

2011 DRAFTING REQUEST

Bill

Received: **02/24/2011**

Received By: **jkuesel**

Wanted: **Soon**

Companion to LRB:

For: **Mary Lazich (608) 266-5400**

By/Representing: **Tricia Sieg**

May Contact:

Drafter: **jkuesel**

Subject: **Elections - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Lazich@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Partisan primary date; absentee voting changes

Instructions:

Per LRB-0132 + change the date of the September primary to the 2nd Tuesday in August.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 03/02/2011	nmatzke 03/03/2011		_____			S&L
/1		nmatzke 03/03/2011	rschluet 03/03/2011	_____	sbasford 03/04/2011	ggodwin 05/11/2011	
			rschluet 03/04/2011	_____			

FE Sent For:

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5/31

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12/1	jkuesel 3/2/11	1 nwn 3/3		_____	_____	_____	_____

FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-013272-1542/1
JTK:nwn:ph

Fri 3/4

2011 BILL

1 AN ACT ^(regenerate) ~~to repeal~~ 6.865 (3) and 6.865 (3m) (c); **to renumber and amend** 6.25
 2 ~~(1) and 6.86 (2m);~~ **to consolidate, renumber and amend** 6.25 (4) (intro.), (a)
 3 and (b); **to amend** 5.05 (13) (title), 6.22 (4) (a), 6.22 (4) (e), 6.22 (6), 6.221 (1),
 4 6.221 (3) (b), 6.24 (4) (c), 6.36 (1) (a), 6.86 (1) (a) (intro.), ~~6.86 (1) (a) 3., 6.86 (1)~~
 5 ~~(ac), 6.86 (1) (b), 6.86 (1) (b), 6.865 (title), 6.865 (3m) (a), 6.865 (3m) (b), 6.869,~~
 6 ~~6.87 (3) (d), 6.87 (6) and 7.15 (1) (j);~~ and **to create** 5.05 (13) (e) and (d), ~~6.22 (2)~~
 7 ~~(e), 6.24 (4) (e) and 6.25 (1) (b)~~ of the statutes; **relating to:** absentee voting.

Analysis by the Legislative Reference Bureau

This bill makes various changes in the laws pertaining to absentee voting. Most of the changes relate to absentee voting by military and overseas electors of this state. State law contains different definitions of the terms "military elector" and "overseas elector." One set of definitions mirrors the definitions found in federal law. Under federal law, a "military elector" includes: 1) a member of a uniformed service on active duty who, by reason of that duty, is absent from the residence where the member is otherwise qualified to vote; 2) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the residence where the member is otherwise qualified to vote; and 3) the spouse or dependent of any such member who, by reason of the duty or service of the member, is absent from the residence where the person is otherwise qualified to vote. The federal definition of

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“overseas elector” includes an elector who resides outside the United States and who is qualified under federal law to vote in elections for national office in this state because the elector last resided in this state immediately prior to the elector’s departure from the United States. The other set of definitions applies for certain state purposes and includes all the persons who are included in the federal definitions but also includes other persons. The state definition of the term “military elector” includes: 1) members of a uniformed service who are not on active duty or who are not absent from their residences by reason of their service or both; 2) members of the merchant marine who are not absent from their residences; 3) civilian employees of the United States and civilians officially attached to a uniformed service who are serving outside the United States; 4) Peace Corps volunteers; and 5) spouses and dependents of these persons who are residing with or accompanying them. The state definition of “overseas elector” includes children of persons who qualify as overseas electors under federal law who are U.S. citizens at least 18 years of age, who are not disqualified from voting in this state, and who are not residents of this state. Significant provisions of the bill include:

1. Under current law, any qualified absentee elector may request an absentee ballot by means of electronic mail or facsimile transmission. If an elector so requests, the elector must mail with his or her voted absentee ballot a copy of an absentee ballot application containing his or her original signature. In addition, an absentee elector may request that his or her absentee ballot be transmitted to him or her by electronic mail or facsimile transmission and a municipal clerk or board of election commissioners may transmit the ballot as requested. This bill provides that the municipal clerk or board of election commissioners must transmit the ballot if the clerk or board receives a valid request.

2. Current law permits a military or overseas elector, as defined in state law, to cast a vote in any general election in which a federal office is to be filled by writing in the name of a candidate on a blank absentee ballot form prescribed by the U.S. government and returning the ballot to the appropriate municipal clerk or board of election commissioners. This bill permits a military elector, as defined by state law, to cast such a ballot at any election, including any primary election, at which a federal, state, or local office is to be filled and permits an overseas elector, as defined by state law, to cast such a ballot at any election, including any primary election, at which a federal office is to be filled.

3. This bill directs the Government Accountability Board (GAB), with the assistance of county and municipal clerks and boards of election commissioners, to designate at least one freely accessible means of electronic communication which shall be used to: 1) permit a military or overseas elector, as defined by federal law, to request a voter registration or absentee ballot application and to indicate whether he or she wishes to receive the application electronically or by mail; and 2) permit a municipal clerk or board of election commissioners to transmit an application to a military or overseas elector, as defined by federal law, electronically or by mail, as requested by the elector, together with related voting, balloting and election information. The bill also directs GAB, with the assistance of county and municipal clerks and boards of elections commissioners, to maintain a freely accessible system

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whereby a military or overseas elector, as defined by federal law, who casts an absentee ballot may ascertain whether the ballot has been received by the appropriate municipal clerk or board. No similar provisions exist currently.

4. Currently, an absentee ballot cast by an elector is void unless it is received at the polling place for the elector’s residence by 8 p.m. on election night. However, state law provides that if an elector is a military elector, as defined by federal law, the elector has an additional ten days after the general election and seven days after the September primary for the elector’s ballot to be received by his or her municipality if the ballot is postmarked by election day. This bill extends a similar ten-day dispensation to military electors, as defined by federal law, who are voting in the presidential preference primary or a special federal election.

5. Currently, an elector who is a military elector, as defined by state law, or an overseas elector, as defined by state law, and who applies for an absentee ballot no later than 30 days before an election may cast a blank write-in ballot at that election in lieu of the official printed ballot, for any candidates for federal office whose offices are contested at that election. The ballot is valid only if it is submitted from a location outside the United States. This bill permits such an elector to cast a blank write-in absentee ballot after official printed ballots become available if he or she applies for an absentee ballot no later than the latest time permitted for application for an absentee ballot under state law. The bill also permits a military elector to cast such a ballot even if the ballot is submitted from a location inside the United States, including the elector’s permanent residence.

6. Currently, GAB must prescribe uniform instructions for absentee voters. This bill provides that the instructions must include the specific means of electronic communication that absentee voters may use to file an application for an absentee ballot, to request a voter registration form, or to change their registrations.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

Handwritten notes: "JWS" and "3-11" circled in a hand-drawn oval. An arrow points from the circle to the "enact as follows:" text.

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SECTION 1. 5.05 (13) (title) of the statutes is amended to read:

5.05 (13) (title) TOLL-FREE ELECTION INFORMATION EXCHANGE AND REQUESTS.

SECTION 2. 5.05 (13) (c) and (d) of the statutes are created to read:

5.05 (13) (c) Maintain a freely accessible system under which a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b), who casts an absentee ballot may ascertain whether the ballot has been received by the appropriate municipal clerk.

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1 (d) Designate and maintain at least one freely accessible means of electronic
2 communication which shall be used for the following purposes:

3 1. To permit a military elector, as defined in s. 6.34 (1) (a), or an overseas elector,
4 as defined in s. 6.34 (1) (b), to request a voter registration application or an
5 application for an absentee ballot at any election at which the elector is qualified to
6 vote in this state.

7 2. To permit a military elector or an overseas elector under subd. 1. to designate
8 whether the elector wishes to receive the applications under subd. 1. electronically
9 or by mail.

10 3. To permit a municipal clerk to transmit to a military elector or an overseas
11 elector under subd. 1. a registration application or absentee ballot application
12 electronically or by mail, as directed by the elector under subd. 2., together with
13 related voting, balloting, and election information.

14 **SECTION 3.** 6.22 (2) (e) of the statutes is created to read:

15 6.22 (2) (e) A military elector may file an application for an absentee ballot by
16 means of electronic mail or facsimile transmission in the manner prescribed in s. 6.86
17 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the elector
18 an absentee ballot or, if the elector so requests, shall transmit an absentee ballot to
19 the elector by means of electronic mail or facsimile transmission in the manner
20 prescribed in s. 6.87 (3) (d).

21 **SECTION 4.** 6.22 (4) (a) of the statutes is amended to read:

22 6.22 (4) (a) A request for an absentee ballot by an individual who qualifies as
23 a military elector shall be treated as a request for an absentee ballot for all elections
24 unless the individual otherwise requests. Upon receiving a timely request for an
25 absentee ballot under par. (b) by an individual who qualifies as a military elector, the

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1 municipal clerk shall send or transmit to the elector an absentee ballot for all
2 elections that occur in the municipality or portion thereof where the elector resides
3 beginning on the date that the clerk receives the request.

4 **SECTION 5.** 6.22 (4) (e) of the statutes is amended to read:

5 6.22 (4) (e) Whenever the material is mailed, the material shall be prepared
6 and mailed to make use of the federal free postage laws. If the material does not
7 qualify for mailing without postage under federal free postage laws, the municipal
8 clerk shall pay the postage required for mailing to the military elector. If the return
9 envelope qualifies for mailing free of postage under federal free postage laws, the
10 clerk shall affix the appropriate legend required by U.S. postal regulations.
11 Otherwise the municipal clerk shall pay the postage required for return when the
12 ballot is mailed from within the United States. If the ballot is not mailed by the
13 military elector from within the United States the military elector shall provide
14 return postage. ~~The mailing list established under this subsection shall be kept~~
15 ~~current in the same manner as provided in s. 6.86 (2) (b).~~

16 **SECTION 6.** 6.22 (6) of the statutes is amended to read:

17 6.22 (6) MILITARY ELECTOR LIST. Each municipal clerk shall keep an up-to-date
18 list of all eligible military electors who reside in the municipality; ~~city clerks shall~~
19 ~~keep the lists by wards in the format prescribed by the board.~~ The list shall contain
20 the name, latest-known military residence and military mailing address of each
21 military elector. The list shall indicate whether each elector whose name appears on
22 the list is a military elector, as defined in s. ~~6.36 (2) (e)~~ 6.34 (1), and has so certified
23 under s. 6.865 (3m). All persons over 18 years of age or who will be 18 years old prior
24 to an election shall be listed and remain on the list for the duration of their tour of
25 duty. The list shall be kept current through all possible means. Each clerk shall

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1 exercise reasonable care to avoid duplication of names or listing anyone who is not
 2 eligible to vote. Each clerk shall distribute ~~2 copies of~~ one copy of the list to the
 3 appropriate ward each polling place in the municipality for use on election day.

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SECTION 7. 6.221 (1) of the statutes is amended to read:

6.221 (1) In this section, "military elector" has the meaning given in s. ~~6.36 (2)~~

(e) 6.34 (1) and active duty status for any election is determined as of election day.

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~~SECTION 8. 6.221 (3) (b) of the statutes is amended to read:~~

~~At the general election, the presidential preference primary, or a~~

special election for national office, a ballot that is cast under s. 6.22 by an elector who

9 is a military elector, that is received by mail from the U.S. postal service, and that

10 is postmarked no later than election day shall be counted as provided in this section

11 if it is received by a municipal clerk no later than 5 p.m. on the 10th day after the

12 election.

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SECTION 9. 6.24 (4) (c) of the statutes is amended to read:

6.24 (4) (c) Upon receipt of a timely application from an individual who

16 qualifies as an overseas elector and who has registered to vote in a municipality

17 under sub. (3), the municipal clerk of the municipality shall send an absentee ballot

18 to the individual for all subsequent elections for national office to be held during the

19 year in which the ballot is requested, except as otherwise provided in this paragraph,

20 unless the individual otherwise requests or until the individual no longer qualifies

21 as an overseas elector of the municipality. The clerk shall not send an absentee ballot

22 for an election if the overseas elector's name appeared on the registration list in

23 eligible status for a previous election following the date of the application but no

24 longer appears on the list in eligible status. The municipal clerk shall ensure that

25 the envelope containing the absentee ballot is clearly marked as not forwardable.

