacy and nomination papers, where required, no later than 72 hours after the
8 latest time prescribed in this paragraph. No extension of the time for filing a
9 declaration of candidacy or nomination papers applies if the incumbent files written
10 notification with the school district clerk, no later than 5 p.m. on the 2nd Friday
11 preceding the latest time prescribed in this paragraph for filing declarations of
12 candidacy, that the incumbent is not a candidate for reelection to his or her office, and
13 the incumbent does not file a declaration of candidacy for that office within the time
14 prescribed in this paragraph. In the case of a 3-member school board, the qualified
15 elector shall state in his or her declaration of candidacy and on the face of his or her
16 nomination papers, if any, the office for which the elector is a candidate. In the case
17 of an apportioned or numbered school board, the qualified elector shall state in his
18 or her declaration of candidacy and on the face of his or her nomination papers, if any,
19 the apportioned area or numbered seat for which the elector is a candidate. If a
20 candidate has not filed a registration statement under s. 11.05 by the time he or she
21 files a declaration of candidacy, the candidate shall file the statement with the
22 declaration. A candidate shall file an amended declaration under oath with the
23 school district clerk in the event of a change in any information provided in the
24 declaration as provided in s. 8.21.

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

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1 120.06 (7) (a) No later than 5 p.m. on the 2nd Tuesday in January, the school
2 district clerk shall verify the declarations of candidacy and certify the names of
3 candidates who have filed valid nomination papers, where required, and who qualify
4 for office. In making verifications or certifications, the school district clerk shall
5 designate the form of each candidate's name to appear on the ballot in the manner
6 prescribed in s. 7.08 (2) (a). Once filed, a declaration of candidacy or nomination
7 papers may not be withdrawn. This paragraph does not apply to writ-in
8 candidates, as defined in s. 5.02 (26).

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

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

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

22 120.06 (8) (dm) Whenever a write-in candidate, as defined in s. 5.02 (26), files
23 a timely declaration of candidacy with the clerk, immediately notify the municipal
24 clerk or board of election commissioners of each municipality in the school district
25 of the name of the candidate and the office which the candidate seeks, unless there

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1 are no candidates whose names appear on the ballot for that office or unless there
2 appears on the ballot the name of a deceased candidate for that office.

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

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

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

22 125.05 (1) (b) 5. The petition shall be filed with the clerk of the municipality
23 ~~affected by the question~~ at least ~~30~~ 42 days prior to the first Tuesday of April.

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

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1 197.04 (1) (b) If within either of the 90-day periods described in par. (a) a
 2 petition conforming to the requirements of s. 8.40 is filed with the clerk of the
 3 municipality as provided in s. 8.37 and the petition has been signed by 5% of the
 4 electors of a 1st class city or by 10% of the electors of all other municipalities
 5 requesting that the question of discontinuing the proceeding to acquire the plant or
 6 equipment of the public utility be submitted to the electors of the municipality, the
 7 applicable question under par. (c) shall be submitted to the electors at any general
 8 or regular municipal election that may-be is held not less than ~~30~~, 42 and not more
 9 than ~~35~~, 47 days from the date of the filing of the petition. If no general election or regular
 10 regular municipal election is to be held within the stated periods period, the restore
 11 governing body of the municipality shall order the holding of a special election for the to be held not less than 42 days from the
 12 purpose of submitting the question to the electors. date
of
filing
of
the
petition,

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

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

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

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1 755.01 (4) Two or more cities; towns or villages of this state may enter into an
2 agreement under s. 66.30 for the joint exercise of the power granted under sub. (1),
3 except that for purposes of this subsection, any agreement under s. 66.30 shall be
4 effected by the enactment of identical ordinances by each affected city, town or
5 village. Electors of each municipality entering into the agreement shall be eligible
6 to vote for the judge of the municipal court so established. If a municipality enters
7 into an agreement with a municipality that already has a municipal court, the
8 municipalities may provide by ordinance or resolution that the judge for the existing
9 municipal court shall serve as the judge for the joint court until the end of the term
10 or until a special election is held under s. 8.50 (4) (fm). Each municipality shall adopt
11 an ordinance or bylaw under **sub. (1)** prior to entering into the agreement. The
12 contracting municipalities need not be contiguous and need not all be in the same
13 county. ~~Upon entering into or discontinuing such an agreement, the contracting~~
14 ~~municipalities shall each transmit a certified copy of the ordinance effecting or~~
15 ~~discontinuing the agreement to the elections board. The elections board shall serve~~
16 ~~as filing officer for candidates for the office of municipal judge in any municipality~~
17 ~~where an agreement is in effect. The contracting municipalities shall notify the~~
18 ~~appropriate filing officer under s. 11.02 (3e) when the joint court is created. When~~
19 ~~a municipal judge is elected under this subsection, candidates shall be nominated by~~
20 ~~filing nomination papers under s. 8.10 (6) (bm), and shall register with the filing~~
21 ~~officer specified in s. 11.02 (3e).~~

