

**ENGROSSED 1999 ASSEMBLY BILL 700**

February 10, 2000 - Printed by direction of SENATE CHIEF CLERK.

1     **AN ACT** *to repeal* 5.25 (4) (b), 5.35 (6) (a) 4., 5.55 (form), 5.58 (2) (b), 5.60 (8) (a)  
2         1., 2. and 3., 5.64 (1) (c), 5.64 (2) (a) and (b), 5.64 (3) (intro.), 6.30 (2) and (3), 6.865  
3         (2), 7.30 (4) (cm), 7.30 (4) (cn), 7.38 (title) and (1), 7.39, 8.17 (2), (3) and (4) (a)  
4         and (b) and 9.10 (2) (em) 3.; **to renumber and amend** 5.55 (intro.), 5.58 (2) (a),  
5         5.60 (8) (a) (intro.), 5.62 (1) (b), 5.62 (2), 5.64 (1) (e), 5.64 (2) (intro.), 5.64 (3) (a),  
6         5.64 (3) (b), 7.38 (3) 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), 5.35  
8         (4), 5.35 (6) (b), 5.37 (3), 5.53 (2), 5.58 (intro.), 5.58 (1) (intro.), 5.58 (1c), 5.58 (1g)  
9         (a), 5.58 (1g) (b), 5.58 (1r), 5.58 (2m), 5.60 (intro.), 5.60 (1) (intro.), 5.60 (1) (b),  
10         5.60 (2), 5.60 (3) (intro.), 5.60 (4) (a) and (b), 5.60 (4m), 5.60 (5) (intro.), 5.60 (5)  
11         (a), 5.60 (6) (a), 5.60 (6m) and (7), 5.60 (8) (intro.), 5.62 (1) (a), 5.62 (5), 5.64 (1)  
12         (intro.), 5.64 (1) (a), 5.64 (1) (b), 5.64 (1) (d), 5.64 (1) (f), 5.64 (2) (c), 5.65, 5.68  
13         (5), 5.81 (1), 5.81 (2), 6.15 (3) (b), 6.22 (4), 6.22 (5), 6.24 (1) and (2), 6.24 (3), 6.24  
14         (3), 6.24 (4) (c), 6.24 (4) (d), 6.24 (5), 6.24 (6), 6.275 (1) (c), 6.28 (1), 6.29 (1), 6.29

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1 (2) (b), 6.29 (2) (c), 6.30 (1), 6.30 (4), 6.33 (2) (b), 6.45 (1), 6.79 (intro.), 6.79 (1)  
2 and (2), 6.79 (5), 6.80 (2) (e) and (f), 6.86 (1) (b), 6.86 (3) (a), 6.87 (2) (intro.), 6.87  
3 (3) (a), 6.87 (4), 6.875 (2) (b), 6.875 (2) (c), 6.875 (4), 6.875 (6), 6.88 (1), 6.88 (2),  
4 6.88 (3) (b), 6.95, chapter 7 (title), 7.08 (1) (c), 7.08 (2) (a), 7.10 (2), 7.15 (1) (cm),  
5 7.30 (2) (a), 7.30 (4) (b) 1., 7.30 (4) (b) 2., 7.37 (6), 7.41 (1), 7.53 (3) (a), 7.60 (2),  
6 7.60 (4) (a), 7.60 (4) (b), 7.60 (5), 7.60 (6), 7.70 (3) (a), 7.70 (3) (b), 7.70 (3) (c), 7.70  
7 (3) (d), 7.70 (3) (e) (intro.), 7.70 (3) (g), 7.70 (3) (h), 7.70 (3) (i), 7.70 (5) (a), 8.05  
8 (1) (j), 8.05 (3) (b), 8.05 (3) (d) and (e), 8.05 (5), 8.10 (3) (intro.), 8.10 (6) (a), 8.12  
9 (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), 8.35  
10 (2) (d), 8.40 (2), 8.50 (1) (a), 8.50 (1) (b), 8.50 (4) (fm), 9.01 (1) (a), 9.01 (1) (ar)  
11 3., 9.01 (1) (b) 2., 9.01 (2), 9.01 (5) (a), 9.01 (5) (c), 9.01 (6) (a), 9.01 (7), 9.01 (8),  
12 9.10 (2) (em) 1., 9.10 (2) (n), 9.10 (2) (r) 4., 10.02 (3) (b) 1., 10.02 (3) (b) 2., 10.02  
13 (3) (b) 2m., 10.02 (3) (b) 3. and 4., (c) and (d), 10.06 (2) (h), 10.06 (4) (i), 11.02 (3),  
14 11.03 (1), 11.60 (4) and (5), 13.123 (3) (b) 2., 24.66 (4), 32.72 (1), 38.08 (1) (a) 1.,  
15 59.05 (2), 59.08 (7) (b), 60.62 (2), 60.74 (5) (b), 60.785 (2) (a), 61.187 (1), 61.46  
16 (1), 62.13 (6) (b), 64.39 (2), 66.021 (5) (a), 66.022 (3), 66.023 (4) (e) 1. and 2.,  
17 66.024 (4) (a) and (b), 66.027, 66.028 (6) (a) and (b), 66.059 (2m) (b), 66.061 (1)  
18 (c), 66.061 (1) (c), 66.075 (5), 66.521 (10) (d), 66.77 (3) (a) 1., 66.94 (4), 67.12 (12)  
19 (e) 6., 81.01 (3) (b), 86.21 (2) (a), 92.11 (4) (c), 119.48 (4) (c), 119.49 (2), 120.06  
20 (6) (b), 121.91 (3) (a), 125.05 (1) (b) 5., 197.04 (1) (b), 197.10 (2), 227.52 (6), 755.01  
21 (4) and 778.135; **to repeal and recreate** 6.22 (2) (b); and **to create** 5.25 (4) (d),  
22 5.51 (8), 5.62 (1) (b) 2., 5.62 (2) (b), 5.64 (1) (e) 2., 5.64 (1) (eg), 5.655, 6.87 (3) (d),  
23 7.10 (6), 7.21 (2m), 8.10 (6) (bm), 8.17 (5) (bm), 8.37, 9.01 (5) (bm), 11.02 (3e) and

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- 1           67.05 (3) (am) of the statutes; **relating to:** various changes in the election laws;  
2           requiring a referendum; and providing penalties.
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***Analysis by the Legislative Reference Bureau******Engrossment information:***

The text of Engrossed 1999 Assembly Bill 700 consists of the bill as passed by the assembly on February 9, 2000, as affected by the following documents adopted in the assembly on February 9, 2000: Assembly Amendment 1 and Assembly Amendment 2. The text also includes the February 17, 2000, chief clerk's correction to Assembly Amendment 2 and the February 23, 2000, chief clerk's correction to 1999 Assembly Bill 700.

***Content of Engrossed 1999 Assembly Bill 700:***

This bill makes various changes in election laws. Significant provisions include:

**I. REGISTRATION AND VOTER PARTICIPATION*****Transmittal of absentee ballots by facsimile transmission or electronic mail***

Currently, when an elector who qualifies for an absentee ballot makes a proper written application for a ballot, the municipal clerk mails a ballot to the elector, together with a certificate–affidavit envelope. The elector then casts the ballot, encloses the ballot in the certificate–affidavit envelope, signs the certificate–affidavit and mails the envelope to the municipal clerk of the municipality who sent the ballot to the elector.

This bill permits the municipal clerk of any municipality to send an absentee ballot to an elector who files a valid application for the ballot by means of facsimile transmission or electronic mail, unless the municipality uses an electronic voting system that requires an elector to punch a ballot in order to cast the elector's votes. The absentee ballot must be accompanied by a copy of the text of a certificate or affidavit, together with instructions prescribed by the elections board. The elector must then enclose the ballot in an envelope that is in turn enclosed in a larger envelope containing the certificate or affidavit, subscribe to the certificate or affidavit and mail the larger envelope to the municipal clerk with postage prepaid.

***Substantiation of voter registration information***

Currently, when an elector registers by mail before election day, the elector's registration form must be substantiated by a special voter registration deputy or by another elector who resides in the same municipality where the registering elector resides, substantiating all material statements on the registration form.

This bill deletes this requirement.

**ENGROSSED ASSEMBLY BILL 700*****Late voter registration***

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

This bill authorizes a municipal clerk to accept a registration in any manner after the second 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 with a population of over 500,000 (currently, only Milwaukee). 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 use of a public building is impracticable, as under current law, or if use of a nonpublic building better serves the needs of the electorate.

***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 by children of overseas electors***

Under current law, the adult dependent children of members of the armed forces and merchant marine, federal employes and peace corps volunteers who are stationed abroad may vote in elections in this state in the ward or election district where the parent who provides support for the children is entitled to vote.

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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.

***Depositing ballots into ballot boxes***

Generally, under current law, when an elector has completed voting his or her ballot, the elector may either deposit the ballot into the ballot box or deliver it to an election inspector for deposit into 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 ten 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 into 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 into the appropriate ballot box and do not provide the option for an inspector to deposit the ballot.

This bill amends current law to provide specifically 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.

**II. ROLE OF POLITICAL PARTIES AND CANDIDATES*****Election of committeemen or committeewomen***

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

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

***Observation at polling places***

Currently, political party committeemen and committeewomen may appoint official observers to observe proceedings at polling places. Candidates at partisan primary elections, as well as independent and nonpartisan candidates, and groups seeking to influence voting at referenda may similarly appoint official observers. Official observers are issued permits by the appropriate municipal clerk or board of election commissioners. In addition, under current law, any person other than a candidate may be present at a polling place for purposes of observation, provided that the person is not disruptive and does not engage in electioneering.

This bill discontinues appointment of official observers, but retains the right of persons other than candidates to observe proceedings at polling places. The bill also permits the chief inspector (poll worker) at each polling place to reasonably limit the

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number of persons representing the same organization who are permitted to observe at the polling place at the same time.

***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, at each election, within each assembly district or county, the party have at least one candidate for any national, state or county office listed on the ballot. If a party that qualifies for a separate ballot, column or row under current law does not qualify for a separate ballot, column or row under the bill, the bill requires that a separate ballot, column or row be provided instead that must contain a place for casting a vote for a write-in candidate of each party that qualifies under current law for a separate ballot, column or row for each office, but that no longer qualifies for a separate ballot, column or row under the bill.

**III. ELECTIONS ADMINISTRATION*****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

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of 50,000 or more are required to maintain separate election returns for each ward so combined.

***Affidavits relating to nomination papers and petitions***

Under current law, the circulator of a nomination paper or other election-related petition must make, under oath, an affidavit attesting to certain information including the fact that he or she personally circulated the nomination paper or petition, personally obtained each signature and knows the respective residences of each signer. A circulator falsifying this information may be fined not more than \$10,000 or imprisoned for 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 does not subject a person to the penalties for false swearing.

***Canvass of elections by designees***

Currently, the chairperson of the elections board canvasses the returns of elections for state and national office and statewide referenda and determines the results. This bill permits the chairperson to appoint another person to canvass a specific election. The designee of the chairperson then carries out the duties of the chairperson for that election only.

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 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.

***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.

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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.

***Consolidated 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 single consolidated paper ballot or a ballot that is prepared for utilization with an electronic voting system. With the consolidated ballot, all of the offices and referenda appear on the same ballot. The bill provides that a consolidated paper ballot or ballot that is prepared to be used with an electronic voting system may be distributed only to electors who are eligible to vote for all of the offices and in all of the referenda appearing on the ballot.

***Filing of referendum questions***

Generally, under current law, notice of referenda questions that will appear on an election ballot must be published by the appropriate county or municipal clerk or other appropriate election official or agency prior to the election at which they will appear. However, the statutes do not provide a specific time by which the questions must be provided to the official or agency.

This bill requires that, unless otherwise required by current law, all referenda questions that will appear on an election ballot, and all petitions seeking to have questions submitted to a vote of the people, be submitted to the official or agency responsible for the preparation of the ballots no later than six weeks prior to the election at which the questions 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.



**ENGROSSED ASSEMBLY BILL 700*****Appeal of recount determinations to circuit court***

Current law permits certain individuals to appeal a recount determination to circuit court. Under current law, within ten days after an appeal is filed, the appellant must file a complaint specifying each alleged defect with the recount. All other parties to the appeal must file an answer within the time ordered by the court. Currently, whenever an appeal is filed, the court must hold a hearing. However, there is a conflict in current law concerning the period during which this hearing must be held. One provision requires the hearing to be held within five days after the date that the court orders the municipal clerks to transfer the relevant election materials to the court and another provision requires the hearing to be held within 15 days after the filing of an answer to the appeal.

This bill eliminates this conflict in current law and changes the procedure for appealing a recount determination. Under the bill, the court must hold a scheduling conference promptly after an appeal is filed. At the scheduling conference, the court must adopt procedures that will permit the court to determine the appeal as expeditiously as possible. The complaint, all answers and any other information required by the court must be filed within the time ordered by the court. Under the bill, the hearing on the appeal must be held at the time and place ordered by the court.