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1 If an overseas elector who files an application under this subsection no longer resides
2 at the same address that is indicated on the application form, the elector shall so
3 notify the municipal clerk.

4 **SECTION 10.** 6.24 (4) (e) of the statutes is created to read:

5 6.24 (4) (e) An overseas elector may file an application for an absentee ballot
6 by means of electronic mail or facsimile transmission in the manner prescribed in s.
7 6.86 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the
8 elector an absentee ballot or, if the elector so requests, shall transmit an absentee
9 ballot to the elector by means of electronic mail or facsimile transmission in the
10 manner prescribed in s. 6.87 (3) (d).

11 **SECTION 11.** 6.25 (1) of the statutes is is renumbered 6.25 (1) (a) and amended
12 to read:

13 6.25 (1) (a) Any individual who qualifies as a military elector under s. 6.22 (1)
14 (b) ~~or an overseas elector under s. 6.24 (1)~~ and who transmits an application for an
15 official absentee ballot for ~~a general election~~ any election, including a primary
16 election, no later than ~~30 days before election day~~ the latest time specified for the
17 elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in
18 absentee ballot prescribed under 42 USC 1973ff-2 for any candidate for an office
19 listed on the official ballot or for all of the candidates of any recognized political party
20 for ~~national office~~ the offices listed on the official ballot at ~~the general~~ that election
21 if the federal write-in absentee ballot is received by the appropriate municipal clerk
22 no later than the applicable time prescribed in s. 6.221 (3) or 6.87 (6).

23 **SECTION 12.** 6.25 (1) (b) of the statutes is created to read:

24 6.25 (1) (b) Any individual who qualifies as an overseas elector under s. 6.24
25 (1) and who transmits an application for an official absentee ballot for an election for

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1 national office, including a primary election, no later than the latest time specified
2 for an elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in
3 absentee ballot prescribed under 42 USC 1973ff-2 for any candidate or for all
4 candidates of any recognized political party for national office listed on the official
5 ballot at that election, if the federal write-in absentee ballot is received by the
6 appropriate municipal clerk no later than the applicable time prescribed in s. 6.221
7 (3) or 6.87 (6).

8 **SECTION 13.** 6.25 (4) (intro.), (a) and (b) of the statutes are consolidated,
9 renumbered 6.25 (4) and amended to read:

10 6.25 (4) A write-in absentee ballot issued under sub. (1), (2) or (3) is valid only
11 if all of the following apply: ~~(a) The ballot is submitted from a location outside the~~
12 ~~United States.~~ (b) ~~The~~ the elector submitting the ballot does not submit an official
13 ballot within the time prescribed in s. 6.87 (6) and, if the elector is an overseas elector,
14 the elector resides outside the United States.

15 **SECTION 14.** 6.36 (1) (a) of the statutes is amended to read:

16 6.36 (1) (a) The board shall compile and maintain electronically an official
17 registration list. The list shall contain the name and address of each registered
18 elector in the state, the date of birth of the elector, the ward and aldermanic district
19 of the elector, if any, and, for each elector, a unique registration identification number
20 assigned by the board, the number of a valid operator's license issued to the elector
21 under ch. 343, if any, or the last 4 digits of the elector's social security account
22 number, if any, any identification serial number issued to the elector under s. 6.47
23 (3), the date of any election in which the elector votes, an indication of whether the
24 elector is a military elector, as defined in ~~sub. (2) (c) s. 6.34 (1)~~, who has so certified
25 under s. 6.865 (3m), an indication of whether the elector is an overseas elector, as

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1 defined in s. 6.24 (1), any information relating to the elector that appears on the
2 current list transmitted to the board by the department of corrections under s. 301.03
3 (20m), an indication of any accommodation required under s. 5.25 (4) (a) to permit
4 voting by the elector, an indication of the method by which the elector's registration
5 form was received, and such other information as may be determined by the board
6 to facilitate administration of elector registration requirements.

7 **SECTION 15.** 6.86 (1) (a) (intro.) of the statutes is amended to read:

8 6.86 (1) (a) (intro.) Any elector of a municipality who is registered to vote
9 whenever required and who qualifies under ss. 6.20 and 6.85 as an absent elector
10 may make written application to the municipal clerk of that municipality for an
11 official ballot by one of the following methods:

12 **SECTION 16.** 6.86 (1) (a) 3. of the statutes is amended to read:

13 6.86 (1) (a) 3. By signing a statement and filing a request to receive absentee
14 ballots under sub. (2) or (2m) (a) or s. 6.22 (4) or 6.24 (4).

15 **SECTION 17.** 6.86 (1) (ac) of the statutes is amended to read:

16 6.86 (1) (ac) Any elector qualifying under par. (a) may make written application
17 to the municipal clerk for an official ballot by means of facsimile transmission or
18 electronic mail. Any application under this paragraph shall need not contain a copy
19 of the applicant's original signature. An elector requesting a ballot under this
20 paragraph shall return with the voted ballot a copy of the request bearing an original
21 signature of the elector as provided in s. 6.87 (4).

22 **SECTION 18.** 6.86 (1) (b) of the statutes is amended to read:

23 6.86 (1) (b) Except as provided in this section, if application is made by mail,
24 the application, ~~signed by the elector,~~ shall be received no later than 5 p.m. on the
25 5th day immediately preceding the election. If application is made in person, the

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1 application shall be made no later than 5 p.m. on the day preceding the election. If
2 Except as provided in par. (c), if the elector is making written application for an
3 absentee ballot at the ~~September~~ ^{partisan} primary ~~or, the general election, the presidential~~
4 preference primary, or a special election for national office, and the application
5 indicates that the elector is a military elector, as defined in s. 6.36 (2) (c), the
6 application shall be received by the municipal clerk no later than 5 p.m. on election
7 day. If the application indicates that the reason for requesting an absentee ballot is
8 that the elector is a sequestered juror, the application shall be received no later than
9 5 p.m. on election day. If the application is received after 5 p.m. on the Friday
10 immediately preceding the election, the municipal clerk or the clerk's agent shall
11 immediately take the ballot to the court in which the elector is serving as a juror and
12 deposit it with the judge. The judge shall recess court, as soon as convenient, and
13 give the elector the ballot. The judge shall then witness the voting procedure as
14 provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who
15 shall deliver it to the polling place or, in municipalities where absentee ballots are
16 canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. If application
17 is made under sub. (2) or (2m), the application may be received no later than 5 p.m.
18 on the Friday immediately preceding the election.

19 **SECTION 19.** 6.86 (1) (b) of the statutes, as affected by 2011 Wisconsin Act
20 (this act), is amended to read:

21 6.86 (1) (b) Except as provided in this section, if application is made by mail,
22 the application shall be received no later than 5 p.m. on the 5th day immediately
23 preceding the election. If application is made in person, the application shall be
24 made no later than 5 p.m. on the day preceding the election. Except as provided in
25 par. (c), if the elector is making written application for an absentee ballot at the

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September^e partisan primary, the general election, the presidential preference primary, or a special election for national office, and the application indicates that the elector is a military elector, as defined in s. ~~6.36 (2) (e)~~ 6.34 (1), the application shall be received by the municipal clerk no later than 5 p.m. on election day. If the application indicates that the reason for requesting an absentee ballot is that the elector is a sequestered juror, the application shall be received no later than 5 p.m. on election day. If the application is received after 5 p.m. on the Friday immediately preceding the election, the municipal clerk or the clerk's agent shall immediately take the ballot to the court in which the elector is serving as a juror and deposit it with the judge. The judge shall recess court, as soon as convenient, and give the elector the ballot. The judge shall then witness the voting procedure as provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who shall deliver it to the polling place or, in municipalities where absentee ballots are canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. If application is made under sub. (2) or (2m), the application may be received no later than 5 p.m. on the Friday immediately preceding the election.

SECTION 20. 6.86 (2m) of the statutes is renumbered 6.86 (2m) (a) and amended to read:

6.86 (2m) (a) ~~An~~ Except as provided in this subsection, any elector other than an elector who is ~~eligible to receive absentee ballots under sub. (2)~~ receives an absentee ballot under s. 6.22 (4) or 6.24 (4) (c) may by written application filed with the municipal clerk of the municipality where the elector resides require that an absentee ballot be sent to the elector automatically for every election that is held within the same calendar year in which the application is filed. The application form and instructions shall be prescribed by the board, and furnished upon request to any

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1 elector by each municipal clerk. The municipal clerk shall thereupon mail an
2 absentee ballot to the elector for all elections that are held in the municipality during
3 the same calendar year that the application is filed, except that the clerk shall not
4 send an absentee ballot for an election if the elector's name appeared on the
5 registration list in eligible status for a previous election following the date of the
6 application but no longer appears on the list in eligible status. The municipal clerk
7 shall ensure that the envelope containing the absentee ballot is clearly marked as
8 not forwardable. If an elector who files an application under this subsection no
9 longer resides at the same address that is indicated on the application form, the
10 elector shall so notify the municipal clerk. The municipal clerk shall discontinue
11 mailing absentee ballots to an elector under this subsection upon receipt of reliable
12 information that the elector no longer qualifies for the service as an elector of the
13 municipality. In addition, the municipal clerk shall discontinue mailing absentee
14 ballots to an elector under this subsection if the elector fails to return any absentee
15 ballot mailed to the elector. The municipal clerk shall notify the elector of any such
16 action not taken at the elector's request within 5 days, if possible. An elector who
17 fails to cast an absentee ballot but who remains qualified to receive absentee ballots
18 under this subsection may then receive absentee ballots for subsequent elections by
19 notifying the municipal clerk that the elector wishes to continue receiving absentee
20 ballots for subsequent elections.

21 (b) If a municipal clerk is notified by an elector that the elector's residence is
22 changed to another municipality within this state, the ~~municipal~~ clerk shall forward
23 the request to the municipal clerk of that municipality and that municipal clerk shall
24 honor the request, except as provided in this subsection.

25 **SECTION 21.** 6.865 (title) of the statutes is amended to read:

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1 **6.865** (title) **Federal absentee ballot requests ballots.**

2 **SECTION 22.** 6.865 (3) of the statutes is repealed.

3 **SECTION 23.** 6.865 (3m) (a) of the statutes is amended to read:

4 6.865 **(3m)** (a) ~~Except as provided in par. (c), if any elector who certifies If an~~
5 ~~individual who will be a military elector on election day applies for an absentee~~
6 ~~ballot, the individual may certify~~ that he or she will be a military elector on election
7 ~~day requests an absentee ballot, the municipal clerk shall send or transmit to the~~
8 ~~elector an absentee ballot for all elections that occur in the municipality or portion~~
9 ~~thereof where the elector resides beginning on the date that the clerk receives the~~
10 ~~request and ending on the day after the 3rd successive general election that follows~~
11 ~~receipt of the request, unless the elector otherwise requests. In addition, the~~
12 ~~municipal clerk shall continue to send or transmit to the elector an absentee ballot~~
13 ~~for all elections ending on the day after the 3rd successive general election that~~
14 ~~follows any election at which the elector returns an absentee ballot under this section~~
15 ~~or renews his or her request under par. (e) and the municipal clerk shall treat the~~
16 ~~ballot as provided under s. 6.221.~~

17 **SECTION 24.** 6.865 (3m) (b) of the statutes is amended to read:

18 6.865 **(3m)** (b) A military elector may indicate an alternate address on his or
19 her absentee ballot application. If the elector's ballot is returned as undeliverable
20 prior to the deadline for receipt and return of absentee ballots under ~~sub. (3)~~ s. 6.87
21 (6) and the elector remains eligible to receive absentee ballots under this subsection,
22 the municipal clerk shall immediately send or transmit an absentee ballot to the
23 elector at the alternate address.

24 **SECTION 25.** 6.865 (3m) (c) of the statutes is repealed.

25 **SECTION 26.** 6.869 of the statutes is amended to read:

BILL**SECTION 26**

1 **6.869 Uniform instructions.** The board shall prescribe uniform instructions
2 for municipalities to provide to absentee voters, electors. The instructions shall
3 include the specific means of electronic communication that an absentee elector may
4 use to file an application for an absentee ballot and, if the absentee elector is required
5 to register, to request a registration form or change his or her registration. The
6 instructions also shall include information concerning the procedure for correcting
7 errors in marking a ballot and obtaining a replacement for a spoiled ballot. The
8 procedure shall, to the extent possible, respect the privacy of each elector and
9 preserve the confidentiality of each elector's vote.

