

ENGROSSED ASSEMBLY BILL 700

1 7.70 (3) (e) (intro.) The chairperson of the board or the chairperson's designee
2 shall make a special statement to the board as soon as possible after the canvass
3 certifying:

4 **SECTION 140.** 7.70 (3) (g) of the statutes is amended to read:

5 7.70 (3) (g) Following each primary election, the chairperson of the board or the
6 chairperson's designee shall prepare a statement certifying the results of the
7 primary, which shall indicate the names of the persons who have won nomination to
8 any state or national office. Following each other election, the chairperson of the
9 board or the chairperson's designee shall prepare a statement certifying the results
10 of the election and shall attach to the statement a certificate of determination which
11 shall indicate the names of persons who have been elected to any state or national
12 office. The chairperson of the board or the chairperson's designee shall likewise
13 prepare a statement and certificate for any statewide referendum. The chairperson
14 of the board or the chairperson's designee shall deliver each statement and
15 determination to the board.

16 **SECTION 141.** 7.70 (3) (h) of the statutes is amended to read:

17 7.70 (3) (h) Whenever a referendum question submitted to a vote of the people
18 is approved, the board shall record it and the secretary of state shall have the record
19 bound in the volume containing the original enrolled laws passed at the next
20 succeeding session of the legislature and have the record published with the laws
21 thereof. Whenever a constitutional amendment or other statewide validating or
22 ratifying referendum question which is approved by the people does not expressly
23 state the date of effectiveness, it shall become effective at the time the chairperson
24 of the board or the chairperson's designee certifies that the amendment or
25 referendum question is approved.

ENGROSSED ASSEMBLY BILL 700**SECTION 142**

1 **SECTION 142.** 7.70 (3) (i) of the statutes is amended to read:

2 7.70 (3) (i) The chairperson of the board or the chairperson's designee shall
3 canvass only regular returns made by the county board of canvassers and shall not
4 count or canvass any additional or supplemental returns or statements made by the
5 county board or any other board or person. The chairperson of the board or the
6 chairperson's designee shall not count or canvass any statement or return which has
7 been made by the county board of canvassers at any other time than that provided
8 in s. 7.60. This provision does not apply to any return made subsequent to a recount
9 under s. 9.01, when the return is accepted in lieu of any prior return from the same
10 county for the same office; or to a statement given to the chairperson of the board or
11 chairperson's designee or a messenger sent by the chairperson or designee to obtain
12 a correction.

13 **SECTION 143.** 7.70 (5) (a) of the statutes is amended to read:

14 7.70 (5) (a) The board shall record in its office each certified statement and
15 determination made by the chairperson of the board or the chairperson's designee.
16 Immediately after the expiration of the time allowed to file a petition for recount, the
17 board shall make and transmit to each person declared elected a certificate of
18 election under the seal of the board. It shall also prepare similar certificates, attested
19 by the executive director of the board, addressed to the U.S. house of representatives,
20 stating the names of those persons elected as representatives to the congress from
21 this state. In the case of U.S. senators, the board shall prepare a certificate of election
22 for the governor's signature, and the governor shall sign and affix the great seal of
23 the state and transmit the certificate to the president of the U.S. senate. The
24 certificate shall be countersigned by the secretary of state. If a person elected was
25 elected to fill a vacancy, the certificate shall so state. When a valid petition for

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1 recount is filed, the chairperson of the board or the chairperson's designee may not
2 certify a nomination, and the governor or board may not issue a certificate of election
3 until the recount has been completed and the time allowed for filing an appeal has
4 passed, or if appealed until the appeal is decided.

5 **SECTION 144.** 8.05 (1) (j) of the statutes is amended to read:

6 8.05 (1) (j) The municipal clerk shall notify in writing each candidate whose
7 name is certified as a nominee under par. (h) of his or her nomination. If a municipal
8 judge is elected under s. 755.01 (4), the county clerk of the county having the largest
9 portion of the population in the jurisdiction served by the judge shall make the
10 notification. Upon receipt of the notice, each candidate shall file a declaration of
11 candidacy in the manner prescribed by s. 8.21 with the municipal clerk making the
12 notification no later than 5 p.m. on the 5th day after the notification is mailed or
13 personally delivered to the candidate by the municipal clerk, except as authorized
14 in this paragraph. If an incumbent whose name is certified as a nominee fails to file
15 a declaration of candidacy within the time prescribed by this paragraph, each
16 certified candidate for the office held by the incumbent, other than the incumbent,
17 may file a declaration of candidacy no later than 72 hours after the latest time
18 prescribed in this paragraph. If the candidate has not filed a registration statement
19 under s. 11.05 at the time of the notification, the candidate shall file the statement
20 with the declaration. A candidate for municipal judge shall also file a statement of
21 economic interests with the ethics board under s. 19.43 (4) no later than 4:30 p.m.
22 on the 5th day after notification of nomination is mailed or personally delivered to
23 the candidate ~~by the municipal clerk~~, or no later than 4:30 p.m. on the next business
24 day after the last day for filing a declaration of candidacy whenever that candidate
25 is granted an extension of time for filing a declaration of candidacy under this

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1 paragraph. Upon receipt of the declaration of candidacy and registration statement
2 of each qualified candidate, and upon filing of a statement of economic interests by
3 each candidate for municipal judge, the municipal clerk, or the county clerk if the
4 judge is elected under s. 755.01 (4), shall place the name of the candidate on the
5 ballot. No later than the end of the 3rd day following qualification by all candidates,
6 the municipal clerk, or the county clerk if the judge is elected under s. 755.01 (4),
7 shall draw lots to determine the arrangement of candidates' names on the spring
8 election ballot.

9 **SECTION 145.** 8.05 (3) (b) of the statutes is amended to read:

10 8.05 (3) (b) Notice The town clerk shall be given give notice of the primary
11 under ss. 10.01 (2) (a) and s. 10.06 (2) (3) (a).

12 **SECTION 146.** 8.05 (3) (d) and (e) of the statutes are amended to read:

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

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

24 **SECTION 147.** 8.05 (5) of the statutes is amended to read:

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

11 **SECTION 147t.** 8.10 (3) (intro.) of the statutes is amended to read:

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

15 **SECTION 148.** 8.10 (6) (a) of the statutes is amended to read:

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

19 **SECTION 149.** 8.10 (6) (bm) of the statutes is created to read:

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

23 **SECTION 150.** 8.12 (2) of the statutes is amended to read:

24 8.12 (2) BALLOTS. The form of the official ballots shall be prescribed by the
25 board under s. 5.60 (8). The ballot shall provide to an elector the opportunity to vote

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1 for an uninstructed delegation to represent this state at the presidential nominating
2 convention of his or her party, or to write in the name of a candidate for the
3 presidential nomination of his or her party.

4 **SECTION 150m.** 8.15 (4) (a) of the statutes is amended to read:

5 8.15 (4) (a) The affidavit certification of a qualified elector stating his or her
6 residence with street and number, if any, shall appear at the bottom of each
7 nomination paper, stating he or she personally circulated the nomination paper and
8 personally obtained each of the signatures; he or she knows they are electors of the
9 ward, aldermanic district, municipality or county, as the nomination papers require;
10 he or she knows they signed the paper with full knowledge of its content; he or she
11 knows their respective residences given; he or she knows each signer signed on the
12 date stated opposite his or her name; and, that he or she, the affiant circulator,
13 resides within the district which the candidate named therein will represent, if
14 elected; that he or she intends to support the candidate; and that he or she is aware
15 that falsifying the affidavit certification is punishable under ~~ss. s.~~ 12.13 (3) (a) and
16 946.32 (1) (a), Wis. stats. The affidavit certification may be made by the candidate
17 or any qualified elector. ~~The nomination papers are valid with or without the seal~~
18 ~~of the officer who administers the oath.~~

19 **SECTION 151.** 8.17 (1) (a) of the statutes is amended to read:

20 8.17 (1) (a) Political parties qualifying for a separate ballot under s. 5.62 (1) (b)
21 or (2) shall elect their party committeemen and committeewomen ~~at the September~~
22 ~~primary as provided under sub. (5) (b).~~ The function of committeemen and
23 committeewomen is to represent their neighborhoods in the structure of a political
24 party. Committeemen and committeewomen shall act as liaison representatives
25 between their parties and the residents of the election districts in which they serve.

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1 Activities of committeemen and committeewomen shall include, but not be limited
2 to, voter identification; assistance in voter registration drives; increasing voter
3 participation in political parties; polling and other methods of passing information
4 from residents to political parties and elected public officials; and dissemination of
5 information from public officials to residents. For assistance in those and other
6 activities of interest to a political party, each committeeman and committeewoman
7 may appoint a captain to engage in these activities in each ward, if the election
8 district served by the committeeman or committeewoman includes more than one
9 ward. In an election district which includes more than one ward, the committeeman
10 or committeewoman shall coordinate the activities of the ward captains in promoting
11 the interests of his or her party.

12 **SECTION 152.** 8.17 (2), (3) and (4) (a) and (b) of the statutes are repealed.

13 **SECTION 153.** 8.17 (4) (c) of the statutes is renumbered 8.17 (4) and amended
14 to read:

15 8.17 (4) The term of office of each ~~elected or appointed~~ committeeman or
16 committeewoman shall end on the date of the meeting held under sub. (5) (b)
17 following each September primary.

18 **SECTION 154.** 8.17 (5) (b) of the statutes is amended to read:

19 8.17 (5) (b) A combined meeting of the county committee and members in good
20 standing of the party in the county shall be held no sooner than 15 days after the
21 September primary and no later than April 1 of the following year. At this meeting,
22 the party committeemen or committeewomen and the county committee offices of
23 chairperson, vice chairperson, secretary and treasurer shall be filled by election by
24 the incumbent committeemen, committeewomen and other party members present
25 and voting, each of whom is entitled to one vote. At this meeting, the county

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1 committee shall elect the members of the congressional district committee as
2 provided in sub. (6) (b), (c) and (d). The secretary of the county committee shall give
3 at least 7 days' written notice of the meeting to party and committee members.
4 Individuals elected as county committee officers or as congressional district
5 committee members may be, but are not required to be, committeemen or
6 committeewomen. They are required to be party members in good standing. ~~Their~~
7 The terms of committeemen and committeewomen, county committee officers and
8 congressional district committee members begin during the meeting immediately
9 upon completion and verification of the voting for each office.