***Delivery of recount documents***

Under current law, when a petition for recount of an election 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. The copies must be delivered 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 board of canvassers to provide one copy of those minutes to the state elections board and, in the case of a political party candidate for a state or national office, to the chief officer of the state committee of that party or, in the case of a political party candidate for county office, to the chief officer of the county committee of that party.

***Payment of polling place rental charges***

Currently, if a municipality establishes a polling place at a location where a fee is charged, the municipality must pay the charge, except at certain special elections called by school districts.

This bill provides that the municipality pays the charge at all regular primaries and elections, but, if another local governmental unit calls a special election that is

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not held concurrently with a regular election, that governmental unit pays the charge for the use of that polling place at that special election.

***Dates for publication of certain notices***

Currently, each county clerk must publish a notice of all national and state offices to be voted on at the September primary and general election. Similarly, each school district clerk must publish a notice of any upcoming school district election. Under current law, each of these notices may be published after the first day for circulating nomination papers for the applicable election and office.

This bill requires each of these notices to be published before the first day for circulating nomination papers.

***Appointment of special voting deputies***

Under current law, the municipal clerk or board of election commissioners of a municipality may follow certain procedures to facilitate absentee voting in certain community-based residential facilities, retirement homes and nursing homes. Currently, under these procedures, the municipal clerk or the board of election commissioners must appoint special voting deputies to visit certain of these facilities and homes to supervise absentee voting by the occupants. In municipalities other than cities over 500,000 population, current law conflicts as to whether these appointments are made by the municipal clerk, or by the municipal governing body from nominations submitted by party committeemen or committeewomen.

This bill provides that in these municipalities, special voting deputies are appointed solely by the municipal clerk, without nominations.

***Composition of county boards 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 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.

***Temporary vacancies on certain boards of canvassers***

Current law requires election results to be canvassed and recounts to be conducted by a board of canvassers. Depending upon the type and location of a particular election, the applicable board of canvassers may be a municipal board of

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canvassers, school district board of canvassers or county board of canvassers. In addition, in cities and counties of more than 500,000 population (currently, only the city of Milwaukee and Milwaukee County), the municipal board of election commissioners and county board of election commissioners, respectively, serve as the boards of canvassers. With limited exceptions, current law requires the municipal clerk to appoint a member to fill any temporary vacancy on a municipal board of canvassers. Similarly, the county clerk must appoint a member to serve if a member other than the clerk cannot serve on a county board of canvassers. Furthermore, in cities having a population of more than 500,000, current law requires the executive director of the municipal board of election commissioners to serve as a member of the board of canvassers to fill any temporary vacancy. Current law does not specify a procedure for filling a vacancy on a county board of canvassers in counties of more than 500,000 or on a school district board of canvassers.

This bill requires the executive director of a county board of election commissioners to serve as a member of the county board of canvassers to fill any temporary vacancy. In addition, the bill requires the school district clerk to appoint a member to fill any temporary vacancy on the school district board of canvassers.

**IV. CAMPAIGN FINANCING*****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 finance 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, only Milwaukee County), with respect to campaign finance reports and statements for county offices and referenda.

***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. 8.17 (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. 755.01 (4), or metropolitan~~

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**SECTION 1**

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1 sewerage commissioner, if the commissioner is elected under s. 66.23 (1) (am), in the  
2 presence of the chairperson of the board or the chairperson's designee.

3 **SECTION 2.** 5.05 (1) (e) of the statutes is amended to read:

4 5.05 (1) (e) Delegate to its executive director the authority to issue a subpoena  
5 under par. (b), apply for a search warrant under par. (b), commence an action under  
6 par. (d), intervene in an action or proceeding under sub. (9), issue an order under s.  
7 5.06, exempt a polling place from accessibility requirements under s. 5.25 (4) (a),  
8 exempt a municipality from the requirement to use voting machines or an electronic  
9 voting system under s. 5.40 (5m), approve an electronic data recording system for  
10 maintaining poll lists under s. 6.79, or authorize nonappointment of an individual  
11 who is nominated to serve as an election official under s. 7.30 (4) (e), subject to such  
12 limitations as the board deems appropriate.

13 **SECTION 3.** 5.15 (6) (b) of the statutes is amended to read:

14 5.15 (6) (b) No later than 60 days before each September primary and general  
15 election, and no later than 30 days before each other election the governing body of  
16 any municipality may by resolution combine 2 or more wards for voting purposes to  
17 facilitate using a common polling place. Whenever wards are so combined, the  
18 original ward numbers shall continue to be utilized for all official purposes. Except  
19 as otherwise authorized under this paragraph, every municipality having a  
20 population of 50,000 or more, ~~or 35,000 or more after June 1, 1996,~~ shall maintain  
21 separate returns for each ward so combined. In municipalities having a population  
22 of less than 50,000, ~~or less than 35,000 after June 1, 1996,~~ the governing body may  
23 provide in the resolution that returns shall be maintained only for each group of  
24 combined wards at any election. ~~In municipalities having a population as shown in~~  
25 ~~the 1990 federal decennial census of at least 87,000 but not more than 150,000, the~~

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1 governing body may provide in a resolution adopted prior to June 1, 1996 that groups  
2 of not more than 2 wards shall use common ballot boxes and ballots or voting  
3 machines and that returns shall be maintained only for each group of combined  
4 wards at any election held prior to June 1, 1996. Whenever a governing body  
5 provides for common ballot boxes and ballots or voting machines, separate returns  
6 shall be maintained for each separate ballot required under ss. 5.62 and 5.64 at the  
7 September primary and general election. The municipal clerk shall transmit a copy  
8 of the resolution to the county clerk of each county in which the municipality is  
9 contained. In municipalities having a population of less than 50,000, or less than  
10 35,000 after June 1, 1996, the resolution shall remain in effect for each election until  
11 modified or rescinded, or until a new division is made under this section.

12 SECTION 4. 5.25 (1) of the statutes is amended to read:

13 5.25 (1) All elections under chs. 5 to 12 shall be held at the polling places  
14 provided in this section. ~~So far as practicable, the~~ The places chosen shall be public  
15 buildings, unless the use of a public building for this purpose is impracticable or the  
16 use of a nonpublic building better serves the needs of the electorate, as determined  
17 by the authority charged with the responsibility for establishing polling places under  
18 sub. (2).

19 SECTION 5. 5.25 (4) (b) of the statutes is repealed.

20 SECTION 6. 5.25 (4) (d) of the statutes is created to read:

21 5.25 (4) (d) No later than June 30 of each odd-numbered year, the board shall  
22 submit a report on impediments to voting faced by elderly and handicapped  
23 individuals to the appropriate standing committees of the legislature under s. 13.172  
24 (3). In preparing its report under this paragraph, the board shall consult with  
25 appropriate advocacy groups representing the elderly and handicapped populations.

**ENGROSSED ASSEMBLY BILL 700****SECTION 7**

1           **SECTION 7.** 5.35 (4) of the statutes is amended to read:

2           5.35 (4) **LAYOUT; ORGANIZATION.** All voting booths and machines shall be placed  
3 apart from other activities in the polling place, with their exteriors in full view of the  
4 election officials. Only the proper election officials, observers persons observing the  
5 proceedings under s. 7.41, persons assisting voters under s. 6.82 (2) and electors  
6 receiving, preparing or depositing their ballots or casting their votes on the machines  
7 are permitted in the voting area. Except where assistance is authorized, only one  
8 elector at a time is permitted in a voting booth or machine.

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

10          **SECTION 9.** 5.35 (6) (b) of the statutes is amended to read:

11          5.35 (6) (b) At each polling place in the state where a consolidated ballot under  
12 s. 5.655 is used or an electronic voting system is utilized at a partisan primary  
13 election incorporating a ballot upon which electors may mark or punch votes for  
14 candidates of more than one recognized political party or for candidates of a  
15 recognized political party and independent candidates, the municipal clerk or board  
16 of election commissioners shall prominently post a sign in the form prescribed by the  
17 board warning electors in substance that on any ballot with votes cast for candidates  
18 of more than one recognized political party or any ballot with votes cast for  
19 candidates of a recognized political party and independent candidates, no votes cast  
20 for any candidates for partisan office will be counted unless a preference for a party  
21 or for the independent candidates is made. If the elector designates a preference,  
22 only votes cast for candidates of that preference will be counted.

23          **SECTION 10.** 5.37 (3) of the statutes is amended to read:

24          5.37 (3) For presidential electors one device shall be provided to vote for all of  
25 one party's electoral candidates at the same time. The device shall be opposite or

**ENGROSSED ASSEMBLY BILL 700**

1 adjacent to the ~~ballot containing the~~ names of the party's candidates for president  
2 and vice president.

3 **SECTION 11.** 5.51 (8) of the statutes is created to read:

4 5.51 (8) Unless otherwise specifically provided, the form of all ballots shall  
5 conform to the ballot forms prescribed by the board under s. 7.08 (1) (a).

6 **SECTION 12.** 5.53 (2) of the statutes is amended to read:

7 5.53 (2) Where ~~the provisions require~~ separate ballots are provided for, the  
8 names or questions shall be placed in separate columns or rows upon the machines  
9 so they are voted on separately, except as otherwise provided for referenda under s.  
10 5.64 (2) (c).

11 **SECTION 13.** 5.55 (intro.) of the statutes is renumbered 5.55 and amended to  
12 read:

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

25 **SECTION 14.** 5.55 (form) of the statutes is repealed.

**ENGROSSED ASSEMBLY BILL 700****SECTION 15**

1           **SECTION 15.** 5.58 (intro.) of the statutes is amended to read:

2           **5.58 Spring primary ballots.** (intro.) At spring primary elections the  
3 following ballots, when necessary, shall be provided for each ward, except as  
4 authorized in s. 5.655. Only nonpartisan candidates nominated for office by  
5 nomination papers shall have their names placed on the official spring primary  
6 ballot under the proper office designation, but the ballots shall allow room for  
7 write-in candidates.

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

9           **5.58 (1) MUNICIPAL; COUNTY SUPERVISOR BALLOTS.** (intro.) There shall be  
10 separate ballots for municipal and county primaries, except as authorized in s. 5.655.

11           **SECTION 17.** 5.58 (1c) of the statutes is amended to read:

12           **5.58 (1c) MUNICIPAL JUDGE.** There shall be a separate ballot for municipal  
13 judges if they are elected under s. 755.01 (4), except as authorized in s. 5.655.  
14 Arrangement of the names on the ballot shall be determined by the board. ~~The ballot~~  
15 ~~shall be entitled "Official Primary Ballot for Municipal Judge"~~ county clerk or the  
16 executive director of the county board of election commissioners of the county having  
17 the largest portion of the population in the jurisdiction served by the judge.

18           **SECTION 18.** 5.58 (1g) (a) of the statutes is amended to read:

19           **5.58 (1g) (a)** There shall be a separate ballot for school district officers when  
20 so required, except as authorized in s. 5.655.

21           **SECTION 19.** 5.58 (1g) (b) of the statutes is amended to read:

22           **5.58 (1g) (b)** In 1st class cities, the names of the candidates for the seat of the  
23 member elected at-large to the board of school directors shall be placed on the official  
24 city primary ballot and, except as authorized in s. 5.655, there shall be a separate  
25 ballot giving the names of the candidates for any seat to be filled on the board of



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1 school directors from any election district. All names of candidates for the at-large  
2 seat shall be placed in one or more separate columns or rows on the ballot.

3 **SECTION 20.** 5.58 (1r) of the statutes is amended to read:

4 **5.58 (1r) TOWN SANITARY DISTRICT COMMISSION.** There shall be a separate ballot  
5 for members of the town sanitary district commission if commissioners are elected  
6 under s. 60.74 and the boundaries of the district are not coterminous with one or more  
7 towns, except as authorized in s. 5.655. Candidates for different seats shall be listed  
8 in separate columns or rows if more than one seat is contested in any election.  
9 Arrangement of the names on the ballot shall be determined by the town clerk of the  
10 town whose board of supervisors directs the election, in the same manner as provided  
11 in s. 5.60 (1) (b). ~~The ballot shall be titled "Official Primary Ballot for Town Sanitary~~  
12 ~~District Commission"~~.

13 **SECTION 21.** 5.58 (2) (a) of the statutes is renumbered 5.58 (2) and amended to  
14 read:

15 **5.58 (2) STATE SUPERINTENDENT OF PUBLIC INSTRUCTION; JUDICIARY; COUNTY**  
16 **EXECUTIVE; AND COUNTY SUPERVISORS.** There shall be one separate ballot for state  
17 superintendent, judicial officers, county executive under s. 59.17 and county  
18 supervisor, except as authorized in s. 5.655. In counties having a population of  
19 500,000 or more, the ballot also shall include those offices under s. 8.11 (2) and (2m).  
20 The arrangement of names of candidates for state superintendent, justice, court of  
21 appeals judge and circuit court judge shall be determined by the board in the manner  
22 specified in s. 5.60 (1) (b). Arrangement of the names of candidates for county  
23 executive and county supervisor shall be determined by the county clerk or by the  
24 executive director of the county board of election commissioners in the manner  
25 specified in s. 5.60 (1) (b). ~~The ballot shall be titled "Official Ballot for State~~

**ENGROSSED ASSEMBLY BILL 700****SECTION 21**

1 ~~Superintendent of Public Instruction, Judicial, County Executive and County~~  
2 ~~Supervisor Primary”.~~

3 **SECTION 22.** 5.58 (2) (b) of the statutes is repealed.