10 **SECTION 27.** 6.87 (3) (d) of the statutes is amended to read:

11 6.87 (3) (d) A municipal clerk ~~may~~ shall, if the clerk is reliably informed by an
12 absent elector of a facsimile transmission number or electronic mail address where
13 the elector can receive an absentee ballot, transmit a facsimile or electronic copy of
14 the absent elector's ballot to that elector in lieu of mailing under this subsection ~~if,~~
15 ~~in the judgment of the clerk, the time required to send the ballot through the mail~~
16 ~~may not be sufficient to enable return of the ballot by the time provided under sub.~~
17 ~~(6).~~ An elector may receive an absentee ballot ~~under this subsection~~ only if the elector
18 has filed a valid application for the ballot under s. 6.86 (1). If the clerk transmits an
19 absentee ballot ~~under this paragraph~~ to an absent elector electronically, the clerk
20 shall also transmit a facsimile or electronic copy of the text of the material that
21 appears on the certificate envelope prescribed in sub. (2), together with instructions
22 prescribed by the board. The instructions shall require the absent elector to make
23 and subscribe to the certification as required under sub. (4) and to enclose the
24 absentee ballot in a separate envelope contained within a larger envelope, that shall
25 include the completed certificate. The elector shall then affix sufficient postage

BILL

1 unless the absentee ballot qualifies for mailing free of postage under federal free
2 postage laws and shall mail the absentee ballot to the municipal clerk. Except as
3 authorized in s. 6.97 (2), an absentee ballot received ~~under this paragraph~~ from an
4 elector who receives the ballot electronically shall not be counted unless it is cast in
5 the manner prescribed in this paragraph and sub. (4) and in accordance with the
6 instructions provided by the board.

7 **SECTION 28.** 6.87 (6) of the statutes is amended to read:

8 6.87 (6) Except as provided in s. 6.221 (3), the ballot shall be returned so it is
9 received by the municipal clerk no later than 8 p.m. on election day. Except in
10 municipalities where absentee ballots are canvassed under s. 7.52, if the municipal
11 clerk receives an absentee ballot on election day, the clerk shall secure the ballot and
12 cause the ballot to be delivered to the polling place serving the elector's residence
13 before the closing hour. Except as provided in s. 6.221 (3), ~~the~~ any ballot not mailed
14 or delivered as provided in this subsection may not be counted.

15 **SECTION 29.** 7.15 (1) (j) of the statutes is amended to read:

16 7.15 (1) (j) Send an absentee ballot automatically to each person making an
17 authorized request therefor in accordance with s. 6.22 (4), 6.24 (4) (c), or 6.86 (2) or
18 (2m).

19 **SECTION 30. Initial applicability.**

20 (1) The treatment of sections 6.24 (4) (c), 6.86 (1) (a) 3. and (b) (by SECTION 19)
21 and (2m), 6.865 (title), (3), and (3m) (a), (b), and (c), and 7.15 (1) (j) of the statutes first
22 applies with respect to requests for absentee ballots made for voting at elections held
23 on or after the effective date of this subsection.

24 **SECTION 31. Effective dates.** This act takes effect on the day after publication,
25 except as follows:

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15-16

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1 (1) The treatment of sections 6.24 (4) (c), 6.86 (1) (a) 3. and (b) (by SECTION 19)
2 and (2m), 6.865 (title), (3), and (3m) (a), (b), and (c), and 7.15 (1) (j) of the statutes and
3 SECTION 30 (1) of this act take effect on the 90th day beginning after publication.

4 (END)

2011-2012 DRAFTING INSERT
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LEGISLATIVE REFERENCE BUREAU

LRB-1542/lins
JTK.....

INS 1-7:

the dates of the September primary and certain other election occurrences and ✓

INS 1A:

changes the date of the September primary from the 2nd Tuesday in September ✓
to the 2nd Tuesday in August ✓ and renames it to be the "Partisan Primary". The bill
also changes the dates of related election events to accommodate the change in the
date of the primary. ✓

The bill also

stet: leave @ capitalized

INS 3-1:

SECTION 1. 5.02 (18) of the statutes is renumbered 5.02 (12s) and amended to
read:

5.02 (12s) "September Partisan primary" means the primary held on the 2nd
Tuesday in September August to nominate candidates to be voted for at the general
election, and to determine which candidates for state offices other than district
attorney may participate in the Wisconsin election campaign fund. ✓

History: 1971 c. 211; 1971 c. 304 ss. 2, 29 (2); 1973 c. 280, 334; 1975 c. 93; 1977 c. 107, 187, 394; 1977 c. 427 ss. 3 to 14; 1977 c. 449; 1979 c. 32, 89, 221; 1979 c. 260
ss. 1m, 73 to 75; 1979 c. 311, 328; 1981 c. 4, 391; 1983 a. 484 ss. 5, 5c, 124m, 128; 1985 a. 303; 1985 a. 304 ss. 1m, 2, 155; 1987 a. 391 ss. 1 to 1r, 66w; 1989 a. 31; 1991 a.
5; 1993 a. 140, 184; 1995 a. 16 s. 2; 1995 a. 27 s. 9145 (1); 1995 a. 219; 1997 a. 35; 2001 a. 16, 109; 2003 a. 24, 265; 2005 a. 177, 451; 2007 a. 1; 2009 a. 397.

INS 4-13:

SECTION 2. 5.15 (6) (b) of the statutes is amended to read:

5.15 (6) (b) No later than 60 days before each September partisan primary and
general election, and no later than 30 days before each other election the governing
body of any municipality may by resolution combine 2 or more wards for voting

purposes to facilitate using a common polling place. Whenever wards are so combined, the original ward numbers shall continue to be utilized for all official purposes. Except as otherwise authorized under this paragraph, every municipality having a population of 35,000 or more shall maintain separate returns for each ward so combined. In municipalities having a population of less than 35,000, the governing body may provide in the resolution that returns shall be maintained only for each group of combined wards at any election. Whenever a governing body provides for common ballot boxes and ballots or voting machines, separate returns shall be maintained for each separate ballot required under ss. 5.62 and 5.64 at the ~~September~~ partisan primary and general election. The municipal clerk shall transmit a copy of the resolution to the county clerk of each county in which the municipality is contained. In municipalities having a population of less than 35,000, the resolution shall remain in effect for each election until modified or rescinded, or until a new division is made under this section. ✓

History: 1971 c. 304 ss. 3 to 5, 29 (2); 1977 c. 26, 418, 427, 449; 1979 c. 260; 1981 c. 4 ss. 2 to 10, 18; 1981 c. 314; 1983 a. 29, 192, 442; 1983 a. 484 ss. 8e, 174; 1983 a. 538; 1985 a. 304 ss. 8 to 10, 12; 1987 a. 391; 1991 a. 5, 143, 315; 1993 a. 213; 1995 a. 201; 1999 a. 182; 2005 a. 149, 312.

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

5.25 (3) Polling places shall be established for each ~~September~~ partisan primary and general election at least 60 days before the election, and for each other election at least 30 days before the election. ✓

History: 1975 c. 275; 1977 c. 427; 1979 c. 89; 1983 a. 532; 1985 a. 304, 332; 1987 a. 391; 1989 a. 192; 1999 a. 182; 2003 a. 265.

SECTION 4. 5.37 (4) of the statutes is amended to read:

5.37 (4) Voting machines may be used at primary elections when they comply with subs. (1) and (2) and the following provisions: All candidates' names entitled to appear on the ballots at the primary shall appear on the machine; the elector cannot vote for candidates of more than one party, whenever the restriction applies, and an elector who votes for candidates of any party may not vote for independent

candidates at the ~~September~~ partisan primary[✓]; the elector may secretly select the party for which he or she wishes to vote, or the independent candidates in the case of the ~~September~~ partisan primary[✓]; the elector may vote for as many candidates for each office as he or she is lawfully entitled to vote for, but no more.

History: 1971 c. 304 s. 29 (1), (2); 1977 c. 107, 427; 1981 c. 314; 1983 a. 484; 1991 a. 316; 1999 a. 182.

SECTION 5. 5.62 (title) of the statutes is amended to read:

5.62 (title) September Partisan primary ballots.[✓]

History: 1971 c. 304 ss. 12, 29 (2); 1971 c. 336; 1973 c. 334 s. 57; 1975 c. 93; 1977 c. 107, 427; 1979 c. 260, 311, 328; 1981 c. 377; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 316; 1993 a. 184; 1999 a. 182; 2005 a. 149; 2007 a. 1.

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

5.62 (1) (a) At ~~September primaries~~ the partisan primary[✓], the following ballot shall be provided for the nomination of candidates of recognized political parties for national, state and county offices and independent candidates for state office in each ward, in the same form as prescribed by the board under s. 7.08 (1) (a), except as authorized in s. 5.655. The ballots shall be made up of the several party tickets with each party entitled to participate in the primary under par. (b) or sub. (2) having its own ballot, except as authorized in s. 5.655. The independent candidates for state office other than district attorney shall have a separate ballot for all such candidates as under s. 5.64 (1) (e), except as authorized in s. 5.655. The ballots shall be secured together at the bottom. The party ballot of the party receiving the most votes for president or governor at the last general election shall be on top with the other parties arranged in descending order based on their vote for president or governor at the last general election. The ballots of parties qualifying under sub. (2) shall be placed after the parties qualifying under par. (b), in the same order in which the parties filed petitions with the board. Any ballot required under par. (b) 2. shall be placed next in order. The ballot listing the independent candidates shall be placed at the bottom. At polling places where voting machines are used, each party and the

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

(b) 1. Except as provided in subd. 2. and s. 5.64 (1) (e) 2., every recognized political party listed on the official ballot at the last gubernatorial election whose candidate for any statewide office received at least 1% of the total votes cast for that office and, if the last general election was also a presidential election, every recognized political party listed on the ballot at that election whose candidate for president received at least 1% of the total vote cast for that office shall have a separate primary ballot or one or more separate columns or rows on the primary ballot as prescribed in par. (a) and a separate column on the general election ballot in every ward and election district. An organization which was listed as "independent" at the last general election and whose candidate meets the same qualification shall receive the same ballot status upon petition of the chairperson and secretary of the organization to the board requesting such status and specifying their party name, which may not duplicate the name of an existing party. A petition under this subdivision may be filed no later than 5 p.m. on ~~June~~ May 1 in the year of each general election.✓

History: 1971 c. 304 ss. 12, 29 (2); 1971 c. 336; 1973 c. 334 s. 57; 1975 c. 93; 1977 c. 107, 427; 1979 c. 260, 311, 328; 1981 c. 377; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 316; 1993 a. 184; 1999 a. 182; 2005 a. 149; 2007 a. 1.

2. Subdivision 1. applies to a party within any assembly district or county at any ~~September~~ partisan primary election only if at least one candidate of the party for any national, state or county office qualifies to have his or her name appear on the ballot under the name of that party within that assembly district or county. The county clerk or county board of election commissioners shall provide a combined

separate ballot or one or more separate columns or rows on the ballot that will permit an elector to cast a vote for a write-in candidate for the nomination of any such party for each national, state and county office whenever that party qualifies to be represented on a separate primary ballot or in one or more separate columns or rows under subd. 1. but does not qualify under this subdivision. The ballot shall include the name of each party qualifying for a separate ballot or one or more separate columns or rows on the ballot under each office, with the names of the candidates for each such party appearing in the same order in which the ballots of the parties would appear under par. (a).[✓]

History: 1971 c. 304 ss. 12, 29 (2); 1971 c. 336; 1973 c. 334 s. 57; 1975 c. 93; 1977 c. 107, 427; 1979 c. 260, 311, 328; 1981 c. 377; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 316; 1993 a. 184; 1999 a. 182; 2005 a. 149; 2007 a. 1.

