

**SECTION 139**

1 candidate for an office for which no person representing that party has filed  
2 nomination papers and a declaration of candidacy.

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

6 **SECTION 140.** 7.39 of the statutes is repealed.

7 **SECTION 141.** 7.41 (1) of the statutes is amended to read:

8 7.41 (1) Any member of the public may be present at any polling place for the  
9 purpose of observation of an election, except a candidate at that election. The chief  
10 inspector may reasonably limit the number of persons representing the same  
11 organization who are permitted to observe an election at the same time.

12 ~~**SECTION 142.** 7.41<sup>✓</sup>(4) of the statutes is created to read:~~

13 7.41 (4) An individual exercising the right under sub. (1) may not view the  
14 confidential portion of a registration list maintained under s. 6.36<sup>✓</sup> (4) or poll list  
15 maintained under s. 6.79<sup>✓</sup> (6). However, the inspectors shall disclose to any such  
16 individual, upon request, the existence of such a list, the number of electors whose  
17 names appear on the list and the number of those electors who have voted at any  
18 point in the proceedings. No such individual may view the certificate of an absent  
19 elector who obtains a confidential listing under s. 6.47<sup>✓</sup> (2).

20 ~~**SECTION 143.** 7.51 (1) of the statutes is amended to read:~~

21 7.51 (1) ~~CANVASS PROCEDURE.~~ Immediately after the polls close the inspectors  
22 shall proceed to canvass publicly all votes received at the polling place. In any  
23 municipality where an electronic voting system is used, the municipal governing  
24 body or board of election commissioners may provide or authorize the municipal  
25 clerk or executive director of the board of election commissioners to provide for the

1 adjournment of the canvass to one or more central counting locations for specified  
2 polling places in the manner prescribed in subch. III of ch. 5. No central counting  
3 location may be used to count votes at a polling place where an electronic voting  
4 system is not employed. The canvass, whether conducted at the polling place or at  
5 the central counting location, shall continue without adjournment until the canvass  
6 is completed and the return statements are made. The inspectors shall not permit  
7 access to the name of any elector who has obtained a confidential listing under s. 6.47  
8 (2) during the canvass, except as authorized in s. 6.47 (8).

9 SECTION 144. 7.51 (3) (d) of the statutes is amended to read:

10 7.51 (3) (d) All absentee ~~certificate-affidavit~~ certificate envelopes which have  
11 been opened shall be returned by the inspectors to the municipal clerk in a securely  
12 sealed carrier envelope which is clearly marked "used absentee ~~certificate-affidavit~~  
13 certificate envelopes". The envelopes shall be signed by the chief inspector and 2  
14 other inspectors. Except when the ballots are used in a municipal or school district  
15 election only, the municipal clerk shall transmit the used envelopes to the county  
16 clerk.

17 SECTION 145. 7.53 (2) (a) of the statutes is amended to read:

18 7.53 (2) (a) Except as provided in par. (c), the municipal board of canvassers  
19 for municipal elections in each municipality utilizing more than one polling place  
20 shall be composed of the ~~municipal clerk and 2 other~~ 3 qualified electors of the  
21 municipality, other than the municipal clerk, who shall be appointed by the clerk.  
22 The members of the board of canvassers shall serve for 2-year terms commencing on  
23 January 1 of each odd-numbered year, except that any member who is appointed to  
24 fill a permanent vacancy shall serve for the unexpired term of the original appointee.  
25 If the municipal clerk's office is vacant, if the clerk cannot perform his or her duties

1 ~~or if the clerk is a candidate at an election being canvassed, the mayor, president or~~  
2 ~~board chairperson of the municipality shall designate another qualified elector of the~~  
3 ~~municipality to serve in lieu of the clerk for that election. If any other member of the~~  
4 ~~board of canvassers is a candidate at the election being canvassed, the clerk shall~~  
5 ~~appoint another qualified elector of the municipality to temporarily fill the vacancy.~~

6 **SECTION 146.** 7.53 (3) (a) of the statutes is amended to read:

7 7.53 (3) (a) In a common, union high or unified school district, the school district  
8 clerk shall appoint 2 qualified electors of the school district prior to the date of the  
9 election being canvassed who shall, with the school district clerk, constitute the  
10 school district board of canvassers. If the school district clerk is a candidate at the  
11 election being canvassed, the other 2 members of the board of canvassers shall  
12 designate a 3rd member to serve in lieu of the clerk for that election. The school  
13 district clerk shall appoint a member to fill any other temporary vacancy on the board  
14 of canvassers. The canvass shall begin as soon as possible after receipt of the returns,  
15 and shall continue, without adjournment, until completed. The board of canvassers  
16 may return defective returns to the municipal board of canvassers in the manner  
17 provided in s. 7.60 (3). The board of canvassers shall prepare a written statement  
18 showing the numbers of votes cast for each person for each office and for and against  
19 each question and shall prepare a determination showing the names of the persons  
20 who are elected to the school board and the results of any school district referendum.  
21 Following each primary election, the board of canvassers shall prepare a statement  
22 certifying the names of the persons who have won nomination to the school board.  
23 Each statement and determination shall be attested by each of the canvassers. The  
24 board of canvassers shall file each statement and determination in the school district  
25 office. The school district clerk shall certify nominations after each primary and

1 issue certificates of election to persons who are elected to the school board after each  
2 election in the manner provided in sub. (4).

3 SECTION 147. 7.60 (2) of the statutes is amended to read:

4 7.60 (2) COUNTY BOARD OF CANVASSERS. The county clerk and 2 qualified electors  
5 of the county appointed by the clerk constitute the county board of canvassers. The  
6 members of the board of canvassers shall serve for 2-year terms commencing on  
7 January 1 of each odd-numbered year, except that any member who is appointed to  
8 fill a permanent vacancy shall serve for the unexpired term of the original appointee.  
9 One member of the board of canvassers shall belong to a political party other than  
10 the clerk's. If the county clerk's office is vacant, ~~or~~ if the clerk cannot perform his or  
11 her duties or if the clerk is a candidate at an election being canvassed, the county  
12 clerk shall designate a deputy clerk to perform the clerk's duties. If the county clerk  
13 and designated deputy clerk are both unable to perform their duties, the county  
14 executive or, if there is no county executive, the chairperson of the county board of  
15 supervisors shall designate another qualified elector of the county to perform the  
16 clerk's duties. If a member other than the clerk cannot perform his or her duties, the  
17 clerk shall appoint another member to serve. No person may serve on the county  
18 board of canvassers if the person is a candidate for an office to be canvassed by that  
19 board. If lists of candidates for the county board of canvassers are submitted to the  
20 county clerk by political party county committees, the lists shall consist of at least  
21 3 names and the clerk shall choose the board members from the lists. Where there  
22 is a county board of election commissioners, it shall serve as the board of canvassers.  
23 If the county board of election commissioners serves as the board of canvassers, the  
24 executive director of the county board of election commissioners shall serve as a  
25 member of the board of canvassers to fill a temporary vacancy on that board.

1           **SECTION 148.** 7.60 (4) (a) of the statutes is amended to read:

2           7.60 (4) (a) The board of canvassers shall make separate duplicate statements  
3 showing the numbers of votes cast for the offices of president and vice president; state  
4 officials; U.S. senators and representatives in congress; state legislators; justice;  
5 court of appeals judge; circuit judges; district attorneys; ~~municipal judges, if they are~~  
6 ~~elected under s. 755.01 (4);~~ and metropolitan sewerage commissioners, if the  
7 commissioners are elected under s. 66.23 (11) (am). If a municipal judge elected  
8 under s. 755.01 (4) serves a municipality that is located partially within the county  
9 and candidates for that judgeship file nomination papers in another county, the  
10 board of canvassers shall prepare a duplicate statement showing the numbers of  
11 votes cast for that judgeship in that county for transmittal to the other county. For  
12 partisan candidates, the statements shall include the political party or principle  
13 designation, if any, next to the name of each candidate. The board of canvassers shall  
14 also prepare a statement showing the results of any county, technical college district  
15 or statewide referendum. Each statement shall state the total number of votes cast  
16 in the county for each office; the names of all persons for whom the votes were cast,  
17 as returned; the number of votes cast for each person; and the number of votes cast  
18 for and against any question submitted at a referendum. The board of canvassers  
19 shall use one copy of the each duplicate statement to report to the elections board or,  
20 technical college district board or board of canvassers of any other county and shall  
21 file the other statement in the office of the county clerk or board of election  
22 commissioners.

23           **SECTION 149.** 7.60 (4) (b) of the statutes is amended to read:

24           7.60 (4) (b) The board of canvassers shall then prepare a written  
25 determination, in duplicate where necessary, giving the names of the persons elected

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

10 **SECTION 150.** 7.60 (5) of the statutes is amended to read:

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

1 statement for any technical college district referendum to the secretary of the  
2 technical college district board. If the board of canvassers becomes aware of a  
3 material mistake in the canvass of an election for state or national office or a  
4 statewide or technical college district referendum prior to the close of business on the  
5 day the elections board receives returns from the last county board of canvassers  
6 with respect to that canvass, the board of canvassers may petition the elections board  
7 to reopen and correct the canvass. The elections board shall direct the canvass to be  
8 reopened and corrected if it determines that the public interest so requires. If the  
9 elections board directs the canvass to be reopened, the board of canvassers shall  
10 reconvene and transmit a certified corrected copy of the canvass statement to the  
11 elections board or secretary of the technical college district board.

12 SECTION 151. 7.60 (6) of the statutes is amended to read:

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

21 SECTION 152. 7.70 (3) (a) of the statutes is amended to read:

22 7.70 (3) (a) The chairperson of the board or a designee of the chairperson  
23 appointed by the chairperson to canvass a specific election shall publicly canvass the  
24 returns and make his or her certifications and determinations ~~at the state capitol or~~  
25 ~~at the office of the board~~ on or before the 2nd Tuesday following a spring primary, the

1 15th day of May following a spring election, the 4th Tuesday in September following  
2 a September primary, the first day of December following a general election, the 2nd  
3 Thursday following a special primary, or within 18 days after any special election.

4 **SECTION 153.** 7.70 (3) (b) of the statutes is amended to read:

5 7.70 (3) (b) The chairperson of the board or the chairperson's designee shall  
6 examine the certified statements of the county boards of canvassers. If it appears  
7 that any material mistake has been made in the computation of votes, or any county  
8 board of canvassers failed to canvass the votes or omitted votes from any ward or  
9 election district in the county, the chairperson of the board or the chairperson's  
10 designee may dispatch a messenger to the county clerk with written instructions to  
11 certify the facts concerning the mistake or the reason why the votes were not  
12 canvassed. A clerk to whom such instructions are delivered shall immediately make  
13 a true and full answer, sign it, affix the county seal and deliver it to the messenger.  
14 The messenger shall deliver it with all possible dispatch to the board.

15 **SECTION 154.** 7.70 (3) (c) of the statutes is amended to read:

16 7.70 (3) (c) The chairperson of the board or the chairperson's designee shall  
17 conclude the state canvass within 10 days after its commencement.

18 **SECTION 155.** 7.70 (3) (d) of the statutes is amended to read:

19 7.70 (3) (d) When the certified statements and returns are received, the  
20 chairperson of the board or the chairperson's designee shall proceed to examine and  
21 make a statement of the total number of votes cast at any election for the offices  
22 involved in the election for president and vice president; a statement for each of the  
23 offices of governor, lieutenant governor, if a primary, and a joint statement for the  
24 offices of governor and lieutenant governor, if a general election; a statement for each  
25 of the offices of secretary of state, state treasurer, attorney general, and state



1 superintendent; for U.S. senator; representative in congress for each congressional  
2 district; the state legislature; justice; court of appeals judge; circuit judge; district  
3 attorney; ~~municipal judge, if he or she is elected under s. 755.01 (4);~~ metropolitan  
4 sewerage commission, if the commissioners are elected under s. 66.23 (11) (am); and  
5 for any referenda questions submitted by the legislature.

6 **SECTION 156.** 7.70 (3) (e) (intro.) of the statutes is amended to read:

7 7.70 (3) (e) (intro.) The chairperson of the board or the chairperson's designee  
8 shall make a special statement to the board as soon as possible after the canvass  
9 certifying:

10 **SECTION 157.** 7.70 (3) (g) of the statutes is amended to read:

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

22 **SECTION 158.** 7.70 (3) (h) of the statutes is amended to read:

23 7.70 (3) (h) Whenever a referendum question submitted to a vote of the people  
24 is approved, the board shall record it and the secretary of state shall have the record  
25 bound in the volume containing the original enrolled laws passed at the next

1 succeeding session of the legislature and have the record published with the laws  
2 thereof. Whenever a constitutional amendment or other statewide validating or  
3 ratifying referendum question which is approved by the people does not expressly  
4 state the date of effectiveness, it shall become effective at the time the chairperson  
5 of the board or the chairperson's designee certifies that the amendment or  
6 referendum question is approved.

7 **SECTION 159.** 7.70 (3) (i) of the statutes is amended to read:

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

19 **SECTION 160.** 7.70 (5) (a) of the statutes is amended to read:

20 7.70 (5) (a) The board shall record in its office each certified statement and  
21 determination made by the chairperson of the board or the chairperson's designee.  
22 Immediately after the expiration of the time allowed to file a petition for recount, the  
23 board shall make and transmit to each person declared elected a certificate of  
24 election under the seal of the board. It shall also prepare similar certificates, attested  
25 by the executive director of the board, addressed to the U.S. house of representatives,

1 stating the names of those persons elected as representatives to the congress from  
2 this state. In the case of U.S. senators, the board shall prepare a certificate of election  
3 for the governor's signature, and the governor shall sign and affix the great seal of  
4 the state and transmit the certificate to the president of the U.S. senate. The  
5 certificate shall be countersigned by the secretary of state. If a person elected was  
6 elected to fill a vacancy, the certificate shall so state. When a valid petition for  
7 recount is filed, the chairperson of the board or the chairperson's designee may not  
8 certify a nomination, and the governor or board may not issue a certificate of election  
9 until the recount has been completed and the time allowed for filing an appeal has  
10 passed, or if appealed until the appeal is decided.

11 **SECTION 161.** 8.05 (1) (j) of the statutes is amended to read:

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

1 with the declaration. A candidate for municipal judge shall also file a statement of  
2 economic interests with the ethics board under s. 19.43 (4) no later than 4:30 p.m.  
3 on the 5th day after notification of nomination is mailed or personally delivered to  
4 the candidate ~~by the municipal clerk~~, or no later than 4:30 p.m. on the next business  
5 day after the last day for filing a declaration of candidacy whenever that candidate  
6 is granted an extension of time for filing a declaration of candidacy under this  
7 paragraph. Upon receipt of the declaration of candidacy and registration statement  
8 of each qualified candidate, and upon filing of a statement of economic interests by  
9 each candidate for municipal judge, the municipal clerk, or the county clerk ~~if the~~  
10 judge is elected under s. 755.01 (4), shall place the name of the candidate on the  
11 ballot. No later than the end of the 3rd day following qualification by all candidates,  
12 the municipal clerk, or the county clerk if the judge is elected under s. 755.01 (4),  
13 shall draw lots to determine the arrangement of candidates' names on the spring  
14 election ballot.

15 **SECTION 162.** 8.05 (3) (b) of the statutes is amended to read:

16 8.05 (3) (b) ~~Notice~~ The town clerk shall be given give notice of the primary  
17 under ss. 10.01 (2) (a) and s. 10.06 (2) (3) (a).

18 **SECTION 163.** 8.05 (3) (d) and (e) of the statutes are amended to read:

19 8.05 (3) (d) The question of adoption of the nonpartisan primary under this  
20 subsection may be submitted to the electors at any regular election held in the town  
21 or at a special election called for the purpose. When a petition requesting adoption  
22 of the nonpartisan primary conforming to the requirements of s. 8.40 signed by at  
23 least 20 electors of the town is filed with the town clerk ~~so requesting as provided in~~  
24 s. 8.37, the question shall be submitted to a vote.

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

6 **SECTION 164.** 8.05 (5) of the statutes is amended to read:

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

17 **SECTION 165.** 8.10 (6) (a) of the statutes is amended to read:

18 8.10 (6) (a) For state offices; ~~municipal judges, if they are elected under s.~~  
19 ~~755.01 (4); or seats on a metropolitan sewerage commission, if the commissioners are~~  
20 ~~elected under s. 66.23 (11) (am), in the office of the board.~~

21 **SECTION 166.** 8.10 (6) (bm) of the statutes is created to read:

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

25 **SECTION 167.** 8.12 (2) of the statutes is amended to read:

1           8.12 (2) BALLOTS. The form of the official ballots shall be prescribed by the  
2 board ~~under s. 5.60 (8).~~ The ballot shall provide to an elector the opportunity to vote  
3 for an uninstructed delegation to represent this state at the presidential nominating  
4 convention of his or her party, or to write in the name of a candidate for the  
5 presidential nomination of his or her party.

6           **SECTION 168.** 8.17 (1) (a) of the statutes is amended to read:

7           8.17 (1) (a) Political parties qualifying for a separate ballot under s. 5.62 (1) (b)  
8 or (2) shall elect their party committeemen and committeewomen ~~at the September~~  
9 ~~primary~~ as provided under sub. (5) (b). The function of committeemen and  
10 committeewomen is to represent their neighborhoods in the structure of a political  
11 party. Committeemen and committeewomen shall act as liaison representatives  
12 between their parties and the residents of the election districts in which they serve.  
13 Activities of committeemen and committeewomen shall include, but not be limited  
14 to, voter identification; assistance in voter registration drives; increasing voter  
15 participation in political parties; polling and other methods of passing information  
16 from residents to political parties and elected public officials; and dissemination of  
17 information from public officials to residents. For assistance in those and other  
18 activities of interest to a political party, each committeeman and committeewoman  
19 may appoint a captain to engage in these activities in each ward, if the election  
20 district served by the committeeman or committeewoman includes more than one  
21 ward. In an election district which includes more than one ward, the committeeman  
22 or committeewoman shall coordinate the activities of the ward captains in promoting  
23 the interests of his or her party.

24           **SECTION 169.** 8.17 (2), (3) and (4) (a) and (b) of the statutes are repealed.

1           **SECTION 170.** 8.17 (4) (c) of the statutes is renumbered 8.17 (4) and amended  
2 to read:

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

6           **SECTION 171.** 8.17 (5) (b) of the statutes is amended to read:

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

23           **SECTION 172.** 8.17 (5) (bm) of the statutes is created to read:

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

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

4 **SECTION 173.** 8.20 (9) of the statutes is amended to read:

5 8.20 (9) Persons nominated by nomination papers without a recognized  
6 political party designation shall be placed on the official ballot at the general election  
7 and at any partisan election to the right or below the recognized political party  
8 candidates in their own column or row designated “Independent”. At the September  
9 primary, persons nominated for state office by nomination papers without a  
10 recognized political party designation shall be placed on a separate ballot or, if a  
11 consolidated paper ballot under s. 5.655 (2), an electronic voting system or voting  
12 machines are used, in a column or row on the voting machine designated  
13 “Independent”. If the candidate’s name already appears under a recognized political  
14 party it may not be listed on the independent ballot, column or row.

15 **SECTION 174.** 8.21 of the statutes is amended to read:

16 **8.21 Declaration of candidacy.** Each candidate, except a candidate for  
17 presidential elector under s. 8.20 (2) (d), shall file a declaration of candidacy, no later  
18 than the latest time provided for filing nomination papers under s. 8.10 (2) (a), 8.15  
19 (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  
20 (2) (c). A candidate shall file the declaration with the officer or agency with which  
21 nomination papers are filed for the office which the candidate seeks, or if nomination  
22 papers are not required, with the clerk or board of election commissioners of the  
23 jurisdiction in which the candidate seeks office. The declaration shall be sworn to  
24 before any officer authorized to administer oaths. The declaration shall contain the  
25 name of the candidate in the form specified under s. 8.10 (2) (b) for candidates for



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

19 **SECTION 175.** 8.35 (2) (a) of the statutes is amended to read:

20 8.35 (2) (a) If a vacancy occurs after nomination due to the death of a candidate  
21 of a recognized political party for a partisan office, ~~other than party committeeman~~  
22 ~~or committeewoman~~, the vacancy may be filled by the chairperson of the committee  
23 of the proper political party under s. 7.38 (3), or the personal campaign committee,  
24 if any, in the case of independent candidates. Similar vacancies in nominations of  
25 candidates for nonpartisan local offices may be filled by the candidate's personal

1 campaign committee or, if the candidate had none, by the body which governs the  
2 local governmental unit in which the deceased person was a candidate for office. The  
3 chairperson, chief officer of the committee, or clerk of the body making an  
4 appointment shall file a certificate of appointment with the official or agency with  
5 whom declarations of candidacy for the office are filed. For purposes of this  
6 paragraph, the official or agency need not recognize members of a personal campaign  
7 committee whose names were not filed under s. 11.05 prior to the death of the  
8 candidate.

9 SECTION 176. 8.35 (2) (d) of the statutes is amended to read:

10 8.35 (2) (d) If the ballots have been prepared, the committees or body filling the  
11 vacancy shall supply stickers as provided under s. 7.38 (3) (e). No vacancy in a  
12 nomination occurs prior to the time of the primary election for an office, unless no  
13 primary is required for the office for which the nomination is made.

14 ~~SECTION 177. 8.35 (4) (b) to (d) of the statutes are amended to read:~~

15 8.35 (4) (b) Notwithstanding par. (a), if the former candidate received a grant  
16 from the Wisconsin election campaign fund, any unspent and unencumbered moneys  
17 received by a in the campaign depository account of that candidate from the  
18 Wisconsin election campaign fund, up to the amount of the grant received, shall be  
19 immediately transferred to any candidate who is appointed to replace such  
20 candidate, upon filing of a proper and approval of an application therefor for a grant  
21 by the replacement candidate under s. 11.50 (2). If there is no candidate appointed  
22 or if no proper application is filed and approved within 7 days of the date on which  
23 the vacancy occurs, such moneys shall revert to the state as provided in s. 11.50 (8).

24 (c) The transfer under par. (b) shall be made and reported to the appropriate  
25 filing officer in a special report submitted by the former candidate's campaign

1 treasurer. If the former candidate is deceased and was serving as his or her own  
2 campaign treasurer, the former candidate's petitioner or personal representative  
3 shall ~~file the report and make the transfer required by par. (b), if any and file the~~  
4 report. The report shall be made in the manner provided under s. 11.21 (16), if  
5 applicable, or otherwise at the appropriate interval under s. 11.20 (2) or (4) and shall  
6 include a complete statement of all contributions, disbursements and incurred  
7 obligations pursuant to s. 11.06 (1) covering the period from the day after the last  
8 date covered on the former candidate's most recent report to the date of disposition.

9 (d) The newly appointed candidate shall file his or her report in the manner  
10 provided under s. 11.21 (16), if applicable, or otherwise at the next appropriate  
11 interval under s. 11.20 (2) or (4) after his or her appointment. The appointed  
12 candidate shall include any transferred funds moneys in his or her first report.

13 **SECTION 178.** 8.37 of the statutes is created to read:

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

21 **SECTION 179.** 8.50 (1) (a) of the statutes is amended to read:

22 8.50 (1) (a) When there is to be a special election, the special election for county  
23 clerk shall be ordered by the sheriff; the special election for any other county office  
24 shall be ordered by the county clerk except as provided in s. 17.21 (5); the special  
25 election for school board member in a school district organized under ch. 119 shall

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

17 **SECTION 180.** 8.50 (1) (b) of the statutes is amended to read:

18 8.50 (1) (b) Notice of any special election shall be given upon the filing of the  
19 order under par. (a) by publication in a newspaper under ch. 985. If the special  
20 election concerns a national or state office, the board shall give notice as soon as  
21 possible to the county clerks. Upon receipt of notice from the board, or when the  
22 special election is for a county office or a municipal judgeship under s. 755.01 (4), the  
23 county clerk shall give notice as soon as possible to all the municipal clerks of all  
24 municipalities in which electors are eligible to vote in the election and publish one

1 type A notice for all offices to be voted upon within the county as provided in s. 10.06  
2 (2) (n) and (3) (f).

3 SECTION 181. 8.50 (4) (fm) of the statutes is amended to read:

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

13 SECTION 182. 9.01 (1) (a) of the statutes is amended to read:

14 9.01 (1) (a) Any candidate voted for at any election or any elector who voted  
15 upon any referendum question at any election may request a recount. The petitioner  
16 shall file a verified petition or petitions (accompanied by the fee prescribed in par.  
17 (ag), if any, with the proper clerk or body under par. (ar) not earlier than the time of  
18 completion of the canvass and not later than 5 p.m. on the 3rd business day following  
19 the last meeting day of the municipal or county board of canvassers determining the  
20 election for that office or on that referendum question or, if more than one board of  
21 canvassers makes the determination not later than 5 p.m. on the 3rd business day  
22 following the last meeting day of the last board of canvassers which makes a  
23 determination. If the chairperson of the board or chairperson's designee makes the  
24 determination for the office or the referendum question, the petitioner shall file the  
25 petition not earlier than the last meeting day of the last county board of canvassers

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

18 ~~SECTION 183. 9.01 (1) (ad) of the statutes is created to read:~~

19 ~~9.01 (1) (ad) Upon receiving a petition for a recount, the clerk or body receiving~~  
20 ~~the petition shall calculate any fee due under par. (ag) 1m. or reasonably estimate~~  
21 ~~any fee due under par. (ag) 2. The clerk or body shall provide the petitioner promptly~~  
22 ~~with the total due or estimate.~~

23 ~~SECTION 184. 9.01 (1) (ag) 1. of the statutes is amended to read:~~

24 ~~9.01 (1) (ag) 1. Each petition for a recount shall be accompanied by the fee~~  
25 ~~prescribed in this paragraph. If the difference between the votes cast for the leading~~

1 candidate and those cast for the petitioner or the difference between the affirmative  
2 and negative votes cast upon any referendum question is less than 10 if 1,000 or less  
3 votes are cast or less ~~not more~~ than ~~.5%~~ 0.5% of the total votes cast for the office or  
4 on the question if more than 1,000 votes are cast, the petitioner is not required to pay  
5 a fee.

6 SECTION 185. 9.01 (1) (ag) 1m. of the statutes is created to read:

7 9.01 (1) (ag) 1m. If the difference between the votes cast for the leading  
8 candidate and those cast for the petitioner or the difference between the affirmative  
9 and negative votes cast upon any referendum question is at least 10 if 1,000 or less  
10 votes are cast or is more than 0.5% but not more than 2% if more than 1,000 votes  
11 are cast, the petitioner shall pay a fee of \$5 for each ward for which the petition  
12 requests a ballot recount, or \$5 for each municipality for which the petition requests  
13 a recount where no wards exist.

14 SECTION 186. 9.01 (1) (ag) 2. of the statutes is amended to read:

15 9.01 (1) (ag) 2. If the difference between the votes cast for the leading candidate  
16 and those cast for the petitioner or the difference between the affirmative and  
17 negative votes cast upon any referendum question is at least 10 if 1,000 or less votes  
18 are cast or at least ~~.5%~~ more than 2% if more than 1,000 votes are cast, the petitioner  
19 shall pay a fee of \$5 for equal to the actual cost of performing the recount in each ward  
20 for which the petition requests a ~~ballot~~ recount, or \$5 for in each municipality for  
21 which the petition request a recount where no wards exist.

22 SECTION 187. 9.01 (1) (ag) 3. of the statutes is amended to read:

23 9.01 (1) (ag) 3. All fees calculated or estimated under par. (ad) shall be prepaid  
24 in cash or another form of payment which is acceptable to the officer to whom they

1 are paid. No petition for which a fee is required is valid unless the proper calculated  
2 or estimated fee is paid at the time of filing.

3 SECTION 188. 9.01 (1) (ag) 3m. of the statutes is created to read:

4 9.01 (1) (ag) 3m. The petitioner shall pay any balance owing toward the fee due  
5 under subd. 2. within 30 days after the clerk or body receiving the petition provides  
6 the petitioner with a written statement of the amount due. If the petitioner has  
7 overpaid the fee due under subd. 2., the clerk or body receiving the petition shall  
8 refund the amount overpaid within 30 days after the board of canvassers makes its  
9 determination in the recount.

10 SECTION 189. 9.01 (1) (ar) 3. of the statutes is amended to read:

*restore*

11 9.01 (1) (ar) 3. ~~Upon receipt of~~ Whenever a clerk receives a valid petition and  
12 ~~any payment under par. (ag) 3,~~ the clerk shall thereupon notify the proper board of  
13 canvassers. ~~Upon receipt of~~ Whenever the board receives a valid petition ~~by the~~  
14 ~~board and any payment under par. (ag) 3,~~ the board shall promptly by certified mail  
15 or other expeditious means order the proper county boards of canvassers to  
16 commence the recount. County boards of canvassers shall convene no later than 9  
17 a.m. on the ~~second~~ day following ~~the~~ receipt of an order and may adjourn for not  
18 more than one day at a time until the recount is completed in the county, except that  
19 the board may permit extension of the time for adjournment. Returns from a recount  
20 ordered by the board shall be transmitted to the office of the board as soon as possible,  
21 but in no case later than 13 days from the date of the order of the board directing the  
22 recount. The chairperson of the board or the chairperson's designee may not make  
23 a determination in any election if a recount is pending before any county board of  
24 canvassers in that election. The chairperson of the board or the chairperson's



1 designee need not recount actual ballots, but shall verify the returns of the county  
2 boards of canvassers in making his or her determinations.

3 **SECTION 190.** 9.01 (1) (b) 2. of the statutes is amended to read:

4 9.01 (1) (b) 2. The board of canvassers shall then examine the absentee ballot  
5 envelopes. Any defective absentee ballot envelopes shall be laid aside, properly  
6 marked and carefully preserved. The number of voters shall be reduced by the  
7 number of ballot envelopes set aside under this subdivision. An absentee ballot  
8 envelope is defective only if it is ~~neither sworn nor~~ not witnessed, or if it is not signed  
9 by the voter or if the ~~affidavit supporting the absentee ballot envelope has such a~~  
10 ~~number of technical errors that the board of canvassers is doubtful of the legal effect~~  
11 ~~of the affidavit certificate accompanying an absentee ballot that was voted by~~  
12 facsimile transmission or electronic mail is missing.

13 ~~**SECTION 191.** 9.01 (1) (b) 11. of the statutes is amended to read:~~

14 ~~9.01 (1) (b) 11. All steps of the recount shall be performed publicly. All Except~~  
15 ~~as provided in subd. 12., all materials and ballots may be viewed and identified by~~  
16 ~~the candidates, the person demanding the recount and their authorized~~  
17 ~~representatives and counsel, but only members of the board of canvassers and~~  
18 ~~tabulators assisting them may touch any of the materials or ballots. The candidates,~~  
19 ~~the person demanding the recount and their authorized representatives and counsel~~  
20 ~~may object to the counting of any ballot. Any errors shall be corrected.~~

21 ~~**SECTION 192.** 9.01 (1) (b) 12. of the statutes is created to read:~~

22 ~~9.01 (1) (b) 12. Except as authorized in s. 6.47<sup>✓</sup>(8), the board of canvassers shall~~  
23 ~~not permit access to the name of any elector who has obtained a confidential listing~~  
24 ~~under s. 6.47<sup>✓</sup>(2) during the recanvass.~~

25 **SECTION 193.** 9.01 (2) of the statutes is amended to read:

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 194.** 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

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

18 SECTION 196. 9.01 (5) (c) of the statutes is amended to read:

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

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

7 **SECTION 197.** 9.01 (6) (a) of the statutes is amended to read:

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

23 **SECTION 198.** 9.01 (7) of the statutes is amended to read:

24 9.01 (7) COURT PROCEDURES; COSTS. (a) The court with whom an appeal is filed  
25 shall forthwith issue an order directing each affected county or municipal clerk or

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

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

1           **SECTION 199.** 9.01 (8) of the statutes is amended to read:

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

1       **SECTION 200.** 10.02 (3) (b) 1. of the statutes is amended to read:

2       10.02 (3) (b) 1. If an elector wishes to vote for all candidates nominated by any  
3 party, the elector shall make a cross (X) ~~in the circle~~ or depress the lever or button  
4 ~~under next to the party designation printed shown~~ at the top of the ballot, ~~except that~~  
5 ~~at the general election the elector shall cast one vote jointly for the offices of president~~  
6 ~~and vice president or governor and lieutenant governor. A vote for candidates for~~  
7 ~~president and vice president is a vote for the presidential electors of those candidates.~~

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

16       **SECTION 201.** 10.02 (3) (b) 2. of the statutes is amended to read:

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

22       **SECTION 202.** 10.02 (3) (b) 2m. of the statutes is amended to read:

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

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

7 **SECTION 203.** 10.02 (3) (b) 3. and 4., (c) and (d) of the statutes are amended to  
8 read:

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

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

19 (c) In presidential elections, <sup>unless the elector wishes to vote for</sup> the elector shall make a cross (X) <sup>all candidates nominated</sup> in the square at <sup>by</sup>  
20 the right of ~~next to~~ or depress the button or lever next to the set of candidates for <sup>any</sup>  
21 president and vice president for whom he or she intends to vote. <sup>A</sup> ~~The~~ vote shall be <sup>party,</sup>  
22 ~~counted for all the candidates~~ <sup>the</sup> for presidential electors of those candidates.

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



1           **SECTION 204.** 10.06 (2) (h) of the statutes is amended to read:

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

6           **SECTION 205.** 10.06 (4) (i) of the statutes is amended to read:

7           10.06 (4) (i) On the day preceding any referendum other than a state, county  
8 or municipal referendum, the clerk of the jurisdiction which calls the referendum  
9 shall publish type B ~~and~~, C ~~and~~ D notices.

10          ~~**SECTION 206.** 11.01 (11) of the statutes is amended to read:~~

11          ~~11.01 (11) "Incurred obligation" means every express obligation to make any  
12 contribution or disbursement including every loan, guarantee of a loan or other  
13 obligation or payment for any goods that have been provided or are to be provided  
14 in the future, or for any services which have been performed or are to be performed  
15 in the future, whether or not the amount is known, that is incurred by a candidate,  
16 any person, including any committee, individual or group, for political purposes.~~

17          **SECTION 207.** 11.02 (3) of the statutes is amended to read:

18          11.02 (3) The Except as provided in sub. (3e), the "filing officer" for each  
19 candidate for local office and for each committee which or individual who is acting  
20 in support of or in opposition to any candidate for local office, but not any candidate  
21 for state office, is the clerk of the most populous jurisdiction for which any candidate  
22 who is supported or opposed seeks office.

23          **SECTION 208.** 11.02 (3e) of the statutes is created to read:

24          11.02 (3e) The "filing officer" for each candidate for municipal judge elected  
25 under s. 755.01 (4) and for each committee which or individual who is acting in

1 support of or in opposition to such a candidate, but not any candidate for state office,  
2 is the county clerk or board of election commissioners of the county having the largest  
3 portion of the population in the jurisdiction served by the judge.

4 **SECTION 209.** 11.03 (1) of the statutes is amended to read:

5 11.03 (1) Elections for the positions of presidential elector, and convention  
6 delegate ~~and party committeeman or committeewoman~~ are not subject to ss. 11.05  
7 to 11.23 and 11.26 to 11.29.

8 ~~**SECTION 210.** 11.05 (2r) of the statutes is amended to read:~~

9 ~~11.05 (2r) (a) Any person, committee or group, other than a committee or  
10 individual required to file an ~~oath~~ a statement under s. 11.06 (7) (a), who or which  
11 does not anticipate accepting contributions, making disbursements or incurring  
12 obligations in an aggregate amount in excess of \$1,000 in a calendar year and does  
13 not anticipate accepting any contribution or contributions from a single source, other  
14 than contributions made by a candidate to his or her own campaign, exceeding \$100  
15 in that year may indicate on its registration statement that the person, committee  
16 or group will not accept contributions, incur obligations or make disbursements in  
17 the aggregate in excess of \$1,000 in any calendar year and will not accept any  
18 contribution or contributions from a single source, other than contributions made by  
19 a candidate to his or her own campaign, exceeding \$100 in such year. Any registrant  
20 making such an indication is not subject to any filing requirement if the statement  
21 is true. The registrant need not file a termination report. A registrant not making  
22 such an indication on a registration statement is subject to a filing requirement. The  
23 indication may be revoked and the registrant is then subject to a filing requirement  
24 as of the date of revocation, or the date that aggregate contributions, disbursements  
25 or obligations for the calendar year exceed \$1,000, or the date on which the registrant~~

1 accepts any contribution or contributions exceeding \$100 from a single source, other  
2 than contributions made by a candidate to his or her own campaign, during that year,  
3 whichever is earlier. If the revocation is not timely, the registrant violates s. 11.27  
4 (1).

5 **SECTION 211.** 11.05 (3) (q) of the statutes is created to read:

6 11.05 (3) (q) In the case of a registrant who or which does not maintain a street  
7 address within this state, a report providing the information specified by the board  
8 for the portion of the year in which the registrant initially files a statement under  
9 this section before filing that statement and the one-year period preceding the  
10 beginning of that year, plus any additional period required under sub. (7m) to enable  
11 the registrant to make a contribution or disbursement from the property or funds.  
12 The report required under this paragraph may be filed no later than 10 days  
13 following the remainder of a statement filed under this section. A registration lapses  
14 if the report required under this paragraph is not filed in a timely manner.

15 **SECTION 212.** 11.05 (7) of the statutes is amended to read:

16 11.05 (7) CHANGE IN STATUS OF NEW REGISTRANT. ~~Notwithstanding sub. (6)~~ Except  
17 as provided in sub. (7m), any individual or organization who or which has received  
18 property or funds which were not intended for political purposes in connection with  
19 an election for state or local office at the time of receipt may make contributions or  
20 disbursements from such property or funds in connection with an election for state  
21 or local office if the individual or organization complies with applicable provisions of  
22 sub. (1), (2) or (2g) as soon as such intent changes. For purposes of s. 11.06 (1), all  
23 property or funds which are in a registrant's the possession of such an individual or  
24 organization on the date of registration under this section shall be treated as received

1 on the date that such intent changes so that the property or funds are to be used for  
2 political purposes in connection with an election for state or local office.

3 **SECTION 213.** 11.05 (7m) of the statutes is created to read:

4 **11.05 (7m) NONRESIDENT REGISTRANTS; ADDITIONAL INFORMATION.** If a registrant  
5 who or which does not maintain a street address in this state has property or funds  
6 in the possession of the registrant on the date of registration from which the  
7 registrant wishes to make a contribution or disbursement, the registrant may make  
8 a contribution or disbursement from the property or funds to the extent permitted  
9 under this chapter if the registrant obtained the property or funds from sources and  
10 in amounts that were lawful under this chapter at the time that the property or funds  
11 were received by the registrant, and the registrant reports to the appropriate filing  
12 officer the information specified by the board under sub. (3) (q) with respect to the  
13 property or funds prior to making any contribution or disbursement from the  
14 property or funds. For purposes of determining the source of property or funds in the  
15 possession of a registrant at the time of registration under this subsection, the  
16 property and funds in the possession of a registrant shall be allocated to the sources  
17 from which the registrant received property and funds in the inverse order in which  
18 the property and funds were chronologically received.

19 **SECTION 214.** 11.06 (1) (intro.) of the statutes is amended to read:

20 **11.06 (1) CONTENTS OF REPORT.** (intro.) Except as provided in subs. (2), (3) and  
21 (3m) and ss. 11.05 (2r) and 11.19 (2), each registrant under s. 11.05 shall make full  
22 reports, upon a form prescribed by the board and signed by the appropriate  
23 individual under sub. (5), of all contributions received, contributions or  
24 disbursements made, and obligations incurred. Each report shall contain the

1 following information, covering the period since the last date covered on the previous  
2 report, unless otherwise provided:

3 SECTION 215. 11.06 (1) (h) of the statutes is amended to read:

4 11.06 (1) (h) An itemized statement of every incurred obligation exceeding \$20  
5 in amount or value, together with the name of the person or business with whom the  
6 obligation was incurred, and the date and the specific purpose for which each such  
7 the obligation was incurred.

8 SECTION 216. 11.06 (3) (b) of the statutes is repealed.

9 SECTION 217. 11.06 (3r) of the statutes is repealed.

10 SECTION 218. 11.06 (3x) of the statutes is created to read:

11 11.06 (3x) RETURN OF CONTRIBUTIONS. Each registrant who or which receives  
12 an unlawful contribution or a contribution in an amount or value that exceeds the  
13 amount or value that is permitted to be received from the donor shall promptly  
14 return the contribution or portion thereof that is unlawfully contributed to the donor  
15 or, if the contribution is made anonymously, shall donate the contribution to the  
16 common school fund.

17 SECTION 219. 11.06 (4) (b) of the statutes is amended to read:

18 11.06 (4) (b) Unless Each registrant who or which receives any contribution  
19 shall report the contribution as received and accepted on the date received, unless  
20 it is returned or donated within 15 30 days of receipt, a contribution must be reported  
21 as received and accepted on the date received. For purposes of this chapter, a  
22 contribution is considered to be accepted if it is not returned or donated within the  
23 period prescribed under this paragraph. This subsection paragraph applies  
24 notwithstanding the fact that the contribution is not deposited in the into a campaign

1 depository account by the closing date for the a reporting period as provided in s.  
2 11.20 (8) or the reporting deadline provided in s. 11.21 (16).

3 SECTION 220. 11.12 (4) of the statutes is amended to read:

4 11.12 (4) Each registrant shall report contributions, disbursements and  
5 incurred obligations in accordance with s. 11.20, and if the registrant files reports  
6 under s. 11.21 (16), in accordance with s. 11.21 (16). Except as permitted under s.  
7 11.06 (2), ~~(3)~~ and (3m), each report shall contain the information which is required  
8 under s. 11.06 (1).

9 SECTION 221. 11.14 (3) of the statutes is amended to read:

10 11.14 (3) Notwithstanding sub. (1), any candidate who serves as his or her own  
11 campaign treasurer and who is ~~authorized to make and makes an indication on his~~  
12 ~~or her registration statement exempted from reporting under s. 11.05 (2r) that he or~~  
13 ~~she will not accept contributions, make disbursements or incur obligations in an~~  
14 ~~aggregate amount exceeding \$1,000 in a calendar year, and will not accept any~~  
15 ~~contribution or contributions from a single source, other than contributions made by~~  
16 ~~the candidate to his or her own campaign, exceeding \$100 in a calendar year, may~~  
17 designate a single personal account as his or her campaign depository account, and  
18 may intermingle personal and other funds with campaign funds. If a separate  
19 depository account is later established by the candidate, the candidate shall transfer  
20 all campaign funds in the personal account to the new depository account.  
21 Disbursements made from such personal account need not be identified in  
22 accordance with s. 11.16 (3).

23 SECTION 222. 11.20 (10) (a) of the statutes is amended to read:

24 11.20 (10) (a) Where a requirement is imposed under this section for the filing  
25 of a financial report which is to be received by the appropriate filing officer no later

1 than a certain date, the requirement may be satisfied either by actual receipt of the  
2 report by the prescribed time for filing at the office of the filing officer, or by filing a  
3 report with the U.S. postal service by first class mail with sufficient prepaid postage,  
4 addressed to the appropriate filing officer, no later than the 3rd day before the date  
5 provided by law for receipt of such report.

6 **SECTION 223.** 11.21 (15) of the statutes is amended to read:

7 11.21 (15) Inform each candidate who files an application to become eligible to  
8 receive a grant from the Wisconsin election campaign fund of the dollar amount of  
9 the applicable disbursement limitation under s. 11.31 (1), adjusted as provided in s.  
10 11.31 (9), which applies to the office for which such person is a candidate. Failure  
11 to receive the notice required by this subsection does not constitute a defense to a  
12 violation of s. 11.27 (1) or 11.31.

13 **SECTION 224.** 11.21 (18) of the statutes is created to read:

14 11.21 (18) Conduct a biennial review of campaign finance practices in this  
15 state. The review shall include an assessment of the continued appropriateness of  
16 the contribution limitations prescribed in s. 11.26 and any other important problems  
17 that require the attention of the legislature. If the board concludes that any of the  
18 contribution limitations prescribed in s. 11.26 should be increased or that any other  
19 action should be taken as a result of its review, the board shall transmit its  
20 conclusions and recommendations to the appropriate standing committees of each  
21 house of the legislature under s. 13.172 (3), together with information supporting the  
22 board's conclusions, no later than January 1 of each odd-numbered year.

23 **SECTION 225.** 11.25 (2) (ap) of the statutes is created to read:

24 11.25 (2) (ap) No committee identified under s. 11.05 (3) (c) as a special interest  
25 committee that receives a contribution made or transferred to the committee in

1 violation of this chapter may make a disbursement from the property or funds that  
2 constitute that contribution.

3 **SECTION 226.** 11.26 (2) (a) of the statutes is amended to read:

4 11.26 (2) (a) Candidates for governor, lieutenant governor, secretary of state,  
5 state treasurer, attorney general, state superintendent or justice, 4% of the value of  
6 the disbursement level specified in the schedule under s. 11.31 (1), as adjusted under  
7 s. 11.31 (9).

8 **SECTION 227.** 11.26 (8m) of the statutes is created to read:

9 11.26 (8m) (a) No committee identified under s. 11.05 (3) (c) as a special interest  
10 committee may make any contribution or contributions in an amount or value  
11 exceeding \$100 cumulatively within a calendar year to any other committee  
12 identified under s. 11.05 (3) (c) as a special interest committee.

13 (b) No conduit may transfer any contribution or contributions in an amount or  
14 value exceeding \$100 cumulatively within a calendar year to any committee  
15 identified under s. 11.05 (3) (c) as a special interest committee.

16 **SECTION 228.** 11.26 (9) (a) of the statutes is amended to read:

17 11.26 (9) (a) (intro.) No individual who is a candidate for state or local office may  
18 receive and accept more than ~~65%~~ 60% of the value of the total disbursement level  
19 determined under s. 11.31 (1), as adjusted under s. 11.31 (9), for the office for which  
20 he or she is a candidate during any primary and election campaign combined from  
21 all committees subject to a filing requirement, including political party and  
22 legislative campaign committees.

23 **SECTION 229.** 11.26 (9) (b) of the statutes is amended to read:

24 11.26 (9) (b) No individual who is a candidate for state or local office may receive  
25 and accept more than 45% of the value of the total disbursement level determined



1 under s. 11.31 (1), as adjusted under s. 11.31 (9), for the office for which he or she is  
2 a candidate during any primary and election campaign combined from all  
3 committees other than political party and legislative campaign committees subject  
4 to a filing requirement.

5 **SECTION 230.** 11.31 (1) (a) of the statutes is amended to read:

6 11.31 (1) (a) Candidates for governor, ~~\$1,078,200~~ \$2,500,000.

7 **SECTION 231.** 11.31 (1) (b) of the statutes is amended to read:

8 11.31 (1) (b) Candidates for lieutenant governor, ~~\$323,475~~ \$400,000.

9 **SECTION 232.** 11.31 (1) (c) of the statutes is amended to read:

10 11.31 (1) (c) Candidates for attorney general, ~~\$539,000~~ or justice, \$400,000.

11 **SECTION 233.** 11.31 (1) (cm) of the statutes is created to read:

12 11.31 (1) (cm) Candidates for state superintendent, \$250,000.

13 **SECTION 234.** 11.31 (1) (d) of the statutes is amended to read:

14 11.31 (1) (d) Candidates for secretary of state, or state treasurer, justice or state  
15 superintendent, \$215,625 \$100,000.

16 **SECTION 235.** 11.31 (1) (e) and (f) of the statutes are amended to read:

17 11.31 (1) (e) Candidates for state senator, ~~\$34,500~~ \$70,000 total in the primary  
18 and election, with disbursements not exceeding ~~\$21,575~~ \$43,775 for either the  
19 primary or the election.

20 (f) Candidates for representative to the assembly, ~~\$17,250~~ \$35,000 total in the  
21 primary and election, with disbursements not exceeding ~~\$10,775~~ \$21,850 for either  
22 the primary or the election.

23 **SECTION 236.** 11.31 (2) of the statutes is amended to read:

24 11.31 (2) LIMITATION IMPOSED. No candidate for state office at a spring or general  
25 election who files a sworn statement and application to receive a grant from the

1 Wisconsin election campaign fund may make or authorize total disbursements from  
2 the his or her campaign treasury in any campaign to the extent of more than the  
3 amount prescribed in sub. (1), adjusted as provided under sub. (9), unless the board  
4 determines that the candidate is not eligible to receive a grant, the candidate  
5 withdraws his or her application under s. 11.50 (2) (h), or s. 11.50 (2) (i) applies. No  
6 candidate for state office at a special election who files a sworn statement and  
7 application to receive a grant from the Wisconsin election campaign fund may make  
8 or authorize total disbursements from the his or her campaign treasury in any  
9 campaign to the extent of more than the amount prescribed under sub. (1), adjusted  
10 as provided under sub. (9), for the preceding spring or general election for the same  
11 office, unless the board determines that the candidate is not eligible to receive a  
12 grant, the candidate withdraws his or her application under s. 11.50 (2) (h), or s. 11.50  
13 (2) (i) applies.

14 **SECTION 237.** 11.31 (3) of the statutes is amended to read:

15 11.31 (3) GUBERNATORIAL CAMPAIGNS. For purposes of compliance with the  
16 limitations imposed under sub. (2), candidates for governor and lieutenant governor  
17 of the same political party who both accept grants from the Wisconsin election  
18 campaign fund may agree to combine disbursement levels under sub. (1) (a) and (b),  
19 as adjusted under sub. (9), and reallocate the total level between them. The  
20 candidates shall each inform the board of any such agreement.

21 **SECTION 238.** 11.31 (3m) of the statutes is amended to read:

22 11.31 (3m) UNOPPOSED CANDIDATES; EXCEPTION. Notwithstanding subs. (1) and  
23 (2), if all candidates for state senator or representative to the assembly in a  
24 legislative district who are certified under s. 7.08 (2) (a) to appear on the September  
25 primary ballot of all parties recognized under s. 5.62 (1) (b) or (2) have no opponent

1 who is certified to appear on the same primary ballot, or if no primary is required for  
2 all candidates of parties recognized under s. 5.62 (1) (b) or (2) for state senator or  
3 representative to the assembly in a legislative district who are certified under s. 8.50  
4 (1) (d) to appear on a special partisan election ballot, then the separate limitation  
5 specified in sub. (1), as adjusted under sub. (9), for disbursements during the primary  
6 and election period does not apply to candidates for that office in that primary and  
7 election, and the candidates are bound only by the total limitations specified in sub.  
8 (1) for the primary and election, as adjusted under sub. (9).

9 **SECTION 239.** 11.31 (4) of the statutes is amended to read:

10 11.31 (4) ALLOCATION. Except as provided in sub. (3m), whenever a separate  
11 disbursement level is specified for a primary and election under sub. (1), a candidate  
12 who disburses less than the authorized level in the primary may not reallocate the  
13 balance to increase the level in the election. Whenever a separate disbursement level  
14 is not specified for a primary and election under sub. (1), a candidate may allocate  
15 disbursements between the primary and election campaign within the total level of  
16 disbursements specified in sub. (1), as adjusted under sub. (9), in any proportion  
17 desired, and may carry over unexpended contributions from a primary campaign to  
18 an election campaign.

19 **SECTION 240.** 11.31 (9) of the statutes is created to read:

20 11.31 (9) ADJUSTMENT OF DISBURSEMENT LEVELS. (a) In this subsection,  
21 "consumer price index" means the average of the consumer price index over each  
22 12-month period, all items, U.S. city average, as determined by the bureau of labor  
23 statistics of the federal department of labor.

24 (b) The dollar amounts of all disbursement levels specified in sub. (1) shall be  
25 subject to a biennial adjustment to be determined by rule of the board in accordance

1 with this subsection. To determine the adjustment, the board shall calculate the  
2 percentage difference between the consumer price index for the 12-month period  
3 ending on December 31 of each odd-numbered year and the consumer price index for  
4 the base period, calendar year 2001. For each biennium, the board shall multiply  
5 that result by the percentage difference in the consumer price indices. The board  
6 shall adjust the disbursement levels specified under sub. (1) to substitute that result  
7 for the existing levels to the extent required to reflect any difference, rounded to the  
8 nearest multiple of \$25 in the case of amounts of \$1 or more, which amounts shall  
9 be in effect until a subsequent rule is promulgated under this subsection.  
10 Notwithstanding s. 227.24 (1) (a), (2) (b) and (3), determinations under this  
11 subsection may be promulgated as an emergency rule under s. 227.24 without  
12 providing evidence that the emergency rule is necessary for the public peace, health,  
13 safety or welfare, and without a finding of emergency.

14 **SECTION 241.** 11.395 of the statutes is created to read:

15 **11.395 Contributions by foreign nationals prohibited.** (1) In this section,  
16 “foreign national” means a foreign principal, as defined in 22 USC 611 (b), other than  
17 a citizen of the United States, or an individual who is not a citizen of the United  
18 States and is not lawfully admitted for permanent residence, as defined in 8 USC  
19 1101 (a) (20).

20 (2) No foreign national may make a contribution.

21 **SECTION 242.** 11.50 (2) (a) of the statutes is amended to read:

22 11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may  
23 file an application with the board requesting approval to participate in the fund. The  
24 application shall be filed no later than the applicable deadline for filing nomination  
25 papers under s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a) or 8.50 (3) (a), no later than 4:30 p.m.

1 on the 7th day after the primary or date on which the primary would be held if  
2 required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day  
3 after appointment in the case of candidates appointed to fill vacancies. The  
4 application shall contain a sworn statement that the candidate and his or her  
5 authorized agents have complied with the contribution limitations prescribed in s.  
6 11.26 and the disbursement limitations prescribed under s. 11.31 (1), as adjusted  
7 under s. 11.31 (9), at all times to which such limitations have applied to his or her  
8 candidacy and will continue to comply with the limitations at all times to which the  
9 limitations apply to his or her candidacy for the office in contest, unless the board  
10 determines that the candidate is not eligible to receive a grant, the candidate  
11 withdraws his or her application under par. (h), or par. (i) applies.

12 SECTION 243. 11.50 (2) (b) 3m. of the statutes is created to read:

13 11.50 (2) (b) 3m. The candidate and his or her personal campaign committee  
14 are in compliance with all obligations imposed upon the candidate under this section  
15 with respect to any grant previously received by the candidate.

16 SECTION 244. 11.50 (2) (b) 5. of the statutes is amended to read:

17 11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as  
18 of the date of the spring or September primary, or the date that the special primary  
19 is or would be held, if required, indicate that the candidate has received at least the  
20 amount provided in this subdivision, from contributions of money, other than loans,  
21 made by individuals who are residents of this state, which have been received during  
22 the period ending on the date of the spring primary and July 1 preceding such date  
23 in the case of candidates at the spring election, or the date of the September primary  
24 and January 1 preceding such date in the case of candidates at the general election,  
25 or the date that a special primary will or would be held, if required, and 90 days

1 preceding such date or the date a special election is ordered, whichever is earlier, in  
2 the case of special election candidates, which contributions are in the aggregate  
3 amount of \$100 or less, and which are fully identified and itemized as to the exact  
4 source thereof. A contribution received from a conduit which is identified by the  
5 conduit as originating from an individual shall be considered a contribution made by  
6 the individual. In the case of a candidate for legislative office, at least 50% of the  
7 contributions shall be received from individuals who are residents of a county having  
8 territory within the district in which the candidate seeks office. Only the first \$100  
9 of an aggregate contribution of more than \$100 may be counted toward the required  
10 percentage. For a candidate ~~at the spring or general election for an office identified~~  
11 ~~in s. 11.26 (1) (a) or a candidate at a special election for the office of governor, the~~  
12 required amount to qualify for a grant is 5% of the candidate's authorized  
13 disbursement limitation under s. 11.31 (1), as adjusted under s. 11.31 (9). For a  
14 candidate for any other candidate at the general election state office, the required  
15 amount to qualify for a grant is 10% of the candidate's authorized disbursement  
16 limitation under s. 11.31 (1), as adjusted under s. 11.31 (9).

17 **SECTION 245.** 11.50 (2) (g) of the statutes is amended to read:

18 11.50 (2) (g) A candidate who voluntarily files an application to receive a grant  
19 in accordance with this subsection accepts and agrees to comply with the  
20 contribution limitations prescribed in s. 11.26 and the disbursement limitations  
21 imposed under s. 11.31 (2), as adjusted under s. 11.31 (9) as binding upon himself or  
22 herself and his or her agents during the campaign as defined in s. 11.31 (7), as a  
23 precondition to receipt of a grant under this section, unless the board determines  
24 that the candidate is not eligible to receive a grant, the candidate withdraws the  
25 application under par. (h), or par. (i) applies.

1 **SECTION 246.** 11.50 (2) (i) of the statutes is amended to read:

2 11.50 (2) (i) Notwithstanding par. (g), if an eligible candidate at the spring  
3 election or a special nonpartisan election who accepts a grant is opposed by one or  
4 more candidates in the election, or if an eligible candidate at the general election or  
5 a special partisan election who accepts a grant is opposed by one or more candidates  
6 in the election who receive at least 6% of the vote cast for all candidates for the same  
7 office on all ballots at the September primary or a special partisan primary if a  
8 primary was held, and in either case if any such opponent of the eligible candidate  
9 does not accept a grant under this section in whole or in part, the eligible candidate  
10 is not bound by the pledge made in his or her application to adhere to the contribution  
11 limitations prescribed in s. 11.26 and the disbursement limitation prescribed under  
12 s. 11.31 (2), as adjusted under s. 11.31 (9), unless each such opponent files an affidavit  
13 of voluntary compliance under s. 11.31 (2m).

14 **SECTION 247.** 11.50 (8) of the statutes is amended to read:

15 11.50 (8) LAPSING GRANTS. All grants disbursed under sub. (5) remain the  
16 property of the state until disbursed or encumbered for a lawful purpose. All grant  
17 moneys and all other income received by a candidate that are ~~unspent and~~  
18 unencumbered by a ~~the~~ candidate on the day after the election in which the candidate  
19 participates shall revert to the state, up to the total amount of the grant received by  
20 that candidate. All deposits and refunds ~~derived from grant moneys~~ that are  
21 received by a candidate at any time after the day of the election in which the  
22 candidate participates shall revert to the state to the extent that the deposits and  
23 refunds, when combined with other unencumbered moneys in the campaign  
24 depository account of that candidate, do not exceed the amount of the grant received

1 ~~by that candidate.~~ All reversions shall be returned to the board by the candidate and  
2 shall be deposited in the fund.

3 **SECTION 248.** 11.50 (9) of the statutes is renumbered 11.50 (9) (intro.) and  
4 amended to read:

5 11.50 (9) LIMITATION ON GRANTS. (intro.) The total grant available to an eligible  
6 candidate may not exceed that amount which, when added to all other contributions  
7 accepted from sources other than individuals, political party committees and  
8 legislative campaign committees, is equal to ~~45%~~ the percentage of the disbursement  
9 level specified in this subsection for the applicable office under s. 11.31 (1), as  
10 adjusted under s. 11.31 (9). The board shall scrutinize accounts and reports and  
11 records kept under this chapter to assure that applicable limitations under ss. 11.26  
12 (9) and 11.31 are not exceeded and any violation is reported. No candidate or  
13 campaign treasurer may accept grants exceeding the amount authorized by this  
14 subsection. The percentage is:

15 **SECTION 249.** 11.50 (9) (a) and (b) of the statutes are created to read:

16 11.50 (9) (a) For an eligible candidate for the office of justice, 50% of the  
17 disbursement limitation.

18 (b) For an eligible candidate for any other state office, 33% of the disbursement  
19 limitation.

20 **SECTION 250.** 11.50 (10m) (title) of the statutes is amended to read:

21 11.50 (10m) (title) RETURN OF GRANTS PRIOR TO ELECTION.

22 **SECTION 251.** 11.50 (11) (d) of the statutes is amended to read:

23 11.50 (11) (d) No person may expend, authorize the expenditure of or incur any  
24 obligation to expend a grant or other contribution any moneys in the campaign



1 depository account of a candidate after the date of any election where the moneys  
2 ~~contained in such contribution~~ are returnable to the state under sub. (8).

3 **SECTION 252.** 11.60 (3r) of the statutes is created to read:

4 11.60 (3r) Notwithstanding sub. (1), any registrant who or which accepts an  
5 unlawful contribution or a contribution in an amount or value exceeding the amount  
6 or value that the donor is permitted to donate to the registrant under this chapter  
7 may be required to forfeit not more than 125% of the unlawful contribution or portion  
8 thereof that is unlawfully contributed.

9 **SECTION 253.** 11.60 (4) and (5) of the statutes are amended to read:

10 11.60 (4) Actions under this section arising out of an election for state office or  
11 a statewide referendum may be brought by the board or by the district attorney of  
12 the county where the violation is alleged to have occurred, except as specified in s.  
13 11.38. Actions under this section arising out of an election for local office or a local  
14 referendum may be brought by the district attorney of the county where the violation  
15 is alleged to have occurred. Actions under this section arising out of an election for  
16 county office or a county referendum may be brought by the county board of election  
17 commissioners of the county wherein the violation is alleged to have occurred. If a  
18 violation concerns a district attorney or circuit judge or candidate for such offices, the  
19 action shall be brought by the attorney general. If a violation concerns the attorney  
20 general or a candidate for such office, the governor may appoint special counsel  
21 under s. 14.11 (2) to bring suit in behalf of the state. The counsel shall be independent  
22 of the attorney general and need not be a state employe at the time of appointment.

23 (5) Any elector may file a verified petition with the board, the county board of  
24 election commissioners or the appropriate district attorney or ~~both~~ with more than  
25 one of them where the their authority is concurrent under sub. (4), requesting that

1 civil action under this chapter be brought against any person, committee or group.  
2 The petition shall allege such facts as are within the knowledge of the petitioner to  
3 show probable cause that a violation of this chapter has occurred.

4 ~~SECTION 254. 11.61 (1) (b) of the statutes, as affected by 1997 Wisconsin Act~~  
5 283, is amended to read:

6 11.61 (1) (b) Whoever intentionally violates s. 11.25, 11.26, 11.27 (1), 11.30 (1)  
7 or, 11.38 or 11.39<sup>5</sup> where the intentional violation does not involve a specific figure,  
8 or where the intentional violation concerns a figure that exceeds \$100 in amount or  
9 value may be fined not more than \$10,000 or imprisoned for not more than 4 years  
10 and 6 months or both.

11 SECTION 255. 12.13 (2) (b) 8. of the statutes is created to read:

12 12.13 (2) (b) 8. Intentionally disclose the name or address of any elector who  
13 obtains a confidential listing under s. 6.47 (2) to any person who is not authorized  
14 by law to obtain that information.

15 SECTION 256. 12.13 (3) (zm)<sup>6</sup> and (zn) of the statutes are created to read:

16 12.13 (3) (zm) Wilfully provide to a municipal clerk false information for the  
17 purpose of obtaining a confidential listing under s. 6.47 (2) for that person or another  
18 person.

19 (zn) Disclose to any person information provided under s. 6.47 (8) when not  
20 authorized to do so.

21 SECTION 257. 12.60 (1) (a) of the statutes, as affected by 1997 Wisconsin Act  
22 283, is amended to read:

23 12.60 (1) (a) Whoever violates s. 12.09, 12.11 or 12.13 (1), (2) (b) 1. to 7. or (3)  
24 (a), (e), (f), (j), (k), (L), (m), (y) or (z) may be fined not more than \$10,000 or imprisoned  
25 for not more than 4 years and 6 months or both.

1 **SECTION 258.** 12.60 (1) (b) of the statutes is amended to read:

2 12.60 (1) (b) Whoever violates s. 12.03, 12.05, 12.07, 12.08 or 12.13 (2) (b) 8. or  
3 ~~(3) (b), (c), (d), (g), (i) or (n) to (x), (zm) or (zn)~~ may be fined not more than \$1,000, or  
4 imprisoned not more than 6 months or both.

5 **SECTION 259.** 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 260.** 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 261.** 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.

1           **SECTION 262.** 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 263.** 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 264.** 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

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 265.** ~~60.11 (7) of the statutes is amended to read:~~

8 ~~60.11 (7) POLL LIST. An annual town meeting may require the clerk of the town~~  
9 ~~meeting to keep a poll list with the name and address of every elector voting at the~~  
10 ~~meeting. If an elector of the town obtains a confidential listing under s. 6.47 (2) and~~  
11 ~~presents an identification card issued under s. 6.47 (3), the clerk shall record the~~  
12 ~~identification serial number of the elector in lieu of the elector's address.~~

13 **SECTION 266.** 60.62 (2) of the statutes is amended to read:

14 60.62 (2) If the county in which the town is located has enacted a zoning  
15 ordinance under s. 59.69, the exercise of the authority under sub. (1) is subject to  
16 approval by the town meeting or by a referendum vote of the electors of the town held  
17 at the time of any regular or special election. The question for the referendum vote  
18 shall be filed as provided in s. 8.37.

19 **SECTION 267.** 60.74 (5) (b) of the statutes is amended to read:

20 60.74 (5) (b) A petition conforming to the requirements of s. 8.40 signed by  
21 qualified electors of the district equal to at least 20% of the vote cast for governor in  
22 the district at the last gubernatorial election, requesting a change to appointment  
23 of commissioners, may be submitted to the town board, subject to sub. (5m) (a). The  
24 petition shall be filed as provided in s. 8.37. Upon receipt of the petition, the town  
25 board shall submit the question to a referendum at the next regular spring election

1 or general election, or shall call a special election for that purpose. The inspectors  
2 shall count the votes and submit a statement of the results to the commission. The  
3 commission shall canvass the results of the election and certify the results to the  
4 town board which has authority to appoint commissioners.

5 **SECTION 268.** 60.785 (2) (a) of the statutes is amended to read:

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

17 **SECTION 269.** 61.187 (1) of the statutes is amended to read:

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

1           **SECTION 270.** 61.46 (1) of the statutes is amended to read:

2           61.46 (1) **GENERAL; LIMITATION.** The village board shall, on or before December  
3           15 in each year, by resolution to be entered of record, determine the amount of  
4           corporation taxes to be levied and assessed on the taxable property in such village  
5           for the current year. Before levying any tax for any specified purpose, exceeding one  
6           percent of the assessed valuation aforesaid, the village board shall, and in all other  
7           cases may in its discretion, submit the question of levying the same to the village  
8           electors at any general or special election by giving 10 days' notice thereof prior to  
9           such election by publication in a newspaper published in the village, if any, and if  
10          there is none, then by posting notices in 3 public places in said village, setting forth  
11          in such notices the object and purposes for which such taxes are to be raised and the  
12          amount of the proposed tax. The village board shall file the question as provided in  
13          s. 8.37.

14          **SECTION 271.** 62.13 (6) (b) of the statutes is amended to read:

15          62.13 (6) (b) The provisions of this subsection shall apply only if adopted by the  
16          electors. Whenever not less than ~~30~~ 42 days prior to a regular city election a petition  
17          therefor, conforming to the requirements of s. 8.40 and signed by electors equal in  
18          number to not less than 20% of the total vote cast in the city for governor at the last  
19          general election, shall be filed with the clerk as provided in s. 8.37, the clerk shall give  
20          notice in the manner of notice of the regular city election of a referendum on the  
21          adoption of this subsection. Such referendum election shall be held with the regular  
22          city election, and the ballots shall conform with the provisions of ss. 5.64 (2) and  
23          10.02, and the question shall be "Shall s. 62.13 (6) of the statutes be adopted?"

24          **SECTION 272.** 64.39 (2) of the statutes is amended to read:

1           64.39 (2) Such petition shall conform to the requirements of s. 8.40 and shall  
2 be signed by qualified electors of such city at least equal in number to 25% of the total  
3 number of votes cast in such city for all candidates for governor at the last preceding  
4 general election. Such petition shall be filed with the city clerk as provided in s. 8.37  
5 and after being so filed, no name shall be erased or removed therefrom and no  
6 signature shall be valid or be counted unless its date is less than one month preceding  
7 the date of such filing.

8           **SECTION 273.** 66.021 (5) (a) of the statutes is amended to read:

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



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

12 **SECTION 274.** 66.022 (3) of the statutes is amended to read:

13 66.022 (3) The governing body of any city, village or town involved may, or if  
14 a petition conforming to the requirements of s. 8.40 signed by a number of qualified  
15 electors thereof equal to at least 5% of the votes cast for governor in the city, village  
16 or town at the last gubernatorial election, demanding a referendum thereon, is  
17 presented to it within 30 days after the passage of either of the ordinances herein  
18 provided for shall, cause the question to be submitted to the electors of the city,  
19 village or town whose electors petitioned therefor, at a referendum election called for  
20 such purpose ~~within 30~~ not less than 42 days nor more than 72 days after the filing  
21 of such petition, or after the enactment of either ordinance. The petition shall be filed  
22 as provided in s. 8.37. Whenever a number of electors cannot be determined on the  
23 basis of reported election statistics, the number shall be determined in accordance  
24 with s. 60.74 (6). The governing body of the municipality shall appoint 3 election  
25 inspectors who shall be resident electors to supervise the referendum. The ballots

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

7 **SECTION 275.** 66.023 (4) (e) 1. and 2. of the statutes are amended to read:

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

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

24 **SECTION 276.** 66.024 (4) (a) and (b) of the statutes are amended to read:

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

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

16           **SECTION 277.** 66.027 of the statutes is amended to read:

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

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

14 **SECTION 278.** 66.028 (6) (a) and (b) of the statutes are amended to read:

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

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

8 **SECTION 279.** 66.059 (2m) (b) of the statutes is amended to read:

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

15 **SECTION 280.** 66.061 (1) (c) of the statutes is amended to read:

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

1           **SECTION 281.** 66.075 (5) of the statutes is amended to read:

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

14          **SECTION 282.** 66.521 (10) (d) of the statutes is amended to read:

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

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

3 **SECTION 283.** 66.77 (3) (a) 1. of the statutes is amended to read:

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

15 **SECTION 284.** 66.94 (4) of the statutes is amended to read:

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

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

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

7 YES  NO

8 **SECTION 285.** 67.05 (3) (am) of the statutes is created to read:

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

11 **SECTION 286.** 67.12 (12) (e) 6. of the statutes is amended to read:

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

18 **SECTION 287.** 81.01 (3) (b) of the statutes is amended to read:

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

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



1 FOR SPENDING  AGAINST SPENDING

2 SECTION 288. 86.21 (2) (a) of the statutes is amended to read:

3 86.21 (2) (a) Before any such toll bridge is constructed or acquired under this  
4 section, a resolution authorizing the construction or acquisition thereof, and  
5 specifying the method of payment therefor, shall be adopted by a majority of the  
6 members of the governing body of such county, town, village or city at a regular  
7 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The  
8 resolution shall include a general description of the property it is proposed to acquire  
9 or construct. Any county, town, village or city constructing or acquiring a toll bridge  
10 under this section may provide for the payment of the same or any part thereof from  
11 the general fund, from taxation, or from the proceeds of either municipal bonds,  
12 revenue bonds or as otherwise provided by law. Such resolution shall not be effective  
13 until 15 days after its passage and publication. If within said 15 days a petition  
14 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality,  
15 and filed as provided in s. 8.37, signed by at least 20% of the electors thereof  
16 requesting that the question of acquiring such toll bridge be submitted to the said  
17 electors, such question shall be submitted at any general or regular municipal  
18 election that ~~may be~~ is held not less sooner than ~~10 nor more than 40~~ 42 days from  
19 the date of filing such petition. In case no such general or regular municipal election  
20 is to be held within such stated period, then the governing body of such municipality  
21 shall order a special election to be held within 30 days from the filing of such petition  
22 upon the question of whether such toll bridge shall be acquired by said municipality.  
23 The question submitted to the electors shall specify the method of payment for such  
24 toll bridge as provided in the resolution for the acquisition thereof. If no such petition  
25 is filed, or if the majority of votes cast at such referendum election are in favor of the

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

3 **SECTION 289.** 92.11 (4) (c) of the statutes is amended to read:

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

13 **SECTION 290.** 119.48 (4) (c) of the statutes is amended to read:

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

25 **SECTION 291.** 119.49 (2) of the statutes is amended to read:

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

11           **SECTION 292.** 120.06 (6) (b) of the statutes is amended to read:

12           120.06 (6) (b) No later than the first ~~4th~~ Tuesday in ~~December~~ November prior  
13 to the spring election, the school district clerk shall publish a type A notice of the  
14 school district election under s. 10.01 (2) (a). Except as authorized in this paragraph,  
15 no later than 5 p.m. on the first Tuesday in January prior to the spring election, or  
16 on the next day if Tuesday is a holiday, any qualified elector of the school district may  
17 file a sworn declaration of candidacy with the school district clerk in the form  
18 provided in s. 8.21 at the place specified in the notice. If the school district contains  
19 territory lying within a 2nd class city, or if the school board or annual meeting  
20 requires nomination papers under par. (a), any qualified elector of the school district  
21 who desires to be a candidate shall in addition file nomination papers in the form  
22 prescribed under s. 8.10 (2) and (3) with the school district clerk at the place specified  
23 in the notice. If an incumbent fails to file a declaration of candidacy, and nomination  
24 papers, where required, within the time prescribed by this paragraph, all candidates  
25 for the office held by the incumbent, other than the incumbent, may file a declaration

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

19 **SECTION 293.** 121.91 (3) (a) of the statutes is amended to read:

20 121.91 (3) (a) If a school board wishes to exceed the limit under sub. (2m)  
21 otherwise applicable to the school district in any school year, it shall promptly adopt  
22 a resolution supporting inclusion in the final school district budget of an amount  
23 equal to the proposed excess revenue. The resolution shall specify whether the  
24 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the  
25 proposed excess revenue is for both recurring and nonrecurring purposes, the

1 amount of the proposed excess revenue for each purpose. The resolution shall be filed  
2 as provided in s. 8.37. Within 10 days after adopting the resolution, the school board  
3 shall notify the department of the scheduled date of the referendum and submit a  
4 copy of the resolution to the department. The school board shall call a special  
5 referendum for the purpose of submitting the resolution to the electors of the school  
6 district for approval or rejection. In lieu of a special referendum, the school board  
7 may specify that the referendum be held at the next succeeding spring primary or  
8 election or September primary or general election, if such election is to be held not  
9 ~~earlier~~ sooner than 35 42 days after the ~~adoption~~ filing of the resolution of the school  
10 board. The school district clerk shall certify the results of the referendum to the  
11 department within 10 days after the referendum is held.

12 **SECTION 294.** 125.05 (1) (b) 5. of the statutes is amended to read:

13 125.05 (1) (b) 5. The petition shall be filed with the clerk of the municipality  
14 ~~affected by the question~~ at least ~~30~~ 42 days prior to the first Tuesday of April.

15 **SECTION 295.** 197.04 (1) (b) of the statutes is amended to read:

16 197.04 (1) (b) If within either of the 90-day periods described in par. (a) a  
17 petition conforming to the requirements of s. 8.40 is filed with the clerk of the  
18 municipality as provided in s. 8.37 and the petition has been signed by 5% of the  
19 electors of a 1st class city or by 10% of the electors of all other municipalities  
20 requesting that the question of discontinuing the proceeding to acquire the plant or  
21 equipment of the public utility be submitted to the electors of the municipality, the  
22 applicable question under par. (c) shall be submitted to the electors at any general  
23 or regular municipal election that ~~may be~~ is held not less than ~~30,~~ 42 and not more  
24 than ~~35,~~ 47 days from the date of the filing of the petition. If no general election or  
25 regular municipal election is to be held within the stated periods, the governing body

1 of the municipality shall order the holding of a special election, to be held not less  
2 than 42 days from the date of filing of the petition, for the purpose of submitting the  
3 question to the electors.

4 **SECTION 296.** 197.10 (2) of the statutes is amended to read:

5 197.10 (2) Such contract when adopted by the common council of said city and  
6 accepted by the owner or owners of such public utility shall be submitted to the public  
7 service commission for its approval and upon such approval the same shall be filed  
8 as provided in s. 8.37 and submitted in such manner as the common council shall  
9 determine to a vote of the electors of such city at the next regular municipal election  
10 or at a special election called for that purpose, and such contract shall not become  
11 binding upon such city until approved by a majority vote of the qualified electors of  
12 such city voting thereon. No bonds shall in any case be issued by said city under the  
13 contract or contracts mentioned in sub. (1), until the proposition of their issue shall  
14 have been submitted to the people of such city and adopted by a majority of the  
15 electors voting thereon.

16 **SECTION 297.** 227.52 (6) of the statutes is amended to read:

17 227.52 (6) Decisions of the chairperson of the elections board or the  
18 chairperson's designee.

19 **SECTION 298.** 755.01 (4) of the statutes is amended to read:

20 755.01 (4) Two or more cities, towns or villages of this state may enter into an  
21 agreement under s. 66.30 for the joint exercise of the power granted under sub. (1),  
22 except that for purposes of this subsection, any agreement under s. 66.30 shall be  
23 effected by the enactment of identical ordinances by each affected city, town or  
24 village. Electors of each municipality entering into the agreement shall be eligible  
25 to vote for the judge of the municipal court so established. If a municipality enters

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

16 **SECTION 299.** 778.135 of the statutes is amended to read:

17 **778.135 Elections board Campaign finance forfeitures; how recovered.**

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

1 election commissioners and deposited with the county treasurer in the same manner  
2 as provided for forfeitures under s. 778.13.

3 **SECTION 300. Nonstatutory provisions.**

4 (1) There shall be submitted to the vote of the electors at the general election  
5 to be held in November 2000 the following question: "Shall sections 68 and 70 of 1999  
6 Wisconsin Act ... (this act), which extend the right to vote in federal elections in this  
7 state to the adult children of U.S. citizens who resided in this state prior to  
8 establishing residency abroad, become effective on January 1, 2001?". If the question  
9 is approved by a majority of all votes cast on the question at the election, SECTIONS  
10 68 and 70 of this act shall become law; otherwise, those sections shall not take effect.

11 **SECTION 301. Initial applicability.**

12 ~~(1) FEES FOR RECOUNTS OF ELECTIONS. The treatment of section 9.01 (1) (a) (as  
13 it relates to fees for recounts of elections), (ad), (ag) 1., 1m., 2., 3. and 3m. and (ar)  
14 3. (as it relates to fees for recounts of elections) of the statutes first applies to petitions  
15 for recounts filed on the effective date of this subsection.~~

16 ~~(2) CAMPAIGN FINANCE REPORTS OF NONRESIDENT REGISTRANTS. The treatment of  
17 section 11.05 (3) (q) of the statutes first applies to registration statements filed on the  
18 effective date of this subsection.~~

19 ~~(i) (3) REPORT ON IMPEDIMENTS TO VOTING. The treatment of section 5.25 (4) (d) of  
20 the statutes first applies to the report due on June 30, 2001.~~

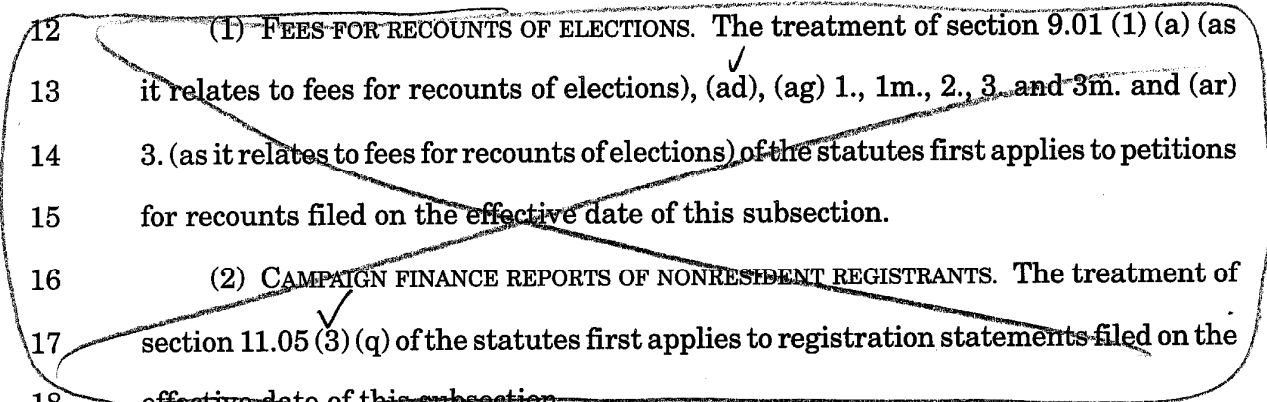
21 ~~(2) (4) FILING OF REFERENDUM QUESTIONS. The treatment of sections 8.37, 24.66 (4),  
22 32.72 (1), 59.05 (2), 59.08 (7) (b), 60.62 (2), 60.74 (5) (b), 60.785 (2) (a), 61.187 (1), 61.46  
23 (1), 62.13 (6) (b), 64.39 (2), 66.021 (5) (a), 66.022 (3), 66.023 (4) (e) 1. and 2., 66.024  
24 (4) (a) and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

actors

(5)

(10)

a-r.





1 86.21 (2) (a), 119.48 (4) (c), 119.49 (2), 121.91 (3) (a), 125.05 (1) (b) 5., 197.04 (1) (b)  
2 and 197.10 (2) of the statutes first applies with respect to referenda called on the  
3 effective date of this subsection.

4 (5) DISBURSEMENT LIMITATION ADJUSTMENT. The treatment of section 11.31(9) of  
5 the statutes first applies to adjustments for the biennium beginning on January 1,  
6 2002.

7 SECTION 302. Effective dates. This act takes effect on the day after  
8 publication, except as follows:

9 (1) VOTING BY CHILDREN OF OVERSEAS ELECTORS. The treatment of section 6.24  
10 (1), (2) and (3) (by SECTION 70) of the statutes takes effect on January 1, 2001, if the  
11 condition set forth in SECTION 151 (1) of this act is satisfied.

12 (2) MUNICIPAL BOARDS OF CANVASSERS. The treatment of section 7.53(2) (a) of the  
13 statutes takes effect on January 1, 2001.

14 (2) (3) 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)

2001

(a.r.)

(CS)

LIMITS

(X)

**BILL**

Pais 9A

commissioners must appoint special voting deputies to visit certain of these facilities and homes to supervise absentee voting by the occupants. In municipalities other than cities over 500,000 population, current law conflicts as to whether these appointments are made by the municipal clerk, or by the municipal governing body from nominations submitted by party committeemen or committeewomen.

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

***Composition of county boards of canvassers***

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

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

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

Current law requires election results to be canvassed and recounts to be conducted by a board of canvassers. Depending upon the type and location of a particular election, the applicable board of canvassers may be a municipal board of canvassers, school district board of canvassers or county board of canvassers. In addition, in cities and counties of more than 500,000 population (currently, the city of Milwaukee and Milwaukee County), the municipal board of election commissioners and county board of election commissioners, respectively, serve as the boards of canvassers. With limited exceptions, current law requires the municipal clerk to appoint a member to fill any temporary vacancy on a municipal board of canvassers. Similarly, the county clerk must appoint a member to serve if a member other than the clerk can not serve on a county board of canvassers. Furthermore, in cities of more than 500,000 population, current law requires the executive director of the municipal board of election commissioners to serve as a member of the board of canvassers to fill any temporary vacancy. Current law does not specify a procedure for filling a vacancy on a county board of canvassers in counties of more than 500,000 or on a school district board of canvassers.

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

(END OF INSERT 9A)

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

-4306/1dn  
LRB-3735/13011  
JTK&RJM:cmh:ch

January 20, 2000

*new date*

Representative Freese:

~~This is a preliminary draft. After you and the committee's counsel have had a chance to go through the draft, we will incorporate any necessary revisions and prepare a final draft.~~

1. ~~With a few specific exceptions, this draft provides for the act resulting from its enactment to take effect on the day after publication. Because the changes involved in this draft are so extensive and it would be confusing and disruptive to apply some of them in the middle of an election period, it may be advisable to consider a delayed effective date for the entire draft. In the past, we have used an effective date of July 1 of the even-numbered year for similar legislation (in this case, July 1, 2000).~~
2. ~~The text of s. 6.79, stats., as amended by this draft, permits electronic data entry of poll lists but requires any data entry system to be approved by the board. You may wish to require any data entry system to meet the same security standard that is required for recording of votes by electronic voting systems under s. 5.91 (11), stats., in order to preserve entered data in the event of a power outage, evacuation or malfunction.~~

There is one other problem we can foresee if the officials are able to generate updated poll lists periodically from a printer. There may develop confusion over which list is the final list. The final list is used in the canvassing process and use of an incorrect list will likely cause valid votes to be invalidated. Either preliminary lists should not be generated or each list should prominently be dated and timed or labeled "preliminary" or "final" by the computer. (The elections board may be able to handle this problem administratively.)

3. ~~In s. 6.87, stats., do you want the witness who authenticates the voting of an absentee ballot to be an adult? This is not required for the two witnesses whose certification may be used currently, but it is required for authentication of the ballots of military electors under s. 6.22 (2) (b), stats.~~
4. ~~This draft revises the text of ss. 6.88 (1), (2) and (3) (b) and 9.01 (1) (b) 2., stats., to clarify the procedure for counting absentee ballots that are voted by facsimile transmission or electronic mail in accordance with what we believe to be the committee's intent.~~

✓  
5. 6. The text of s. 7.60 (2), stats., as amended by this draft, provides for the county clerk, except in counties where there is a board of election commissioners, to designate a deputy clerk to perform the clerk's duties if the clerk's office is vacant, if the clerk cannot perform his or her duties or if the clerk is a candidate. It would be preferable to ensure that the designation is made in advance, to become effective in the event of a vacancy, disability or candidacy.

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

In addition, the related changes that propose to require a minimum of 42 days between the filing of a petition for a referendum with a governmental officer or agency and the date that the referendum is held may be problematic because it can sometimes take a while to verify the legal sufficiency of a petition and election officials cannot proceed with publication of notices and preparation and distribution of absentee ballots until it is determined whether the petition is valid.

8. ~~Proposed s. 11.26 (8m), stats., which prohibits political action committees from making certain contributions to other political action committees and which prohibits conduits from transferring certain contributions to political action committees, is an innovative provision. To our knowledge, the federal courts have not provided specific guidance concerning the enforceability of a provision of this type. It is well possible that a court may find a rational basis for this provision that would permit the provision to be upheld. However, because of the concerns expressed by the U.S. Supreme Court in the line of cases beginning with *Buckley v. Valeo, et al.*, 96 S. Ct. 612 (1976), it is possible that this provision may be viewed as impermissibly intruding upon freedom of speech or association, or equal protection guarantees.~~

7. 9. Currently, s. 197.04 (1) (b), stats., allows a municipality to place a referendum regarding the municipal acquisition of a utility on the general or regular municipal election ballot only if the general election is held 30 to 35 days after the filing of the referendum petition. Otherwise, the municipality must call a special election. This draft changes this window to 42 to 47 days after the filing of the referendum petition. You may want to amend this provision to widen this 5-day window in order to allow

a greater opportunity to utilize the general election or a regular municipal election to hold such a referendum.

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

LRB-4306/1dn  
JTK/RJM:cmh:hmh

January 26, 2000

Representative Freese:

1. With a few specific exceptions, this draft provides for the act resulting from its enactment to take effect on the day after publication. Because the changes involved in this draft are so extensive and it would be confusing and disruptive to apply some of them in the middle of an election period, it may be advisable to consider a delayed effective date for the entire draft. In the past, we have used an effective date of July 1 of the even-numbered year for similar legislation (in this case, July 1, 2000).

2. The text of s. 6.79, stats., as amended by this draft, permits electronic data entry of poll lists but requires any data entry system to be approved by the board. You may wish to require any data entry system to meet the same security standard that is required for recording of votes by electronic voting systems under s. 5.91 (11), stats., in order to preserve entered data in the event of a power outage, evacuation or malfunction.

There is one other problem we can foresee if the officials are able to generate updated poll lists periodically from a printer. There may develop confusion over which list is the final list. The final list is used in the canvassing process and use of an incorrect list will likely cause valid votes to be invalidated. Either preliminary lists should not be generated or each list should prominently be dated and timed or labeled "preliminary" or "final" by the computer. (The elections board may be able to handle this problem administratively.)

3. In s. 6.87, stats., do you want the witness who authenticates the voting of an absentee ballot to be an adult? This is not required for the two witnesses whose certification may be used currently, but it is required for authentication of the ballots of military electors under s. 6.22 (2) (b), stats.

4. This draft revises the text of ss. 6.88 (1), (2) and (3) (b) and 9.01 (1) (b) 2., stats., to clarify the procedure for counting absentee ballots that are voted by facsimile transmission or electronic mail in accordance with what we believe to be the committee's intent.

5. The text of s. 7.60 (2), stats., as amended by this draft, provides for the county clerk, except in counties where there is a board of election commissioners, to designate a deputy clerk to perform the clerk's duties if the clerk's office is vacant, if the clerk cannot perform his or her duties or if the clerk is a candidate. It would be preferable to ensure that the designation is made in advance, to become effective in the event of a vacancy, disability or candidacy.

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

In addition, the related changes that propose to require a minimum of 42 days between the filing of a petition for a referendum with a governmental officer or agency and the date that the referendum is held may be problematic because it can sometimes take a while to verify the legal sufficiency of a petition and election officials cannot proceed with publication of notices and preparation and distribution of absentee ballots until it is determined whether the petition is valid.

7. Currently, s. 197.04 (1) (b), stats., allows a municipality to place a referendum regarding the municipal acquisition of a utility on the general or regular municipal election ballot only if the general election is held 30 to 35 days after the filing of the referendum petition. Otherwise, the municipality must call a special election. This draft changes this window to 42 to 47 days after the filing of the referendum petition. You may want to amend this provision to widen this 5-day window in order to allow a greater opportunity to utilize the general election or a regular municipal election to hold such a referendum.

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**SUBMITTAL  
FORM**

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

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

Date: 01/26/2000

To: Representative Freese

Relating to LRB drafting number: LRB-4306

**Topic**

Various election law changes

**Subject(s)**

Elections - campaign finance, Elections - miscellaneous

1. **JACKET** the draft for introduction

*Rep. Steve Freese*

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

2. **REDRAFT**. See the changes indicated or attached \_\_\_\_\_.

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

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

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

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

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





CORRECTIONS IN: CCC (LRB-<sup>5121</sup>~~4306~~/1)

## 1999 ASSEMBLY BILL 700

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Prepared by the Legislative Reference Bureau  
(February 23, 2000)

**JEAN: WE MUST USE THE ABOVE DATE.**

In engrossing, the following correction was made:

1. Page 114, line 24: delete "114" and substitute "224".

KMG:

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Minor clerical corrections in legislation are authorized under s. 35.17, stats.; Senate Rule 31, Assembly Rule 37 and Joint Rule 56.