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

23 **778.135 Elections board Campaign finance forfeitures; how recovered.**

24 Notwithstanding s. 778.13, whenever any action or proposed action by the elections
25 board under s. 5.05 (1) (c) is settled as a result of agreement between the parties

BILL

SECTION 177

1 without approval of the court, the moneys accruing to the state on account of such
2 settlement shall be paid to the board and deposited with the state treasurer.
3 Whenever any proposed action by a county board of election commissioners under s.
4 7.21(2m)(a) is settled as a result of agreement between the parties, the moneys
5 accruing to the county on account of such settlement shall be paid to the board of
6 election commissioners and deposited with the county treasurer in the same manner
7 as provided for forfeitures under s. 778.13.

SECTION 178. Nonstatutory provisions.

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

16 (2) **TERMS OF TOWN OFFICIALS ELECTED IN 2001 AND 2002.** Notwithstanding section
17 60.30 (4) of the statutes, the terms of office of town officers who are elected in 2001
18 and 2002 shall commence on the 2nd Tuesday of April of the year of election and these
19 officers shall serve for terms of 2 years and 7 days.

SECTION 179. Initial applicability.

20
21 (1) The treatment of sections 8.37, 24.66 (4), 32.72 (1), 59.05 (2), 59.08 (7) (b),
22 60.62 (2), 60.74 (5) (b), 60.785 (2) (a), 61.187 (1), 61.46 (1), 62.13 (6) (b), 64.39 (2),
23 66.021 (5) (a), 66.022 (3), 66.023 (4) (e) 1. and 2., 66.024 (4) (a) and (b), 66.027, 66.028
24 (6) (a) and (b), 66.059 (2m) (b), 66.061 (1) (c), 66.075 (5), 66.521 (10) (d), 66.77 (3) (a)
25 l., 66.94 (4), 67.05 (3) (am), 67.12 (12) (e) 6., 81.01 (3) (b), 86.21 (2) (a), 119.48 (4) (c),

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1 119.49 (2), 121.91 (3) (a), 125.05 (1) (b) 5., 197.04 (1) (b) and 197.10 (2) of the statutes
2 first applies with respect to referenda called on the effective date of this subsection.

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

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

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

10 (3) The treatment of section 60.30 (4) (b) of the, statutes takes effect on July 1,
11 2000.

12 (4) The treatment of section 121.91 (3) (a) of the statutes takes effect on July
13 1, 2000.

14 **(END)**

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3140/4dn. *zdn*
JTK & RJM:cmh:kjf

July 15, 1999 *3 new date*

1. This draft is generally the same as 1997 AB-959, with updates to reflect legislation enacted since that bill was drafted and a chief clerk's correction and other miscellaneous corrections and changes to keep the statutes consistent. Please let one of us know if you do not approve of any of these changes.

2. We identified a few provisions that we believe require treatment to coordinate with changes proposed in AB-959. Please review the treatment of the following statutes to ensure that you approve: ss. 6.275 (1) (c), 6.30 (3) (c), 6.79 (5), 10.66 (3) (b) and 10.76 (3) (a), stats. In addition, this draft does not treat s. 8.11 (1) (b) and (5), stats., although this statute was treated in AB-959. The treatment in AB-959 was inappropriate because writ-in candidates do not file nomination papers.