SECTION 7. 5.62 (2) of the statutes is amended to read:

5.62 (2) (a) Except as provided in par. (b) and s. 5.64 (1) (e) 2., any political organization may be represented on a separate primary ballot or in one or more separate columns or rows on the primary ballot as prescribed in sub. (1) (a) and in a separate column on the general election ballot in every ward and election district. To qualify for a separate ballot under this paragraph, the political organization shall, not later than 5 p.m. on ~~June~~ May 1 in the year of the ~~September~~ partisan primary, file with the board a petition requesting separate ballot status.[✓] The petition shall be signed by at least 10,000 electors, including at least 1,000 electors residing in each of at least 3 separate congressional districts. The petition shall conform to the requirements of s. 8.40. No signature obtained before January 1 in the year of filing is valid. When the candidates of a political organization filing a valid petition fulfill the requirements prescribed by law, they shall appear on a separate ballot or one or more separate columns or rows on the ballot for the period ending with the following general election.[✓]

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

History: 1971 c. 304 ss. 12, 29 (2); 1971 c. 336; 1973 c. 334 s. 57; 1975 c. 93; 1977 c. 107, 427; 1979 c. 260, 311, 328; 1981 c. 377; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 316; 1993 a. 184; 1999 a. 182; 2005 a. 149; 2007 a. 1.

SECTION 8. 5.62 (3) of the statutes is amended to read:

5.62 (3) The board shall designate the official primary ballot arrangement for statewide offices and district attorney within each prosecutorial district by using the same procedure as provided in s. 5.60 (1) (b). On each ballot and on each separate column or row on the ballot, the candidates for office shall be listed together with the offices which they seek in the following order whenever these offices appear on the ~~September~~ partisan primary ballot: governor, lieutenant governor, attorney general, secretary of state, state treasurer, U.S. senator, U.S. representative in congress, state senator, representative to the assembly, district attorney and the county offices.

Below the names of the independent candidates shall appear the party or principle of the candidates, if any, in 5 words or less, as shown on their nomination papers.✓

History: 1971 c. 304 ss. 12, 29 (2); 1971 c. 336; 1973 c. 334 s. 57; 1975 c. 93; 1977 c. 107, 427; 1979 c. 260, 311, 328; 1981 c. 377; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 316; 1993 a. 184; 1999 a. 182; 2005 a. 149; 2007 a. 1.

SECTION 9. 5.62 (5) of the statutes is amended to read:

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

History: 1971 c. 304 ss. 12, 29 (2); 1971 c. 336; 1973 c. 334 s. 57; 1975 c. 93; 1977 c. 107, 427; 1979 c. 260, 311, 328; 1981 c. 377; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 316; 1993 a. 184; 1999 a. 182; 2005 a. 149; 2007 a. 1.

INS 6-3:

SECTION 10. 6.221 (title) of the statutes is amended to read:

6.221 (title) Counting of absentee ballots for certain military electors; September partisan primary and general election.✓

History: 2005 a. 451.

INS 6-6:

SECTION 11. 6.221 (3) ^e(a) of the statutes is amended to read:

6.221 (3) (a) At the September partisan primary, a ballot that is cast under s. 6.22 by an elector who is a military elector, that is received by mail from the U. S. postal service, and that is postmarked no later than election day shall be counted as

provided in this section if it is received by a municipal clerk no later than 5 p.m. on the 7th day after the election.✓

History: 2005 a. 451.

INS 6-13:

SECTION 12. 6.221 (5) of the statutes is amended to read:

6.221 (5) No later than the closing hour of the polls on the day of the ~~September~~ partisan primary and the day of the general election, the municipal clerk of each municipality shall post at his or her office and on the Internet at a site announced by the clerk before the polls open, and shall make available to any person upon request, a statement of the number of absentee ballots that the clerk has mailed or transmitted to military electors under this section and that have not been returned to the polling places where the electors reside by the closing hour on election day. The posting shall not include the names or addresses of any military electors.✓

History: 2005 a. 451.

SECTION 13. 6.24 (2) of the statutes is amended to read:

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

History: 1977 c. 394; 1979 c. 260, 311; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1995 a. 313; 1997 a. 35; 1999 a. 182 ss. 68 to 75m, 224; 2001 a. 16; 2003 a. 24, 265; 2005 a. 451.

INS 9-6:

SECTION 14. 6.50 (8) of the statutes is amended to read:

6.50 (8) Any municipal governing body may direct the municipal clerk or board of election commissioners to arrange with the U.S. postal service pursuant to applicable federal regulations, to receive change of address information with respect to individuals residing within the municipality for revision of the elector registration list. If required by the U.S. postal service, the governing body may create a registration commission consisting of the municipal clerk or executive director of the board of election commissioners and 2 other electors of the municipality appointed by the clerk or executive director for the purpose of making application for address changes and processing the information received. The municipal clerk or executive director shall act as chairperson of the commission. Any authorization under this subsection shall be for a definite period or until the municipal governing body otherwise determines. The procedure shall apply uniformly to the entire municipality whenever used. The procedure shall provide for receipt of complete change of address information on an automatic basis, or not less often than once every 2 years during the 60 days preceding the close of registration for the September partisan primary. If a municipality adopts the procedure for obtaining address corrections under this subsection, it need not comply with the procedure for mailing address verification cards under subs. (1) and (2).[✓]

History: 1971 c. 242; 1971 c. 304 s. 29 (2); 1971 c. 336 s. 37; 1973 c. 164; 1975 c. 85, 199, 200; 1977 c. 394 ss. 27, 53; 1979 c. 260; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1999 a. 150 s. 672; 2003 a. 265, 326; 2005 a. 451.

INS 15-14:

SECTION 15. 7.08 (2) (b) of the statutes is amended to read:

7.08 (2) (b) The certified list of candidates for president and vice president nominated at a national convention by a party entitled to a September partisan[✓] primary ballot or for whom electors have been nominated under s. 8.20 shall be sent

as soon as possible after the closing date for filing nomination papers, but no later than the deadlines established in s. 10.06.✓

History: 1971 c. 242; 1973 c. 334 s. 6, 57; 1975 c. 85, 93, 94, 199; 1977 c. 29, 107, 394, 427; 1979 c. 89, 177, 260, 311; 1981 c. 377; 1983 a. 51, 484; 1985 a. 120, 304; 1989 a. 192; 1993 a. 140; 1995 a. 16 s. 2; 1997 a. 27; 1999 a. 49, 182; 2001 a. 16, 38, 107, 109; 2003 a. 265; 2005 a. 177, 278, 451; 2007 a. 1, 20, 96; 2009 a. 28.

SECTION 16. 7.08 (2) (c) of the statutes is amended to read:

7.08 (2) (c) As soon as possible after the canvass of the spring and ~~September~~ partisan primary votes, but no later than the first Tuesday in March and the 4th Tuesday in ~~September~~ August, transmit to the state treasurer a certified list of all eligible candidates for state office who have filed applications under s. 11.50 (2) and whom the board determines to be eligible to receive payments from the Wisconsin election campaign fund. The list shall contain each candidate's name, the mailing address indicated upon the candidate's registration form, the office for which the individual is a candidate and the party or principle which he or she represents, if any.✓

History: 1971 c. 242; 1973 c. 334 s. 6, 57; 1975 c. 85, 93, 94, 199; 1977 c. 29, 107, 394, 427; 1979 c. 89, 177, 260, 311; 1981 c. 377; 1983 a. 51, 484; 1985 a. 120, 304; 1989 a. 192; 1993 a. 140; 1995 a. 16 s. 2; 1997 a. 27; 1999 a. 49, 182; 2001 a. 16, 38, 107, 109; 2003 a. 265; 2005 a. 177, 278, 451; 2007 a. 1, 20, 96; 2009 a. 28.

SECTION 17. 7.10 (3) (a) of the statutes is amended to read:

7.10 (3) (a) The county clerk shall distribute the ballots to the municipal clerks no later than 31 days before each ~~September~~ partisan primary and general election and no later than 22 days before each other primary and election. Election forms prepared by the board shall be distributed at the same time. If the board transmits an amended certification under s. 7.08 (2) (a) or if the board or a court orders a ballot error to be corrected under s. 5.06 (6) or 5.72 (3) after ballots have been distributed, the county clerk shall distribute corrected ballots to the municipal clerks as soon as possible.✓

History: 1971 c. 304 s. 29 (2); 1973 c. 280; 1973 c. 334 s. 57; 1977 c. 394 s. 53; 1977 c. 427; 1979 c. 221, 260, 311, 355; 1981 c. 377; 1983 a. 484; 1985 a. 89, 304; 1991 a. 316; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 107; 2003 a. 265; 2005 a. 451.

SECTION 18. 7.15 (1) (cm) of the statutes is amended to read:

7.15 (1) (cm) Prepare official absentee ballots for delivery to electors requesting them, and send an official absentee ballot to each elector who has requested one no

later than the 30th day before each September partisan primary and general election and no later than the 21st day before each other primary and election if the request is made before that day; otherwise, the municipal clerk shall send an official absentee ballot within one day of the time the elector's request is received.

History: 1971 c. 304 s. 29 (2); 1973 c. 334 s. 57; 1975 c. 85 ss. 50, 65; 1975 c. 275, 422; 1977 c. 283; 1977 c. 394 s. 54; 1977 c. 427, 447; 1979 c. 260, 311; 1981 c. 391; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1991 a. 316; 1999 a. 182; 2001 a. 16; 2003 a. 265; 2005 a. 451; 2007 a. 1.

INS 15-8:

SECTION 19. 7.60 (5) (a) of the statutes is amended to read:

7.60 (5) (a) Immediately following the canvass, the county clerk shall deliver or send to the government accountability board, by 1st class mail, a certified copy of each statement of the county board of canvassers for president and vice president, state officials, senators and representatives in congress, state legislators, justice, court of appeals judge, circuit judge, district attorney, and metropolitan sewerage commissioners, if the commissioners are elected under s. 200.09 (11) (am). The statement shall record the returns for each office or referendum by ward, unless combined returns are authorized under s. 5.15 (6) (b) in which case the statement shall record the returns for each group of combined wards. Following primaries the county clerk shall enclose on forms prescribed by the government accountability board the names, party or principle designation, if any, and number of votes received by each candidate recorded in the same manner. The county clerk shall deliver or transmit the certified statement to the government accountability board no later than 7 days after each primary except the September partisan primary, no later than 10 days after the September partisan primary and any other election except the general election, and no later than 14 days after the general election. The board of canvassers shall deliver or transmit a certified copy of each statement for any

technical college district referendum to the secretary of the technical college district board.✓

History: 1971 c. 304 s. 29 (2); 1973 c. 334 ss. 14, 57; 1975 c. 93, 199; 1977 c. 187, 427, 449; 1979 c. 221, 260, 355; 1981 c. 4; 1983 a. 442, 484, 538; 1985 a. 89, 304, 332; 1987 a. 391; 1989 a. 31; 1991 a. 316; 1993 a. 399; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 107, 109; 2005 a. 451; 2007 a. 1.

SECTION 20. 7.70 (3) (a) of the statutes is amended to read:

7.70 (3) (a) The chairperson of the board or a designee of the chairperson appointed by the chairperson to canvass a specific election shall publicly canvass the returns and make his or her certifications and determinations on or before the 2nd Tuesday following a spring primary, the 15th day of May following a spring election, the 3rd Wednesday following a ~~September~~ partisan primary, the first day of December following a general election, the 2nd Thursday following a special primary, or within 18 days after any special election.✓

History: 1971 c. 304 s. 29 (2); 1973 c. 334 ss. 15, 57; 1975 c. 93, 199; 1977 c. 107, 187, 427, 449; 1979 c. 221, 260, 328; 1983 a. 484; 1985 a. 89, 304; 1987 a. 391; 1989 a. 31, 192; 1995 a. 16 s. 2; 1997 a. 27; 1999 a. 150 s. 672; 1999 a. 182; 2005 a. 451; 2007 a. 1.