4 **SECTION 23.** 5.58 (2m) of the statutes is amended to read:

5 5.58 (2m) METROPOLITAN SEWERAGE COMMISSION. ~~There~~ Except as authorized in  
6 s. 5.655, there shall be a separate ballot for members of the metropolitan sewerage  
7 commission if commissioners are elected under s. 66.23 (11) (am), with candidates  
8 for different seats listed in separate columns or rows if more than one seat is  
9 contested at any election. Arrangement of the names on the ballot shall be  
10 determined by the board. ~~The ballot shall be titled “Official Primary Ballot for~~  
11 ~~Metropolitan Sewerage Commission”.~~

12 **SECTION 24.** 5.60 (intro.) of the statutes is amended to read:

13 **5.60 Spring election ballots.** (intro.) At spring elections the following  
14 ballots, when necessary, shall be provided for each ward, except as authorized in s.  
15 5.655.

16 **SECTION 25.** 5.60 (1) (intro.) of the statutes is amended to read:

17 5.60 (1) STATE SUPERINTENDENT; JUDICIARY; COUNTY EXECUTIVE AND COUNTY  
18 SUPERVISORS. (intro.) There shall be one separate ballot for state superintendent,  
19 judicial officers, county executive and county supervisor, except as authorized in s.  
20 5.655. For county supervisor, the ballot shall be prepared in accordance with ss. 5.58  
21 (2) and 59.10 (3). Arrangement of the names of candidates for county executive and,  
22 county supervisor and municipal judge, if the judge is elected under s. 755.01 (4),  
23 shall be determined by the county clerk or the executive director of the county board  
24 of election commissioners determining ballot arrangement under s. 5.58 (1c), in the  
25 manner prescribed in par. (b).

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1           **SECTION 26.** 5.60 (1) (b) of the statutes is amended to read:

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

13           **SECTION 27.** 5.60 (2) of the statutes is amended to read:

14           5.60 (2) MUNICIPAL JUDGE. If the election is under s. 755.01 (4), there shall be  
15 a separate ballot listing the names of all of the candidates, except as authorized in  
16 s. 5.655.

17           **SECTION 28.** 5.60 (3) (intro.) of the statutes is amended to read:

18           5.60 (3) CITY. (intro.) ~~There~~ Except as authorized in s. 5.655, there shall be a  
19 separate ballot giving the names of all candidates for city offices, printed in the same  
20 form as prescribed by the board under s. 7.08 (1) (a). City election ballots may vary  
21 in form to conform to the law under which an election is held.

22           **SECTION 29.** 5.60 (4) (a) and (b) of the statutes are amended to read:

23           5.60 (4) (a) There shall be a separate ballot for school district officers when so  
24 required, except as authorized in s. 5.655.

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1 (b) In 1st class cities, the names of the candidates for the seat of the member  
2 elected at-large to the board of school directors shall be placed on the official city  
3 ballot and there shall be a separate ballot giving the names of the candidates for any  
4 seat to be filled on the board of school directors from any election district, except as  
5 authorized in s. 5.655. The names of candidates for the at-large seat shall be placed  
6 in the same column or row on the ballot.

7 **SECTION 30.** 5.60 (4m) of the statutes is amended to read:

8 5.60 (4m) METROPOLITAN SEWERAGE COMMISSION. A separate ballot shall list the  
9 names of all candidates for metropolitan sewerage commission seats, if  
10 commissioners are elected under s. 66.23 (11) (am), except as authorized in s. 5.655.  
11 The names for the different seats shall be placed in separate columns or rows if more  
12 than one seat is contested at any election.

13 **SECTION 31.** 5.60 (5) (intro.) of the statutes is amended to read:

14 5.60 (5) VILLAGE. (intro.) There shall be a separate ballot giving the names of  
15 all candidates for village offices, except as authorized in s. 5.655.

16 **SECTION 32.** 5.60 (5) (a) of the statutes is amended to read:

17 5.60 (5) (a) The offices to be filled shall be arranged on the official ballot in the  
18 order they are named in the statutes creating them. ~~Where there is more than one~~  
19 ~~ward,~~ The names of the candidates shall be arranged by using the same method as  
20 that used by the board under sub. (1) (b). Sufficient space shall be left under each  
21 office for write-in candidates.

22 **SECTION 33.** 5.60 (6) (a) of the statutes is amended to read:

23 5.60 (6) (a) ~~There~~ Except as authorized in s. 5.655, there shall be a separate  
24 ballot giving the names of all candidates for elective town offices in the form  
25 prescribed by the board under s. 7.08 (1) (a). There shall be 2 ballot forms. One ballot

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1 form shall be used for the election of supervisors to numbered seats and one ballot  
2 form shall be used for the election of supervisors to unnumbered seats. On the ballot  
3 used for the election of supervisors to unnumbered seats, all supervisor candidates  
4 shall be listed together and the voting instructions shall state "Vote for not more  
5 than.... [insert number of supervisors to be elected] candidates". All towns shall elect  
6 their supervisors to unnumbered seats unless the annual town meeting adopts a  
7 plan to elect supervisors to numbered seats. The names of candidates for town office  
8 shall be arranged by using the same method as that used by the board under sub. (1)  
9 (b). A space shall be provided under each office on the ballot for a write-in candidate.

10 **SECTION 34.** 5.60 (6m) and (7) of the statutes are amended to read:

11 5.60 (6m) TOWN SANITARY DISTRICT COMMISSION. ~~A~~ Except as authorized in s.  
12 5.655, a separate ballot shall list the names of all candidates for town sanitary  
13 district commission seats, if commissioners are elected under s. 60.74 and the  
14 boundaries of the district are not coterminous with the boundaries of one or more  
15 towns. The names for different seats shall be placed in separate columns or rows if  
16 more than one seat is contested at any election.

17 (7) REFERENDUM BALLOTS. ~~There~~ Except as authorized in s. 5.655, there shall  
18 be a separate ballot setting forth all propositions requiring a vote in the form and  
19 manner provided by s. 5.64.

20 **SECTION 35.** 5.60 (8) (intro.) of the statutes is amended to read:

21 5.60 (8) BALLOTS FOR PRESIDENTIAL VOTE. (intro.) ~~There~~ Except as authorized  
22 in s. 5.655, there shall be a separate ballot for each recognized political party filing  
23 a certification under s. 8.12 (1), listing the names of all potential candidates of that  
24 party determined under s. 8.12 and affording, in addition, an opportunity to the voter  
25 to nominate another potential candidate by write-in vote or to vote for an

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1 uninstructed delegation to the party convention. The order of such presidential  
2 candidates shall be determined by lot by or under the supervision of the board. Each  
3 voter shall be given the ballots of all the parties participating in the presidential  
4 preference vote, but may vote on one ballot only.

5 **SECTION 36.** 5.60 (8) (a) (intro.) of the statutes is renumbered 5.60 (8) (a) and  
6 amended to read:

7 5.60 (8) (a) ~~An official~~ Except as authorized in s. 5.655, a separate ballot shall  
8 be ~~printed and~~ provided for use in each voting district. The form of each ballot shall  
9 be ~~substantially as follows~~:

10 **SECTION 37.** 5.60 (8) (a) 1., 2. and 3. of the statutes are repealed.

11 **SECTION 38.** 5.62 (1) (a) of the statutes is amended to read:

12 5.62 (1) (a) At September primaries, the following ballot shall be provided for  
13 the nomination of candidates of recognized political parties for national, state and  
14 county offices and independent candidates for state office in each ward, in the same  
15 form as prescribed by the board under s. 7.08 (1) (a), except as authorized in s. 5.655.

16 The ballots shall be made up of the several party tickets with each party entitled to  
17 participate in the primary under par. (b) or sub. (2) having its own ballot, except as  
18 authorized in s. 5.655. The independent candidates for state office other than district  
19 attorney shall have a separate ballot for all such candidates as under s. 5.64 (1) (e),  
20 except as authorized in s. 5.655. The ballots shall be secured together at the bottom.

21 The party ballot of the party receiving the most votes for president or governor at the  
22 last general election shall be on top with the other parties arranged in descending  
23 order based on their vote for president or governor at the last general election. The  
24 ballots of parties qualifying under sub. (2) shall be placed after the parties qualifying  
25 under par. (b), in the same order in which the parties filed petitions with the board.

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1 Any ballot required under par. (b) 2. shall be placed next in order. The ballot listing  
2 the independent candidates shall be placed at the bottom. At polling places where  
3 voting machines are used, each party and the independent candidates shall be  
4 represented in one or more separate columns or rows on the ballot. At polling places  
5 where an electronic voting system is used other than an electronic voting machine,  
6 each party and the independent candidates may be represented in separate columns  
7 or rows on the ballot.

8 **SECTION 39.** 5.62 (1) (b) of the statutes is renumbered 5.62 (1) (b) 1. and  
9 amended to read:

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

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1 candidate of the party for a state office qualifies to have his or her name appear on  
2 the ballot under the name of the party at the last gubernatorial election.

3 **SECTION 40.** 5.62 (1) (b) 2. of the statutes is created to read:

4 5.62 (1) (b) 2. Subdivision 1. applies to a party within any assembly district or  
5 county at any September primary election only if at least one candidate of the party  
6 for any national, state or county office qualifies to have his or her name appear on  
7 the ballot under the name of that party within that assembly district or county. The  
8 county clerk or county board of election commissioners shall provide a combined  
9 separate ballot or one or more separate columns or rows on the ballot that will permit  
10 an elector to cast a vote for a write-in candidate for the nomination of any such party  
11 for each national, state and county office whenever that party qualifies to be  
12 represented on a separate primary ballot or in one or more separate columns or rows  
13 under subd. 1. but does not qualify under this subdivision. The ballot shall include  
14 the name of each party qualifying for a separate ballot or one or more separate  
15 columns or rows on the ballot under each office, with the names of the candidates for  
16 each such party appearing in the same order in which the ballots of the parties would  
17 appear under par. (a).

18 **SECTION 41.** 5.62 (2) of the statutes is renumbered 5.62 (2) (a) and amended to  
19 read:

20 5.62 (2) (a) Any Except as provided in par. (b) and s. 5.64 (1) (e) 2., any political  
21 organization may be represented on a separate primary ballot or in one or more  
22 separate columns or rows on the primary ballot as prescribed in sub. (1) (a) and in  
23 a separate column on the general election ballot in every ward and election district  
24 if, ~~not later than 5 p.m. on June 1 in the year of a September primary, it files with~~  
25 ~~the board a petition so requesting.~~ To qualify for a separate ballot under this



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1 paragraph, the petition political organization shall be, not later than 5 p.m. on June  
2 1 in the year of the September primary, file with the board a petition requesting  
3 separate ballot status. The petition shall be signed by at least 10,000 electors,  
4 including at least 1,000 electors residing in each of at least 3 separate congressional  
5 districts. The petition shall conform to the requirements of s. 8.40. No signature  
6 obtained before January 1 in the year of filing is valid. When the candidates of a  
7 political organization filing a valid petition fulfill the requirements prescribed by  
8 law, they shall appear on a separate ballot or one or more separate columns or rows  
9 on the ballot for the period ending with the following general election.

10 **SECTION 42.** 5.62 (2) (b) of the statutes is created to read:

11 5.62 (2) (b) Paragraph (a) applies to a party within any assembly district or  
12 county at any September primary election only if at least one candidate of the party  
13 for any national, state or county office qualifies to have his or her name appear on  
14 the ballot under the name of that party within that assembly district or county. The  
15 county clerk or county board of election commissioners shall provide a combined  
16 separate ballot or one or more separate columns or rows on the ballot that will permit  
17 an elector to cast a vote for a write-in candidate for the nomination of any such party  
18 for each national, state and county office whenever that party qualifies to be  
19 represented on a separate primary ballot or in one or more separate columns or rows  
20 under par. (a) but does not qualify under this paragraph. The ballot shall include the  
21 name of each party qualifying for a separate ballot or one or more separate columns  
22 or rows on the ballot under each office, with the names of the candidates for each such  
23 party appearing in the same order in which the ballots of the parties would appear  
24 under sub. (1) (a).

25 **SECTION 43.** 5.62 (5) of the statutes is amended to read:

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## SECTION 43

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

9           **SECTION 44.** 5.64 (1) (intro.) of the statutes is amended to read:

10           5.64 (1) OFFICIAL BALLOT. (intro.) There Except as authorized in s. 5.655, there  
11 shall be a separate ballot giving the names of all candidates for president and vice  
12 president and for statewide, congressional, legislative and county offices in the same  
13 form as prescribed by the board under s. 7.08 (1) (a).