10 **SECTION 155.** 8.17 (5) (bm) of the statutes is created to read:

11 8.17 (5) (bm) A county committee may require that candidates for party
12 committeemen and committeewomen file nomination papers with the county
13 committee prior to the combined meeting under par. (b). The form, content and
14 circulation and filing deadlines of the nomination papers shall be established by the
15 county committee.

16 **SECTION 155p.** 8.20 (3) of the statutes is amended to read:

17 8.20 (3) The affidavit certification of an elector under s. 8.15 (4) (a) shall be
18 appended to each nomination paper.

19 **SECTION 156.** 8.20 (9) of the statutes is amended to read:

20 8.20 (9) Persons nominated by nomination papers without a recognized
21 political party designation shall be placed on the official ballot at the general election
22 and at any partisan election to the right or below the recognized political party
23 candidates in their own column or row designated "Independent". At the September
24 primary, persons nominated for state office by nomination papers without a
25 recognized political party designation shall be placed on a separate ballot or, if a

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1 consolidated paper ballot under s. 5.655 (2), an electronic voting system or voting
2 machines are used, in a column or row on the voting machine designated
3 “Independent”. If the candidate’s name already appears under a recognized political
4 party it may not be listed on the independent ballot, column or row.

5 **SECTION 157.** 8.21 of the statutes is amended to read:

6 **8.21 Declaration of candidacy.** Each candidate, except a candidate for
7 presidential elector under s. 8.20 (2) (d), shall file a declaration of candidacy, no later
8 than the latest time provided for filing nomination papers under s. 8.10 (2) (a), 8.15
9 (1), ~~8.17 (2)~~, 8.20 (8) (a) or 8.50 (3) (a), or the time provided under s. 8.16 (2) or 8.35
10 (2) (c). A candidate shall file the declaration with the officer or agency with which
11 nomination papers are filed for the office which the candidate seeks, or if nomination
12 papers are not required, with the clerk or board of election commissioners of the
13 jurisdiction in which the candidate seeks office. The declaration shall be sworn to
14 before any officer authorized to administer oaths. The declaration shall contain the
15 name of the candidate in the form specified under s. 8.10 (2) (b) for candidates for
16 nonpartisan office or s. 8.15 (5) (a) or 8.20 (2) (a) for candidates for partisan office,
17 and shall state that the signer is a candidate for a named office, that he or she meets
18 or will at the time he or she assumes office meet applicable age, citizenship, residency
19 or voting qualification requirements, if any, prescribed by the constitutions and laws
20 of the United States and of this state, and that he or she will otherwise qualify for
21 office if nominated and elected. The declaration shall include the candidate’s name
22 in the form in which it will appear on the ballot. Each candidate for state and local
23 office shall include in the declaration a statement that he or she has not been
24 convicted of any infamous crime for which he or she has not been pardoned and a list
25 of all felony convictions for which he or she has not been pardoned. In addition, each

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1 candidate for state or local office shall include in the declaration a statement that
2 discloses his or her municipality of residence for voting purposes, and the street and
3 number, if any, on which the candidate resides. The declaration is valid with or
4 without the seal of the officer who administers the oath. A candidate for state or local
5 office shall file an amended declaration under oath with the same officer or agency
6 if any information contained in the declaration changes at any time after the original
7 declaration is filed and before the candidate assumes office or is defeated for election
8 or nomination.

9 **SECTION 158.** 8.35 (2) (a) of the statutes is amended to read:

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

24 **SECTION 159.** 8.35 (2) (d) of the statutes is amended to read:

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1 8.35 (2) (d) If the ballots have been prepared, the committees or body filling the
2 vacancy shall supply stickers as provided under s. 7.38 (3) (e). No vacancy in a
3 nomination occurs prior to the time of the primary election for an office, unless no
4 primary is required for the office for which the nomination is made.

5 **SECTION 160.** 8.37 of the statutes is created to read:

6 **8.37 Filing of referenda petitions or questions.** Unless otherwise required
7 by law, all proposed constitutional amendments and any other measure or question
8 that is to be submitted to a vote of the people, or any petitions requesting that a
9 measure or question be submitted to a vote of the people, if applicable, shall be filed
10 with the official or agency responsible for preparing the ballots for the election no
11 later than 42 days prior to the election at which the amendment, measure or question
12 will appear on the ballot.

13 **SECTION 160e.** 8.40 (2) of the statutes is amended to read:

14 8.40 (2) The affidavit certification of a qualified elector stating his or her
15 residence with street and number, if any, shall appear at the bottom of each separate
16 sheet of each petition specified in sub. (1), stating that ~~the affiant~~ he or she personally
17 circulated the petition and personally obtained each of the signatures; that the
18 ~~affiant~~ circulator knows that they are electors of the jurisdiction or district in which
19 the petition is circulated; that the ~~affiant~~ circulator knows that they signed the paper
20 with full knowledge of its content; that the ~~affiant~~ circulator knows their respective
21 residences given; that the ~~affiant~~ circulator knows that each signer signed on the
22 date stated opposite his or her name; that the ~~affiant~~ circulator resides within the
23 jurisdiction or district in which the petition is circulated; and that the ~~affiant~~
24 circulator is aware that falsifying the affidavit certification is punishable under ss.

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1 ~~s. 12.13 (3) (a) and 946.32 (1) (a). The petition is valid with or without the seal of the~~
2 ~~officer who administers the oath.~~

3 **SECTION 161.** 8.50 (1) (a) of the statutes is amended to read:

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

24 **SECTION 162.** 8.50 (1) (b) of the statutes is amended to read:

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

10 **SECTION 163.** 8.50 (4) (fm) of the statutes is amended to read:

11 8.50 (4) (fm) A permanent vacancy in the office of municipal judge may be filled
12 by temporary appointment of the municipal governing body, or, if the judge is elected
13 under s. 755.01 (4), jointly by the governing bodies of all municipalities served by the
14 judge. The office shall then be permanently filled by special election, held
15 concurrently with the next spring election following the occurrence of the vacancy,
16 except that a vacancy occurring during the period after December 1 and on or before
17 the date of the spring election shall be filled at the 2nd succeeding spring election,
18 and no such election may be held after the expiration of the term of office nor at the
19 time of holding the regular election for the office.

20 **SECTION 164.** 9.01 (1) (a) of the statutes is amended to read:

21 9.01 (1) (a) Any candidate voted for at any election or any elector who voted
22 upon any referendum question at any election may request a recount. The petitioner
23 shall file a verified petition or petitions accompanied by the fee prescribed in par.
24 (ag), if any, with the proper clerk or body under par. (ar) not earlier than the time of
25 completion of the canvass and not later than 5 p.m. on the 3rd business day following

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1 the last meeting day of the municipal or county board of canvassers determining the
2 election for that office or on that referendum question or, if more than one board of
3 canvassers makes the determination not later than 5 p.m. on the 3rd business day
4 following the last meeting day of the last board of canvassers which makes a
5 determination. If the chairperson of the board or chairperson's designee makes the
6 determination for the office or the referendum question, the petitioner shall file the
7 petition not earlier than the last meeting day of the last county board of canvassers
8 to make a statement in the election or referendum and not later than 5 p.m. on the
9 3rd business day following the day on which the elections board receives the last
10 statement from a county board of canvassers for the election or referendum. Each
11 verified petition shall state that at the election the petitioner was a candidate for the
12 office in question or that he or she voted on the referendum question in issue; that
13 the petitioner is informed and believes that a mistake or fraud has been committed
14 in a specified ward or municipality in the counting and return of the votes cast for
15 the office or upon the question; or shall specify any other defect, irregularity or
16 illegality in the conduct of the election. The petition shall specify each ward, or each
17 municipality where no wards exist, in which a recount is desired. If a recount is
18 requested for all wards within a jurisdiction, each ward need not be specified. The
19 petition may be amended to include information discovered as a result of the
20 investigation of the board of canvassers or the chairperson of the board or
21 chairperson's designee after the filing of the petition, if the petitioner moves to
22 amend the petition as soon as possible after the petitioner discovered or reasonably
23 should have discovered the information which is the subject of the amendment and
24 the petitioner was unable to include information in the original petition.

25 **SECTION 165.** 9.01 (1) (ar) 3. of the statutes is amended to read:

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1 9.01 (1) (ar) 3. Upon receipt of a valid petition, the clerk shall thereupon notify
2 the proper board of canvassers. Upon receipt of a valid petition by the board, the
3 board shall promptly by certified mail or other expeditious means order the proper
4 county boards of canvassers to commence the recount. County boards of canvassers
5 shall convene no later than 9 a.m. on the day following receipt of an order and may
6 adjourn for not more than one day at a time until the recount is completed in the
7 county, except that the board may permit extension of the time for adjournment.
8 Returns from a recount ordered by the board shall be transmitted to the office of the
9 board as soon as possible, but in no case later than 13 days from the date of the order
10 of the board directing the recount. The chairperson of the board or the chairperson's
11 designee may not make a determination in any election if a recount is pending before
12 any county board of canvassers in that election. The chairperson of the board or the
13 chairperson's designee need not recount actual ballots, but shall verify the returns
14 of the county boards of canvassers in making his or her determinations.