SECTION 21. 7.70 (3) (e) 1. of the statutes is amended to read:

7.70 (3) (e) 1. After each ~~September~~ partisan primary, the name of each candidate not defeated in the primary who receives at least 6% of the total vote cast for all candidates on all ballots at the primary for each separate state office except district attorney, and the percentage of the total vote received by that candidate. Such percentage shall be calculated within each district in the case of legislative candidates.✓

History: 1971 c. 304 s. 29 (2); 1973 c. 334 ss. 15, 57; 1975 c. 93, 199; 1977 c. 107, 187, 427, 449; 1979 c. 221, 260, 328; 1983 a. 484; 1985 a. 89, 304; 1987 a. 391; 1989 a. 31, 192; 1995 a. 16 s. 2; 1997 a. 27; 1999 a. 150 s. 672; 1999 a. 182; 2005 a. 451; 2007 a. 1.

SECTION 22. 8.10 (1) of the statutes is amended to read:

8.10 (1) Candidates for office to be filled at the spring election shall be nominated by nomination papers, or by nomination papers and selection at the primary if a primary is held, except as provided for towns and villages under s. 8.05.

Unless designated in this section or s. 8.05, the general provisions pertaining to nomination at the ~~September~~ partisan primary apply.✓

History: 1971 c. 304 s. 29 (1), (2); 1973 c. 280; 1973 c. 334 s. 57; 1975 c. 93, 328, 422; 1977 c. 187, 340, 427, 445, 449; 1979 c. 221, 249, 260, 355; 1983 a. 484; 1985 a. 89, 304; 1989 a. 88, 290; 1993 a. 140, 184, 266; 1995 a. 16 s. 2; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 103; 2005 a. 451; 2007 a. 1.

SECTION 23. 8.15 (title) of the statutes is amended to read:

8.15 (title) Nominations for September partisan primary.✓

History: 1971 c. 304 ss. 13, 29 (1), (2); 1973 c. 334 s. 57; 1977 c. 107, 427; 1979 c. 249, 260, 311; 1983 a. 29, 484; 1985 a. 304; 1989 a. 31; 1993 a. 140, 213, 266; 1999 a. 182; 2001 a. 109; 2005 a. 451; 2007 a. 1.

SECTION 24. 8.15 (1) of the statutes is amended to read:

8.15 (1) Nomination papers may be circulated no sooner than ~~June~~ May 1 preceding the general election and may be filed no later than 5 p.m. on the 2nd Tuesday of ~~July~~ June preceding the ~~September~~ partisan primary, except as authorized in this subsection. If an incumbent fails to file nomination papers and a declaration of candidacy by 5 p.m. on the 2nd Tuesday of ~~July~~ June preceding the ~~September~~ partisan primary, all candidates for the office held by the incumbent, other than the incumbent, may file nomination papers no later than 72 hours after the latest time prescribed in this subsection. No extension of the time for filing nomination papers applies if the incumbent files written notification with the filing officer or agency with whom nomination papers are filed for the office which the incumbent holds, no later than 5 p.m. on the 2nd Friday preceding the latest time prescribed in this subsection for filing nomination papers, that the incumbent is not a candidate for reelection to his or her office, and the incumbent does not file nomination papers for that office within the time prescribed in this subsection. Only those candidates for whom nomination papers containing the necessary signatures acquired within the allotted time and filed before the deadline may have their names appear on the official ~~September~~ plain ~~partisan~~ primary ballot.✓

History: 1971 c. 304 ss. 13, 29 (1), (2); 1973 c. 334 s. 57; 1977 c. 107, 427; 1979 c. 249, 260, 311; 1983 a. 29, 484; 1985 a. 304; 1989 a. 31; 1993 a. 140, 213, 266; 1999 a. 182; 2001 a. 109; 2005 a. 451; 2007 a. 1.

SECTION 25. 8.16 (1) of the statutes is amended to read:

8.16 (1) Except as provided in sub. (2), the person who receives the greatest number of votes for an office on a party ballot at any partisan primary, regardless of whether the person's name appears on the ballot, shall be the party's candidate for the office, and the person's name shall so appear on the official ballot at the next election. All independent candidates shall appear on the general election ballot regardless of the number of votes received by such candidates at the ~~September~~ partisan primary.✓

History: 1975 c. 41, 93, 199; 1977 c. 107, 383, 427, 447; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31.

SECTION 26. 8.16 (7) of the statutes is amended to read:

8.16 (7) Nominees chosen at a national convention and under s. 8.18 (2) by each party entitled to a ~~September~~ partisan primary ballot shall be the party's candidates for president, vice president and presidential electors. The state or national chairperson of each such party shall certify the names of the party's nominees for president and vice president to the board no later than 5 p.m. on the first Tuesday in ~~September~~ partisan preceding a presidential election. Each name shall be in one of the formats authorized in s. 7.08 (2) (a).✓

History: 1975 c. 41, 93, 199; 1977 c. 107, 383, 427, 447; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31.

SECTION 27. 8.17 (1) (b) of the statutes is amended to read:

8.17 (1) (b) Each political party shall elect one committeeman or committeewoman from each election district. In this section, each village, each town and each city is an "election district"; except that in cities having a population of more than 7,500 which are divided into aldermanic districts, each aldermanic district is an "election district"; and in cities having a population of more than 7,500 which are not divided into aldermanic districts and villages or towns having a population of more than 7,500, each ward or group of combined wards under s. 5.15 (6) (b) constituting a polling place on ~~June~~ May 1 of the year in which committeemen or

committeewomen are elected is an "election district". To be eligible to serve as its committeeman or committeewoman, an individual shall be, at the time of filing nomination papers or at the time of appointment under this section, a resident of the election district which he or she is chosen to represent and shall be at least 18 years of age.✓

History: 1971 c. 304 s. 29 (1), (2); 1971 c. 336; 1973 c. 334; 1979 c. 260, 311, 355; 1981 c. 116; 1983 a. 484, 549; 1985 a. 131, 304; 1987 a. 391; 1991 a. 316; 1993 a. 184; 1999 a. 182; 2003 a. 265.

SECTION 28. 8.17 (4) of the statutes is amended to read:

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

History: 1971 c. 304 s. 29 (1), (2); 1971 c. 336; 1973 c. 334; 1979 c. 260, 311, 355; 1981 c. 116; 1983 a. 484, 549; 1985 a. 131, 304; 1987 a. 391; 1991 a. 316; 1993 a. 184; 1999 a. 182; 2003 a. 265.

SECTION 29. 8.17 (5) (b) of the statutes is amended to read:

8.17 (5) (b) A combined meeting of the county committee and members in good standing of the party in the county shall be held no sooner than 15 days after the September partisan✓ primary and no later than April 1 of the following year. At this meeting, the party committeemen or committeewomen and the county committee offices of chairperson, vice chairperson, secretary and treasurer shall be filled by election by the incumbent committeemen, committeewomen and other party members present and voting, each of whom is entitled to one vote. At this meeting, the county committee shall elect the members of the congressional district committee as provided in sub. (6) (b), (c) and (d). The secretary of the county committee shall give at least 7 days' written notice of the meeting to party and committee members. Individuals elected as county committee officers or as congressional district committee members may be, but are not required to be, committeemen or committeewomen. They are required to be party members in good standing. The

terms of committeemen and committeewomen, county committee officers and congressional district committee members begin during the meeting immediately upon completion and verification of the voting for each office.✓

History: 1971 c. 304 s. 29 (1), (2); 1971 c. 336; 1973 c. 334; 1979 c. 260, 311, 355; 1981 c. 116; 1983 a. 484, 549; 1985 a. 131, 304; 1987 a. 391; 1991 a. 316; 1993 a. 184; 1999 a. 182; 2003 a. 265.

SECTION 30. 8.19 (3) of the statutes is amended to read:

8.19 (3) Every political party entitled, under s. 5.62, to have its candidates on the ~~September~~ partisan primary and general election ballots has exclusive right to the use of the name designating it at any election involving political parties. The board shall not certify nor the county clerk print the name of any person whose nomination papers indicate a party name comprising a combination of existing party names, qualifying words, phrases, prefixes or suffixes in connection with any existing party name.✓

History: 1973 c. 334 s. 57; 1975 c. 93; 1993 a. 184.

SECTION 31. 8.20 (8) (a) of the statutes is amended to read:

8.20 (8) (a) Nomination papers for independent candidates for any office to be voted upon at a general election or ~~September~~ partisan primary and general election, except president, vice president and presidential elector, may be circulated no sooner than ~~June~~ May 1 preceding the election and may be filed no later than 5 p.m. on the 2nd Tuesday of ~~July~~ June preceding the ~~September~~ partisan primary, except as authorized in this paragraph. If an incumbent fails to file nomination papers and a declaration of candidacy by 5 p.m. on the 2nd Tuesday of ~~July~~ June preceding the ~~September~~ partisan primary, all candidates for the office held by the incumbent, other than the incumbent, may file nomination papers no later than 72 hours after the latest time prescribed in this paragraph. No extension of the time for filing nomination papers applies if the incumbent files written notification with the filing officer or agency with whom nomination papers are filed for the office which the

incumbent holds, no later than 5 p.m. on the 2nd Friday preceding the latest time prescribed in this paragraph for filing nomination papers, that the incumbent is not a candidate for reelection to his or her office, and the incumbent does not file nomination papers for that office within the time prescribed in this paragraph✓

History: 1971 c. 242, 304; 1973 c. 334 s. 57; 1975 c. 369; 1977 c. 107, 287, 427; 1979 c. 249, 260; 1981 c. 377; 1983 a. 29, 484; 1985 a. 304; 1987 a. 391; 1993 a. 140, 266; 1999 a. 6, 32, 182, 186; 2001 a. 109; 2005 a. 451; 2007 a. 1.

SECTION 32. 8.20 (8) (am) of the statutes is amended to read:

8.20 (8) (am) Nomination papers for independent candidates for president and vice president, and the presidential electors designated to represent them, may be circulated no sooner than ~~August~~ July 1 and may be filed not later than 5 p.m. on the first Tuesday in ~~September~~ August preceding a presidential election.✓

History: 1971 c. 242, 304; 1973 c. 334 s. 57; 1975 c. 369; 1977 c. 107, 287, 427; 1979 c. 249, 260; 1981 c. 377; 1983 a. 29, 484; 1985 a. 304; 1987 a. 391; 1993 a. 140, 266; 1999 a. 6, 32, 182, 186; 2001 a. 109; 2005 a. 451; 2007 a. 1.

SECTION 33. 8.20 (9) of the statutes is amended to read:

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

History: 1971 c. 242, 304; 1973 c. 334 s. 57; 1975 c. 369; 1977 c. 107, 287, 427; 1979 c. 249, 260; 1981 c. 377; 1983 a. 29, 484; 1985 a. 304; 1987 a. 391; 1993 a. 140, 266; 1999 a. 6, 32, 182, 186; 2001 a. 109; 2005 a. 451; 2007 a. 1.

SECTION 34. 8.50 (intro.) of the statutes is amended to read:

8.50 Special elections. (intro.) Unless otherwise provided, this section applies to filling vacancies in the U.S. senate and house of representatives, executive

state offices except the offices of governor, lieutenant governor, and district attorney, judicial and legislative state offices, county, city, village, and town offices, and the offices of municipal judge and member of the board of school directors in school districts organized under ch. 119. State legislative offices may be filled in anticipation of the occurrence of a vacancy whenever authorized in sub. (4) (e). No special election may be held after February 1 preceding the spring election unless it is held on the same day as the spring election, nor after ~~September~~ August 1 preceding the general election unless it is held on the same day as the general election, until the day after that election. If the special election is held on the day of the general election, the primary for the special election, if any, shall be held on the day of the ~~September~~ partisan primary.✓ If the special election is held on the day of the spring election, the primary for the special election, if any, shall be held on the day of the spring primary.✓

History: 1971 c. 1, 40; 1973 c. 334 ss. 22, 57; 1973 c. 336; 1975 c. 80, 93, 199, 369; 1977 c. 26, 107, 187, 340, 427, 445, 447, 449; 1979 c. 27, 32, 260, 311; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 359; 1993 a. 184; 1995 a. 16 s. 2; 1999 a. 182; 2005 a. 248; 2007 a. 1.

SECTION 35. 8.50 (2) of the statutes is amended to read:

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

(b) If a primary is required, the primary shall be on the day 4 weeks before the day of the special election except when the special election is held on the same day as the general election the special primary shall be held on the same day as the

September partisan primary or if the special election is held concurrently with the spring election, the primary shall be held concurrently with the spring primary, and except when the special election is held on the Tuesday after the first Monday in November of an odd-numbered year, the primary shall be held on the 2nd Tuesday of ~~September~~ August in that year.