14           **SECTION 45.** 5.64 (1) (a) of the statutes is amended to read:

15           5.64 (1) (a) The ballot shall be labeled "Official Ballot" in lettering at least  
16 three eighths inch high. Directly underneath in plain, legible type, shall be the  
17 following voting instructions: "If you desire permit an elector to vote a straight party  
18 ticket for president and vice president, whenever those offices are contested, and for  
19 all statewide, congressional, legislative and county offices, make a cross (X) in the  
20 circle under the party designation at the top of the party column. If you desire to vote  
21 for individual candidates, make a cross (X) in the square at the RIGHT of the name  
22 of each candidate for whom you desire to vote. To for each office or to vote for a person  
23 whose name does not appear on the ballot, write the name in the blank space  
24 provided for the purpose for any office. When voting for governor and lieutenant  
25 governor, you may the ballot shall permit an elector to vote only for the candidates

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1 on one ticket jointly or write in the names of persons in both spaces.” ~~Under the~~  
2 ~~party designation at the top of each party column shall appear the following words~~  
3 ~~in boldface type: “Make a cross (X) in this circle to vote a straight party ticket.”.~~

4 **SECTION 46.** 5.64 (1) (b) of the statutes is amended to read:

5 5.64 (1) (b) ~~Below the voting instructions the ballot shall be divided into~~  
6 ~~vertical columns.~~ The names of the candidates on the regular party tickets  
7 nominated at the primary or replacements appointed under s. 8.35 (2) shall be  
8 ~~printed each in~~ appear in a separate column under the party designation. The  
9 columns shall be arranged from left to right according to rank, based on the number  
10 of votes received by the each party’s candidate for president or governor at the last  
11 general election beginning with the party that received the most votes. To the right  
12 of the columns for parties qualifying under s. 5.62 (1) (b) shall be placed the columns  
13 for parties qualifying under s. 5.62 (2) in the same order in which the parties filed  
14 petitions with the board. Any column required under par. (e) 2. shall be placed next  
15 in order. To the right of the party columns shall be a column for the names of  
16 independent candidates for each office, or more than one column if the first column  
17 does not provide sufficient space for the names of all such candidates.

18 **SECTION 47.** 5.64 (1) (c) of the statutes is repealed.

19 **SECTION 48.** 5.64 (1) (d) of the statutes is amended to read:

20 5.64 (1) (d) The offices shall be arranged beginning with president and vice  
21 president or governor and lieutenant governor, whenever these offices are filled, and  
22 then the remaining offices in the order designated under s. 5.62 (3).

23 **SECTION 49.** 5.64 (1) (e) of the statutes is renumbered 5.64 (1) (e) 1. and  
24 amended to read:

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1           5.64 (1) (e) 1. ~~Within each column, each space shall state the office to be voted~~  
2 ~~for directly above the candidate's first and last name. The~~ Except as provided in  
3 subd. 2., each candidate's name shall be placed in the party column of the party by  
4 which nominated or if independent, in a column designated independent and all  
5 candidates for the same office shall appear within the same rows on the ballot. ~~Below~~  
6 If a separate column is provided to write in the names of any party candidates under  
7 subd. 2., the column shall appear before the column designated independent with the  
8 spaces provided to write in the names of the candidates for each such party appearing  
9 in the same order in which the columns of their parties would appear under par. (b).  
10 Along with the names of the independent candidates shall appear the party or  
11 principle of the candidates, if any, in 5 words or less, as shown on their nomination  
12 papers. Independent candidates for the same county office shall be listed in the same  
13 manner in an order drawn by lot by or under supervision of the county clerk or board  
14 of election commissioners. The board shall conduct a redrawing for purposes of  
15 determining the arrangement of independent candidates for state office who  
16 appeared on the primary ballot in the manner provided in s. 5.60 (1) (b). ~~To the right~~  
17 ~~of each candidate's name, in each column, shall be a square for the elector to make~~  
18 ~~his or her cross (X).~~

19           **SECTION 50.** 5.64 (1) (e) 2. of the statutes is created to read:

20           5.64 (1) (e) 2. There shall be a separate column for the candidates of each party  
21 qualifying for that column under s. 5.62 (1) (b) or (2), except that if, within any  
22 assembly district or county, there are no candidates for any national, state or county  
23 office representing such a party who qualify to have their names appear on the ballot  
24 under the name of that party within that assembly district, the county clerk or board  
25 of election commissioners shall provide a combined separate column that will permit

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1 an elector to cast a vote for a write-in candidate of any such party for each national,  
2 state and county office whenever that party qualifies to be represented in a separate  
3 column but does not qualify under this subdivision. The ballot shall include the  
4 name of each party qualifying for a separate column under each office, with the  
5 names of the candidates for each such party appearing in the same order in which  
6 the columns of the parties would appear under par. (b).

7 **SECTION 51.** 5.64 (1) (eg) of the statutes is created to read:

8 5.64 (1) (eg) In the case of balloting for the offices of president and vice  
9 president, the names of the candidates shall be placed in the column of the party that  
10 nominated them or if independent, in a column designated independent. In each  
11 column there shall be one choice for the elector to cast a ballot jointly for both offices.

12 **SECTION 52.** 5.64 (1) (f) of the statutes is amended to read:

13 5.64 (1) (f) In the case of balloting for the office of governor and lieutenant  
14 governor, the names of the candidates shall be placed in the party column by which  
15 nominated or if independent, in a column designated independent. ~~To the right of~~  
16 ~~the names of the set of candidates for governor and lieutenant governor, in~~ In each  
17 column there shall be one ~~square~~ choice for the elector to cast a ballot jointly for both  
18 offices.

19 **SECTION 53.** 5.64 (2) (intro.) of the statutes is renumbered 5.64 (2) (am) and  
20 amended to read:

21 5.64 (2) (am) There shall be a separate ballot when any proposed constitutional  
22 amendment or any other measure or question is submitted to a vote of the people,  
23 except as authorized in s. 5.655. The ballot shall give a concise statement of each  
24 question in accordance with the act or resolution directing submission in the same  
25 form as prescribed by the board under s. 7.08 (1) (a). The question may not be worded

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1 in such a manner as to require a negative vote to approve a proposition or an  
2 affirmative vote to disapprove a proposition. Unless otherwise expressly provided,  
3 this ballot form shall be used at all elections when questions are submitted to a vote  
4 of the people.

5 **SECTION 54.** 5.64 (2) (a) and (b) of the statutes are repealed.

6 **SECTION 55.** 5.64 (2) (c) of the statutes is amended to read:

7 5.64 (2) (c) The official referendum ballot prescribed under this subsection  
8 shall be utilized at every election, except that the format shall be altered to the extent  
9 provided or required by other laws establishing or authorizing referenda to be  
10 conducted. All Except as authorized in s. 5.655, all referenda shall appear on a  
11 separate ballot, but more than one referendum question may appear on the same  
12 referendum ballot whenever the questions are numbered and all electors voting the  
13 ballot are entitled to vote upon all questions appearing thereon. When more than  
14 one state referendum is placed on the same ballot, the board shall number the  
15 questions in chronological sequence. If the legislature submits questions on different  
16 dates, the board shall number the questions sequentially based on the date on which  
17 the questions are submitted by the legislature. State Except as authorized in s.  
18 5.655, state and county referenda shall appear on a separate ballot from municipal  
19 or special district referenda. The form of all referendum ballots shall be  
20 substantially the same as that prescribed by the board under s. 7.08 (1) (a).

21 **SECTION 56.** 5.64 (3) (intro.) of the statutes is repealed.

22 **SECTION 57.** 5.64 (3) (a) of the statutes is renumbered 5.64 (1) (em) and  
23 amended to read:

24 5.64 (1) (em) ~~The ballot shall be titled "Official Presidential Ballot" in lettering~~  
25 ~~at least three eighths inch high. Directly underneath in plain, legible type shall be~~

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1 ~~the following voting instructions: "Make a cross (X) in the square opposite the names~~  
2 ~~of the candidates for whose electors you desire to vote or write in the names of~~  
3 ~~candidates for president and vice president in the space provided for the purpose.~~  
4 ~~Vote in ONE square only."~~ The names of the candidates for the offices of president  
5 and vice president certified under s. 8.16 (7) or filed under s. 8.20 shall appear on the  
6 ballot in the form prescribed in s. 7.08 (2) (a). The names of the presidential electors  
7 for the candidates supplied under ss. 8.18 (2) and 8.20 (2) (d) are not listed on the  
8 ballot but a vote for the candidates for president and vice president is a vote for them  
9 through their named presidential electors.

10 **SECTION 58.** 5.64 (3) (b) of the statutes is renumbered 5.64 (1) (es) and amended  
11 to read:

12 5.64 (1) (es) The party candidates shall be arranged consecutively from top to  
13 bottom based on the number of votes received by their party's candidate for governor  
14 at the last election beginning with the party that received the most votes. The  
15 independent president-vice president candidates shall be listed together in an order  
16 drawn by lot by or under supervision of the board, following under the party  
17 candidates. ~~Below~~ Along with the names of the independent candidates shall appear  
18 the party or principle of the candidates, if any, in 5 words or less, as shown on their  
19 nomination papers. Following under the independent candidates, a space shall be  
20 left for writing in the names of a candidate for president and vice president.

21 **SECTION 59.** 5.65 of the statutes is amended to read:

22 **5.65 Special referendum ballots.** Unless otherwise provided, ballots for  
23 special referenda shall conform to the format prescribed ~~in~~ under s. 5.64 (2), insofar  
24 as applicable.

25 **SECTION 60.** 5.655 of the statutes is created to read:

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## SECTION 60

1           **5.655 Consolidated ballots.** (1) Whenever a separate ballot is required to  
2 be used, a municipality may use a single ballot to facilitate the use of voting machines  
3 or an electronic voting system or, if the municipality employs paper ballots, may use  
4 a consolidated paper ballot that is authorized under sub. (2). If a municipality uses  
5 a single ballot in lieu of separate ballots, the ballot shall include a separate column  
6 or row for any office, referendum or party for which a separate ballot is required by  
7 law and the ballot shall be distributed only to electors who are eligible to vote for all  
8 of the offices and referenda appearing on the ballot.

9           (2) Whenever a municipality employing paper ballots is required to utilize  
10 separate ballots for certain offices, referenda or parties at an election, the  
11 municipality may, with the approval of the county clerk or board of election  
12 commissioners of each county in which there is located any portion of the  
13 municipality where one or more electors reside, substitute a single consolidated  
14 paper ballot or a ballot that is designed to be utilized with an electronic voting  
15 system, if the ballot contains all of the applicable information required to be provided  
16 for paper ballots at that election.

17           (3) The board shall prescribe notices and instructions to be given to electors  
18 who use a ballot that is authorized under sub. (2) in lieu of any notices and  
19 instructions that are applicable only to municipalities employing separate paper  
20 ballots.

21           **SECTION 61.** 5.68 (5) of the statutes is amended to read:

22           5.68 (5) If a charge is made for the use of a polling place, the charge shall be  
23 paid by the unit of government municipality establishing the polling place under s.  
24 5.25 (2) or 120.06 (9) (a) unless the polling place is used to conduct a special election  
25 that is called by a unit of government other than the state or the municipality



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1 establishing the polling place and the special election is not held concurrently with  
2 an election specified in s. 5.02 (5), (18), (21) or (22). In such case the charge shall be  
3 paid by the unit of government that calls the special election.

4 **SECTION 62.** 5.81 (1) of the statutes is amended to read:

5 5.81 (1) Whenever the statutes ~~require~~ provide for the use of separate ballots  
6 or columns or rows for offices, parties or referenda, and an electronic voting system  
7 employing a ballot label or ballot card is used at a polling place, a single ballot may  
8 be used for all offices, referenda and parties. The ballot information, whether placed  
9 on the ballot or on the voting device, shall, as far as practicable, be grouped and  
10 ordered in the same manner as provided for other ballots under this chapter, except  
11 that the information on the ballot card need not be in separate columns or rows and  
12 the information in the ballot label booklet may appear on a number of pages.

13 **SECTION 63.** 5.81 (2) of the statutes is amended to read:

14 5.81 (2) When an electronic voting system utilizes a ballot label booklet and  
15 ballot card, ballots for candidates and ballots on referenda may be placed on the  
16 voting device by providing in the ballot booklet separate ballot label pages or series  
17 of pages distinguished by differing colors. Whenever practicable, all candidates for  
18 the same office shall appear in the booklet on the same page or facing pages. More  
19 than one question may be placed on the same ballot page or series of pages. In  
20 elections where provision is made for straight party voting ~~by marking a party circle,~~  
21 the designation of the political parties for straight party voting shall be on a separate  
22 page on which no names of candidates may appear. On each succeeding page of the  
23 candidate booklet, where the ballot information is listed vertically, the party  
24 affiliation of each candidate or the designation "independent" or the candidate's  
25 statement of principles, if any, shall appear ~~immediately to the left of~~ next to the

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1 candidate's name, and the name of candidates for the same office shall be listed  
2 vertically under the title of that office.