15 **SECTION 166m.** 9.01 (1) (b) 2. of the statutes is amended to read:

16 9.01 (1) (b) 2. The board of canvassers shall then examine the absentee ballot
17 envelopes. Any defective absentee ballot envelopes shall be laid aside, properly
18 marked and carefully preserved. The number of voters shall be reduced by the
19 number of ballot envelopes set aside under this subdivision. An absentee ballot
20 envelope is defective only if it is neither sworn nor witnessed, if it is not signed by
21 the voter ~~or~~, if the affidavit supporting the absentee ballot envelope has such a
22 number of technical errors that the board of canvassers is doubtful of the legal effect
23 of the affidavit or, if the ballot was voted by facsimile transmission or electronic mail,
24 if the certificate or affidavit required to accompany the ballot is missing.

25 **SECTION 167.** 9.01 (2) of the statutes is amended to read:

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1 9.01 (2) NOTICE TO CANDIDATES. When the recount concerns an election for an
2 office, the clerk or body with whom the petition is filed shall promptly prepare a copy
3 of the petition for delivery to each opposing candidate for the same office whose name
4 appears on the ballot. In a recount proceeding for a partisan primary, the clerk or
5 body shall prepare a copy of the petition for delivery to each opposing candidate for
6 the same party nomination for the same office, to each opposing candidate for the
7 party nomination of each other party for the same office and to each independent
8 candidate qualifying to have his or her name placed on the ballot for the succeeding
9 election. The A candidate or agent designated by a candidate may personally accept
10 delivery of a copy of the petition. Upon such delivery, the clerk or body shall require
11 the candidate or agent to sign a receipt therefor. If a candidate or agent does not
12 personally accept delivery, the clerk or body shall then promptly deliver the copies
13 of the petition to the sheriff, who shall promptly deliver the copies of the petition to
14 each candidate at the address given on the candidate's nomination papers, without
15 fee, in the manner provided for service of a summons in civil actions.

16 **SECTION 168.** 9.01 (5) (a) of the statutes is amended to read:

17 9.01 (5) (a) The board of canvassers or the chairperson of the board or the
18 chairperson's designee shall keep complete minutes of all proceedings before the
19 board of canvassers or the chairperson or designee. The minutes shall include a
20 record of objections and offers of evidence. If the board of canvassers or the
21 chairperson or chairperson's designee receives exhibits from any party, the board of
22 canvassers or the chairperson or designee shall number and preserve the exhibits.
23 The board of canvassers or the chairperson or chairperson's designee shall make
24 specific findings of fact with respect to any irregularity raised in the petition or
25 discovered during the recount. Any member of the board of canvassers or the

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1 chairperson or chairperson's designee may administer oaths, certify official acts and
2 issue subpoenas for purposes of this section. Witness fees shall be paid by the county.
3 In the case of proceedings before the chairperson of the board or chairperson's
4 designee, witness fees shall be paid by the board.

5 **SECTION 169.** 9.01 (5) (bm) of the statutes is created to read:

6 9.01 (5) (bm) Upon the completion of its proceedings, a board of canvassers
7 shall deliver to the board one copy of the minutes of the proceedings kept under par.

8 (a). In addition, in the case of a recount of an election for state or national office, for
9 each candidate whose name appears on the ballot for that office under the name of
10 a political party, the board of canvassers shall deliver one copy of the minutes to the
11 chief officer, if any, who is named in any registration statement filed under s. 11.05
12 (1) by the state committee of that political party, and in the case of a recount of an
13 election for county office, for each candidate whose name appears on the ballot for
14 that office under the name of a political party, the board of canvassers shall deliver
15 one copy of the minutes to the chief officer, if any, who is named in any registration
16 statement filed under s. 11.05 (1) by the county committee of that political party.

17 **SECTION 170.** 9.01 (5) (c) of the statutes is amended to read:

18 9.01 (5) (c) If the recount is made by a municipal or county board of canvassers
19 and the result is required to be reported to a county board of canvassers or to the
20 chairperson of the board or the chairperson's designee, the board of canvassers
21 making the initial recount shall immediately certify the results to the county board
22 of canvassers or to the chairperson of the board or designee. If a county board of
23 canvassers receives such results, it shall then convene not later than 9 a.m. on the
24 next business day following receipt to examine the returns and determine the
25 results. If the chairperson of the board or the chairperson's designee receives such

ENGROSSED ASSEMBLY BILL 700**SECTION 170**

1 results, the chairperson or designee shall publicly examine the returns and
2 determine the results not later than 9 a.m. on the 3rd business day following receipt,
3 but if that day is earlier than the latest day permitted for that election under s. 7.70
4 (3) (a), the chairperson of the board or designee may examine the returns and
5 determine the results not later than the day specified in s. 7.70 (3) (a).

6 **SECTION 171.** 9.01 (6) (a) of the statutes is amended to read:

7 9.01 (6) (a) Within 5 business days after completion of the recount
8 determination by the board of canvassers in all counties concerned, or within 5
9 business days after completion of the recount determination by the chairperson of
10 the board or the chairperson's designee whenever a determination is made by the
11 chairperson or designee, any candidate, or any elector when for a referendum,
12 aggrieved by the recount may appeal to circuit court. The appeal shall commence by
13 serving a written notice of appeal on the other candidates and persons who filed a
14 written notice of appearance before each board of canvassers whose decision is
15 appealed, or in the case of a statewide recount, before the chairperson of the board
16 or the chairperson's designee. The appellant shall also serve notice on the board if
17 the chairperson of the board or the chairperson's designee is responsible for
18 determining the election. The appellant shall serve the notice by certified mail or in
19 person. The appellant shall file the notice with the clerk of circuit court together with
20 an undertaking and surety in the amount approved by the court, conditioned upon
21 the payment of all costs taxed against the appellant.

22 **SECTION 172.** 9.01 (7) of the statutes is amended to read:

23 9.01 (7) COURT PROCEDURES; COSTS. (a) The court with whom an appeal is filed
24 shall forthwith issue an order directing each affected county or municipal clerk or
25 board to transmit immediately all ballots, papers and records affecting the appeal

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1 to the clerk of court or to impound and secure such ballots, papers and records, or
2 both. ~~The order shall fix a place and a time for the hearing within 5 days of the order~~
3 ~~either in open court, at chambers or before a referee.~~ The order shall be served upon
4 each affected county or municipal clerk or board and all other candidates and persons
5 who filed a written notice of appearance before any board of canvassers involved in
6 the recount. ~~A reference may be ordered upon any question. At the assigned time~~
7 ~~and place, the matter shall be summarily heard and determined and costs taxed as~~
8 ~~in other civil actions.~~

9 (b) The appeal shall be heard by a judge without a jury. ~~Within 10 days after~~
10 Promptly following the filing of an appeal is filed, the court shall hold a scheduling
11 conference for the purpose of adopting procedures that will permit the court to
12 determine the matter as expeditiously as possible. Within the time ordered by the
13 court, the appellant shall file a complaint enumerating with specificity every alleged
14 irregularity, defect, mistake or fraud committed during the recount. The appellant
15 shall file a copy of the complaint with each person who is entitled to receive a copy
16 of the order under par. (a). The Within the time ordered by the court shall promptly
17 require an answer from, the other parties to the appeal. The court shall hold a
18 hearing on the matter within 15 days of the date that the answer is filed shall file
19 an answer. Within the time ordered by the court, the parties to the appeal shall
20 provide the court with any other information ordered by the court. At the time and
21 place ordered by the court, the matter shall be summarily heard and determined and
22 costs shall be taxed as in other civil actions. Those provisions of chs. 801 to 806 which
23 are inconsistent with a prompt and expeditious hearing do not apply to appeals
24 under this section.

25 **SECTION 173.** 9.01 (8) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 700**SECTION 173**

1 9.01 (8) SCOPE OF REVIEW. Unless the court finds a ground for setting aside or
2 modifying the determination of the board of canvassers or the chairperson of the
3 board or chairperson's designee, it shall affirm the determination. The court shall
4 separately treat disputed issues of procedure, interpretations of law and findings of
5 fact. The court may not receive evidence not offered to the board of canvassers or the
6 chairperson or chairperson's designee except for evidence that was unavailable to a
7 party exercising due diligence at the time of the recount or newly discovered evidence
8 that could not with due diligence have been obtained during the recount, and except
9 that the court may receive evidence not offered at an earlier time because a party was
10 not represented by counsel in all or part of a recount proceeding. A party who fails
11 to object or fails to offer evidence of a defect or irregularity during the recount waives
12 the right to object or offer evidence before the court except in the case of evidence that
13 was unavailable to a party exercising due diligence at the time of the recount or
14 newly discovered evidence that could not with due diligence have been obtained
15 during the recount or evidence received by the court due to unavailability of counsel
16 during the recount. The court shall set aside or modify the determination if it finds
17 that the board of canvassers or the chairperson or chairperson's designee has
18 erroneously interpreted a provision of law and a correct interpretation compels a
19 particular action. If the determination depends on any fact found by the board of
20 canvassers or the chairperson or chairperson's designee, the court may not
21 substitute its judgment for that of the board of canvassers or the chairperson or
22 designee as to the weight of the evidence on any disputed finding of fact. The court
23 shall set aside the determination if it finds that the determination depends on any
24 finding of fact that is not supported by substantial evidence.

25 **SECTION 173d.** 9.10 (2) (em) 1. of the statutes is amended to read:

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1 9.10 (2) (em) 1. The ~~petition-sheet~~ circulator fails to sign the affidavit
2 certification of circulator.

3 **SECTION 173f.** 9.10 (2) (em) 3. of the statutes is repealed.

4 **SECTION 173h.** 9.10 (2) (n) of the statutes is amended to read:

5 9.10 (2) (n) No signature may be stricken if the ~~individual administering the~~
6 affidavit of circulator ~~does not~~ fails to date the jurat certification of circulator.

7 **SECTION 173j.** 9.10 (2) (r) 4. of the statutes is amended to read:

8 9.10 (2) (r) 4. Failure of the circulator to sign ~~an affidavit~~ the certification of
9 circulator.