3. Under this draft, as provided in AB-959, town officers take office on the 3rd, rather than the 2nd, Tuesday in April. AB-959 accomplished this transition by extending the term for officials currently in office by 7 days. The method of transition in AB-959 may be unconstitutional and, thus, we have utilized a different method in this draft. Article XIII, section 9, of the Wisconsin Constitution requires municipal officials to be elected by the electors of the city or appointed by other city officers. The Wisconsin Supreme Court has held that the "continuance of a person in office by legislative interference, beyond the specific term for which he was elected or appointed, is equivalent to a new appointment to the office, and void if the office be one that the legislature cannot fill by direct appointment or election." *Oconnor v. City of Fond du Lac*, 109.Wis. 253, 268 (1901). In order to avoid this constitutional issue, this draft extends for 7 days the term of office for town officers that will be elected in 2001 and 2002.

4. AB-959 did not provide a method for transitioning to a system in which the elections board determines the questions required for challenging electors. This draft provides a delayed effective date for the treatment of ss. 6.92 (intro.) and (1) to (6), stats., so that the elections board may have time to promulgate the necessary rules determining these questions. With this change, the language of this draft conforms to ASA-1 to 1999 AB-150 (the budget bill).

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

to which the party write-in candidates could be shifted, so this draft places all independent candidates for county office on the primary ballot in order to create a place to which the shift can be made. This may create some confusion because a vote for any of these independent candidates at the primary is completely ineffective and irrelevant. Independent candidates are nominated by nomination papers only. In the independent ballot or column, the draft therefore permits a write-in vote only for the party candidates who are shifted over to this ballot or column from a party ballot or column that would otherwise be blank, but does not permit a write-in vote for the “real” independent candidates. See s. 5.62 (5), stats.

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

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

8. The text of s. 6.79, stats., as amended by this draft, permits electronic data entry of poll lists but requires any data entry system to be approved by the board. You may wish to provide that any data entry system shall meet the same security standard that is required for recording of votes by electronic voting systems under s. 5.91 (ll), stats., in order to preserve entered data in the event of a power outage, evacuation or malfunction.

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

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

slip of paper may be used as a ballot as long as it contains the required information under s. 6.25 (2) and (3), stats.

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

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

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

12. Currently, s. 197.04 (1) (b), stats., allows a municipality to place a referendum regarding the municipal acquisition of a utility on the general election ballot only if the general election is held 30 to 35 days after the filing of the referendum petition. Otherwise, the municipality must call a special election. ^{or regular municipal} Although the 5-day period is unusual, the proposed treatment of s. 197.04 (1) (b), stats., retains this window of opportunity to utilize the general election to hold such a referendum. AB-959 did not retain this window. You may want to amend ^{this provision} these provisions, in order to allow a greater opportunity to utilize the general election to hold such a referendum.

This draft changes this window to 42 to 47 days after the filing of the referendum petition.

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

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

or a regular municipal election

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3140/2dn
JTK&RJM:cmh:jf

August 10, 1999

1. This draft is generally the same as 1997 AB-959, with updates to reflect legislation enacted since that bill was drafted and a chief clerk's correction and other miscellaneous corrections and changes to keep the statutes consistent. Please let one of us know if you do not approve of any of these changes.

2. We identified a few provisions that we believe require treatment to coordinate with changes proposed in AB-959. Please review the treatment of the following statutes to ensure that you approve: ss. 6.275 (1) (c), 6.30 (3) (c), 6.79 (5), 10.66 (3) (b) and 10.76 (3) (a), stats. In addition, this draft does not treat 8.11 (1) (b) and (5), stats., although this statute was treated in AB-959. The treatment in AB-959 was inappropriate because writ candidates do not file nomination papers.

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

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

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 08/10/1999

To: Legislative Council - JLC

Relating to LRB drafting number: LRB-3 140

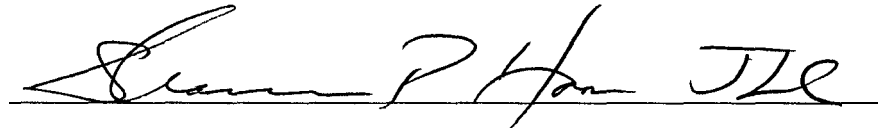
Topic

Various election law changes

Subject(s)

Elections - miscellaneous

1. JACKET the draft for introduction



in the **Senate** or the **Assembly**% (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. REDRAFT. See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain FISCAL ESTIMATE NOW, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

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