3 **SECTION 64.** 6.15 (3) (b) of the statutes is amended to read:

4 6.15 (3) (b) *Election day.* An eligible elector may appear at the polling place for  
5 the ward or election district where he or she resides and make application for a ballot  
6 under sub. (2). In such case, the inspector or special registration deputy shall  
7 perform the duties of the municipal clerk. The elector shall provide identification.  
8 If the elector is qualified, he or she shall be permitted to vote. The elector shall mark  
9 or punch the ballot and, unless the ballot is utilized with an electronic voting system,  
10 the elector shall fold the ballot, and shall deposit the ballot into the ballot box or give  
11 it to the inspector. The inspector shall deposit it directly ~~in~~ into the ballot box. Voting  
12 machines or ballots utilized with electronic voting systems may only be used by  
13 electors voting under this section if they permit voting for president and vice  
14 president only.

15 ~~**SECTION 65.** 6.22 (2) (b) of the statutes is repealed and recreated to read:~~

16 ~~6.22 (2) (b) Notwithstanding s. 6.87 (4), a military elector shall make and~~  
17 ~~subscribe to the affidavit under s. 6.87 (2) before any person authorized to administer~~  
18 ~~oaths or shall make and subscribe to the certification under s. 6.87 (2) before 2~~  
19 ~~witnesses who are adult U.S. citizens.~~

20 **SECTION 66.** 6.22 (4) of the statutes is amended to read:

21 6.22 (4) INSTRUCTIONS AND HANDLING. An individual who qualifies as a military  
22 elector may request an absentee ballot for any election, or for all elections until the  
23 individual otherwise requests or until the individual no longer qualifies as a military  
24 elector. A military elector's application may be received at any time. The municipal

## ENGROSSED ASSEMBLY BILL 700

1 clerk shall not ~~mail~~ send a ballot for an election if the application is received later  
2 than 5 p.m. on the Friday preceding that election. The municipal clerk shall ~~mail~~  
3 send a ballot, as soon as available, to each military elector who requests a ballot. The  
4 board shall prescribe the instructions for marking or punching and returning ballots  
5 and the municipal clerk shall enclose instructions with each ballot and shall also  
6 enclose supplemental instructions for local elections. The envelope, return envelope  
7 ~~or explanatory note~~ and instructions may not contain the name of any candidate  
8 appearing on the enclosed ballots other than that of the municipal clerk affixed in  
9 the fulfillment of his or her duties. The Whenever the material is mailed, the  
10 material shall be prepared and mailed to make use of the federal free postage laws.  
11 The mailing list established under this subsection shall be kept current in the same  
12 manner as provided in s. 6.86 (2) (b).

13 **SECTION 67.** 6.22 (5) of the statutes is amended to read:

14 6.22 (5) VOTING PROCEDURE. Except as authorized in s. 6.25, the ballot shall be  
15 marked or punched and returned, deposited and recorded in the same manner as  
16 other absentee ballots. In addition, the ~~certification of affidavit~~  
17 shall have a statement of the elector's birth date. Failure to return the any unused  
18 ballots in a primary election does not invalidate the ballot on which the elector casts  
19 his or her votes.

20 **SECTION 68.** 6.24 (1) and (2) of the statutes are amended to read:

21 6.24 (1) DEFINITION. In this section, "overseas elector" means a U.S. citizen who  
22 is not disqualified from voting under s. 6.03, who has attained or will attain the age  
23 of 18 by the date of an election at which the citizen proposes to vote and who does not  
24 qualify as a resident of this state under s. 6.10, but who was last domiciled in this  
25 state or whose parent was last domiciled in this state immediately prior to the

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## ENGROSSED ASSEMBLY BILL 700

## SECTION 68

1 parent's departure from the United States, and who is not registered to vote or voting  
2 in any other state, territory or possession.

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

9 SECTION 69. 6.24 (3) of the statutes is amended to read:

10 6.24 (3) REGISTRATION. If registration is required in the municipality where the  
11 overseas elector resides, the elector shall register on a form prescribed by the board  
12 designed to ascertain the elector's qualifications under this section. The form shall  
13 be substantially similar to the original form under s. 6.33 (1), insofar as applicable.  
14 Registration shall be accomplished in accordance with s. 6.30 (3) (4).

15 SECTION 70. 6.24 (3) of the statutes, as affected by 1999 Wisconsin Act ... (this  
16 act), is amended to read:

17 6.24 (3) REGISTRATION. If registration is required in the municipality where the  
18 overseas elector ~~resides~~ resided or where the elector's parent resided, the elector  
19 shall register on a form prescribed by the board designed to ascertain the elector's  
20 qualifications under this section. The form shall be substantially similar to the  
21 original form under s. 6.33 (1), insofar as applicable. Registration shall be  
22 accomplished in accordance with s. 6.30 (4).

23 SECTION 71. 6.24 (4) (c) of the statutes is amended to read:

24 6.24 (4) (c) Upon receipt of a timely application from an individual who  
25 qualifies as an overseas elector and who has registered to vote in a municipality

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1 under sub. (3) whenever registration is required in that municipality, the municipal  
2 clerk of the municipality shall mail send an absentee ballot to the individual for all  
3 subsequent elections for national office to be held during the year in which the ballot  
4 is requested, unless the individual otherwise requests or until the individual no  
5 longer qualifies as an overseas elector.

6 SECTION 72. 6.24 (4) (d) of the statutes is amended to read:

7 6.24 (4) (d) An overseas elector who is not registered may request both a  
8 registration form and an absentee ballot at the same time, and the municipal clerk  
9 shall mail send the ballot automatically if the registration form is received within the  
10 time prescribed in s. 6.30 (3) 6.28 (1). The board shall prescribe a special

11 affidavit certificate affidavit form for the envelope in which the absentee ballot for  
12 overseas electors is contained, which shall be substantially similar to that provided  
13 under s. 6.87 (2). Whenever an application, affidavit or other act is required in ss

14 6.86 to 6.89 an overseas elector may fulfill the requirements by subscribing or  
15 swearing before any person authorized to administer oaths or 2 adult U.S. citizens

16 SECTION 73. 6.24 (5) of the statutes is amended to read:

17 6.24 (5) BALLOTS. The board shall prescribe a special ballot for use under this  
18 section whenever necessary. Official ballots under ss. 5.60 (8) and 5.64 (3) prescribed  
19 for use in the presidential preference primary may also be used. The ballot shall be  
20 designed to comply with the requirements of prescribed under ss. 5.60 (8), 5.62 and  
21 5.64 (1) insofar as applicable. All ballots shall be limited to national offices only.

22 SECTION 74. 6.24 (6) of the statutes is amended to read:

23 6.24 (6) INSTRUCTIONS AND HANDLING. The municipal clerk shall mail send a  
24 ballot, as soon as available, to each overseas elector by whom a request has been  
25 made. The board shall prescribe the instructions for marking or punching and

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## SECTION 74

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returning ballots and the municipal clerk shall enclose such instructions with each ballot. The envelope, return envelope and instructions may not contain the name of any candidate appearing on the enclosed ballots other than that of the municipal clerk affixed in the fulfillment of his or her duties. The Except as authorized under s. 6.87 (3) (d), the municipal clerk shall mail the material postage prepaid to any place in the world. The overseas elector shall provide return postage.

7           **SECTION 76.** 6.275 (1) (c) of the statutes is amended to read:

8           6.275 (1) (c) Where registration applies, the total number of electors of the  
9           municipality residing in that county who registered after the close of registration and  
10           prior to the day of the primary or election under s. ss. 6.28 (1) and 6.29.

11           **SECTION 77.** 6.28 (1) of the statutes is amended to read:

12           6.28 (1) REGISTRATION LOCATIONS; DEADLINE. ~~Registration~~ Except as authorized  
13           in ss. 6.29 and 6.55 (2), registration in person for any election shall close at 5 p.m.  
14           on the 2nd Wednesday preceding the election. Registrations made by mail under s.  
15           6.30 (4) must be delivered to the office of the municipal clerk or postmarked no later  
16           than the 2nd Wednesday preceding the election. An application for registration in  
17           person or by mail may be accepted for placement on the registration list after the  
18           specified deadline, if the municipal clerk determines that the registration list can be  
19           revised to incorporate the registration in time for the election. All applications for  
20           registration corrections and additions may be made throughout the year at the office  
21           of the city board of election commissioners, at the office of the municipal clerk, at the  
22           office of any register of deeds or at other locations provided by the board of election  
23           commissioners or the common council in cities over 500,000 population or by either  
24           or both the municipal clerk, or the common council, village or town board in all other  
25           municipalities and may also be made during the school year at any high school by

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1 qualified persons under sub. (2) (a). Other registration locations may include but are  
2 not limited to fire houses, police stations, public libraries, institutions of higher  
3 education, supermarkets, community centers, plants and factories, banks, savings  
4 and loan associations and savings banks. Special registration deputies shall be  
5 appointed for all locations.

6 **SECTION 78.** 6.29 (1) of the statutes is amended to read:

7 6.29 (1) No names may be added to a registration list for any election after the  
8 close of registration, except as authorized under this section or s. 6.28 (1) or 6.55 (2)  
9 ~~or (3)~~. Any person whose name is not on the registration list but who is otherwise  
10 a qualified elector is entitled to vote at the election upon compliance with this section.

11 **SECTION 79.** 6.29 (2) (b) of the statutes is amended to read:

12 6.29 (2) (b) Upon the filing of the registration form required by this section, the  
13 municipal clerk shall issue a certificate addressed to the inspectors of the proper  
14 ward directing that the elector be permitted to cast his or her vote, unless the clerk  
15 determines that the registration list will be revised to incorporate the registration  
16 in time for the election. The certificate shall be numbered serially, prepared in  
17 duplicate and one copy preserved in the office of the municipal clerk.

18 **SECTION 80.** 6.29 (2) (c) of the statutes is amended to read:

19 6.29 (2) (c) ~~The elector, at~~ At the time he or she appears at the correct polling  
20 place, the elector shall deliver the any certificate issued under par. (b) to the  
21 inspectors. If the elector applies for and obtains an absentee ballot, ~~the~~ any  
22 certificate shall be annexed to and mailed with the absentee ballot to the office of the  
23 municipal clerk.

24 **SECTION 81.** 6.30 (1) of the statutes is amended to read:

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1           6.30 (1) IN PERSON. Registration applications shall be made in person, except  
2 under ~~subs. (2) to sub. (4)~~.

3           **SECTION 82.** 6.30 (2) and (3) of the statutes are repealed.

4           **SECTION 83.** 6.30 (4) of the statutes is amended to read:

5           6.30 (4) BY MAIL. Any eligible elector ~~who is located not more than 50 miles from~~  
6 ~~his or her legal voting residence~~ may register by mail on a form prescribed by the  
7 board and provided by each municipality. The form shall be designed to obtain the  
8 information required in ss. 6.33 (1) and 6.40 (1) (a) and (b). The form shall contain  
9 a certification by the elector that all statements are true and correct. The form shall  
10 be prepostpaid for return when mailed at any point within the United States, ~~and~~  
11 ~~shall be signed by a special registration deputy or shall be signed and substantiated~~  
12 ~~by one other elector residing in the same municipality in which the registering~~  
13 ~~elector resides, corroborating all material statements therein.~~ The form shall be  
14 available in the municipal clerk's office and may be distributed by any elector of the  
15 municipality. The clerk shall mail a registration form to any elector upon written or  
16 oral request.

17           **SECTION 84.** 6.33 (2) (b) of the statutes is amended to read:

18           6.33 (2) (b) The registration form shall be signed by the registering elector and  
19 any corroborating elector under s. 6.29 (2) (a), ~~6.30 (2) to (4)~~ or 6.55 (2) before the  
20 clerk, issuing officer or registration deputy. The form shall contain a certification by  
21 the registering elector that all statements are true and correct.

22           **SECTION 85.** 6.45 (1) of the statutes is amended to read:

23           6.45 (1) After the deadline for revision of the registration list, the municipal  
24 clerk shall make copies of the list for election use. The registration list and any  
25 supplemental lists which are prepared at polling places or other registration



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1 locations under s. 6.55, shall be open to public inspection. Under the regulations  
2 prescribed by the municipal clerk, any person may copy the registration list at the  
3 office of the clerk. A registration list maintained at a polling place may be examined  
4 by ~~an observer~~ any person who is observing the proceedings under s. 7.41 when such  
5 use does not interfere with the conduct of the election.

6 **SECTION 86.** 6.79 (intro.) of the statutes is amended to read:

7 **6.79 Recording electors.** (intro.) Two election officials at each election ward  
8 shall be in charge of and shall maintain 2 separate lists of all persons voting. The  
9 municipal clerk may elect to maintain the information on the poll list manually or  
10 electronically. If the list is maintained electronically, the officials shall enter the  
11 information into an electronic data recording system that enables retrieval of a  
12 printed copy of the poll list at the polling place. The system employed is subject to  
13 the approval of the board.