10 **SECTION 174.** 10.02 (3) (b) 1. of the statutes is amended to read:

11 10.02 (3) (b) 1. If an elector wishes to vote for all candidates nominated by any
12 party, the elector shall make a cross (X) ~~in the circle~~ or depress the lever or button
13 under next to the party designation ~~printed~~ shown at the top of the ballot. Unless
14 a name has been erased or crossed out, another name written in, a cross made ~~to the~~
15 right next to the name of a candidate for the same office in another column or a sticker
16 applied, a cross ~~in the circle~~ next to a party designation at the top of the column is
17 a vote for all the party's candidates listed in the column. If an elector does not wish
18 to vote for all the candidates nominated by one party, the elector shall make a cross
19 (X) ~~in the square at the right of~~ next to or separately depress the levers or buttons
20 next to each candidate's name for whom he or she intends to vote, or shall insert or
21 write in the name of a candidate.

22 **SECTION 175.** 10.02 (3) (b) 2. of the statutes is amended to read:

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

ENGROSSED ASSEMBLY BILL 700**SECTION 175**

1 the elector intends to vote, or shall insert or write in the name of the elector's choice
2 for a candidate.

3 **SECTION 176.** 10.02 (3) (b) 2m. of the statutes is amended to read:

4 10.02 (3) (b) 2m. At the September primary, the elector shall select the party
5 ballot of his or her choice or the ballot containing the names of the independent
6 candidates for state office, and make a cross (X) ~~in the square at the right of~~ next to
7 or depress the lever or button next to the candidate's name for each office for whom
8 the elector intends to vote or insert or write in the name of the elector's choice for a
9 party candidate, if any. In order to qualify for participation in the Wisconsin election
10 campaign fund, a candidate for state office at the September primary, other than a
11 candidate for district attorney, must receive at least 6% of all votes cast on all ballots
12 for the office for which he or she is a candidate, in addition to other requirements.

13 **SECTION 177.** 10.02 (3) (b) 3. and 4., (c) and (d) of the statutes are amended to
14 read:

15 10.02 (3) (b) 3. When casting a presidential preference vote, the elector shall
16 select the party ballot of his or her choice and make a cross (X) ~~in the square at the~~
17 ~~right of~~ next to or depress the button or lever next to the candidate's name for whom
18 he or she intends to vote or shall, in the alternative, make a cross (X) ~~in the square~~
19 ~~at the right of~~ next to or depress the button or lever next to the words "Uninstructed
20 delegation", or shall write in the name of his or her choice for a candidate.

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

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1 (c) In presidential elections, unless the elector wishes to vote for all candidates
2 nominated by any party, the elector shall make a cross (X) ~~in the square at the right~~
3 ~~of next to~~ or depress the button or lever next to the set of candidates for president and
4 vice president for whom he or she intends to vote. ~~The A vote shall be counted for~~
5 ~~all the candidates~~ for president and vice president is a vote for the presidential
6 electors of those candidates.

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

10 **SECTION 178.** 10.06 (2) (h) of the statutes is amended to read:

11 10.06 (2) (h) On the first last Tuesday in ~~June~~ May preceding a September
12 primary and general election, the county clerk shall publish a type A notice based on
13 the notice received from the board for all national and state offices to be filled at the
14 election by any electors voting in the county and incorporating county offices.

15 **SECTION 179.** 10.06 (4) (i) of the statutes is amended to read:

16 10.06 (4) (i) On the day preceding any referendum other than a state, county
17 or municipal referendum, the clerk of the jurisdiction which calls the referendum
18 shall publish type B ~~and~~, C and D notices.

19 **SECTION 180.** 11.02 (3) of the statutes is amended to read:

20 11.02 (3) The Except as provided in sub. (3e), the “filing officer” for each
21 candidate for local office and for each committee which or individual who is acting
22 in support of or in opposition to any candidate for local office, but not any candidate
23 for state office, is the clerk of the most populous jurisdiction for which any candidate
24 who is supported or opposed seeks office.

25 **SECTION 181.** 11.02 (3e) of the statutes is created to read:

ENGROSSED ASSEMBLY BILL 700**SECTION 181**

1 11.02 (3e) The “filing officer” for each candidate for municipal judge elected
2 under s. 755.01 (4) and for each committee which or individual who is acting in
3 support of or in opposition to such a candidate, but not any candidate for state office,
4 is the county clerk or board of election commissioners of the county having the largest
5 portion of the population in the jurisdiction served by the judge.

6 **SECTION 182.** 11.03 (1) of the statutes is amended to read:

7 11.03 (1) Elections for the positions of presidential elector, and convention
8 delegate ~~and party committeeman or committeewoman~~ are not subject to ss. 11.05
9 to 11.23 and 11.26 to 11.29.

10 **SECTION 183.** 11.60 (4) and (5) of the statutes are amended to read:

11 11.60 (4) Actions under this section arising out of an election for state office or
12 a statewide referendum may be brought by the board or by the district attorney of
13 the county where the violation is alleged to have occurred, except as specified in s.
14 11.38. Actions under this section arising out of an election for local office or a local
15 referendum may be brought by the district attorney of the county where the violation
16 is alleged to have occurred. Actions under this section arising out of an election for
17 county office or a county referendum may be brought by the county board of election
18 commissioners of the county wherein the violation is alleged to have occurred. If a
19 violation concerns a district attorney or circuit judge or candidate for such offices, the
20 action shall be brought by the attorney general. If a violation concerns the attorney
21 general or a candidate for such office, the governor may appoint special counsel
22 under s. 14.11 (2) to bring suit in behalf of the state. The counsel shall be independent
23 of the attorney general and need not be a state employe at the time of appointment.

24 (5) Any elector may file a verified petition with the board, the county board of
25 election commissioners or the appropriate district attorney or ~~both~~ with more than

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1 one of them where ~~the~~ their authority is concurrent under sub. (4), requesting that
2 civil action under this chapter be brought against any person, committee or group.
3 The petition shall allege such facts as are within the knowledge of the petitioner to
4 show probable cause that a violation of this chapter has occurred.

5 **SECTION 184.** 13.123 (3) (b) 2. of the statutes is amended to read:

6 13.123 (3) (b) 2. In making the determination under subd. 1., the chief clerk is
7 bound by the determination of the chairperson of the elections board or the
8 chairperson's designee if such determination has been issued.

9 **SECTION 185.** 24.66 (4) of the statutes is amended to read:

10 24.66 (4) POPULAR VOTE, WHEN REQUIRED. If any municipality is not empowered
11 by law to incur indebtedness for a particular purpose without first submitting the
12 question to its electors, the application for a state trust fund loan for that purpose
13 must be approved and authorized by a majority vote of the electors at a special
14 election called, noticed and held in the manner provided for other special elections.
15 The question to be voted on shall be filed as provided in s. 8.37. The notice of the
16 election shall state the amount of the proposed loan and the purpose for which it will
17 be used.

18 **SECTION 186.** 32.72 (1) of the statutes is amended to read:

19 32.72 (1) Sections 32.50 to 32.71 do not take effect in any city until the following
20 question is submitted to the electors of the city at a special election and adopted by
21 a majority vote of the electors voting: "Shall subchapter II of chapter 32, Wisconsin
22 Statutes, be effective in the city of, thus allowing the city to acquire and
23 condemn property for street widening and similar purposes, financed through
24 assessments of benefits and damages?". The question shall be filed as provided in
25 s. 8.37.

ENGROSSED ASSEMBLY BILL 700**SECTION 187**

1 **SECTION 187.** 38.08 (1) (a) 1. of the statutes is amended to read:

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

9 **SECTION 188.** 59.05 (2) of the statutes is amended to read:

10 59.05 (2) If two-fifths of the legal voters of any county, to be determined by the
11 registration or poll lists of the last previous general election held in the county, the
12 names of which voters shall appear on some one of the registration or poll lists of such
13 election, present to the board a petition conforming to the requirements of s. 8.40
14 asking for a change of the county seat to some other place designated in the petition,
15 the board shall submit the question of removal of the county seat to a vote of the
16 qualified voters of the county. The board shall file the question as provided in s. 8.37.
17 The election shall be held only on the day of the general election, notice of the election
18 shall be given and the election shall be conducted as in the case of the election of
19 officers on that day, and the votes shall be canvassed, certified and returned in the
20 same manner as other votes at that election. The question to be submitted shall be
21 “Shall the county seat of county be removed to?”.

22 **SECTION 189.** 59.08 (7) (b) of the statutes is amended to read:

23 59.08 (7) (b) The question of the consolidation of the counties shall be submitted
24 to the voters at the next election to be held on the first Tuesday in April, or the next
25 regular election, or at a special election to be held on the day fixed in the order issued

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1 under par. (a), which day shall be the same in each of the counties proposing to
2 consolidate. A copy of the order shall be filed with the county clerk of each of the
3 counties as provided in s. 8.37. If the question of consolidation is submitted at a
4 special election, it shall be held not less than ~~30~~ 42 days nor more than 60 days from
5 the completion of the consolidation agreement, but not within 60 days of any spring
6 or general election.

7 **SECTION 190.** 60.62 (2) of the statutes is amended to read:

8 60.62 (2) If the county in which the town is located has enacted a zoning
9 ordinance under s. 59.69, the exercise of the authority under sub. (1) is subject to
10 approval by the town meeting or by a referendum vote of the electors of the town held
11 at the time of any regular or special election. The question for the referendum vote
12 shall be filed as provided in s. 8.37.

13 **SECTION 191.** 60.74 (5) (b) of the statutes is amended to read:

14 60.74 (5) (b) A petition conforming to the requirements of s. 8.40 signed by
15 qualified electors of the district equal to at least 20% of the vote cast for governor in
16 the district at the last gubernatorial election, requesting a change to appointment
17 of commissioners, may be submitted to the town board, subject to sub. (5m) (a). The
18 petition shall be filed as provided in s. 8.37. Upon receipt of the petition, the town
19 board shall submit the question to a referendum at the next regular spring election
20 or general election, or shall call a special election for that purpose. The inspectors
21 shall count the votes and submit a statement of the results to the commission. The
22 commission shall canvass the results of the election and certify the results to the
23 town board which has authority to appoint commissioners.