History: 1971 c. 1, 40; 1973 c. 334 ss. 22, 57; 1973 c. 336; 1975 c. 80, 93, 199, 369; 1977 c. 26, 107, 187, 340, 427, 445, 447, 449; 1979 c. 27, 32, 260, 311; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 359; 1993 a. 184; 1995 a. 16 s. 2; 1999 a. 182; 2005 a. 248; 2007 a. 1.

SECTION 36. 8.50 (3) (a) of the statutes is amended to read:

8.50 (3) (a) Nomination papers may be circulated no sooner than the day the order for the special election is filed and shall be filed not later than 5 p.m. 28 days before the day that the special primary will or would be held, if required, except when a special election is held concurrently with the spring election or general election, the deadline for filing nomination papers shall be specified in the order and the date shall be no earlier than the date provided in s. 8.10 (2) (a) or 8.15 (1), respectively, and no later than 35 days prior to the date of the spring or ~~September~~ partisan primary. Nomination papers may be filed in the manner specified in s. 8.10, 8.15, or 8.20. Each candidate shall file a declaration of candidacy in the manner provided in s. 8.21 no later than the latest time provided in the order for filing nomination papers. If a candidate for state or local office has not filed a registration statement under s. 11.05 at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement of economic interests with the board no later than the end of the 3rd day following the last day for filing nomination papers specified in the order.

History: 1971 c. 1, 40; 1973 c. 334 ss. 22, 57; 1973 c. 336; 1975 c. 80, 93, 199, 369; 1977 c. 26, 107, 187, 340, 427, 445, 447, 449; 1979 c. 27, 32, 260, 311; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 359; 1993 a. 184; 1995 a. 16 s. 2; 1999 a. 182; 2005 a. 248; 2007 a. 1.

SECTION 37. 8.50 (3) (b) of the statutes is amended to read:

8.50 (3) (b) Except as otherwise provided in this section, the provisions for ~~September primaries~~ the partisan primary under s. 8.15 are applicable to all partisan primaries held under this section, and the provisions for spring primaries under s. 8.10 are applicable to all nonpartisan primaries held under this section. In a special partisan primary or election, the order of the parties on the ballot shall be the same as provided under s. 5.62 (1) or 5.64 (1) (b). Independent candidates for state office at a special partisan election shall not appear on the primary ballot. No primary is required for a nonpartisan election in which not more than 2 candidates for an office appear on the ballot or for a partisan election in which not more than one candidate for an office appears on the ballot of each recognized political party. In every special election except a special election for nonpartisan state office where no candidate is certified to appear on the ballot, a space for write-in votes shall be provided on the ballot, regardless of whether a special primary is held. ✓

History: 1971 c. 1, 40; 1973 c. 334 ss. 22, 57; 1973 c. 336; 1975 c. 80, 93, 199, 369; 1977 c. 26, 107, 187, 340, 427, 445, 447, 449; 1979 c. 27, 32, 260, 311; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 359; 1993 a. 184; 1995 a. 16 s. 2; 1999 a. 182; 2005 a. 248; 2007 a. 1.

SECTION 38. 8.50 (3) (c) of the statutes is amended to read:

8.50 (3) (c) Notwithstanding ss. 5.37 (4), 5.91 (6) and 6.80 (2) (f), whenever a special partisan primary is held concurrently with the presidential preference primary, an elector may choose the party column or ballot in which the elector will cast his or her vote separately for each of the 2 primaries. Whenever 2 or more special partisan primaries or one or more special partisan primaries and a ~~September partisan~~ primary are held concurrently, the procedure prescribed in ss. 5.37 (4), 5.91 (6) and 6.80 (2) (f) applies. ✓

History: 1971 c. 1, 40; 1973 c. 334 ss. 22, 57; 1973 c. 336; 1975 c. 80, 93, 199, 369; 1977 c. 26, 107, 187, 340, 427, 445, 447, 449; 1979 c. 27, 32, 260, 311; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 359; 1993 a. 184; 1995 a. 16 s. 2; 1999 a. 182; 2005 a. 248; 2007 a. 1.

SECTION 39. 8.50 (4) (b) of the statutes is amended to read:

8.50 (4) (b) A vacancy in the office of U.S. senator or representative in congress occurring prior to the 2nd Tuesday in ~~May~~ April in the year of the general election shall be filled at a special primary and election. A vacancy in that office occurring between the 2nd Tuesday in ~~May~~ April and the 2nd Tuesday in ~~July~~ June in the year of the general election shall be filled at the ~~September~~ partisan primary and general election.[✓]

History: 1971 c. 1, 40; 1973 c. 334 ss. 22, 57; 1973 c. 336; 1975 c. 80, 93, 199, 369; 1977 c. 26, 107, 187, 340, 427, 445, 447, 449; 1979 c. 27, 32, 260, 311; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 359; 1993 a. 184; 1995 a. 16 s. 2; 1999 a. 182; 2005 a. 248; 2007 a. 1.

SECTION 40. 8.50 (4) (fm) of the statutes is amended to read:

8.50 (4) (fm) A permanent vacancy in the office of municipal judge may be filled by temporary appointment of the municipal governing body, or, if the judge is elected under s. 755.01 (4), jointly by the governing bodies of all municipalities served by the judge. The office shall then be permanently filled by special election, which shall be held concurrently with the next spring election following the occurrence of the vacancy, except that a vacancy occurring during the period after December 1 and on or before the date of the spring election shall be filled at the 2nd succeeding spring election, and except that the governing body of a city or village or, if the judge is elected under s. 755.01 (4), the governing bodies of the participating cities or villages may, if the vacancy occurs before ~~June~~ May 1 in the year preceding expiration of the term of office, order a special election to be held on the Tuesday after the first Monday in November following the date of the order. A person so elected shall serve for the residue of the unexpired term.

History: 1971 c. 1, 40; 1973 c. 334 ss. 22, 57; 1973 c. 336; 1975 c. 80, 93, 199, 369; 1977 c. 26, 107, 187, 340, 427, 445, 447, 449; 1979 c. 27, 32, 260, 311; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 359; 1993 a. 184; 1995 a. 16 s. 2; 1999 a. 182; 2005 a. 248; 2007 a. 1.

SECTION 41. 10.01 (2) (d) of the statutes is amended to read:

10.01 (2) (d) Type D—The type D notice shall state the hours the polls will be open and the polling places to be utilized at the election or shall include a concise

statement of how polling place information may be obtained. In cities over 500,000 population, the board of election commissioners shall determine the form of the notice. In other municipalities and special purpose districts, the clerk of the municipality or special purpose district shall give the polling place information in the manner the governing body of the municipality or special purpose district decides will most effectively inform the electors. The type D notice shall be published by the municipal clerk or board of election commissioners of each municipality once on the day before each spring primary and election, each special national, state, county or municipal election at which the electors of that municipality are entitled to vote and each ~~September~~ partisan primary and general election. The clerk of each special purpose district which calls a special election shall publish a type D notice on the day before the election, and the day before the special primary, if any, except as authorized in s. 8.55 (3).

History: 1973 c. 334 s. 57; 1975 c. 275; 1979 c. 260, 311; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31; 2001 a. 16; 2005 a. 451.

SECTION 42. 10.01 (2) (e) of the statutes is amended to read:

10.01 (2) (e) Type E—The type E notice shall state the qualifications for absentee voting, the procedures for obtaining an absentee ballot in the case of registered and unregistered voters, the places and the deadlines for application and return of application, including any alternate site under s. 6.855, and the office hours during which an elector may cast an absentee ballot in the municipal clerk's office or at an alternate site under s. 6.855. The municipal clerk shall publish a type E notice on the 4th Tuesday preceding each spring primary and election, on the 4th Tuesday preceding each ~~September~~ partisan primary and general election, on the 4th Tuesday preceding the primary for each special national, state, county or municipal election if any, on the 4th Tuesday preceding a special county or municipal

referendum, and on the 3rd Tuesday preceding each special national, state, county or municipal election to fill an office which is not held concurrently with the spring or general election. The clerk of each special purpose district which calls a special election shall publish a type E notice on the 4th Tuesday preceding the primary for the special election, if any, on the 4th Tuesday preceding a special referendum, and on the 3rd Tuesday preceding a special election for an office which is not held concurrently with the spring or general election except as authorized in s. 8.55 (3).[✓]

History: 1973 c. 334 s. 57; 1975 c. 275; 1979 c. 260, 311; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31; 2001 a. 16; 2005 a. 451.

SECTION 43. 10.02 (3) (b) 2m. of the statutes is amended to read:

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

History: 1971 c. 304 s. 29 (2); 1973 c. 334 s. 57; 1975 c. 85, 199; 1977 c. 107, 427, 447; 1979 c. 311; 1981 c. 377; 1983 a. 484 ss. 119, 172 (3); 1985 a. 304; 1989 a. 31; 1997 a. 250; 1999 a. 182; 2003 a. 265; 2005 a. 451.

SECTION 44. 10.06 (1) (f) of the statutes is amended to read:

10.06 (1) (f) On or before the 2nd Tuesday in ~~May~~ April preceding a ~~September~~ partisan primary and general election the board shall send a type A notice to each county clerk.[✓]

History: 1973 c. 280; 1973 c. 334 s. 57; 1975 c. 275, 422; 1977 c. 107, 340, 427; 1979 c. 260, 311; 1983 a. 484; 1985 a. 304, 332; 1987 a. 391; 1989 a. 273; 1995 a. 16 s. 2; 1999 a. 182; 2001 a. 16, 109; 2003 a. 24; 2007 a. 1.

SECTION 45. 10.06 (1) (h) of the statutes is amended to read:

10.06 (1) (h) As soon as possible after the deadline for determining ballot arrangement for the ~~September~~ partisan primary on the 3rd Tuesday in ~~July~~ June, the board shall send a type B notice to each county clerk certifying the list of candidates for the ~~September~~ partisan primary. ✓

History: 1973 c. 280; 1973 c. 334 s. 57; 1975 c. 275, 422; 1977 c. 107, 340, 427; 1979 c. 260, 311; 1983 a. 484; 1985 a. 304, 332; 1987 a. 391; 1989 a. 273; 1995 a. 16 s. 2; 1999 a. 182; 2001 a. 16, 109; 2003 a. 24; 2007 a. 1.

SECTION 46. 10.06 (1) (i) of the statutes is amended to read:

10.06 (1) (i) As soon as possible after the state canvass, but no later than the 4th Tuesday in ~~September~~ August, the board shall send a type B notice certifying the list of candidates and type A and C notices certifying each question for any referendum to each county clerk for the general election and a certified list of candidates under s. 11.50 to the state treasurer pursuant to s. 7.08 (2) (c). ✓

History: 1973 c. 280; 1973 c. 334 s. 57; 1975 c. 275, 422; 1977 c. 107, 340, 427; 1979 c. 260, 311; 1983 a. 484; 1985 a. 304, 332; 1987 a. 391; 1989 a. 273; 1995 a. 16 s. 2; 1999 a. 182; 2001 a. 16, 109; 2003 a. 24; 2007 a. 1.

SECTION 47. 10.06 (2) (gm) of the statutes is amended to read:

10.06 (2) (gm) On the last Tuesday in ~~May~~ April the county clerk shall send notice of the coming ~~September~~ partisan primary and general election to each municipal clerk. ✓

History: 1973 c. 280; 1973 c. 334 s. 57; 1975 c. 275, 422; 1977 c. 107, 340, 427; 1979 c. 260, 311; 1983 a. 484; 1985 a. 304, 332; 1987 a. 391; 1989 a. 273; 1995 a. 16 s. 2; 1999 a. 182; 2001 a. 16, 109; 2003 a. 24; 2007 a. 1.

SECTION 48. 10.06 (2) (h) of the statutes is amended to read:

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

History: 1973 c. 280; 1973 c. 334 s. 57; 1975 c. 275, 422; 1977 c. 107, 340, 427; 1979 c. 260, 311; 1983 a. 484; 1985 a. 304, 332; 1987 a. 391; 1989 a. 273; 1995 a. 16 s. 2; 1999 a. 182; 2001 a. 16, 109; 2003 a. 24; 2007 a. 1.

SECTION 49. 10.06 (2) (j) of the statutes is amended to read:

10.06 (2) (j) On the Monday preceding the ~~September~~ partisan primary the county clerk shall publish a type B notice.✓

History: 1973 c. 280; 1973 c. 334 s. 57; 1975 c. 275, 422; 1977 c. 107, 340, 427; 1979 c. 260, 311; 1983 a. 484; 1985 a. 304, 332; 1987 a. 391; 1989 a. 273; 1995 a. 16 s. 2; 1999 a. 182; 2001 a. 16, 109; 2003 a. 24; 2007 a. 1.

SECTION 50. 10.06 (3) (cm) of the statutes is amended to read:

10.06 (3) (cm) On the 4th Tuesday preceding the ~~September~~ partisan primary and general election, when held, the municipal clerk shall publish a type E notice. If there are municipal referenda, the municipal clerk shall publish a type A notice of the referenda at the same time.✓

History: 1973 c. 280; 1973 c. 334 s. 57; 1975 c. 275, 422; 1977 c. 107, 340, 427; 1979 c. 260, 311; 1983 a. 484; 1985 a. 304, 332; 1987 a. 391; 1989 a. 273; 1995 a. 16 s. 2; 1999 a. 182; 2001 a. 16, 109; 2003 a. 24; 2007 a. 1.

SECTION 51. 11.06 (12) (a) 1. of the statutes is amended to read:

11.06 (12) (a) 1. "Election period" means the period between December 1 and the date of the spring election, the period between ~~June~~ May 1 and the day of the general election in any even-numbered year or the period between the first day for circulation of nomination papers and the day of a special election for any state office.✓

History: 1973 c. 334; 1975 c. 93 ss. 47 to 53, 119 (2); 1975 c. 199; 1979 c. 263, 328; 1985 a. 303; 1987 a. 370; 1989 a. 192; 1995 a. 16 s. 2; 2001 a. 109; 2005 a. 176, 177.

SECTION 52. 11.26 (17) (d) of the statutes is amended to read:

11.26 (17) (d) In the case of any candidate at the spring primary or election or the ~~September~~ partisan✓ primary or general election, the "campaign" of the candidate ends on June 30 or December 31 following the date on which the election or primary is held in which the candidate is elected or defeated, or the date on which the candidate receives sufficient contributions to retire any obligations incurred in connection with that contest, whichever is later. In the case of any candidate at a special primary or election, the "campaign" of the candidate ends on the last day of the month following the month in which the primary or election is held in which the candidate is elected or defeated, or the date on which the candidate receives

sufficient contributions to retire any obligations incurred in connection with that contest, whichever is later.✓

History: 1973 c. 334; 1975 c. 93 ss. 89 to 95, 119 (1); 1975 c. 200; 1977 c. 107, 187; 1977 c. 427 s. 132; 1979 c. 263, 328; 1979 c. 355 s. 32; 1983 a. 183, 186; 1985 a. 303 ss. 44 to 55m, 86; 1987 a. 27, 370; 1989 a. 31, 192; 1995 a. 27 s. 9145 (1); 1995 a. 219, 225; 1999 a. 32; 2001 a. 109; 2005 a. 177; 2009 a. 89, 216.

SECTION 53. 11.31 (3m) of the statutes is amended to read:

11.31 (3m) UNOPPOSED CANDIDATES; EXCEPTION. Notwithstanding subs. (1) and (2), if all candidates for state senator or representative to the assembly in a legislative district who are certified under s. 7.08 (2) (a) to appear on the ~~September~~ partisan primary ballot of all parties recognized under s. 5.62 (1) (b) or (2) have no opponent who is certified to appear on the same primary ballot, or if no primary is required for all candidates of parties recognized under s. 5.62 (1) (b) or (2) for state senator or representative to the assembly in a legislative district who are certified under s. 8.50 (1) (d) to appear on a special partisan election ballot, then the separate limitation specified in sub. (1) for disbursements during the primary and election period does not apply to candidates for that office in that primary and election, and the candidates are bound only by the total limitations specified for the primary and election.✓

History: 1973 c. 334; 1975 c. 93 ss. 97 to 102, 119 (1), (2); 1975 c. 199, 422; 1977 c. 107, 187, 272, 449; 1979 c. 263, 328; 1981 c. 314; 1983 a. 51; 1985 a. 182 s. 57; 1985 a. 303; 1985 a. 332 s. 251 (1); 1987 a. 370; 1989 a. 192; 1993 a. 184; 1995 a. 225; 1997 a. 230; 1999 a. 83; 2001 a. 109; 2005 a. 177; 2009 a. 89.

SECTION 54. 11.31 (7) (a) of the statutes is amended to read:

11.31 (7) (a) For purposes of this section, the “campaign” of a candidate extends from July 1 preceding the date on which the spring primary or election occurs or January 1 preceding the date on which the ~~September~~ partisan primary or general election occurs for the office which the candidate seeks, or from the date of the candidate’s public announcement, whichever is earlier, through the last day of the month following the month in which the election or primary is held.✓

History: 1973 c. 334; 1975 c. 93 ss. 97 to 102, 119 (1), (2); 1975 c. 199, 422; 1977 c. 107, 187, 272, 449; 1979 c. 263, 328; 1981 c. 314; 1983 a. 51; 1985 a. 182 s. 57; 1985 a. 303; 1985 a. 332 s. 251 (1); 1987 a. 370; 1989 a. 192; 1993 a. 184; 1995 a. 225; 1997 a. 230; 1999 a. 83; 2001 a. 109; 2005 a. 177; 2009 a. 89.

SECTION 55. 11.50 (1) (a) 1. of the statutes is amended to read:

11.50 (1) (a) 1. With respect to a spring or general election, any individual who is certified under s. 7.08 (2) (a) as a candidate in the spring election for state superintendent, or an individual who receives at least 6% of the vote cast for all candidates on all ballots for any state office, except district attorney, for which the individual is a candidate at the ~~September~~ partisan primary[✓] and who is certified under s. 7.08 (2) (a) as a candidate for that office in the general election, or an individual who has been lawfully appointed and certified to replace either such individual on the ballot at the spring or general election; and who has qualified for a grant under sub. (2).[✓]

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75; 2001 a. 109; 2003 a. 321; 2005 a. 177, 178; 2009 a. 89.

SECTION 56. 11.50 (2) (b) 4. of the statutes is amended to read:

11.50 (2) (b) 4. The financial reports filed by or on behalf of the candidate as of the date of the spring or ~~September~~ partisan primary, or the date that the special primary is or would be held, if required, indicate that his or her statement filed with the application under par. (a) is true; and[✓]

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75; 2001 a. 109; 2003 a. 321; 2005 a. 177, 178; 2009 a. 89.

SECTION 57. 11.50 (2) (b) 5. of the statutes is amended to read:

11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as of the date of the spring or ~~September~~ partisan primary, or the date that the special primary is or would be held, if required, indicate that the candidate has received at least the amount provided in this subdivision, from contributions of money, other than loans, made by individuals, which have been received during the period ending on the date of the spring primary and July 1 preceding such date in the case of candidates at the spring election, or the date of the ~~September~~ partisan primary and January 1 preceding such date in the case of candidates at the general election, or

the date that a special primary will or would be held, if required, and 90 days preceding such date or the date a special election is ordered, whichever is earlier, in the case of special election candidates, which contributions are in the aggregate amount of \$100 or less, and which are fully identified and itemized as to the exact source thereof. A contribution received from a conduit which is identified by the conduit as originating from an individual shall be considered a contribution made by the individual. Only the first \$100 of an aggregate contribution of more than \$100 may be counted toward the required percentage. For a candidate at the spring or general election for an office identified in s. 11.26 (1) (a) or a candidate at a special election, the required amount to qualify for a grant is 5 percent of the candidate's authorized disbursement limitation under s. 11.31. For any other candidate at the general election, the required amount to qualify for a grant is 10 percent of the candidate's authorized disbursement limitation under s. 11.31. ✓

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75; 2001 a. 109; 2003 a. 321; 2005 a. 177, 178; 2009 a. 89.

SECTION 58. 11.50 (2) (c) of the statutes is amended to read:

11.50 (2) (c) If a candidate has not filed financial reports as of the date of the spring primary, ~~September~~ partisan primary, special primary, or date that the special primary would be held, if required, which indicate that he or she has met the qualification under par. (b) 5., the candidate may file a special report with the board. Such report shall be filed not later than the 7th day after the primary, or 7th day after the date the primary would be held, if required, and shall include such supplementary information as to sources of contributions which may be necessary to complete the candidate's qualification. The special report shall cover the period from the day after the last date covered on the candidate's most recent report, or from the date on which the first contribution was received or the first disbursement was

made, whichever is earlier, if the candidate has not previously filed a report, to the date of such report. All information included on the special report shall also be included in the candidate's next report under s. 11.20.✓

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75; 2001 a. 109; 2003 a. 321; 2005 a. 177, 178; 2009 a. 89.

SECTION 59. 11.50 (2) (f) of the statutes is amended to read:

11.50 (2) (f) The board shall inform each candidate in writing of the approval or disapproval of the candidate's application, as promptly as possible after the date of the spring primary, ~~September~~ partisan primary, special primary, or date that the primary would be held, if required. With respect to a candidate at a special election who applies for a postelection grant under sub. (1) (a) 2., the board shall inform the candidate in writing of the conditional approval or disapproval of the candidate's application at the same time.✓

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75; 2001 a. 109; 2003 a. 321; 2005 a. 177, 178; 2009 a. 89.

SECTION 60. 11.50 (2) (i) of the statutes is amended to read:

11.50 (2) (i) Notwithstanding par. (g), if an eligible candidate at the spring election or a special nonpartisan election who accepts a grant is opposed by one or more candidates in the election, or if an eligible candidate at the general election or a special partisan election who accepts a grant is opposed by one or more candidates in the election who receive at least 6 percent of the vote cast for all candidates for the same office on all ballots at the ~~September~~ partisan primary or a special partisan primary if a primary was held, and in either case if any such opponent of the eligible candidate does not accept a grant under this section in whole or in part, the eligible candidate is not bound by the pledge made in his or her application to adhere to the contribution limitations prescribed in s. 11.26 and the disbursement limitation

prescribed under s. 11.31, unless each such opponent files an affidavit of voluntary compliance under s. 11.31 (2m).[✓]

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75; 2001 a. 109; 2003 a. 321; 2005 a. 177, 178; 2009 a. 89.

SECTION 61. 13.123 (3) (b) 1. a. of the statutes is amended to read:

13.123 (3) (b) 1. a. After the day of the ~~September~~ partisan primary, that the member either has not filed nomination papers for reelection or election to another legislative seat or has sought a party nomination for a legislative seat but it is generally acknowledged that the member has not won nomination.[✓]

History: 1971 c. 13; 1973 c. 1; 1975 c. 39, 199; 1977 c. 115, 277, 325; 1979 c. 34 s. 2100; 1983 a. 27 ss. 10, 2202 (33); 1991 a. 316; 1993 a. 52; 1995 a. 27, 225; 1997 a. 27; 1999 a. 182; 2001 a. 16; 2003 a. 33 ss. 13 to 16, 9160; 2005 a. 25; 2007 a. 1.

SECTION 62. 59.605 (3) (a) 1. of the statutes is amended to read:

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

History: 1993 a. 16, 490; 1999 a. 150 s. 568; Stats. 1999 s. 59.605; 1999 a. 182 s. 207; 2007 a. 1, 115.

SECTION 63. 66.0602 (4) (a) of the statutes is amended to read:

66.0602 (4) (a) A political subdivision may exceed the levy increase limit under sub. (2) if its governing body adopts a resolution to that effect and if the resolution is approved in a referendum. The resolution shall specify the proposed amount of

increase in the levy beyond the amount that is allowed under sub. (2), and shall specify whether the proposed amount of increase is for the next fiscal year only or if it will apply on an ongoing basis. With regard to a referendum relating to the 2005 levy, or any levy in an odd-numbered year thereafter, the political subdivision may call a special referendum for the purpose of submitting the resolution to the electors of the political subdivision for approval or rejection. With regard to a referendum relating to the 2006 levy, or any levy in an even-numbered year thereafter, the referendum shall be held at the next succeeding spring primary or election or ~~September~~ partisan primary or general election.✓

History: 2005 a. 25, 484; 2007 a. 20, 115, 129; 2009 a. 28.

SECTION 64. 66.0619 (2m) (b) of the statutes is amended to read:

66.0619 (2m) (b) If a referendum is to be held on a resolution, the municipal governing body shall file the resolution as provided in s. 8.37 and shall direct the municipal clerk to call a special election for the purpose of submitting the resolution to the electors for a referendum on approval or rejection. In lieu of a special election, the municipal governing body may specify that the election be held at the next succeeding spring primary or election or ~~September~~ partisan primary or general election.✓

History: 1971 c. 188; 1975 c. 62, 197; 1983 a. 24, 189; 1983 a. 207 s. 93 (4); 1989 a. 192; 1999 a. 150 s. 162; Stats. 1999 s. 66.0619; 1999 a. 182 s. 203.

SECTION 65. 66.0921 (2) of the statutes is amended to read:

66.0921 (2) FACILITIES AUTHORIZED. A municipality may enter into a joint contract with a nonprofit corporation organized for civic purposes and located in the municipality to construct or otherwise acquire, equip, furnish, operate and maintain a facility to be used for municipal and civic activities if a majority of the voters voting in a referendum at a special election or at a spring primary or election or ~~September~~

partisan primary or general election approve the question of entering into the joint contract.✓

History: 1983 a. 27; 1985 a. 39; 1993 a. 399; 1997 a. 79; 1999 a. 150 s. 488; Stats. 1999 s. 66.0921.

SECTION 66. 66.1113 (2) (g) of the statutes is amended to read:

66.1113 (2) (g) The village of Sister Bay may enact an ordinance or adopt a resolution declaring itself to be a premier resort area under par. (a) even if less than 40 percent of the equalized assessed value of the taxable property within Sister Bay is used by tourism-related retailers. The village may not impose the tax authorized under par. (b) unless the village board adopts a resolution proclaiming its intent to impose the tax and the resolution is approved by a majority of the electors in the village voting on the resolution at a referendum, to be held at the first spring primary or election or ~~September~~ partisan primary or general election following by at least 45 days the date of adoption of the resolution.✓

History: 1997 a. 27; 1999 a. 150 s. 364; Stats. 1999 s. 66.1113; 2001 a. 16, 109; 2005 a. 440; 2009 a. 28.

SECTION 67. 66.1113 (2) (h) of the statutes is amended to read:

66.1113 (2) (h) The village of Ephraim may enact an ordinance or adopt a resolution declaring itself to be a premier resort area under par. (a) even if less than 40 percent of the equalized assessed value of the taxable property within Ephraim is used by tourism-related retailers. The village may not impose the tax authorized under par. (b) unless the village board adopts a resolution proclaiming its intent to impose the tax and the resolution is approved by a majority of the electors in the village voting on the resolution at a referendum, to be held at the first spring primary or election or ~~September~~ partisan primary or general election following by at least 45 days the date of adoption of the resolution.✓

History: 1997 a. 27; 1999 a. 150 s. 364; Stats. 1999 s. 66.1113; 2001 a. 16, 109; 2005 a. 440; 2009 a. 28.

SECTION 68. 67.05 (6m) (b) of the statutes is amended to read:

67.05 (6m) (b) If a referendum is to be held on an initial resolution, the district board shall direct the technical college district secretary to call a special election for the purpose of submitting the initial resolution to the electors for a referendum on approval or rejection. In lieu of a special election, the district board may specify that the election be held at the next succeeding spring primary or election or ~~September~~ partisan primary or general election.✓

History: 1971 c. 29; 1971 c. 154 ss. 41, 80; 1971 c. 211, 295; 1973 c. 23; 1975 c. 182, 311, 422; 1977 c. 26; 1977 c. 29 ss. 733, 734, 1654 (8) (c); 1977 c. 427 s. 132; 1979 c. 221, 297, 311; 1981 c. 20, 282, 377, 391; 1983 a. 207 ss. 47 to 52, 93 (5), (6), (7), 95; 1983 a. 236 s. 13; 1983 a. 532 s. 36; 1983 a. 538; 1985 a. 187, 225, 304; 1987 a. 197; 1987 a. 391; 1989 a. 31, 192, 205; 1991 a. 49; 1993 a. 399; 1995 a. 378; 1997 a. 237, 286; 1999 a. 9; 1999 a. 150 ss. 622, 672; 1999 a. 182; 2001 a. 16; 2005 a. 333; 2007 a. 1; 2009 a. 28.

SECTION 69. 67.12 (12) (e) 5. of the statutes is amended to read:

67.12 (12) (e) 5. Within 10 days of the adoption by a technical college district board of a resolution under subd. 1. to issue a promissory note for a purpose under s. 38.16 (2), the secretary of the district board shall publish a notice of such adoption as a class 1 notice, under ch. 985. The notice need not set forth the full contents of the resolution, but shall state the amount proposed to be borrowed, the method of borrowing, the purpose thereof, that the resolution was adopted under this subsection and the place where and the hours during which the resolution is available for public inspection. If the amount proposed to be borrowed is for building remodeling or improvement and does not exceed \$1,500,000 or is for movable equipment, the district board need not submit the resolution to the electors for approval unless, within 30 days after the publication or posting, a petition conforming to the requirements of s. 8.40 is filed with the secretary of the district board requesting a referendum at a special election to be called for that purpose. Such petition shall be signed by electors from each county lying wholly or partially within the district. The number of electors from each county shall equal at least 1.5% of the population of the county as determined under s. 16.96 (2) (c). If a county lies

in more than one district, the technical college system board shall apportion the county's population as determined under s. 16.96 (2) (c) to the districts involved and the petition shall be signed by electors equal to the appropriate percentage of the apportioned population. In lieu of a special election, the district board may specify that the referendum shall be held at the next succeeding spring primary or election or ~~September~~ partisan[✓] primary or general election. Any resolution to borrow amounts of money in excess of \$1,500,000 for building remodeling or improvement shall be submitted to the electors of the district for approval. If a referendum is held or required under this subdivision, no promissory note may be issued until the issuance is approved by a majority of the district electors voting at such referendum. The referendum shall be noticed, called and conducted under s. 67.05 (6a) insofar as applicable, except that the notice of special election and ballot need not embody a copy of the resolution and the question which shall appear on the ballot shall be "Shall (name of district) be authorized to borrow the sum of \$.... for (state purpose) by issuing its general obligation promissory note (or notes) under section 67.12 (12) of the Wisconsin Statutes?"

History: 1971 c. 49, 144; 1971 c. 152 s. 38; 1971 c. 164, 215; 1973 c. 172, 250; 1975 c. 311; 1977 c. 29; 1977 c. 272 s. 98; 1977 c. 418; 1979 c. 34; 1979 c. 110 s. 60 (13); 1979 c. 221, 297; 1981 c. 20, 254; 1981 c. 282 ss. 29, 45; 1981 c. 314; 1983 a. 24, 27, 192, 207, 368, 538; 1985 a. 101, 225; 1987 a. 197, 391, 399, 403; 1989 a. 31, 56, 192, 336, 366; 1991 a. 32, 49; 1993 a. 399; 1995 a. 27, 227, 232, 358; 1997 a. 35, 286; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 16; 2003 a. 43; 2007 a. 115, 188; 2009 a. 28, 180.

SECTION 70. 117.22 (2) (e) of the statutes is amended to read:

117.22 (2) (e) If a primary election for the school board positions is required under s. 120.06 (7) (b), it shall be held on the day which is 4 weeks before the election, except that if the school board election is held on the day of the general election, the primary shall be held on the day of the ~~September~~ partisan[✓] primary, and if the school board election is held on the day of the spring election, the primary shall be held on the day of the spring primary. The school district clerk shall notify the clerk of each

city, village or town, any part of which is contained within an affected school district, of the primary election. The school district clerk shall give the notices under s. 120.06 (8) (c) on the Monday before the primary election, if one is held, and on the Monday before the school board election.

History: 1989 a. 114, 287; 1993 a. 392; 1997 a. 286; 1999 a. 83; 2009 a. 307.

SECTION 71. 121.91 (3) (a) of the statutes is amended to read:

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

History: 1993 a. 16; 1995 a. 27 ss. 4108m to 4114, 9145 (1); 1997 a. 27, 113, 164, 237, 286; 1999 a. 9, 17, 19, 32, 182; 2001 a. 16; 2005 a. 25, 219; 2007 a. 1, 20; 2009 a. 28.

SECTION 72. 229.824 (15) of the statutes is amended to read:

229.824 (15) Impose, by the adoption of a resolution, the taxes under subch. V of ch. 77, except that the taxes imposed by the resolution may not take effect until the resolution is approved by a majority of the electors in the district's jurisdiction voting on the resolution at a referendum, to be held at the first spring primary or September partisan primary[√] following by at least 45 days the date of adoption of the resolution. Two questions shall appear on the ballot. The first question shall be: "Shall a sales tax and a use tax be imposed at the rate of 0.5% in County for purposes related to football stadium facilities in the Professional Football Stadium District?" The 2nd question shall be: "Shall excess revenues from the 0.5% sales tax and use tax be permitted to be used for property tax relief purposes in County?" Approval of the first question constitutes approval of the resolution of the district board. Approval of the 2nd question is not effective unless the first question is approved. The clerk of the district shall publish the notices required under s. 10.06 (4) (c), (f) and (i) for any referendum held under this subsection. Notwithstanding s. 10.06 (4) (c), the type A notice under s. 10.01 (2) (a) relating to the referendum is valid even if given and published late as long as it is given and published prior to the election as early as practicable. A district may not levy any taxes that are not expressly authorized under subch. V of ch. 77. The district may not levy any taxes until the professional football team and the governing body of the municipality in which the football stadium facilities are located agree on how to fund the maintenance of the football stadium facilities. The district may not levy any taxes until the professional football team and the governing body of the municipality in which the football stadium facilities are located agree on how to distribute the proceeds, if any, from the sale of naming rights related to the football stadium facilities. If a district board adopts a resolution that imposes taxes and the resolution

is approved by the electors, the district shall deliver a certified copy of the resolution to the secretary of revenue at least 120 days before its effective date. If a district board adopts a resolution that imposes taxes and the resolution is not approved by the electors, the district is dissolved.

History: 1999 a. 167; 2001 a. 38; 2009 a. 2.

SECTION 73. 995.20 of the statutes is amended to read:

995.20 Legal holidays. January 1, January 15, the 3rd Monday in February (which shall be the day of celebration for February 12 and 22), the last Monday in May (which shall be the day of celebration for May 30), June 19, which shall be the day of observation for Juneteenth Day, July 4, the 1st Monday in September which shall be known as Labor day, the 2nd Monday in October, November 11, the 4th Thursday in November (which shall be the day of celebration for Thanksgiving), December 25, the day of holding the ~~September~~ partisan primary election, and the day of holding the general election in November are legal holidays. On Good Friday the period from 11 a.m. to 3 p.m. shall uniformly be observed for the purpose of worship. In every 1st class city the day of holding any municipal election is a legal holiday, and in every such city the afternoon of each day upon which a primary election is held for the nomination of candidates for city offices is a half holiday and in counties having a population of 500,000 or more the county board may by ordinance provide that all county employees shall have a half holiday on the day of such primary election and a holiday on the day of such municipal election, and that employees whose duties require that they work on such days be given equivalent time off on other days. Whenever any legal holiday falls on Sunday, the succeeding Monday shall be the legal holiday.

History: 1971 c. 226; 1973 c. 140, 333; 1977 c. 187 s. 96; Stats. 1977 s. 757.17; 1983 a. 7; 1983 a. 192 s. 257; Stats. 1983 s. 895.20; 2005 a. 155 s. 33; Stats. 2005 s. 995.20; 2009 a. 91.

Godwin, Gigi

From: Sen.Lazich

Sent: Wednesday, May 11, 2011 5:51 PM

To: LRB.Legal

Subject: Draft Review: LRB 11-1542/1 Topic: Partisan primary date; absentee voting changes

Please Jacket LRB 11-1542/1 for the SENATE.

5/11/2011