14 **SECTION 87.** 6.79 (1) and (2) of the statutes are amended to read:

15 **6.79 (1) MUNICIPALITIES WITHOUT REGISTRATION.** Where there is no registration,  
16 before being permitted to vote, each person shall state his or her full name and  
17 address. The officials shall ~~record~~ enter each name and address on a poll list in the  
18 same order as the votes are cast. If the residence of the elector does not have a  
19 number, the election officials shall, in the appropriate space, ~~write~~ enter "none".  
20 Alternatively, the municipal clerk may maintain a poll list consisting of the full name  
21 and address of electors compiled from previous elections. Whenever an elector  
22 appears to vote, the officials shall verify the correctness of the elector's name and  
23 address, and shall enter a serial number next to the name of the elector in the order  
24 that the votes are cast, beginning with the number one. If the name and address of  
25 an elector do not appear on the prepared poll list, the officials shall ~~record~~ enter the

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1 name, address and serial number of the elector at the bottom of the list. The officials  
2 may require any elector to provide identification, including acceptable proof of  
3 residence, or to have another elector corroborate his or her information in accordance  
4 with the procedure specified in s. 6.55 (2) (b) before permitting the elector to vote.  
5 The officials shall maintain a separate list of those persons voting under ss. 6.15 and  
6 6.24.

7 (2) MUNICIPALITIES WITH REGISTRATION. Where there is registration, each  
8 person, before receiving a voting number, shall state his or her full name and  
9 address. Upon the prepared registration list, after the name of each elector, the  
10 officials shall enter the serial number of the vote as it is polled, beginning with  
11 number one. Each elector shall receive a slip bearing the same serial number. A  
12 separate list shall be maintained for electors who are voting under s. 6.15, 6.29 or  
13 6.55 (2) or (3) and electors who are reassigned from another polling place under s.  
14 5.25 (5) (b). Each such elector shall have his or her full name, address and serial  
15 number likewise ~~recorded~~ entered and shall be given a slip bearing such number.

16 **SECTION 88.** 6.79 (5) of the statutes is amended to read:

17 6.79 (5) ~~POLL LIST FORMS FORMAT~~. Poll lists shall be kept on forms ~~designed or~~  
18 in an electronic format prescribed by the board to be substantially similar to the  
19 standard registration list forms used in municipalities where registration is required  
20 and shall require, for each person offering to vote, the entry of the person's full name  
21 and address.

22 **SECTION 89.** 6.80 (2) (e) and (f) of the statutes are amended to read:

23 6.80 (2) (e) Upon voting his or her ballot, the elector shall publicly and in person  
24 deposit it ~~in~~ into the ballot box or deliver it to an inspector ~~for,~~ who shall deposit ~~in~~  
25 the ballot into the ballot box.

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1 (f) In the presidential preference primary and other partisan primary elections  
 2 at polling places where ballots are distributed to electors, unless the ballots are  
 3 prepared under s. 5.655 or are utilized with an electronic voting system in which all  
 4 candidates appear on the same ballot, after the elector prepares his or her ballot the  
 5 elector shall detach the remaining ballots, fold the ballots to be discarded, and fold  
 6 the completed ballot unless the ballot is intended for counting with automatic  
 7 tabulating equipment, The elector shall then either personally deposit the ballots  
 8 to be discarded in into the separate ballot box marked "blank ballot box", and deposit  
 9 the completed ballot in into the ballot box indicated by the inspectors, or give the  
 10 ballots to an inspector who shall deposit the ballots directly into the appropriate  
 11 ballot boxes. The inspectors shall keep the blank ballot box locked until the canvass  
 12 is completed and shall dispose of the blank ballots as prescribed by the municipal  
 13 clerk.

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14 **SECTION 91.** 6.86 (1) (b) of the statutes is amended to read:

15 6.86 (1) (b) Except as provided in this section, if application is made in writing,  
 16 the application, signed by the elector, shall be received no later than 5 p.m. on the  
 17 Friday immediately preceding the election. If application is made in person, the  
 18 application shall be made no later than 5 p.m. on the day preceding the election. If  
 19 the elector is making written application and the application indicates that the  
 20 reason for requesting an absentee ballot is that the elector is a sequestered juror, the  
 21 application shall be received no later than 5 p.m. on election day. If the application  
 22 is received after 5 p.m. on the Friday immediately preceding the election, the  
 23 municipal clerk or the clerk's agent shall immediately take the ballot to the court in  
 24 which the elector is serving as a juror and deposit it with the judge. The judge shall  
 25 recess court, as soon as convenient, and give the elector the ballot. The judge shall

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1 then ~~notarize~~ the affidavit as provided in s. 6.87 and shall deliver the ballot to the  
2 clerk or agent of the clerk who shall deliver it to the polling place as required in s.  
3 6.88. If application is made under sub. (2), the application may be received no later  
4 than 5 p.m. on the Friday immediately preceding the election.

5 **SECTION 92.** 6.86 (3) (a) of the statutes is amended to read:

6 6.86 (3) (a) Any elector who is registered, or otherwise qualified where  
7 registration is not required, and who ~~qualifies under ss. 6.20 and 6.85 as an absent~~  
8 ~~elector because the elector is hospitalized,~~ may apply for and obtain an official ballot  
9 by agent. The agent may apply for and obtain a ballot for the hospitalized absent  
10 elector by presenting a form prescribed by the board and containing the required  
11 information supplied by the hospitalized elector and signed by that elector and any  
12 other elector residing in the same municipality as the hospitalized elector,  
13 corroborating the information contained therein. The corroborating elector shall  
14 state on the form his or her full name and address.

15 **SECTION 93.** 6.865 (intro.) and (1) of the statutes are consolidated, renumbered  
16 6.865 and amended to read:

17 **6.865 Federal postcard request form.** A federal postcard registration and  
18 absentee ballot request form may be used to apply for an absentee ballot under s. 6.86  
19 (1) if the form is completed in such manner that the municipal clerk or board of  
20 election commissioners with whom it is filed is able to determine all of the following:  
21 ~~(1) That~~ that the applicant is an elector of this state and of the ward or election  
22 district where the elector seeks to vote.

23 **SECTION 94.** 6.865 (2) of the statutes is repealed.

24 ~~**SECTION 95m.** 6.87 (2) (intro.) of the statutes is amended to read:~~

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1           6.87 (2) (intro.) ~~The Except as authorized under sub. (3) (d), the municipal clerk~~  
 2           shall place the ballot in an unsealed envelope furnished by the clerk. The envelope  
 3 SA shall have the name, official title and post-office address of the clerk upon its face.  
 4           The other side of the envelope shall have a printed certificate-affidavit in  
 5           substantially the following form:

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**SECTION 96.** 6.87 (3) (a) of the statutes is amended to read:

6.87 (3) (a) Except as authorized under par. (d) and as otherwise provided in  
 s. 6.875, the municipal clerk shall mail the absentee ballot postage prepaid for return  
 to the elector's residence unless otherwise directed, or shall deliver it to the elector  
 personally at the clerk's office.

**SECTION 97.** 6.87 (3) (d) of the statutes is created to read:

6.87 (3) (d) Unless a municipality uses an electronic voting system that  
 requires an elector to punch a ballot in order to record the elector's votes, a municipal  
 clerk of a municipality may, if the clerk is reliably informed by an absent elector of  
 a facsimile transmission number or electronic mail address where the elector can  
 receive an absentee ballot, transmit a facsimile or electronic copy of the absent  
 elector's ballot to that elector in lieu of mailing under this subsection if, in the  
 judgment of the clerk, the time required to send the ballot through the mail may not  
 be sufficient to enable return of the ballot by the time provided under sub. (6). An  
 elector may receive an absentee ballot under this subsection only if the elector has  
 filed a valid application for the ballot under sub. (1). If the clerk transmits an  
 absentee ballot under this paragraph, the clerk shall also transmit a facsimile or  
 electronic copy of the text of the material that appears on the certificate-affidavit  
 envelope prescribed in sub. (2), together with instructions prescribed by the board.  
 The instructions shall require the absent elector to make and subscribe to the

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1 affidavit or the certification as required under sub. (4) and to enclose the absentee  
2 ballot in a separate envelope contained within a larger envelope, that shall include  
3 the completed certificate of affidavit. The elector shall then mail the absentee ballot  
4 with postage prepaid to the municipal clerk. An absentee ballot received under this  
5 paragraph shall not be counted unless it is cast in the manner prescribed in this  
6 paragraph and in accordance with the instructions provided by the board.

7 ~~SECTION 98m. 6.87 (4) of the statutes is amended to read:~~

8 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee  
9 shall either make and subscribe to the affidavit before a person authorized to  
10 administer oaths or make and subscribe to the certification before 2 witnesses. The  
11 absent elector, in the presence of the administrator of the oath or witnesses, shall  
12 mark or punch the ballot in a manner that will not disclose how the elector's vote is  
13 cast. The elector shall then, still in the presence of the administrator of the oath or  
14 the 2 witnesses, fold the ballots if they are paper ballots so each is separate and  
15 conceals the markings or punches thereon and deposit them in the proper envelope,  
16 but. If a consolidated paper ballot under s. 5.655 or a ballot prepared for use with  
17 an electronic voting system is used, the elector shall fold the ballot so that the elector  
18 conceals the markings thereon and deposit the ballot in the proper envelope. The  
19 elector may receive assistance under sub. (5). The return envelope shall then be  
20 sealed. The witnesses or the official oath administrator may not be a candidate. The  
21 envelope shall be mailed by the elector, postage prepaid, or delivered in person, to the  
22 municipal clerk issuing the ballot. Failure to return an unused ballot in a primary  
23 does not invalidate the ballot on which the elector's votes are cast. Return of more  
24 than one marked or punched ballot in a primary or return of a ballot prepared under  
25 s. 5.655 or a ballot used with an electronic voting system in a primary which is

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1 marked or punched for candidates of more than one party invalidates all votes cast  
2 by the elector for candidates in the primary. SA

3 **SECTION 102.** 6.875 (2) (b) of the statutes is amended to read:

4 6.875 (2) (b) The municipal clerk or board of election commissioners of any  
5 municipality where a community-based residential facility home is located may  
6 adopt the procedures under this section for absentee voting in any community-based  
7 residential facility located in the municipality if the municipal clerk or board of  
8 election commissioners finds that a significant number of the occupants of the  
9 community-based residential facility lack adequate transportation to the  
10 appropriate polling place, a significant number of the occupants of the  
11 community-based residential facility may need assistance in voting, there are a  
12 significant number of the occupants of the community-based residential facility  
13 aged 60 or over, or there are a significant number of indefinitely confined electors  
14 who are occupants of the community-based residential facility. ~~The municipal clerk  
15 or board of election commissioners shall promptly notify the individual submitting  
16 nominations for special voting deputies under s. 7.30 (4) of any action taken under  
17 this paragraph.~~

18 **SECTION 103.** 6.875 (2) (c) of the statutes is amended to read:

19 6.875 (2) (c) The municipal clerk or board of election commissioners of any  
20 municipality where a retirement home is located may adopt the procedures under  
21 this section for absentee voting in any retirement home located in the municipality  
22 if the municipal clerk or board of election commissioners finds that a significant  
23 number of the occupants of the retirement home lack adequate transportation to the  
24 appropriate polling place, a significant number of the occupants of the retirement  
25 home may need assistance in voting, there are a significant number of the occupants

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1 of the retirement home aged 60 or over, or there are a significant number of  
2 indefinitely confined electors who are occupants of the retirement home. ~~The~~  
3 ~~municipal clerk or board of election commissioners shall promptly notify the~~  
4 ~~individual submitting nominations for special voting deputies under s. 7.30 (4) of any~~  
5 ~~action taken under this paragraph.~~

6 **SECTION 104.** 6.875 (4) of the statutes is amended to read:

7 6.875 (4) For the purpose of absentee voting in nursing homes and qualified  
8 retirement homes and qualified community-based residential facilities, the  
9 municipal clerk or board of election commissioners of each municipality in which one  
10 or more nursing homes or qualified retirement homes or qualified community-based  
11 residential facilities are located shall appoint at least 2 special voting deputies for  
12 the municipality ~~in the manner prescribed in s. 7.30 (4)~~. Upon application under s.  
13 6.86 (1) or (2) by one or more qualified electors who are occupants of such a nursing  
14 home or qualified retirement home or qualified community-based residential  
15 facility, the clerk or board of election commissioners shall dispatch 2 special voting  
16 deputies to visit the home or qualified community-based residential facility for the  
17 purpose of supervising absentee voting procedure by occupants of the home or  
18 qualified community-based residential facility. The 2 deputies designated to visit  
19 each nursing home or qualified retirement home and qualified community-based  
20 residential facility shall be affiliated with different political parties whenever  
21 deputies representing different parties are available. Nominations for deputy  
22 positions may be submitted by the 2 recognized political parties whose candidates  
23 for governor or president received the greatest numbers of votes in the municipality  
24 at the most recent general election. The deputies shall be specially appointed to  
25 carry out duties under this section for the period specified in s. 7.30 (6) (a). The clerk



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1 or board of election commissioners may revoke an appointment at any time. No  
2 individual who is employed or retained, or within the 2 years preceding appointment  
3 has been employed or retained at a nursing home or qualified retirement home or  
4 qualified community-based residential facility in the municipality, or any member  
5 of the immediate family of such an individual as defined in s. 19.42 (7), may be  
6 appointed to serve as a deputy.