24 **SECTION 192.** 60.785 (2) (a) of the statutes is amended to read:

ENGROSSED ASSEMBLY BILL 700**SECTION 192**

1 60.785 (2) (a) Any town sanitary district may be consolidated with a contiguous
2 town sanitary district by resolution passed by a two-thirds vote of all of the
3 commissioners of each district, fixing the terms of the consolidation and ratified by
4 the qualified electors of each district at a referendum held in each district. The
5 resolution shall be filed as provided in s. 8.37. The ballots shall contain the words
6 “for consolidation”, and “against consolidation”. If a majority of the votes cast on the
7 referendum in each town sanitary district are for consolidation, the resolutions are
8 effective and have the force of a contract. Certified copies of the resolutions and the
9 results of the referendum shall be filed with the secretary of natural resources and
10 the original documents shall be recorded with the register of deeds in each county
11 in which the consolidated district is situated.

12 **SECTION 193.** 61.187 (1) of the statutes is amended to read:

13 61.187 (1) PROCEDURE. Whenever a petition conforming to the requirements
14 of s. 8.40, signed by at least one-third as many electors of any village as voted for
15 village officers at the next preceding election therefor, shall be presented to the
16 village board, and filed as provided in s. 8.37, praying for dissolution of the village
17 corporation, such board shall submit to the electors of such village, for determination
18 by ballot in substantially the manner provided by ss. 5.64 (2) and 10.02, at a general
19 election or at a special election called by them for that purpose, the question whether
20 or not such village corporation shall be dissolved.

21 **SECTION 194.** 61.46 (1) of the statutes is amended to read:

22 61.46 (1) GENERAL; LIMITATION. The village board shall, on or before December
23 15 in each year, by resolution to be entered of record, determine the amount of
24 corporation taxes to be levied and assessed on the taxable property in such village
25 for the current year. Before levying any tax for any specified purpose, exceeding one

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1 percent of the assessed valuation aforesaid, the village board shall, and in all other
2 cases may in its discretion, submit the question of levying the same to the village
3 electors at any general or special election by giving 10 days' notice thereof prior to
4 such election by publication in a newspaper published in the village, if any, and if
5 there is none, then by posting notices in 3 public places in said village, setting forth
6 in such notices the object and purposes for which such taxes are to be raised and the
7 amount of the proposed tax. The village board shall file the question as provided in
8 s. 8.37.

9 **SECTION 195.** 62.13 (6) (b) of the statutes is amended to read:

10 62.13 (6) (b) The provisions of this subsection shall apply only if adopted by the
11 electors. Whenever not less than ~~30~~ 42 days prior to a regular city election a petition
12 therefor, conforming to the requirements of s. 8.40 and signed by electors equal in
13 number to not less than 20% of the total vote cast in the city for governor at the last
14 general election, shall be filed with the clerk as provided in s. 8.37, the clerk shall give
15 notice in the manner of notice of the regular city election of a referendum on the
16 adoption of this subsection. Such referendum election shall be held with the regular
17 city election, and the ballots shall conform with the provisions of ss. 5.64 (2) and
18 10.02, and the question shall be "Shall s. 62.13 (6) of the statutes be adopted?"

19 **SECTION 196.** 64.39 (2) of the statutes is amended to read:

20 64.39 (2) Such petition shall conform to the requirements of s. 8.40 and shall
21 be signed by qualified electors of such city at least equal in number to 25% of the total
22 number of votes cast in such city for all candidates for governor at the last preceding
23 general election. Such petition shall be filed with the city clerk as provided in s. 8.37
24 and after being so filed, no name shall be erased or removed therefrom and no

ENGROSSED ASSEMBLY BILL 700**SECTION 196**

1 signature shall be valid or be counted unless its date is less than one month preceding
2 the date of such filing.

3 **SECTION 197.** 66.021 (5) (a) of the statutes is amended to read:

4 66.021 (5) (a) *Notice.* Within 60 days after the filing of the petition, the common
5 council or village board may accept or reject the petition and if rejected no further
6 action shall be taken thereon. Acceptance may consist of adoption of an annexation
7 ordinance. Failure to reject the petition shall obligate the city or village to pay the
8 cost of any referendum favorable to annexation. If the petition is not rejected the
9 clerk of the city or village with whom the annexation petition is filed shall give
10 written notice thereof by personal service or registered mail with return receipt
11 requested to the clerk of any town from which territory is proposed to be detached
12 and shall give like notice to any person who files a written request therefor with the
13 clerk. Such notice shall indicate whether the petition is for direct annexation or
14 whether it requests a referendum on the question of annexation. If the notice
15 indicates that the petition is for a referendum on the question of annexation, the
16 clerk of the city or village shall file the notice as provided in s. 8.37. If the notice
17 indicates that the petition is for a referendum on the question of annexation, the
18 town clerk shall give notice as provided in par. (c) of a referendum of the electors
19 residing in the area proposed for annexation to be held ~~within 30~~ not less than 42
20 days nor more than 72 days after the date of personal service or mailing of the notice
21 required under this paragraph. If the notice indicates that the petition is for direct
22 annexation, no referendum shall be held unless within 30 days after the date of
23 personal service or mailing of the notice required under this paragraph, a petition
24 conforming to the requirements of s. 8.40 requesting a referendum is filed with the
25 town clerk as provided in s. 8.37, signed by at least 20% of the electors residing in the

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1 area proposed to be annexed. If such a petition is filed, the clerk shall give notice as
2 provided in par. (c) of a referendum of the electors residing in the area proposed for
3 annexation to be held ~~within 30~~ not less than 42 days nor more than 72 days of ~~after~~
4 the receipt of the petition and shall mail a copy of such notice to the clerk of the city
5 or village to which the annexation is proposed. Any referendum shall be held at some
6 convenient place within the town to be specified in the notice.

7 **SECTION 198.** 66.022 (3) of the statutes is amended to read:

8 66.022 (3) The governing body of any city, village or town involved may, or if
9 a petition conforming to the requirements of s. 8.40 signed by a number of qualified
10 electors thereof equal to at least 5% of the votes cast for governor in the city, village
11 or town at the last gubernatorial election, demanding a referendum thereon, is
12 presented to it within 30 days after the passage of either of the ordinances herein
13 provided for shall, cause the question to be submitted to the electors of the city,
14 village or town whose electors petitioned therefor, at a referendum election called for
15 such purpose ~~within 30~~ not less than 42 days nor more than 72 days after the filing
16 of such petition, or after the enactment of either ordinance. The petition shall be filed
17 as provided in s. 8.37. Whenever a number of electors cannot be determined on the
18 basis of reported election statistics, the number shall be determined in accordance
19 with s. 60.74 (6). The governing body of the municipality shall appoint 3 election
20 inspectors who shall be resident electors to supervise the referendum. The ballots
21 shall contain the words “For Detachment” and “Against Detachment”. The
22 inspectors shall certify the results of the election by their affidavits annexed thereto
23 and file a copy with the clerk of each town, village or city involved, and none of the
24 ordinances so provided for shall take effect nor be in force unless a majority of the

ENGROSSED ASSEMBLY BILL 700**SECTION 198**

1 electors shall approve the same. The referendum election shall be conducted in
2 accordance with chs. 6 and 7 insofar as applicable.

3 **SECTION 199.** 66.023 (4) (e) 1. and 2. of the statutes are amended to read:

4 66.023 (4) (e) 1. Within 30 days after adoption of a final plan under par. (d), the
5 governing body of a participating municipality may adopt a resolution calling for an
6 advisory referendum on the plan. An advisory referendum shall be held if, within
7 30 days after adoption of the final plan under par. (d), a petition, signed by a number
8 of qualified electors equal to at least 10% of the votes cast for governor in the
9 municipality at the last gubernatorial election, is filed with the clerk of a
10 participating municipality and as provided in s. 8.37, requesting an advisory
11 referendum on the cooperative plan. The petition shall conform to the requirements
12 of s. 8.40.

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

20 **SECTION 200.** 66.024 (4) (a) and (b) of the statutes are amended to read:

21 66.024 (4) (a) If the court, after such hearing, is satisfied as to the correctness
22 of the description of the territory or any survey and that the provisions of this section
23 have been complied with, it shall make an order so declaring and shall direct a
24 referendum election within the territory which shall be described in the order, on the
25 question, whether such area should be annexed. Such order shall be filed as provided

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1 in s. 8.37. Such order shall direct 3 electors named therein residing in the town in
2 which the territory proposed to be annexed lies, to perform the duties of inspectors
3 of election.

4 (b) The referendum election shall be held ~~within 30~~ not less than 42 days nor
5 more than 72 days after the ~~entry~~ filing of the order as provided in s. 8.37, in the
6 territory proposed for annexation, by the electors of such territory as provided in s.
7 66.021 (5), so far as applicable. The ballots shall contain the words “For Annexation”
8 and “Against Annexation”. The certification of the election inspectors shall be filed
9 with the clerk of the court, and the clerk of any municipality involved, but need not
10 be filed or recorded with the register of deeds.

11 **SECTION 201.** 66.027 of the statutes is amended to read:

12 **66.027 Municipal boundaries, fixed by judgment.** Any 2 municipalities
13 whose boundaries are immediately adjacent at any point and who are parties to any
14 action, proceeding or appeal in court for the purpose of testing the validity or
15 invalidity of any annexation, incorporation, consolidation or detachment, may enter
16 into a written stipulation, compromising and settling any such litigation and
17 determining the common boundary line between the municipalities. The court
18 having jurisdiction of the litigation, whether it is a circuit court, the court of appeals
19 or the supreme court, may enter a final judgment incorporating the provisions of the
20 stipulation and fixing the common boundary line between the municipalities
21 involved. Any stipulation changing boundaries of municipalities shall be approved
22 by the governing bodies of the detaching and annexing municipalities and s. 66.021
23 (8) and (10) shall apply. Any change of civil municipal boundaries under this section
24 is subject to a referendum of the electors residing within the territory annexed or
25 detached, if within 30 days after the publication of the stipulation to change

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1 boundaries in a newspaper of general circulation in the area proposed to be annexed
2 or detached, a petition for a referendum conforming to the requirements of s. 8.40
3 signed by at least 20% of the electors of the area to be annexed or detached, is filed
4 with the clerk of the municipality from which the area is proposed to be detached and
5 is filed as provided in s. 8.37. The referendum shall be conducted as are annexation
6 referenda. If the referendum election is opposed to detachment from the
7 municipality, all proceedings under this section are void. For the purposes of this
8 section “municipalities” includes cities, villages and towns.

9 **SECTION 202.** 66.028 (6) (a) and (b) of the statutes are amended to read:

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

20 (b) The advisory referendum shall be held ~~within 30~~ not less than 42 days nor
21 more than 72 days after adoption of the resolution under par. (a) calling for the
22 referendum or ~~within 30~~ not less than 42 days nor more than 72 days after receipt
23 of the petition under par. (a) by the municipal clerk. The municipal clerk shall give
24 notice of the referendum by publishing a notice in a newspaper of general circulation

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1 in the municipality, both on the publication day next preceding the advisory
2 referendum election and one week prior to that publication date.

3 **SECTION 203.** 66.059 (2m) (b) of the statutes is amended to read:

4 66.059 (2m) (b) If a referendum is to be held on a resolution, the municipal
5 governing body shall file the resolution as provided in s. 8.37 and shall direct the
6 municipal clerk to call a special election for the purpose of submitting the resolution
7 to the electors for a referendum on approval or rejection. In lieu of a special election,
8 the municipal governing body may specify that the election be held at the next
9 succeeding spring primary or election or September primary or general election.

10 **SECTION 204.** 66.061 (1) (c) of the statutes is amended to read:

11 66.061 (1) (c) No such ordinance shall be operative until 60 days after passage
12 and publication unless sooner approved by a referendum. Within that time electors
13 equal in number to ~~20 per cent~~ 20% of those voting at the last regular municipal
14 election, may ~~demand~~ file a petition requesting a referendum. The ~~demand petition~~
15 shall be in writing and filed with the clerk and as provided in s. 8.37. Each signer
16 shall state his or her occupation and residence and signatures shall be verified by the
17 affidavit of an elector. The referendum shall be held at the next regular municipal
18 election, or at a special election within 90 days of the filing of the demand, and the
19 ordinance shall not be effective unless approved by a majority of the votes cast
20 thereon. This paragraph shall not apply to extensions by a utility previously
21 franchised by the village or city.

22 **SECTION 204d.** 66.061 (1) (c) of the statutes, as affected by 1999 Wisconsin Act
23 (this act), is amended to read:

24 66.061 (1) (c) No such ordinance shall be operative until 60 days after passage
25 and publication unless sooner approved by a referendum. Within that time electors

ENGROSSED ASSEMBLY BILL 700**SECTION 204d**

1 equal in number to 20% of those voting at the last regular municipal election may
2 file a petition requesting a referendum. The petition shall be in writing and filed with
3 the clerk and as provided in s. 8.37. ~~Each~~ The petition shall conform to the
4 requirements of s. 8.40, except that each signer shall also state his or her occupation
5 ~~and residence and signatures shall be verified by the affidavit of an elector.~~ The
6 referendum shall be held at the next regular municipal election, or at a special
7 election within 90 days of the filing of the demand, and the ordinance shall not be
8 effective unless approved by a majority of the votes cast thereon. This paragraph
9 shall not apply to extensions by a utility previously franchised by the village or city.

10 **SECTION 205.** 66.075 (5) of the statutes is amended to read:

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

23 **SECTION 206.** 66.521 (10) (d) of the statutes is amended to read:

24 66.521 (10) (d) The governing body may issue bonds under this section without
25 submitting the proposition to the electors of the municipality for approval unless

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1 within 30 days from the date of publication of notice of adoption of the initial
2 resolution for such bonds, a petition conforming to the requirements of s. 8.40, signed
3 by not less than 5% of the registered electors of the municipality, or, if there is no
4 registration of electors in the municipality, by 10% of the number of electors of the
5 municipality voting for the office of governor at the last general election as
6 determined under s. 115.01 (13), is filed with the clerk of the municipality and as
7 provided in s. 8.37 requesting a referendum upon the question of the issuance of the
8 bonds. If such a petition is filed, the bonds shall not be issued until approved by a
9 majority of the electors of the municipality voting thereon at a general or special
10 election.

11 **SECTION 207.** 66.77 (3) (a) 1. of the statutes is amended to read:

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

23 **SECTION 208.** 66.94 (4) of the statutes is amended to read:

24 66.94 (4) MANNER OF ADOPTION. This section may be adopted by any city, village
25 or town within the metropolitan district in the following manner: The governing

ENGROSSED ASSEMBLY BILL 700**SECTION 208**

1 body of any municipality, by ordinance passed at least ~~30~~ 42 days prior to submission
2 of the question, may direct that the question of the adoption of this section be
3 submitted to the electors therein at any general, special, judicial or local election.

4 The question shall be filed as provided in s. 8.37. The clerk of such municipality or
5 the election commission of any city of the first class shall thereupon submit the
6 question to popular vote. Public notice of the election shall be given in the same
7 manner as in case of a regular municipal election except that such notice shall be
8 published or posted at least 20 days prior to the election. If a majority of those voting
9 on the question vote in the affirmative thereon, this section shall be adopted in such
10 municipality. The proposition on the ballot to be used at such election shall be in
11 substantially the following form:

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

15 YES NO

16 **SECTION 209.** 67.05 (3) (am) of the statutes is created to read:

17 67.05 (3) (am) The question on which the referendum is held shall be filed as
18 provided in s. 8.37.

19 **SECTION 210.** 67.12 (12) (e) 6. of the statutes is amended to read:

20 67.12 (12) (e) 6. A copy of any resolution of the district board under subd. 5.
21 which requires a referendum shall be promptly transmitted by the secretary of the
22 district board to the county clerk or board of election commissioners of each county
23 any part of which is contained within the district. A copy of the resolution shall be
24 filed as provided in s. 8.37. Costs of the referendum shall be borne as provided in ss.
25 5.68 and 7.03.

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1 **SECTION 211.** 81.01 (3) (b) of the statutes is amended to read:

2 81.01 (3) (b) The town board by resolution submits to the electors of the town
3 as a referendum at a general or special town election the question of exceeding the
4 \$10,000 limit set under this subsection. A copy of the resolution shall be filed as
5 provided in s. 8.37. The board shall abide by the majority vote of the electors of the
6 town on the question. The question shall read as follows:

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

9 FOR SPENDING AGAINST SPENDING

10 **SECTION 212.** 86.21 (2) (a) of the statutes is amended to read:

11 86.21 (2) (a) Before any such toll bridge is constructed or acquired under this
12 section, a resolution authorizing the construction or acquisition thereof, and
13 specifying the method of payment therefor, shall be adopted by a majority of the
14 members of the governing body of such county, town, village or city at a regular
15 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The
16 resolution shall include a general description of the property it is proposed to acquire
17 or construct. Any county, town, village or city constructing or acquiring a toll bridge
18 under this section may provide for the payment of the same or any part thereof from
19 the general fund, from taxation, or from the proceeds of either municipal bonds,
20 revenue bonds or as otherwise provided by law. Such resolution shall not be effective
21 until 15 days after its passage and publication. If within said 15 days a petition
22 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality,
23 and filed as provided in s. 8.37, signed by at least 20% of the electors thereof
24 requesting that the question of acquiring such toll bridge be submitted to the said
25 electors, such question shall be submitted at any general or regular municipal

ENGROSSED ASSEMBLY BILL 700**SECTION 212**

1 election that ~~may be~~ is held not less sooner than ~~10 nor more than 40~~ 42 days from
2 the date of filing such petition. In case no such general or regular municipal election
3 is to be held within such stated period, then the governing body of such municipality
4 shall order a special election to be held within 30 days from the filing of such petition
5 upon the question of whether such toll bridge shall be acquired by said municipality.
6 The question submitted to the electors shall specify the method of payment for such
7 toll bridge as provided in the resolution for the acquisition thereof. If no such petition
8 is filed, or if the majority of votes cast at such referendum election are in favor of the
9 acquisition of such toll bridge, then the resolution of the governing body for the
10 acquisition of such toll bridge shall be in effect.

11 **SECTION 213.** 92.11 (4) (c) of the statutes is amended to read:

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

21 **SECTION 214.** 119.48 (4) (c) of the statutes is amended to read:

22 119.48 (4) (c) Upon receipt of the communication, the common council shall file
23 the communication as provided in s. 8.37 and shall cause the question of exceeding
24 the levy rate specified under s. 65.07 (1) (f) to be submitted to the voters of the city
25 at the September election or at a special election. The question of exceeding the levy

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1 rate specified under s. 65.07 (1) (f) shall be submitted ~~upon a separate ballot or in~~
2 ~~some other manner~~ so that the vote upon exceeding the levy rate specified in s. 65.07
3 (1) (f) is taken separately from any other question submitted to the voters. If a
4 majority of the electors voting on the question favors exceeding the levy rate specified
5 under s. 65.07 (1) (f), the common council shall approve the increase in the levy rate
6 and shall levy and collect a tax equal to the amount of money approved by the
7 electors.

8 **SECTION 215.** 119.49 (2) of the statutes is amended to read:

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

19 **SECTION 216.** 120.06 (6) (b) of the statutes is amended to read:

20 120.06 (6) (b) No later than the ~~first~~ 4th Tuesday in ~~December~~ November prior
21 to the spring election, the school district clerk shall publish a type A notice of the
22 school district election under s. 10.01 (2) (a). ~~Except as authorized in this paragraph,~~
23 no later than 5 p.m. on the first Tuesday in January prior to the spring election, or
24 on the next day if Tuesday is a holiday, any qualified elector of the school district may
25 file a sworn declaration of candidacy with the school district clerk in the form

ENGROSSED ASSEMBLY BILL 700**SECTION 216**

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

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1 school district clerk in the event of a change in any information provided in the
2 declaration as provided in s. 8.21.

3 **SECTION 217.** 121.91 (3) (a) of the statutes is amended to read:

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

21 **SECTION 218.** 125.05 (1) (b) 5. of the statutes is amended to read:

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

24 **SECTION 219.** 197.04 (1) (b) of the statutes is amended to read:

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

14 **SECTION 220.** 197.10 (2) of the statutes is amended to read:

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

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1 **SECTION 221.** 227.52 (6) of the statutes is amended to read:

2 227.52 (6) Decisions of the chairperson of the elections board or the
3 chairperson's designee.

4 **SECTION 222.** 755.01 (4) of the statutes is amended to read:

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

ENGROSSED ASSEMBLY BILL 700**SECTION 223**

1 **SECTION 223.** 778.135 of the statutes is amended to read:

2 **778.135 Elections board Campaign finance forfeitures; how recovered.**

3 Notwithstanding s. 778.13, whenever any action or proposed action by the elections
4 board under s. 5.05 (1) (c) is settled as a result of agreement between the parties
5 without approval of the court, the moneys accruing to the state on account of such
6 settlement shall be paid to the board and deposited with the state treasurer.
7 Whenever any proposed action by a county board of election commissioners under s.
8 7.21 (2m) (a) is settled as a result of agreement between the parties, the moneys
9 accruing to the county on account of such settlement shall be paid to the board of
10 election commissioners and deposited with the county treasurer in the same manner
11 as provided for forfeitures under s. 778.13.

12 **SECTION 224. Nonstatutory provisions.**

13 (1) There shall be submitted to the vote of the electors at the general election
14 to be held in November 2000 the following question: "Shall sections 68 and 70 of 1999
15 Wisconsin Act (this act), which extend the right to vote in federal elections in this
16 state to the adult children of U.S. citizens who resided in this state prior to
17 establishing residency abroad, become effective on January 1, 2001?". If the question
18 is approved by a majority of all votes cast on the question at the election, SECTIONS
19 68 and 70 of this act shall become law; otherwise, those sections shall not take effect.

20 **SECTION 225. Initial applicability.**

21 (1) REPORT ON IMPEDIMENTS TO VOTING. The treatment of section 5.25 (4) (d) of
22 the statutes first applies to the report due on June 30, 2001.

23 (2) FILING OF REFERENDUM QUESTIONS. The treatment of sections 8.37, 24.66 (4),
24 32.72 (1), 59.05 (2), 59.08 (7) (b), 60.62 (2), 60.74 (5) (b), 60.785 (2) (a), 61.187 (1), 61.46
25 (1), 62.13 (6) (b), 64.39 (2), 66.021 (5) (a), 66.022 (3), 66.023 (4) (e) 1. and 2., 66.024

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1 (4) (a) and (b), 66.027, 66.028 (6) (a) and (b), 66.059 (2m) (b), 66.061 (1) (c) (by SECTION
2 204), 66.075 (5), 66.521 (10) (d), 66.77 (3) (a) 1., 66.94 (4), 67.05 (3) (am), 67.12 (12)
3 (e) 6., 81.01 (3) (b), 86.21 (2) (a), 119.48 (4) (c), 119.49 (2), 121.91 (3) (a), 125.05 (1) (b)
4 5., 197.04 (1) (b) and 197.10 (2) of the statutes first applies with respect to referenda
5 called on the effective date of this subsection.

6 **SECTION 226. Effective dates.** This act takes effect on the day after
7 publication, except as follows:

8 (1) **VOTING BY CHILDREN OF OVERSEAS ELECTORS.** The treatment of section 6.24
9 (1), (2) and (3) (by SECTION 70) of the statutes takes effect on January 1, 2001, if the
10 condition set forth in SECTION 224 (1) of this act is satisfied.

11 (1m) **AFFIDAVITS OF CIRCULATORS.** The treatment of sections 8.10 (3) (intro.), 8.15
12 (4) (a), 8.20 (3), 8.40 (2), 9.10 (2) (em) 1. and 3., (n) and (r) 4. and 66.061 (1) (c) (by
13 SECTION 204d) of the statutes takes effect on August 1, 2000.

14 (2) **SCHOOL DISTRICT REFERENDA TO EXCEED REVENUE LIMITS.** The treatment of
15 section 121.91 (3) (a) of the statutes takes effect on July 1, 2000.

16 (END)

**SENATE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 700**

March 3, 2000 - Offered by COMMITTEE ON AGRICULTURE, ENVIRONMENTAL
RESOURCES AND CAMPAIGN FINANCE REFORM.

1 At the locations indicated, amend the engrossed bill as follows:

2 1. Page 34, line 15: delete lines 15 to 19 and substitute:

3 "SECTION 65m. 6.22 (2) (b) of the statutes is repealed and recreated to read:

4 6.22 (2) (b) Notwithstanding s. 6.87 (4), a military elector shall make and
5 subscribe to the certification under s. 6.87 (2) before a witness who is an adult U.S.
6 citizen.

34-15 ✓

7 2. Page 35, line 16: delete "certification or affidavit" and substitute "affidavit
8 certification".

35-16 ✓

9 3. Page 37, line 10: delete the material beginning with "certificate" and ending
10 with "certificate-affidavit" on line 11 and substitute "certificate affidavit".

37-11 ✓

11 4. Page 37, line 13: delete the material beginning with "Whenever" and ending
12 with "citizens." on line 15 and substitute "Whenever an application, affidavit or other
13 act is required in ss. 6.86 to 6.89 an overseas elector may fulfill the requirements by

37-13 ✓



37-13 cent

1 ~~subscribing or swearing before any person authorized to administer oaths or 2 adult~~
2 ~~U.S. citizens Notwithstanding s. 6.87 (4), an overseas elector shall make and~~
3 ~~subscribe to the special certificate form before a witness who is an adult U.S.~~
4 ~~citizen.~~

5 ✓ 5. Page 38, line 6: after that line insert:

6 "SECTION 75m. 6.24 (7) of the statutes is amended to read:

7 6.24 (7) VOTING PROCEDURE. Except as authorized under s. 6.25, the ballot shall
8 be marked or punched and returned, deposited and recorded in the same manner as
9 other absentee ballots. In addition, the ~~certificate-affidavit~~ certificate shall have a
10 statement of the elector's birth date. Failure to return the unused ballots in a
11 primary election does not invalidate the ballot on which the elector casts his or her
12 votes."

38-6

SAI 95A
SAI 95B
SAI 95C

13 ✓ 6. Page 44, line 1: delete "notarize the affidavit" and substitute "notarize the
14 affidavit witness the voting procedure".

SAI 95A
SAI 95B
SAI 95C

15 ✓ 7. Page 44, line 24: delete the material beginning with that line and ending
16 with page 45, line 5, and substitute:

44-1

17 "SECTION 95p. 6.87 (2) of the statutes is amended to read:

18 6.87 (2) The Except as authorized under sub. (3) (d), the municipal clerk shall
19 place the ballot in an unsealed envelope furnished by the clerk. The envelope shall
20 have the name, official title and post-office address of the clerk upon its face. The
21 other side of the envelope shall have a printed ~~certificate-affidavit~~ certificate in
22 substantially the following form:

23 [STATE OF
24 County of]

44-24



44-24 cont

SA to SA
B

1
2
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4
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6
7

or

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

I, ..., (~~certify~~) (~~do solemnly swear~~) subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, that I am a resident of the [... ward of the] (town) (village) of ..., or of the ... aldermanic district in the city of ..., residing at ... in said city, the county of ..., state of Wisconsin, and am entitled to vote in the (ward) (election district) at the election to be held on ...; that I am not voting at any other location

~~in this election; that I cannot appear at the polling place in the (ward) (election district) on election day because I expect to be absent from the municipality or because of age, sickness, handicap, physical disability, religious reasons, jury duty, service as an election official, or because I have changed my residence within the state from one ward or election district to another within 10 days before the election.~~

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I (~~certify~~) (~~swear~~) that I exhibited the enclosed ballot unmarked to the (~~2 witnesses~~) (~~person administering the oath~~) witness, that I then in (~~their~~) (his) (her) presence and in the presence of no other person marked the ballot and enclosed and sealed the same in this envelope in such a manner that no one but myself and any person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance, could know how I voted.

19

Signed

20
21

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

22
23
24
25

We I, the undersigned witnesses witness, subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, certify that the above statements are true and the voting procedure was executed as there stated. ~~Neither of us is~~ I am not a candidate for any office on the enclosed ballot (except in the case of an incumbent

44-74 cert

1 municipal clerk). ~~The elector was not solicited or advised by us~~ I did not solicit or
2 advise the elector to vote for or against any candidate or measure.

3(Name)

4(Address)

5(Name)

6(Address)

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

12(Name)

13(Title)

14(State or nation).

15 ✓ **8.** Page 45, line 23: delete "certificate-affidavit" and substitute "certificate".

16 ✓ **9.** Page 46, line 1: delete "affidavit or the".

17 ✓ **10.** Page 46, line 3: delete "certificate-affidavit" and substitute "certificate".

18 ✓ **11.** Page 46, line 7: delete the material beginning with that line and ending
19 page 47, line 2, and substitute:

20 "SECTION 98p. 6.87 (4) of the statutes is amended to read:

21 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee
22 shall either make and subscribe to the affidavit before a person authorized to
23 administer oaths or make and subscribe to the certification before ~~2 witnesses~~ one
24 witness. The absent elector, in the presence of the administrator of the oath or

✓
46-7 →

46-7 cont

1 witnesses witness, shall mark or punch the ballot in a manner that will not disclose
2 how the elector's vote is cast. The elector shall then, still in the presence of the
3 ~~administrator of the oath or the 2 witnesses~~ witness, fold the ballots if they are paper
4 ballots so each is separate and so that the elector conceals the markings or punches
5 thereon and deposit them in the proper envelope, ~~but.~~ If a consolidated ballot under
6 s. 5.655 is used, the elector shall fold the ballot if it is a paper ballot so that the elector
7 conceals the markings thereon and deposit the ballot in the proper envelope. The
8 elector may receive assistance under sub. (5). The return envelope shall then be
9 sealed. The ~~witnesses or the official oath administrator~~ witness may not be a
10 candidate. The envelope shall be mailed by the elector, postage prepaid, or delivered
11 in person, to the municipal clerk issuing the ballot or ballots. Failure to return an
12 unused ballot in a primary does not invalidate the ballot on which the elector's votes
13 are cast. Return of more than one marked or punched ballot in a primary or return
14 of a ballot prepared under s. 5.655 or a ballot used with an electronic voting system
15 in a primary which is marked or punched for candidates of more than one party
16 invalidates all votes cast by the elector for candidates in the primary.

17 **SECTION 99m.** 6.87 (7) of the statutes is amended to read:

18 6.87 (7) No individual who is a candidate at the election in which absentee
19 ballots are cast may ~~administer the oath or~~ serve as a witness. Any candidate who
20 ~~administers the oath or~~ serves as a witness shall be penalized by the discounting of
21 a number of votes for his or her candidacy equal to the number of ~~certificate-affidavit~~
22 certificate envelopes bearing his or her signature.

23 **SECTION 100m.** 6.87 (8) of the statutes is amended to read:

46-7 cert

1 6.87 (8) The provisions of this section which prohibit candidates from assisting
2 or administering the oath to servng as a witness for absentee electors shall not apply
3 to the municipal clerk in the performance of the clerk's official duties.

4 SECTION 101m. 6.87 (9) of the statutes is amended to read:

5 6.87 (9) If a municipal clerk receives an absentee ballot with an improperly
6 completed ~~certificate-affidavit~~ certificate or with no ~~certificate-affidavit~~ certificate,
7 the clerk may return the ballot to the elector, inside the sealed envelope when an
8 envelope is received, together with a new envelope if necessary, whenever time
9 permits the elector to correct the defect and return the ballot within the period
10 prescribed in sub. (6).

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11 ✓ 12. Page 50, line 13: delete "certificate-affidavit" and substitute
12 "~~certificate-affidavit~~ certificate".

50-13 ✓

13 ✓ 13. Page 51, line 4: delete "or affidavit".

14 ✓ 14. Page 51, line 5: delete "~~certificate-affidavit~~" and substitute "certificate".

15 ✓ 15. Page 51, line 6: delete "or affidavit".

16 ✓ 16. Page 51, line 20: delete the material beginning with that line and ending
17 with page 52, line 11, and substitute:

18 "SECTION 108m. 6.88 (3) (a) of the statutes is amended to read:

19 6.88 (3) (a) Any time between the opening and closing of the polls on election
20 day, the inspectors shall open the carrier envelope only, and announce the absent
21 elector's name. When the inspectors find that the certification ~~or affidavit~~ has been
22 properly executed, the applicant is a qualified elector of the ward or election district,
23 and the applicant has not voted in the election, they shall enter an indication on the
24 poll or registration list next to the applicant's name indicating an absentee ballot is

✓ 51-20

51-20 cert

1 cast by the elector. They shall then open the envelope containing the ballot in a
2 manner so as not to deface or destroy the ~~affidavit~~ or certification thereon. The
3 inspectors shall take out the ballot without unfolding it or permitting it to be
4 unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors shall
5 verify that the ballot has been endorsed by the issuing clerk. The inspectors shall
6 deposit the ballot ~~in~~ into the proper ballot box and enter the absent elector's name
7 or voting number after his or her name on the poll or registration list the same as if
8 the elector had been present and voted in person.

9 **SECTION 109p.** 6.88 (3) (b) of the statutes is amended to read:

10 6.88 (3) (b) When the inspectors find that ~~an affidavit or a~~ certification is
11 insufficient, that the applicant is not a qualified elector in the ward or election
12 district, that the ballot envelope is open or has been opened and resealed, ~~or~~ that the
13 ballot envelope contains more than one ballot of any one kind or that the certificate
14 of an elector who received an absentee ballot by facsimile transmission or electronic
15 mail is missing, or if proof is submitted to the inspectors that an elector voting an
16 absentee ballot has since died, the inspectors shall not count the ballot. The
17 inspectors shall endorse every ballot not counted on the back, "rejected (giving the
18 reason)". The inspectors shall reinsert each rejected ballot into the ~~affidavit~~
19 certificate envelope in which it was delivered and enclose the ~~affidavit~~ certificate
20 envelopes and ballots, and securely seal the ballots and envelopes in an envelope
21 marked for rejected absentee ballots. The inspectors shall endorse the envelope,
22 "rejected ballots" with a statement of the ward or election district and date of the
23 election, signed by the chief inspector and one of the inspectors representing each of
24 the 2 major political parties and returned to the municipal clerk in the same manner
25 as official ballots voted at the election."

1 ✓ **17.** Page 60, line 24: after that line insert:

2 ~~“SECTION 128m. 7.51 (3) (d) of the statutes is amended to read:~~

3 ✓ 7.51 (3) (d) All absentee ~~certificate-affidavit~~ certificate envelopes which have
4 *60-24* been opened shall be returned by the inspectors to the municipal clerk in a securely
5 sealed carrier envelope which is clearly marked “used absentee ~~certificate-affidavit~~
6 certificate envelopes”. The envelopes shall be signed by the chief inspector and 2
7 other inspectors. Except when the ballots are used in a municipal or school district
8 election only, the municipal clerk shall transmit the used envelopes to the county
9 clerk.”

10 ✓ **18.** Page 81, line 15: delete lines 15 to 24 and substitute:

11 ~~“SECTION 166p. 9.01 (1) (b) 2. of the statutes is amended to read:~~

12 9.01 (1) (b) 2. The board of canvassers shall then examine the absentee ballot
13 *81-15* envelopes. Any defective absentee ballot envelopes shall be laid aside, properly
14 marked and carefully preserved. The number of voters shall be reduced by the
15 number of ballot envelopes set aside under this subdivision. An absentee ballot
16 envelope is defective only if it is ~~neither sworn nor~~ not witnessed, ~~or~~ if it is not signed
17 by the voter or if the ~~affidavit supporting the absentee ballot envelope has such a~~
18 number of technical errors that the board of canvassers is doubtful of the legal effect
19 of the ~~affidavit~~ certificate accompanying an absentee ballot that the voter received
20 by facsimile transmission or electronic mail is missing.”

21

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

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**SENATE AMENDMENT 1,
TO SENATE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 700**

March 7, 2000 - Offered by Senator CLAUSING.

1 At the locations indicated, amend the amendment as follows:

2 ~~X~~ 1. Page 2, line 12: after that line insert:

3 ~~X~~ "5m. Page 43, line 13: after that line insert:

4 ~~X~~ "SECTION 90m. 6.85 of the statutes is amended to read:

5 **6.85 Absent elector; definition.** An absent elector is any otherwise qualified
6 elector who is or expects to be absent from the municipality in which the absent
7 elector is a qualified elector on election day whether by reason of active service in the
8 U.S. armed forces or for any other reason, or who because of age, sickness, handicap,
9 physical disability, jury duty, service as an election official or religious reasons
10 cannot is unable or unwilling to appear at the polling place in his or her ward. No
11 person under the age of 70 qualifies as an absent elector solely because of age. Any
12 otherwise qualified elector who changes residence within this state by moving to a

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43-13

**SENATE AMENDMENT 3,
TO 1999 ASSEMBLY BILL 700**

March 3, 2000 - Offered by COMMITTEE ON AGRICULTURE, ENVIRONMENTAL
RESOURCES AND CAMPAIGN FINANCE REFORM.

1 At the locations indicated, amend the engrossed bill as follows:

2 ✓ 1. Page 12, line 13: delete the material beginning with that line and ending
3 with page 13, line 11, and substitute:

4 ~~SECTION 3m. 5.15 (6) (b) of the statutes is amended to read:~~

5 5.15 (6) (b) No later than 60 days before each September primary and general
6 election, and no later than 30 days before each other election the governing body of
7 ✓ 12-13 any municipality may by resolution combine 2 or more wards for voting purposes to
8 facilitate using a common polling place. Whenever wards are so combined, the
9 original ward numbers shall continue to be utilized for all official purposes. Except
10 as otherwise authorized under this paragraph, every municipality having a
11 population of 50,000 or more, or 35,000 or more after June 1, 1996, shall maintain
12 separate returns for each ward so combined. In municipalities having a population
13 of less than 50,000, or less than 35,000 after June 1, 1996, the governing body may



12-13 cont

1 provide in the resolution that returns shall be maintained only for each group of
2 combined wards at any election. ~~In municipalities having a population as shown in~~
3 ~~the 1990 federal decennial census of at least 87,000 but not more than 150,000, the~~
4 ~~governing body may provide in a resolution adopted prior to June 1, 1996 that groups~~
5 ~~of not more than 2 wards shall use common ballot boxes and ballots or voting~~
6 ~~machines and that returns shall be maintained only for each group of combined~~
7 ~~wards at any election held prior to June 1, 1996.~~ Whenever a governing body
8 provides for common ballot boxes and ballots or voting machines, separate returns
9 shall be maintained for each separate ballot required under ss. 5.62 and 5.64 at the
10 September primary and general election. The municipal clerk shall transmit a copy
11 of the resolution to the county clerk of each county in which the municipality is
12 contained. In municipalities having a population of ~~less than 50,000, or less than~~
13 ~~35,000 after June 1, 1996,~~ the resolution shall remain in effect for each election until
14 modified or rescinded, or until a new division is made under this section.”

15

(END)