7 **SECTION 105.** 6.875 (6) of the statutes is amended to read:

8 6.875 (6) Special voting deputies in each municipality shall, not later than 5  
9 p.m. on the Friday preceding an election, arrange one or more convenient times with  
10 the administrator of each nursing home or qualified retirement home and qualified  
11 community-based residential facility in the municipality from which one or more  
12 occupants have filed an application under s. 6.86 to conduct absentee voting for the  
13 election. The time may be no earlier than the 4th Monday preceding the election and  
14 no later than 5 p.m. on the Monday preceding the election. Upon request of a relative  
15 of an occupant of a nursing home or qualified retirement home or qualified  
16 community-based residential facility, the administrator may notify the relative of  
17 the time or times at which special voting deputies will conduct absentee voting at the  
18 home or facility, and permit the relative to be present in the room where the voting  
19 is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit  
20 the nursing home or qualified retirement home or qualified community-based  
21 residential facility. The municipal clerk or executive director of the board of election  
22 commissioners shall issue a supply of absentee ballots to the deputies sufficient to  
23 provide for the number of valid applications received by the clerk, and a reasonable  
24 additional number of ballots. The municipal clerk or executive director shall keep  
25 a careful record of all ballots issued to the deputies and shall require the deputies to

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1 return every ballot issued to them. The deputies shall personally offer each elector  
2 who has filed a proper application the opportunity to cast his or her absentee ballot.  
3 If an elector is present who has not filed a proper application, the 2 deputies may  
4 accept an application from the elector and shall issue a ballot to the elector if the  
5 elector is qualified and the application is proper. The deputies shall administer the  
6 oath and may, upon request of the elector, assist the elector in marking or punching  
7 the elector's ballot. Upon request of the elector, a relative of the elector who is present  
8 in the room may assist the elector in marking or punching the elector's ballot. All  
9 voting shall be conducted in the presence of the deputies. No individual other than  
10 a deputy may administer the oath and no individual other than a deputy or relative  
11 of an elector may render voting assistance to the elector. Upon completion of the  
12 voting, the deputies shall promptly deliver, either personally or by 1st class mail, any  
13 ~~absentee ballot applications and the sealed certificate affidavit envelope~~ containing  
14 each ballot to the clerk or board of election commissioners of the municipality in  
15 which the elector casting the ballot resides, within such time as will permit delivery  
16 to the polling place serving the elector's residence on election day. Personal delivery  
17 may be made by the deputies no later than noon on election day. If a qualified elector  
18 is not able to cast his or her ballot on 2 separate visits by the deputies to the nursing  
19 home or qualified retirement home, they shall so inform the municipal clerk or  
20 executive director of the board of election commissioners, who may then ~~mail~~ send  
21 the ballot to the elector no later than 5 p.m. on the Friday preceding the election.

22 **SECTION 106m.** 6.88 (1) of the statutes is amended to read:

23 6.88 (1) When an absentee ballot arrives at the office of the municipal clerk,  
24 the clerk shall enclose it, unopened, in a carrier envelope which shall be securely  
25 sealed and endorsed with the name and official title of the clerk, and the words "This



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1 ~~ballot was voted by facsimile transmission or electronic mail, that the certificate or~~  
2 ~~affidavit required to accompany the ballot is missing, the inspectors shall not count~~  
3 ~~the ballot. The inspectors shall endorse every ballot not counted on the back,~~  
4 ~~“rejected (giving the reason)” The inspectors shall reinsert each rejected ballot into~~ SAH  
5 ~~the affidavit envelope in which it was delivered and enclose the affidavit envelopes~~  
6 ~~and ballots, and securely seal the ballots and envelopes in an envelope marked for~~  
7 ~~rejected absentee ballots. The inspectors shall endorse the envelope, “rejected~~  
8 ~~ballots” with a statement of the ward or election district and date of the election,~~  
9 ~~signed by the chief inspector and one of the inspectors representing each of the 2~~  
10 ~~major political parties and returned to the municipal clerk in the same manner as~~  
11 ~~official ballots voted at the election.~~

12 SECTION 110. 6.95 of the statutes is amended to read:

13 **6.95 Voting procedure for challenged electors.** Whenever the inspectors  
14 under ss. 6.92 to 6.94 receive the vote of a person offering to vote who has been  
15 challenged, they shall give the elector a ballot. Before depositing the ballot, the  
16 inspectors shall write on the back of the ballot the serial number of the challenged  
17 person corresponding to the number kept at the election on the registration or poll  
18 list, or other list maintained under s. 6.79. If voting machines are used in the  
19 municipality where the person is voting, the person’s vote may be received only upon  
20 an absentee ballot furnished by the municipal clerk which shall have the  
21 corresponding serial number from the registration or poll list or other list  
22 maintained under s. 6.79 written on the back of the ballot before the ballot is  
23 deposited. The inspectors shall indicate on the list the reason for the challenge. The  
24 challenged ballots shall be counted under s. 5.85 or 7.51. The municipal board of  
25 canvassers may decide any challenge when making its canvass under s. 7.53. If the

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1 returns are reported under s. 7.60, a challenge may be reviewed by the county board  
2 of canvassers. If the returns are reported under s. 7.70, a challenge may be reviewed  
3 by the chairperson of the board or the chairperson's designee. The decision of any  
4 board of canvassers or of the chairperson or chairperson's designee may be appealed  
5 under s. 9.01. The standard for disqualification specified in s. 6.325 shall be used to  
6 determine the validity of challenged ballots.

7 **SECTION 111.** Chapter 7 (title) of the statutes is amended to read:

**CHAPTER 7****ELECTION OFFICIALS; BOARDS****OBSERVERS; SELECTION AND****DUTIES; CANVASSING**

12 **SECTION 112.** 7.08 (1) (c) of the statutes is amended to read:

13 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 ~~(3)~~ and (4), 6.33  
14 (1), 6.40 (1) (b), 6.55 (2) and (3), 6.79 (5) and 6.86 (2) and (3). All such forms shall  
15 contain a statement of the penalty applicable to false or fraudulent registration or  
16 voting through use of the form. Forms are not required to be furnished by the board.

17 **SECTION 113.** 7.08 (2) (a) of the statutes is amended to read:

18 7.08 (2) (a) As soon as possible after the closing date for filing nomination  
19 papers or after the canvass of the primary vote, but no later than the deadlines  
20 established in s. 10.06, transmit to each county clerk a certified list of all candidates  
21 on file in its office for which electors in that county may vote. The list shall designate  
22 the order of arrangement and contain each candidate's first name, middle initial or  
23 initials and last name, unless the candidate on his or her nomination papers or  
24 declaration of candidacy specifies that the middle initial be deleted, that a full middle  
25 name or former legal surname be substituted for the middle initial, that an initial

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1 be substituted for the candidate's first name or that a nickname be substituted for  
2 a first or middle name or for a first initial or middle initial or initials, but no other  
3 abbreviations or titles are permitted. The list shall also include each candidate's  
4 residence and post-office address; the office for which the person is a candidate; and,  
5 the party or principle the candidate represents, if any, in 5 words or less. Names of  
6 candidates nominated under s. 7.38 (3) or 8.35 shall be certified by the board upon  
7 filing of the necessary papers with it. At any time prior to an election, the board may  
8 transmit an amended certification if a candidate dies or is determined not to qualify  
9 for ballot placement.

10 **SECTION 114.** 7.10 (2) of the statutes is amended to read:

11 7.10 (2) PREPARING BALLOTS. The county clerk shall prepare copy for the official  
12 ballots immediately upon receipt of the certified list of candidates' names from the  
13 board. Names certified by the board shall be arranged in the order certified. The  
14 county clerk shall place the names of all candidates filed in the clerk's office or  
15 certified to the clerk by the board on the proper ballot or ballots under the  
16 appropriate office and party titles.

17 **SECTION 115.** 7.10 (6) of the statutes is created to read:

18 7.10 (6) MUNICIPAL JUDGE; CERTIFIED LIST. If candidates for the office of a  
19 municipal judge who is elected under s. 755.01 (4) file nomination papers in the office  
20 of the county clerk and any municipality served by the judge prepares its own ballots  
21 for voting machines or an electronic voting system, the county clerk shall certify to  
22 the municipal clerk of that municipality the names of the candidates for judge as soon  
23 as possible after the last day for filing nomination papers and after certification by  
24 the county board of canvassers of the results of any primary election.

25 **SECTION 116.** 7.15 (1) (cm) of the statutes is amended to read:

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1           7.15 (1) (cm) Prepare official absentee ballots for delivery to electors requesting  
2 them, and ~~mail~~ send an official absentee ballot to each elector who has requested one  
3 no later than the 30th day before each September primary and general election and  
4 no later than the 21st day before each other primary and election if the request is  
5 made before that day; otherwise, the municipal clerk shall ~~mail~~ send an official  
6 absentee ballot within one day of the time the elector's request is received.

7           **SECTION 117.** 7.21 (2m) of the statutes is created to read:

8           7.21 (2m) The county board of election commissioners may:

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

**ENGROSSED ASSEMBLY BILL 700****SECTION 117**

1 shall be brought in the circuit court for the county served by the board of election  
2 commissioners.

3 (b) In the discharge of its authority under par. (a) and upon notice to the party  
4 or parties being investigated, subpoena and bring before it any person in the state  
5 and require the production of any papers, books or other records relevant to an  
6 investigation. A circuit court may by order permit the inspection and copying of the  
7 accounts and the depositor's and loan records at any financial institution, as defined  
8 in s. 705.01 (3), doing business in the state to obtain evidence of any violation of ch.  
9 11 upon showing by the county board of election commissioners of probable cause to  
10 believe that there is a violation and that such accounts and records may have a  
11 substantial relation to the violation. In the discharge of its duties, the county board  
12 of election commissioners may cause the deposition of witnesses to be taken in the  
13 manner prescribed for taking depositions in civil actions in circuit court.

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

17 **SECTION 118.** 7.30 (2) (a) of the statutes is amended to read:

18 7.30 (2) (a) Only election officials appointed under this section may conduct an  
19 election. Except as authorized in s. 7.15 (1) (k), each inspector shall be a qualified  
20 elector in the ward for which the polling place is established. Special registration  
21 deputies appointed under s. 6.55 (6) and election officials serving more than one ward  
22 or when necessary to fill a vacancy under par. (b) need not be a resident of that ward,  
23 but shall be a resident of the municipality. Special registration deputies may be  
24 appointed to serve more than one polling place. All officials shall be able to read and  
25 write the English language, be capable, be of good understanding, and may not be



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1 a candidate, ~~other than for party committeeman or committeewoman,~~ for any office  
2 to be voted for at an election at which they serve. In 1st class cities, they may hold  
3 no public office other than notary public. Except as authorized under sub. (4) (c), all  
4 inspectors shall be affiliated with one of the 2 recognized political parties which  
5 received the largest number of votes for president, or governor in nonpresidential  
6 general election years, in the ward or combination of wards served by the polling  
7 place at the last election. The party which received the largest number of votes is  
8 entitled to one more inspector than the party receiving the next largest number of  
9 votes at each polling place. The same election officials may serve the electors of more  
10 than one ward where wards are combined under s. 5.15 (6) (b). If a municipality is  
11 not divided into wards, the ward requirements in this paragraph apply to the  
12 municipality at large.

13 **SECTION 119.** 7.30 (4) (b) 1. of the statutes is amended to read:

14 7.30 (4) (b) 1. In cities where there is a board of election commissioners, the  
15 aldermanic district committeemen or committeewomen under s. 8.17 of each of the  
16 2 dominant recognized political parties shall submit a certified list no later than  
17 November 30 of each even-numbered year containing the names of at least as many  
18 electors as there are inspectors from that party for each of the voting wards in the  
19 aldermanic district. ~~The chairperson of the city committee, or if there is none, the~~  
20 ~~chairperson of the county committee shall submit a certified list no later than~~  
21 ~~November 30 of each even-numbered year containing the names of at least as many~~  
22 ~~special voting deputies under s. 6.875 (4) as are required to be appointed in the city.~~  
23 The chairperson may designate any individual whose name is submitted as a first  
24 choice nominee. The board of election commissioners shall appoint, no later than  
25 December 31 of even-numbered years, ~~the required number of special voting~~

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1 ~~deputies and~~ at least 5 inspectors for each ward. The board of election commissioners  
2 shall appoint all first choice nominees for so long as positions are available, unless  
3 nonappointment is authorized under par. (e), and shall appoint other individuals in  
4 its discretion. The board of election commissioners may designate such alternates  
5 as it deems advisable.

6 **SECTION 120.** 7.30 (4) (b) 2. of the statutes is amended to read:

7 7.30 (4) (b) 2. In municipalities other than cities and villages located in counties  
8 having a population of more than 500,000, the committees organized under s. 8.17  
9 from each of the 2 dominant parties under sub. (2) shall submit a list containing at  
10 least as many names as there are needed appointees from that party. The list shall  
11 be submitted by the chairperson of each of the 2 committees to the mayor, president  
12 or chairperson of the municipality. If committees are organized in subdivisions of a  
13 city, the list shall be submitted through the chairperson of the city committee. If  
14 there is no municipal committee, the list shall be submitted by the chairperson of the  
15 county or legislative district committee. Except as provided in par. (c), only those  
16 persons submitted by the chairperson of each committee under s. 8.17 may act as  
17 election officials. The chairperson may designate any individual whose name is  
18 submitted as a first choice nominee. The list shall contain the signature of the  
19 chairperson and secretary of the submitting committee. In cities or villages located  
20 in counties having a population of more than 500,000, other than cities where there  
21 is a board of election commissioners, the aldermanic district or village  
22 committeeman or committeewoman for the ward or wards where each polling place  
23 is located, if there is one, shall submit a list containing at least as many names as  
24 there are needed appointees for inspector positions from the party represented by the  
25 committeeman or committeewoman. ~~For appointments of special voting deputies~~

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1     ~~under s. 6.875 (4)~~ and appointments of inspectors in cities and villages where there  
2     is no aldermanic district or village committeeman or committeewoman, nominations  
3     shall proceed in the same manner as in municipalities located in counties having a  
4     population of 500,000 or less. The list shall be submitted to the mayor or president.  
5     Except as provided in par. (c), only those persons whose names are submitted as  
6     provided in this paragraph may act as election officials. The committeeman or  
7     committeewoman may designate any individual whose name is submitted as a first  
8     choice nominee. The list shall contain the signature of the aldermanic district or  
9     village committeeman or committeewoman or the chairperson of the appropriate  
10    committee. Upon submission of each nominee's name, the governing body shall  
11    appoint each first choice nominee for so long as positions are available, unless  
12    nonappointment is authorized under par. (e), and shall appoint other nominees in its  
13    discretion. If any nominee is not appointed, the mayor, president or chairperson of  
14    the municipality shall immediately nominate another person from the appropriate  
15    lists submitted and continue until the necessary number of election officials from  
16    each party is achieved at that meeting.

17         **SECTION 121.** 7.30 (4) (cm) of the statutes is repealed.

18         **SECTION 122.** 7.30 (4) (cn) of the statutes is repealed.

19         **SECTION 123.** 7.37 (6) of the statutes is amended to read:

20         **7.37 (6) ATTACH STICKERS.** Whenever a vacancy occurs in a nomination after the  
21    ballots have been printed and stickers are provided under s. 7.38 (3) or 8.35 (2), the  
22    inspectors shall, at the direction of the municipal clerk, properly apply the stickers  
23    to the official ballots before endorsement.

24         **SECTION 124.** 7.38 (title) and (1) of the statutes are repealed.

**ENGROSSED ASSEMBLY BILL 700****SECTION 125**

1           **SECTION 125.** 7.38 (3) of the statutes is renumbered 7.38, and 7.38 (1) and (5),  
2 as renumbered, are amended to read:

3           7.38 (1) Except as provided in ~~par. (d)~~ sub. (4), after the death of a candidate  
4 nominated for a partisan office, either in a primary or when no primary is required  
5 under s. 8.50 (3) (b), the vacancy may be filled by the candidate's political party. In  
6 the case of county offices, the vacancy shall be filled by the chairperson of the county  
7 committee. If no county committee exists, the vacancy shall be filled by the  
8 chairperson of the state committee. For other offices, the vacancy shall be filled by  
9 the chairperson of the state committee. The appropriate chairperson shall file with  
10 the official or agency with whom nomination papers are filed for the office a  
11 certificate signed, certified and sworn to the same as an original nomination paper.  
12 The certificate shall state the cause of the vacancy, the name of the new nominee and  
13 the office for which the nomination is made. A political party may not nominate a  
14 candidate for an office for which no person representing that party has filed  
15 nomination papers and a declaration of candidacy.

16           (5) In the event of failure to file the name of a current state chairperson, as  
17 required under s. 8.17 (12), the board may not recognize the state committee for the  
18 purpose of filling vacancies under ~~par. (a)~~ sub. (1).

19           **SECTION 126.** 7.39 of the statutes is repealed.

20           **SECTION 127.** 7.41 (1) of the statutes is amended to read:

21           7.41 (1) Any member of the public may be present at any polling place for the  
22 purpose of observation of an election, except a candidate at that election. The chief  
23 inspector may reasonably limit the number of persons representing the same  
24 organization who are permitted to observe an election at the same time.

25           **SECTION 129.** 7.53 (3) (a) of the statutes is amended to read:

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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 school  
7 district clerk shall appoint a member to fill any other temporary vacancy on the board  
8 of canvassers. The canvass shall begin as soon as possible after receipt of the returns,  
9 and shall continue, without adjournment, until completed. The board of canvassers  
10 may return defective returns to the municipal board of canvassers in the manner  
11 provided in s. 7.60 (3). The board of canvassers shall prepare a written statement  
12 showing the numbers of votes cast for each person for each office and for and against  
13 each question and shall prepare a determination showing the names of the persons  
14 who are elected to the school board and the results of any school district referendum.  
15 Following each primary election, the board of canvassers shall prepare a statement  
16 certifying the names of the persons who have won nomination to the school board.  
17 Each statement and determination shall be attested by each of the canvassers. The  
18 board of canvassers shall file each statement and determination in the school district  
19 office. The school district clerk shall certify nominations after each primary and  
20 issue certificates of election to persons who are elected to the school board after each  
21 election in the manner provided in sub. (4).

22           **SECTION 130.** 7.60 (2) of the statutes is amended to read:

23           7.60 (2) COUNTY BOARD OF CANVASSERS. The county clerk and 2 qualified electors  
24 of the county appointed by the clerk constitute the county board of canvassers. The  
25 members of the board of canvassers shall serve for 2-year terms commencing on

**ENGROSSED ASSEMBLY BILL 700****SECTION 130**

1 January 1 of each odd-numbered year, except that any member who is appointed to  
2 fill a permanent vacancy shall serve for the unexpired term of the original appointee.

3 One member of the board of canvassers shall belong to a political party other than  
4 the clerk's. If the county clerk's office is vacant, or if the clerk cannot perform his or

5 her duties or if the clerk is a candidate at an election being canvassed, the county  
6 clerk shall designate a deputy clerk to perform the clerk's duties. If the county clerk

7 and designated deputy clerk are both unable to perform their duties, the county  
8 executive or, if there is no county executive, the chairperson of the county board of

9 supervisors shall designate another qualified elector of the county to perform the  
10 clerk's duties. If a member other than the clerk cannot perform his or her duties, the

11 clerk shall appoint another member to serve. No person may serve on the county  
12 board of canvassers if the person is a candidate for an office to be canvassed by that

13 board. If lists of candidates for the county board of canvassers are submitted to the  
14 county clerk by political party county committees, the lists shall consist of at least

15 3 names and the clerk shall choose the board members from the lists. Where there  
16 is a county board of election commissioners, it shall serve as the board of canvassers.

17 If the county board of election commissioners serves as the board of canvassers, the  
18 executive director of the county board of election commissioners shall serve as a

19 member of the board of canvassers to fill a temporary vacancy on that board.

20 **SECTION 131.** 7.60 (4) (a) of the statutes is amended to read:

21 7.60 (4) (a) The board of canvassers shall make separate duplicate statements  
22 showing the numbers of votes cast for the offices of president and vice president; state

23 officials; U.S. senators and representatives in congress; state legislators; justice;  
24 court of appeals judge; circuit judges; district attorneys; ~~municipal judges, if they are~~

25 ~~elected under s. 755.01 (4);~~ and metropolitan sewerage commissioners, if the

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1 commissioners are elected under s. 66.23 (11) (am). If a municipal judge elected  
2 under s. 755.01 (4) serves a municipality that is located partially within the county  
3 and candidates for that judgeship file nomination papers in another county, the  
4 board of canvassers shall prepare a duplicate statement showing the numbers of  
5 votes cast for that judgeship in that county for transmittal to the other county. For  
6 partisan candidates, the statements shall include the political party or principle  
7 designation, if any, next to the name of each candidate. The board of canvassers shall  
8 also prepare a statement showing the results of any county, technical college district  
9 or statewide referendum. Each statement shall state the total number of votes cast  
10 in the county for each office; the names of all persons for whom the votes were cast,  
11 as returned; the number of votes cast for each person; and the number of votes cast  
12 for and against any question submitted at a referendum. The board of canvassers  
13 shall use one copy of ~~the~~ each duplicate statement to report to the elections board or,  
14 technical college district board or board of canvassers of any other county and shall  
15 file the other statement in the office of the county clerk or board of election  
16 commissioners.

17 **SECTION 132.** 7.60 (4) (b) of the statutes is amended to read:

18 7.60 (4) (b) The board of canvassers shall then prepare a written  
19 determination, in duplicate where necessary, giving the names of the persons elected  
20 to any county office and to any municipal judgeship if the judge is elected under s.  
21 755.01 (4) and candidates for that judgeship file nomination papers in that county.  
22 The board of canvassers shall likewise prepare a written determination showing the  
23 results of any county referendum. Following any primary election, the board of  
24 canvassers shall prepare a statement certifying the names of all persons who have  
25 won nomination to any county office or any municipal judgeship, if the judge is

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1 elected under s. 755.01 (4) and candidates for that judgeship file nomination papers  
2 in that county. The board of canvassers shall file all statements and determinations  
3 in the office of the county clerk or board of election commissioners.

4 **SECTION 133.** 7.60 (5) of the statutes is amended to read:

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



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1 to reopen and correct the canvass. The elections board shall direct the canvass to be  
2 reopened and corrected if it determines that the public interest so requires. If the  
3 elections board directs the canvass to be reopened, the board of canvassers shall  
4 reconvene and transmit a certified corrected copy of the canvass statement to the  
5 elections board or secretary of the technical college district board.

6 **SECTION 134.** 7.60 (6) of the statutes is amended to read:

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

15 **SECTION 135.** 7.70 (3) (a) of the statutes is amended to read:

16 **7.70 (3) (a)** The chairperson of the board or a designee of the chairperson  
17 appointed by the chairperson to canvass a specific election shall publicly canvass the  
18 returns and make his or her certifications and determinations ~~at the state capitol or~~  
19 ~~at the office of the board~~ on or before the 2nd Tuesday following a spring primary, the  
20 15th day of May following a spring election, the 4th Tuesday in September following  
21 a September primary, the first day of December following a general election, the 2nd  
22 Thursday following a special primary, or within 18 days after any special election.

23 **SECTION 136.** 7.70 (3) (b) of the statutes is amended to read:

24 **7.70 (3) (b)** The chairperson of the board or the chairperson's designee shall  
25 examine the certified statements of the county boards of canvassers. If it appears

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1 that any material mistake has been made in the computation of votes, or any county  
2 board of canvassers failed to canvass the votes or omitted votes from any ward or  
3 election district in the county, the chairperson of the board or the chairperson's  
4 designee may dispatch a messenger to the county clerk with written instructions to  
5 certify the facts concerning the mistake or the reason why the votes were not  
6 canvassed. A clerk to whom such instructions are delivered shall immediately make  
7 a true and full answer, sign it, affix the county seal and deliver it to the messenger.  
8 The messenger shall deliver it with all possible dispatch to the board.

9 **SECTION 137.** 7.70 (3) (c) of the statutes is amended to read:

10 7.70 (3) (c) The chairperson of the board or the chairperson's designee shall  
11 conclude the state canvass within 10 days after its commencement.

12 **SECTION 138.** 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 or the chairperson's designee shall proceed to examine and  
15 make a statement of the total number of votes cast at any election for the offices  
16 involved in the election for president and vice president; a statement for each of the  
17 offices of governor, lieutenant governor, if a primary, and a joint statement for the  
18 offices of governor and lieutenant governor, if a general election; a statement for each  
19 of the offices of secretary of state, state treasurer, attorney general, and state  
20 superintendent; for U.S. senator; representative in congress for each congressional  
21 district; the state legislature; justice; court of appeals judge; circuit judge; district  
22 attorney; ~~municipal judge, if he or she is elected under s. 755.01 (4); metropolitan~~  
23 sewerage commission, if the commissioners are elected under s. 66.23 (11) (am); and  
24 for any referenda questions submitted by the legislature.

25 **SECTION 139.** 7.70 (3) (e) (intro.) of the statutes is amended to read: