



State of Wisconsin

2011-2012 LEGISLATURE

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SENATE SUBSTITUTE AMDT

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2011 SENATE BILL 116

May 31, 2011 - Introduced by Senator LAZICH, cosponsored by Representative TAUCHEN. Referred to ~~Committee on Transportation and Elections~~

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(regenerate)

1 AN ACT ~~to repeal~~ 6.865 (3) and 6.865 (3m) (c); **to renumber and amend** 5.02  
2 (18), 6.25 (1) and 6.86 (2m); **to consolidate, renumber and amend** 6.25 (4)  
3 (intro.), (a) and (b); **to amend** 5.05 (13) (title), 5.15 (6) (b), 5.25 (3), 5.37 (4), 5.62  
4 (title), 5.62 (1), 5.62 (2), 5.62 (3), 5.62 (5), 6.22 (4) (a), 6.22 (4) (e), 6.22 (6), 6.221  
5 (title), 6.221 (1), 6.221 (3), 6.221 (5), 6.24 (2), 6.24 (4) (c), 6.36 (1) (a), 6.50 (8),  
6 6.86 (1) (a) (intro.), 6.86 (1) (a) 3., 6.86 (1) (ac), 6.86 (1) (b), 6.86 (1) (b), 6.865  
7 (title), 6.865 (3m) (a), 6.865 (3m) (b), 6.869, 6.87 (3) (d), 6.87 (6), 7.08 (2) (b), 7.08  
8 (2) (c), 7.10 (3) (a), 7.15 (1) (cm), 7.15 (1) (j), 7.60 (5) (a), 7.70 (3) (a), 7.70 (3) (e)  
9 1., 8.10 (1), 8.15 (title), 8.15 (1), 8.16 (1), 8.16 (7), 8.17 (1) (b), 8.17 (4), 8.17 (5)  
10 (b), 8.19 (3), 8.20 (8) (a), 8.20 (8) (am), 8.20 (9), 8.50 (intro.), 8.50 (2), 8.50 (3) (a),  
11 8.50 (3) (b), 8.50 (3) (c), 8.50 (4) (b), 8.50 (4) (fm), 10.01 (2) (d), 10.01 (2) (e), 10.02  
12 (3) (b) 2m., 10.06 (1) (f), 10.06 (1) (h), 10.06 (1) (i), 10.06 (2) (gm), 10.06 (2) (h),  
13 10.06 (2) (j), 10.06 (3) (cm), 11.06 (12) (a) 1., 11.26 (17) (d), 11.31 (3m), 11.31 (7)  
14 (a), 11.50 (1) (a) 1., 11.50 (2) (b) 4., 11.50 (2) (b) 5., 11.50 (2) (e), 11.50 (2) (f), 11.50

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1 ~~(2) (i), 13.123 (3) (b) 1. a., 59.605 (3) (a) 1., 66.0602 (4) (a), 66.0619 (2m) (b),~~  
 2 ~~66.0921 (2), 66.1113 (2) (g), 66.1113 (2) (h), 67.05 (6m) (b), 67.12 (12) (e) 5,~~  
 3 ~~117.22 (2) (e), 121.91 (3) (a), 229.824 (15) and 995.20; and to create 5.05 (13)~~  
 4 ~~(c) and (d), 6.22 (2) (e), 6.24 (4) (e) and 6.25 (1) (b) of the statutes; relating to:~~  
 5 the dates of the September primary and certain other election occurrences, and  
 6 absentee voting.

**Analysis by the Legislative Reference Bureau**

*Substitute amendment*  
 This 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. *In elections for national office or*

The bill also 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 "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:

*special elections that are held concurrently with the general elections. The substitute provides for absentee ballots to be available to electors at least a 47-day period before the election. Currently, the length of this period varies but is generally a shorter period.*

*(substitute amendment)*

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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 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

*is despite amendment*

*Substitute also provides that a completed and signed federal write-in absentee ballot serves as an application for an absentee ballot to be accompanied by a separate application as required currently.*

*provides instead that all absentee electors except those voting in person have until 4 p.m. on the Friday after an election for their ballots to be received if the ballots are postmarked by election day.*

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*substitute amendment*

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.

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7.8.6. 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:***

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

3           5.02 (12s) "~~September~~ Partisan primary" means the primary held on the 2nd  
4 Tuesday in ~~September~~ August to nominate candidates to be voted for at the general  
5 election, and to determine which candidates for state offices other than district  
6 attorney may participate in the Wisconsin election campaign fund.

7           **SECTION 2.** 5.05 (13) (title) of the statutes is amended to read:

8           5.05 (13) (title) TOLL-FREE ELECTION INFORMATION ~~EXCHANGE~~ AND REQUESTS.

9           **SECTION 3.** 5.05 (13) (c) and (d) of the statutes are created to read:

10           5.05 (13) (c) *The board shall* Maintain a freely accessible system under which a military elector,  
11 as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b), who  
12 casts an absentee ballot may ascertain whether the ballot has been received by the  
13 appropriate municipal clerk. ✓

14           (d) *The board shall* Designate and maintain at least one freely accessible means of electronic  
15 communication which shall be used for the following purposes: ✓

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

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

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

12           **SECTION 4.** 5.15 (6) (b) of the statutes is amended to read:

13           5.15 (6) (b) No later than ~~60 days before each~~ September (partisan) primary and  
14 ~~general election, and no later than~~ 30 days before each ~~other~~ election, the governing  
15 body of any municipality may by resolution combine 2 or more wards for voting  
16 purposes to facilitate using a common polling place. Whenever wards are so  
17 combined, the original ward numbers shall continue to be utilized for all official  
18 purposes. Except as otherwise authorized under this paragraph, every municipality  
19 having a population of 35,000 or more shall maintain separate returns for each ward  
20 so combined. In municipalities having a population of less than 35,000, the  
21 governing body may provide in the resolution that returns shall be maintained only  
22 for each group of combined wards at any election. Whenever a governing body  
23 provides for common ballot boxes and ballots or voting machines, separate returns  
24 shall be maintained for each separate ballot required under ss. 5.62 and 5.64 at the  
25 September partisan primary and general election. The municipal clerk shall

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1 transmit a copy of the resolution to the county clerk of each county in which the  
2 municipality is contained. In municipalities having a population of less than 35,000,  
3 the resolution shall remain in effect for each election until modified or rescinded, or  
4 until a new division is made under this section.

5 **SECTION 5.** 5.25 (3) of the statutes is amended to read:

6 5.25 (3) Polling places shall be established for each September partisan  
7 ~~primary and general election at least 60 days before the election, and for each other~~  
8 election at least 30 days before the election.

9 **SECTION 6.** 5.37 (4) of the statutes is amended to read:

10 5.37 (4) Voting machines may be used at primary elections when they comply  
11 with subs. (1) and (2) and the following provisions: All candidates' names entitled to  
12 appear on the ballots at the primary shall appear on the machine; the elector cannot  
13 vote for candidates of more than one party, whenever the restriction applies, and an  
14 elector who votes for candidates of any party may not vote for independent  
15 candidates at the September partisan primary; the elector may secretly select the  
16 party for which he or she wishes to vote, or the independent candidates in the case  
17 of the September partisan primary; the elector may vote for as many candidates for  
18 each office as he or she is lawfully entitled to vote for, but no more.

19 **SECTION 7.** 5.62 (title) of the statutes is amended to read:

20 **5.62 (title) September Partisan primary ballots.**

21 **SECTION 8.** 5.62 (1) of the statutes is amended to read:

22 5.62 (1) (a) At September ~~primaries~~ the partisan primary, the following ballot  
23 shall be provided for the nomination of candidates of recognized political parties for  
24 national, state and county offices and independent candidates for state office in each  
25 ward, in the same form as prescribed by the board under s. 7.08 (1) (a), except as

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1 authorized in s. 5.655. The ballots shall be made up of the several party tickets with  
2 each party entitled to participate in the primary under par. (b) or sub. (2) having its  
3 own ballot, except as authorized in s. 5.655. The independent candidates for state  
4 office other than district attorney shall have a separate ballot for all such candidates  
5 as under s. 5.64 (1) (e), except as authorized in s. 5.655. The ballots shall be secured  
6 together at the bottom. The party ballot of the party receiving the most votes for  
7 president or governor at the last general election shall be on top with the other  
8 parties arranged in descending order based on their vote for president or governor  
9 at the last general election. The ballots of parties qualifying under sub. (2) shall be  
10 placed after the parties qualifying under par. (b), in the same order in which the  
11 parties filed petitions with the board. Any ballot required under par. (b) 2. shall be  
12 placed next in order. The ballot listing the independent candidates shall be placed  
13 at the bottom. At polling places where voting machines are used, each party and the  
14 independent candidates shall be represented in one or more separate columns or  
15 rows on the ballot. At polling places where an electronic voting system is used other  
16 than an electronic voting machine, each party and the independent candidates may  
17 be represented in separate columns or rows on the ballot.

18 (b) 1. Except as provided in subd. 2. and s. 5.64 (1) (e) 2., every recognized  
19 political party listed on the official ballot at the last gubernatorial election whose  
20 candidate for any statewide office received at least 1% of the total votes cast for that  
21 office and, if the last general election was also a presidential election, every  
22 recognized political party listed on the ballot at that election whose candidate for  
23 president received at least 1% of the total vote cast for that office shall have a  
24 separate primary ballot or one or more separate columns or rows on the primary  
25 ballot as prescribed in par. (a) and a separate column on the general election ballot

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1 in every ward and election district. An organization which was listed as  
2 “independent” at the last general election and whose candidate meets the same  
3 qualification shall receive the same ballot status upon petition of the chairperson  
4 and secretary of the organization to the board requesting such status and specifying  
5 their party name, which may not duplicate the name of an existing party. A petition  
6 under this subdivision may be filed no later than 5 p.m. on ~~June~~ May 1 in the year  
7 of each general election.

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

22 **SECTION 9.** 5.62 (2) of the statutes is amended to read:

23 5.62 (2) (a) Except as provided in par. (b) and s. 5.64 (1) (e) 2., any political  
24 organization may be represented on a separate primary ballot or in one or more  
25 separate columns or rows on the primary ballot as prescribed in sub. (1) (a) and in



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

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

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1           **SECTION 10.** 5.62 (3) of the statutes is amended to read:

2           5.62 (3) The board shall designate the official primary ballot arrangement for  
3 statewide offices and district attorney within each prosecutorial district by using the  
4 same procedure as provided in s. 5.60 (1) (b). On each ballot and on each separate  
5 column or row on the ballot, the candidates for office shall be listed together with the  
6 offices which they seek in the following order whenever these offices appear on the  
7 ~~September~~ partisan primary ballot: governor, lieutenant governor, attorney general,  
8 secretary of state, state treasurer, U.S. senator, U.S. representative in congress,  
9 state senator, representative to the assembly, district attorney and the county offices.  
10 Below the names of the independent candidates shall appear the party or principle  
11 of the candidates, if any, in 5 words or less, as shown on their nomination papers.

12           **SECTION 11.** 5.62 (5) of the statutes is amended to read:

13           5.62 (5) At the ~~September~~ partisan primary, an elector may vote for the  
14 candidates of only one party, or the elector may vote for any of the independent  
15 candidates for state office listed; but the elector may not vote for more than one  
16 candidate for a single office. A space shall be provided on the ballot for an elector to  
17 write in the name of his or her choice as a party candidate for any office, including  
18 a party candidate of a party whose name appears on the ballot, column or row  
19 designated for independent candidates, as provided in sub. (1) (b) or (2) (b), but no  
20 space shall be provided to write in the names of independent candidates.

21           **SECTION 12.** 6.22 (2) (e) of the statutes is created to read:

22           6.22 (2) (e) A military elector may file an application for an absentee ballot by  
23 means of electronic mail or facsimile transmission in the manner prescribed in s. 6.86  
24 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the elector  
25 an absentee ballot or, if the elector so requests, shall transmit an absentee ballot to

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1 the elector by means of electronic mail or facsimile transmission in the manner  
2 prescribed in s. 6.87 (3) (d).

3 SECTION 13. 6.22 (4) (a) of the statutes is amended to read:

4 6.22 (4) (a) ~~A request for an absentee ballot by an individual who qualifies as~~  
5 ~~a military elector shall be treated as a request for an absentee ballot for all elections~~

6 ~~unless the individual otherwise requests.~~ Upon receiving a timely request for an  
7 absentee ballot under par. (b) by an individual who qualifies as a military elector, the  
8 municipal clerk shall send or transmit to the elector an absentee ballot for all  
9 elections that occur in the municipality or portion thereof where the elector resides  
10 ~~beginning on the date that the clerk receives the request.~~ *in the same calendar year in which the request is received unless*

11 SECTION 14. 6.22 (4) (e) of the statutes is amended to read:

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

23 SECTION 15. 6.22 (6) of the statutes is amended to read:

24 6.22 (6) MILITARY ELECTOR LIST. Each municipal clerk shall keep an up-to-date  
25 list of all eligible military electors who reside in the municipality; ~~city clerks shall~~

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*strike period*  
*received unless the individual otherwise requests*

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**SECTION 15**

1 ~~keep the lists by wards in the format prescribed by the board.~~ The list shall contain  
 2 the name, latest-known military residence and military mailing address of each  
 3 military elector. The list shall indicate whether each elector whose name appears on  
 4 the list is a military elector, as defined in s. ~~6.36 (2) (e)~~ 6.34 (1), and has so certified  
 5 under s. 6.865 (3m). All persons over 18 years of age or who will be 18 years old prior  
 6 to an election shall be listed and remain on the list for the duration of their tour of  
 7 duty. The list shall be kept current through all possible means. Each clerk shall  
 8 exercise reasonable care to avoid duplication of names or listing anyone who is not  
 9 eligible to vote. Each clerk shall distribute ~~2 copies of~~ one copy of the list to the  
 10 ~~appropriate ward~~ each polling place in the municipality for use on election day.

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**SECTION 16.** 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.**

**SECTION 17.** 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.

**SECTION 18.** 6.221 (3) 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.

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

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1 postmarked no later than election day shall be counted as provided in this section if  
2 it is received by a municipal clerk no later than 5 p.m. on the 10th day after the  
3 election.

4 SECTION 19. 6.221 (5) of the statutes is amended to read:

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

13 SECTION 20. 6.24 (2) of the statutes is amended to read:

14 6.24 (2) ELIGIBILITY. An overseas elector under sub. (1) may vote in any election  
15 for national office, including the ~~September~~ partisan primary and presidential  
16 preference primary and any special primary or election. Such elector may not vote  
17 in an election for state or local office. An overseas elector shall vote in the ward or  
18 election district in which the elector was last domiciled or in which the elector's  
19 parent was last domiciled prior to departure from the United States.

20 SECTION 21. 6.24 (4) (c) of the statutes <sup>as affected by 2011 Wisconsin Act</sup> is amended to read: <sub>23</sub>

21 6.24 (4) (c) Upon receipt of a timely application from an individual who  
22 qualifies as an overseas elector and who has registered to vote in a municipality  
23 under sub. (3), the municipal clerk of the municipality shall send <sup>or transmit</sup> an absentee ballot ✓  
24 to the individual for all subsequent elections for national office to be held during the  
25 year in which the ballot is requested, except as otherwise provided in this paragraph.

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## SECTION 21

1 unless the individual otherwise requests or until the individual no longer qualifies  
2 as an overseas elector. of the municipality. The clerk shall not send an absentee ballot  
3 for an election if the overseas elector's name appeared on the registration list in  
4 eligible status for a previous election following the date of the application but no  
5 longer appears on the list in eligible status. The municipal clerk shall ensure that  
6 the envelope containing the absentee ballot is clearly marked as not forwardable.  
7 If an overseas elector who files an application under this subsection no longer resides  
8 at the same address that is indicated on the application form, the elector shall so  
9 notify the municipal clerk.

10 SECTION 22. 6.24 (4) (e) of the statutes is created to read:

11 6.24 (4) (e) An overseas elector may file an application for an absentee ballot  
12 by means of electronic mail or facsimile transmission in the manner prescribed in s.  
13 6.86 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the  
14 elector an absentee ballot or, if the elector so requests, shall transmit an absentee  
15 ballot to the elector by means of electronic mail or facsimile transmission in the  
16 manner prescribed in s. 6.87 (3) (d).

17 SECTION 23. 6.25 (1) of the statutes <sup>e</sup>is renumbered 6.25 (1) (a) and amended  
18 to read:

19 6.25 (1) (a) Any individual who qualifies as a military elector under s. 6.22 (1)  
20 (b) ~~or an overseas elector under s. 6.24 (1)~~ and who transmits an application for an  
21 official absentee ballot for ~~a general election~~ any election, including a primary  
22 election, no later than 30 days before election day the latest time specified for the  
23 elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in  
24 absentee ballot prescribed under 42 USC 1973ff-2 for any candidate for an office  
25 listed on the official ballot or for all of the candidates of any recognized political party

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1 for ~~national office~~ the offices listed on the official ballot at ~~the general~~ that election  
 2 if the federal write-in absentee ballot is received by the appropriate municipal clerk  
 3 no later than the applicable time prescribed in s. 6.221 (3) or 6.87 (6).

4 **SECTION 24.** 6.25 (1) (b) of the statutes is created to read:

5 6.25 (1) (b) Any individual who qualifies as an overseas elector under s. 6.24  
 6 (1) and who transmits an application for an official absentee ballot for an election for  
 7 national office, including a primary election, no later than the latest time specified  
 8 for an elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in  
 9 absentee ballot prescribed under 42 USC 1973ff-2 for any candidate or for all  
 10 candidates of any recognized political party for national office listed on the official  
 11 ballot at that election, if the federal write-in absentee ballot is received by the  
 12 appropriate municipal clerk no later than the applicable time prescribed in s. 6.221  
 13 (3) or 6.87 (6).

14 **SECTION 25.** 6.25 (4) (intro.), (a) and (b) of the statutes are consolidated,  
 15 renumbered 6.25 (4) and amended to read:

16 6.25 (4) A write-in absentee ballot issued under sub. (1), ~~(2) or (3)~~ is valid only new  
 17 if ~~all of the following apply:~~ (a) ~~The ballot is submitted from a location outside the~~  
 18 ~~United States.~~ (b) ~~The~~ the elector submitting the ballot does not submit an official  
 19 ballot within the time prescribed in s. 6.87 (6) and, if the elector is an overseas elector,  
 20 the elector resides outside the United States.

21 **SECTION 26.** 6.36 (1) (a) of the statutes is amended to read:

22 6.36 (1) (a) The board shall compile and maintain electronically an official  
 23 registration list. The list shall contain the name and address of each registered  
 24 elector in the state, the date of birth of the elector, the ward and aldermanic district  
 25 of the elector, if any, and, for each elector, a unique registration identification number

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SECTION 26

1 assigned by the board, the number of a valid operator's license issued to the elector  
 2 under ch. 343, if any, or the last 4 digits of the elector's social security account  
 3 number, if any, any identification serial number issued to the elector under s. 6.47  
 4 (3), the date of any election in which the elector votes, ~~an indication of whether the~~  
 5 ~~elector is a military elector, as defined in sub. (2) (c) s. 6.34 (1), who has so certified~~  
 6 ~~under s. 6.865 (3m),~~ an indication of whether the elector is an overseas elector, as  
 7 defined in s. 6.24 (1), any information relating to the elector that appears on the  
 8 current list transmitted to the board by the department of corrections under s. 301.03  
 9 (20m), an indication of any accommodation required under s. 5.25 (4) (a) to permit  
 10 voting by the elector, an indication of the method by which the elector's registration  
 11 form was received, and such other information as may be determined by the board  
 12 to facilitate administration of elector registration requirements. ✓

SECTION 27. 6.50 (8) of the statutes is amended to read:

14 6.50 (8) Any municipal governing body may direct the municipal clerk or board  
 15 of election commissioners to arrange with the U.S. postal service pursuant to  
 16 applicable federal regulations, to receive change of address information with respect  
 17 to individuals residing within the municipality for revision of the elector registration  
 18 list. If required by the U.S. postal service, the governing body may create a  
 19 registration commission consisting of the municipal clerk or executive director of the  
 20 board of election commissioners and 2 other electors of the municipality appointed  
 21 by the clerk or executive director for the purpose of making application for address  
 22 changes and processing the information received. The municipal clerk or executive  
 23 director shall act as chairperson of the commission. Any authorization under this  
 24 subsection shall be for a definite period or until the municipal governing body  
 25 otherwise determines. The procedure shall apply uniformly to the entire



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1 municipality whenever used. The procedure shall provide for receipt of complete  
2 change of address information on an automatic basis, or not less often than once  
3 every 2 years during the 60 days preceding the close of registration for the ~~September~~  
4 partisan primary. If a municipality adopts the procedure for obtaining address  
5 corrections under this subsection, it need not comply with the procedure for mailing  
6 address verification cards under subs. (1) and (2).

7 **SECTION 28.** 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 29.** 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 30.** 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 31.** 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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## SECTION 31

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  
4 presidential preference primary, or a special election for national office, and the  
5 application indicates that the elector is a military elector, as defined in s. 6.36 (2) (c),  
6 the application shall be received by the municipal clerk no later than 5 p.m. on  
7 election day. If the application indicates that the reason for requesting an absentee  
8 ballot is that the elector is a sequestered juror, the application shall be received no  
9 later than 5 p.m. on election day. If the application is received after 5 p.m. on the  
10 Friday immediately preceding the election, the municipal clerk or the clerk's agent  
11 shall immediately take the ballot to the court in which the elector is serving as a juror  
12 and deposit it with the judge. The judge shall recess court, as soon as convenient,  
13 and 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 32. 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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1 partisan primary, the general election, the presidential preference primary, or a  
2 special election for national office, and the application indicates that the elector is  
3 a military elector, as defined in s. ~~6.36 (2) (c)~~ 6.34 (1), the application shall be received  
4 by the municipal clerk no later than 5 p.m. on election day. If the application  
5 indicates that the reason for requesting an absentee ballot is that the elector is a  
6 sequestered juror, the application shall be received no later than 5 p.m. on election  
7 day. If the application is received after 5 p.m. on the Friday immediately preceding  
8 the election, the municipal clerk or the clerk's agent shall immediately take the ballot  
9 to the court in which the elector is serving as a juror and deposit it with the judge.  
10 The judge shall recess court, as soon as convenient, and give the elector the ballot.  
11 The judge shall then witness the voting procedure as provided in s. 6.87 and shall  
12 deliver the ballot to the clerk or agent of the clerk who shall deliver it to the polling  
13 place or, in municipalities where absentee ballots are canvassed under s. 7.52, to the  
14 municipal clerk as required in s. 6.88. If application is made under sub. (2) or (2m),  
15 the application may be received no later than 5 p.m. on the Friday immediately  
16 preceding the election.

17 **SECTION 33.** ~~6.86 (2m)~~ of the statutes is renumbered 6.86 (2m) (a) and amended  
18 to read:

19 **6.86 (2m) (a)** Except as provided in this subsection, any elector other than  
20 an elector who is eligible to receive absentee ballots under sub. (2) receives an  
21 absentee ballot under s. 6.22 (4) or 6.24 (4) (c) may by written application filed with  
22 the municipal clerk of the municipality where the elector resides require that an  
23 absentee ballot be sent to the elector automatically for every election that is held  
24 within the same calendar year in which the application is filed. The application form  
25 and instructions shall be prescribed by the board, and furnished upon request to any

**SENATE BILL 116****SECTION 33**

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 34.** 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 35. 6.865 (3) of the statutes is repealed.

3 LPS: PLS  
chg comp SECTION 36. 6.865 (3m) (a) of the statutes is <sup>repealed.</sup> 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. (c) and the municipal clerk shall treat the~~  
16 ~~ballot as provided under s. 6.221.~~

17 LPS: PLS  
Fix Comp SECTION 37. 6.865 (3m) (b) of the statutes is <sup>renumbered 6.865 (3m) and</sup> 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 38. 6.865 (3m) (c) of the statutes is repealed. ✓

25 ~~SECTION 39. 6.869 of the statutes is amended to read:~~

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## SECTION 39

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 40.** ~~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

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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 41. 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 42. 7.08 (2) (b) of the statutes is amended to read:

16 7.08 (2) (b) The certified list of candidates for president and vice president  
17 nominated at a national convention by a party entitled to a ~~September~~ partisan  
18 primary ballot or for whom electors have been nominated under s. 8.20 shall be sent  
19 as soon as possible after the closing date for filing nomination papers, but no later  
20 than the deadlines established in s. 10.06.

21 SECTION 43. 7.08 (2) (c) of the statutes is amended to read:

22 7.08 (2) (c) As soon as possible after the canvass of the spring and ~~September~~  
23 partisan primary votes, but no later than the first Tuesday in March and the 4th  
24 Tuesday in ~~September~~ August, transmit to the state treasurer a certified list of all  
25 eligible candidates for state office who have filed applications under s. 11.50 (2) and

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SECTION 43

1 whom the board determines to be eligible to receive payments from the Wisconsin  
2 election campaign fund. The list shall contain each candidate's name, the mailing  
3 address indicated upon the candidate's registration form, the office for which the  
4 individual is a candidate and the party or principle which he or she represents, if any.

5 SECTION 44. 7.10 (3) (a) of the statutes is amended to read:

6 7.10 (3) (a) The county clerk shall distribute the ballots to the municipal clerks  
7 no later than <sup>48</sup>~~31~~ days before each ~~September~~ partisan primary and general election  
8 and no later than 22 days before each other primary and election. Election forms  
9 prepared by the board shall be distributed at the same time. If the board transmits  
10 an amended certification under s. 7.08 (2) (a) or if the board or a court orders a ballot  
11 error to be corrected under s. 5.06 (6) or 5.72 (3) after ballots have been distributed,  
12 the county clerk shall distribute corrected ballots to the municipal clerks as soon as  
13 possible.

14 SECTION 45. 7.15 (1) (cm) of the statutes is amended to read:

15 7.15 (1) (cm) Prepare official absentee ballots for delivery to electors requesting  
16 them, and send an official absentee ballot to each elector who has requested one no  
17 later than the 30th day before each ~~September~~ partisan primary and general election  
18 and no later than the 21st day before each other primary and election if the request  
19 is made before that day; otherwise, the municipal clerk shall send an official  
20 absentee ballot within one day of the time the elector's request is received.

21 SECTION 46. 7.15 (1) (j) of the statutes is amended to read:

22 7.15 (1) (j) Send <sup>or transmit</sup> an absentee ballot automatically to each person making an  
23 authorized request therefor in accordance with s. 6.22 (4), 6.24 (4) (c), or 6.86 (2) or  
24 (2m).

25 SECTION 47. 7.60 (5) (a) of the statutes is amended to read:

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↑ as affected by 2011 Wisconsin Act 23



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1           7.60 (5) (a) Immediately following the canvass, the county clerk shall deliver  
2 or send to the government accountability board, by 1st class mail, a certified copy of  
3 each statement of the county board of canvassers for president and vice president,  
4 state officials, senators and representatives in congress, state legislators, justice,  
5 court of appeals judge, circuit judge, district attorney, and metropolitan sewerage  
6 commissioners, if the commissioners are elected under s. 200.09 (11) (am). The  
7 statement shall record the returns for each office or referendum by ward, unless  
8 combined returns are authorized under s. 5.15 (6) (b) in which case the statement  
9 shall record the returns for each group of combined wards. Following primaries the  
10 county clerk shall enclose on forms prescribed by the government accountability  
11 board the names, party or principle designation, if any, and number of votes received  
12 by each candidate recorded in the same manner. The county clerk shall deliver or  
13 transmit the certified statement to the government accountability board no later  
14 than 7 days after each primary except the ~~September~~ partisan primary, no later than  
15 10 days after the ~~September~~ partisan primary and any other election except the  
16 general election, and no later than 14 days after the general election. The board of  
17 canvassers shall deliver or transmit a certified copy of each statement for any  
18 technical college district referendum to the secretary of the technical college district  
19 board.

20           **SECTION 48.** 7.70 (3) (a) of the statutes is amended to read:

21           7.70 (3) (a) The chairperson of the board or a designee of the chairperson  
22 appointed by the chairperson to canvass a specific election shall publicly canvass the  
23 returns and make his or her certifications and determinations on or before the 2nd  
24 Tuesday following a spring primary, the 15th day of May following a spring election,  
25 the 3rd Wednesday following a ~~September~~ partisan primary, the first day of

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**SECTION 48**

1 December following a general election, the 2nd Thursday following a special primary,  
2 or within 18 days after any special election.

3 **SECTION 49.** 7.70 (3) (e) 1. of the statutes is amended to read:

4 7.70 (3) (e) 1. After each September partisan primary, the name of each  
5 candidate not defeated in the primary who receives at least 6% of the total vote cast  
6 for all candidates on all ballots at the primary for each separate state office except  
7 district attorney, and the percentage of the total vote received by that candidate.  
8 Such percentage shall be calculated within each district in the case of legislative  
9 candidates.

10 **SECTION 50.** 8.10 (1) of the statutes is amended to read:

11 8.10 (1) Candidates for office to be filled at the spring election shall be  
12 nominated by nomination papers, or by nomination papers and selection at the  
13 primary if a primary is held, except as provided for towns and villages under s. 8.05.  
14 Unless designated in this section or s. 8.05, the general provisions pertaining to  
15 nomination at the September partisan primary apply.

16 **SECTION 51.** 8.15 (title) of the statutes is amended to read:

17 **8.15 (title) Nominations for September partisan primary.**

18 **SECTION 52.** 8.15 (1) of the statutes is amended to read:

19 8.15 (1) Nomination papers may be circulated no sooner than ~~June 1~~  
20 April 15 preceding the general election and may be filed no later than 5 p.m. on ~~the 2nd~~  
21 ~~Tuesday of July~~ June preceding the September partisan primary, except as  
22 authorized in this subsection. If an incumbent fails to file nomination papers and  
23 a declaration of candidacy by 5 p.m. on the 2nd Tuesday of ~~July~~ June preceding the  
24 September partisan primary, all candidates for the office held by the incumbent,  
25 other than the incumbent, may file nomination papers no later than 72 hours after

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1 the latest time prescribed in this subsection. No extension of the time for filing  
2 nomination papers applies if the incumbent files written notification with the filing  
3 officer or agency with whom nomination papers are filed for the office which the  
4 incumbent holds, no later than 5 p.m. on the 2nd Friday preceding the latest time  
5 prescribed in this subsection for filing nomination papers, that the incumbent is not  
6 a candidate for reelection to his or her office, and the incumbent does not file  
7 nomination papers for that office within the time prescribed in this subsection. Only  
8 those candidates for whom nomination papers containing the necessary signatures  
9 acquired within the allotted time and filed before the deadline may have their names  
10 appear on the official ~~September~~ partisan primary ballot.

11 **SECTION 53.** 8.16 (1) of the statutes is amended to read:

12 8.16 (1) Except as provided in sub. (2), the person who receives the greatest  
13 number of votes for an office on a party ballot at any partisan primary, regardless of  
14 whether the person's name appears on the ballot, shall be the party's candidate for  
15 the office, and the person's name shall so appear on the official ballot at the next  
16 election. All independent candidates shall appear on the general election ballot  
17 regardless of the number of votes received by such candidates at the ~~September~~  
18 partisan primary.

19 **SECTION 54.** 8.16 (7) of the statutes is amended to read:

20 8.16 (7) Nominees chosen at a national convention and under s. 8.18 (2) by each  
21 party entitled to a ~~September~~ partisan primary ballot shall be the party's candidates  
22 for president, vice president and presidential electors. The state or national  
23 chairperson of each such party shall certify the names of the party's nominees for  
24 president and vice president to the board no later than 5 p.m. on the first Tuesday

**SENATE BILL 116****SECTION 54**

1 in ~~September partisan~~ <sup>✓</sup> re Store preceding a presidential election. Each name shall be in one  
2 of the formats authorized in s. 7.08 (2) (a).

3 **SECTION 55.** 8.17 (1) (b) of the statutes is amended to read:

4 8.17 (1) (b) Each political party shall elect one committeeman or  
5 committeewoman from each election district. In this section, each village, each town  
6 and each city is an "election district"; except that in cities having a population of more  
7 than 7,500 which are divided into aldermanic districts, each aldermanic district is  
8 an "election district"; and in cities having a population of more than 7,500 which are  
9 not divided into aldermanic districts and villages or towns having a population of  
10 more than 7,500, each ward or group of combined wards under s. 5.15 (6) (b)  
11 constituting a polling place on ~~June~~ May 1 of the year in which committeemen or  
12 committeewomen are elected is an "election district". To be eligible to serve as its  
13 committeeman or committeewoman, an individual shall be, at the time of filing  
14 nomination papers or at the time of appointment under this section, a resident of the  
15 election district which he or she is chosen to represent and shall be at least 18 years  
16 of age.

17 **SECTION 56.** 8.17 (4) of the statutes is amended to read:

18 8.17 (4) The term of office of each committeeman or committeewoman shall end  
19 on the date of the meeting held under sub. (5) (b) following each ~~September~~ partisan  
20 primary.

21 **SECTION 57.** 8.17 (5) (b) of the statutes is amended to read:

22 8.17 (5) (b) A combined meeting of the county committee and members in good  
23 standing of the party in the county shall be held no sooner than 15 days after the  
24 ~~September~~ partisan primary and no later than April 1 of the following year. At this  
25 meeting, the party committeemen or committeewomen and the county committee

**SENATE BILL 116**

1 offices of chairperson, vice chairperson, secretary and treasurer shall be filled by  
 2 election by the incumbent committeemen, committeewomen and other party  
 3 members present and voting, each of whom is entitled to one vote. At this meeting,  
 4 the county committee shall elect the members of the congressional district committee  
 5 as provided in sub. (6) (b), (c) and (d). The secretary of the county committee shall  
 6 give at least 7 days' written notice of the meeting to party and committee members.  
 7 Individuals elected as county committee officers or as congressional district  
 8 committee members may be, but are not required to be, committeemen or  
 9 committeewomen. They are required to be party members in good standing. The  
 10 terms of committeemen and committeewomen, county committee officers and  
 11 congressional district committee members begin during the meeting immediately  
 12 upon completion and verification of the voting for each office.

**SECTION 58.** 8.19 (3) of the statutes is amended to read:

14 8.19 (3) Every political party entitled, under s. 5.62, to have its candidates on  
 15 the ~~September~~ partisan primary and general election ballots has exclusive right to  
 16 the use of the name designating it at any election involving political parties. The  
 17 board shall not certify nor the county clerk print the name of any person whose  
 18 nomination papers indicate a party name comprising a combination of existing party  
 19 names, qualifying words, phrases, prefixes or suffixes in connection with any  
 20 existing party name.

**SECTION 59.** 8.20 (8) (a) of the statutes is amended to read:

22 8.20 (8) (a) Nomination papers for independent candidates for any office to be  
 23 voted upon at a general election or ~~September~~ partisan primary and general election,  
 24 except president, vice president and presidential elector, may be circulated no sooner  
 25 than ~~June~~ April 15 ~~Why~~ g preceding the election and may be filed no later than 5 p.m. on the ~~the~~

**SENATE BILL 116****SECTION 59**

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↓ ↓ ~~XXXXXXXXXX~~  
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.

**SECTION 60.** 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.

**SECTION 61.** 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

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1 machines are used, in a column or row designated "Independent". If the candidate's  
2 name already appears under a recognized political party it may not be listed on the  
independent ballot, column or row.

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SECTION 62. 8.50 (intro.) of the statutes is amended to read:

6 **8.50 Special elections.** (intro.) Unless otherwise provided, this section  
7 applies to filling vacancies in the U.S. senate and house of representatives, executive  
8 state offices except the offices of governor, lieutenant governor, and district attorney,  
9 judicial and legislative state offices, county, city, village, and town offices, and the  
10 offices of municipal judge and member of the board of school directors in school  
11 districts organized under ch. 119. State legislative offices may be filled in  
12 anticipation of the occurrence of a vacancy whenever authorized in sub. (4) (e). No  
13 special election may be held after February 1 preceding the spring election unless it  
14 is held on the same day as the spring election, nor after ~~September~~ August 1  
15 preceding the general election unless it is held on the same day as the general  
16 election, until the day after that election. If the special election is held on the day  
17 of the general election, the primary for the special election, if any, shall be held on  
18 the day of the ~~September~~ partisan primary. If the special election is held on the  
19 day of the spring election, the primary for the special election, if any, shall be held on the  
20 day of the spring primary.

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SECTION 63. 8.50 (2) of the statutes is amended to read:

21 **8.50 (2) DATE OF SPECIAL ELECTION.** (a) The date for the special election shall  
22 be not less than 62 nor more than 77 days from the date of the order except when the  
23 ~~special election is held on the day of the general election or spring election.~~ ANN special election is held to fill a vacancy in a national office If a  
24 special election is held concurrently with the spring ~~or general~~ election, the special or  
25 election may be ordered not earlier than 92 days prior to the spring primary ~~or~~ of

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SENATE BILL 116

SECTION 63

1 September ~~(partisan) primary, respectively,~~ and not later than 49 days prior to that  
 2 primary.

3 (b) If a primary is required, the primary shall be on the day 4 weeks before the  
 4 day of the special election except when the special election is held on the same day  
 5 as the general election the special primary shall be held on the same day as the  
 6 ~~September~~ partisan primary or if the special election is held concurrently with the  
 7 spring election, the primary shall be held concurrently with the spring primary, and  
 8 except when the special election is held on the Tuesday after the first Monday in  
 9 November of an odd-numbered year, the primary shall be held on the 2nd Tuesday  
 10 of ~~September~~ August in that year.

11 SECTION 64. 8.50 (3) (a) of the statutes is amended to read:

12 8.50 (3) (a) Nomination papers may be circulated no sooner than the day the  
 13 order for the special election is filed and shall be filed not later than 5 p.m. 28 days  
 14 before the day that the special primary will or would be held, if required, except when  
 15 a special election is held concurrently with the spring election or general election, the  
 16 deadline for filing nomination papers shall be specified in the order and the date shall  
 17 be no earlier than the date provided in s. 8.10 (2) (a) or 8.15 (1), respectively, and no  
 18 later than 35 days prior to <sup>primary</sup> the date of the spring or <sup>no later than June 1</sup> September partisan primary.

19 Nomination papers may be filed in the manner specified in s. 8.10, 8.15, or 8.20. Each  
 20 candidate shall file a declaration of candidacy in the manner provided in s. 8.21 no  
 21 later than the latest time provided in the order for filing nomination papers. If a  
 22 candidate for state or local office has not filed a registration statement under s. 11.05  
 23 at the time he or she files nomination papers, the candidate shall file the statement  
 24 with the papers. A candidate for state office shall also file a statement of economic

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**SENATE BILL 116**

1 interests with the board no later than the end of the 3rd day following the last day  
2 for filing nomination papers specified in the order.

3 **SECTION 65.** 8.50 (3) (b) of the statutes is amended to read:

4 8.50 (3) (b) Except as otherwise provided in this section, the provisions for  
5 ~~September primaries~~ the partisan primary under s. 8.15 are applicable to all  
6 partisan primaries held under this section, and the provisions for spring primaries  
7 under s. 8.10 are applicable to all nonpartisan primaries held under this section. In  
8 a special partisan primary or election, the order of the parties on the ballot shall be  
9 the same as provided under s. 5.62 (1) or 5.64 (1) (b). Independent candidates for  
10 state office at a special partisan election shall not appear on the primary ballot. No  
11 primary is required for a nonpartisan election in which not more than 2 candidates  
12 for an office appear on the ballot or for a partisan election in which not more than one  
13 candidate for an office appears on the ballot of each recognized political party. In  
14 every special election except a special election for nonpartisan state office where no  
15 candidate is certified to appear on the ballot, a space for write-in votes shall be  
16 provided on the ballot, regardless of whether a special primary is held.

17 **SECTION 66.** 8.50 (3) (c) of the statutes is amended to read:

18 8.50 (3) (c) Notwithstanding ss. 5.37 (4), 5.91 (6) and 6.80 (2) (f), whenever a  
19 special partisan primary is held concurrently with the presidential preference  
20 primary, an elector may choose the party column or ballot in which the elector will  
21 cast his or her vote separately for each of the 2 primaries. Whenever 2 or more special  
22 partisan primaries or one or more special partisan primaries and a ~~September~~  
23 partisan primary are held concurrently, the procedure prescribed in ss. 5.37 (4), 5.91  
24 (6) and 6.80 (2) (f) applies.

25 **SECTION 67.** 8.50 (4) (b) of the statutes is amended to read:

**SENATE BILL 116**

**SECTION 67**

1           8.50 (4) (b) A vacancy in the office of U.S. senator or representative in congress  
 2 occurring prior to the 2nd Tuesday in ~~May~~ April in the year of the general election  
 3 shall be filled at a special primary and election. A vacancy in that office occurring  
 4 between the 2nd Tuesday in ~~May~~ April and the 2nd Tuesday in ~~July~~ June <sup>May</sup> in the year  
 5 of the general election shall be filled at the ~~September~~ partisan primary and general  
 6 election.

7           **SECTION 68.** 8.50 (4) (fm) of the statutes is amended to read:

8           8.50 (4) (fm) A permanent vacancy in the office of municipal judge may be filled  
 9 by temporary appointment of the municipal governing body, or, if the judge is elected  
 10 under s. 755.01 (4), jointly by the governing bodies of all municipalities served by the  
 11 judge. The office shall then be permanently filled by special election, which shall be  
 12 held concurrently with the next spring election following the occurrence of the  
 13 vacancy, except that a vacancy occurring during the period after December 1 and on  
 14 or before the date of the spring election shall be filled at the 2nd succeeding spring  
 15 election, and except that the governing body of a city or village or, if the judge is  
 16 elected under s. 755.01 (4), the governing bodies of the participating cities or villages  
 17 may, if the vacancy occurs before ~~June~~ May 1 in the year preceding expiration of the  
 18 term of office, order a special election to be held on the Tuesday after the first Monday  
 19 in November following the date of the order. A person so elected shall serve for the  
 residue of the unexpired term.

20           **SECTION 69.** 10.01 (2) (d) of the statutes is amended to read:

21           10.01 (2) (d) Type D—The type D notice shall state the hours the polls will be  
 22 open and the polling places to be utilized at the election or shall include a concise  
 23 statement of how polling place information may be obtained. In cities over 500,000  
 24 population, the board of election commissioners shall determine the form of the  
 25

Handwritten notes: "20 v", "7/25", "34-210" with an arrow pointing to the start of Section 69.

**SENATE BILL 116**

1 notice. In other municipalities and special purpose districts, the clerk of the  
2 municipality or special purpose district shall give the polling place information in the  
3 manner the governing body of the municipality or special purpose district decides  
4 will most effectively inform the electors. The type D notice shall be published by the  
5 municipal clerk or board of election commissioners of each municipality once on the  
6 day before each spring primary and election, each special national, state, county or  
7 municipal election at which the electors of that municipality are entitled to vote and  
8 each ~~September~~ partisan primary and general election. The clerk of each special  
9 purpose district which calls a special election shall publish a type D notice on the day  
10 before the election, and the day before the special primary, if any, except as  
11 authorized in s. 8.55 (3).

12 **SECTION 70.** 10.01 (2) (e) of the statutes is amended to read:

13 10.01 (2) (e) Type E—The type E notice shall state the qualifications for  
14 absentee voting, the procedures for obtaining an absentee ballot in the case of  
15 registered and unregistered voters, the places and the deadlines for application and  
16 return of application, including any alternate site under s. 6.855, and the office hours  
17 during which an elector may cast an absentee ballot in the municipal clerk's office  
18 or at an alternate site under s. 6.855. The municipal clerk shall publish a type E  
19 notice on the 4th Tuesday preceding each spring primary and election, on the 4th  
20 Tuesday preceding each ~~September~~ partisan primary and general election, on the  
21 4th Tuesday preceding the primary for each special national, state, county or  
22 municipal election if any, on the 4th Tuesday preceding a special county or municipal  
23 referendum, and on the 3rd Tuesday preceding each special national, state, county  
24 or municipal election to fill an office which is not held concurrently with the spring  
25 or general election. The clerk of each special purpose district which calls a special

**SENATE BILL 116****SECTION 70**

1 election shall publish a type E notice on the 4th Tuesday preceding the primary for  
2 the special election, if any, on the 4th Tuesday preceding a special referendum, and  
3 on the 3rd Tuesday preceding a special election for an office which is not held  
4 concurrently with the spring or general election except as authorized in s. 8.55 (3).

5 **SECTION 71.** 10.02 (3) (b) 2m. of the statutes is amended to read:

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

15 **SECTION 72.** 10.06 (1) (f) of the statutes is amended to read:

16 10.06 (1) (f) On or before the 2nd Tuesday in ~~May~~ April preceding a ~~September~~  
17 partisan primary and general election the board shall send a type A notice to each  
18 county clerk.

19 **SECTION 73.** 10.06 (1) (h) of the statutes is amended to read:

20 10.06 (1) (h) As soon as possible after the deadline for determining ballot  
21 arrangement for the ~~September~~ partisan primary on the ~~3rd Tuesday in July~~ <sup>June 10</sup> ~~July~~,  
22 the board shall send a type B notice to each county clerk certifying the list of  
23 candidates for the ~~September~~ partisan primary.

24 **SECTION 74.** 10.06 (1) (i) of the statutes is amended to read:

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

6           **SECTION 75.** 10.06 (2) (gm) of the statutes is amended to read:

7           10.06 (2) (gm) On the last Tuesday in ~~May~~ April the county clerk shall send  
8           notice of the coming ~~September~~ partisan primary and general election to each  
9           municipal clerk.

10          **SECTION 76.** 10.06 (2) (h) of the statutes is amended to read:

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

15          **SECTION 77.** 10.06 (2) (j) of the statutes is amended to read:

16          10.06 (2) (j) On the Monday preceding the ~~September~~ partisan primary the  
17          county clerk shall publish a type B notice.

18          **SECTION 78.** 10.06 (3) (cm) of the statutes is amended to read:

19          10.06 (3) (cm) On the 4th Tuesday preceding the ~~September~~ partisan primary  
20          and general election, when held, the municipal clerk shall publish a type E notice.  
21          If there are municipal referenda, the municipal clerk shall publish a type A notice  
22          of the referenda at the same time.

23          **SECTION 79.** 11.06 (12) (a) 1. of the statutes is amended to read:

24          11.06 (12) (a) 1. "Election period" means the period between December 1 and  
25          the date of the spring election, the period between ~~June~~ May 1 and the day of the

**SENATE BILL 116****SECTION 79**

1 general election in any even-numbered year or the period between the first day for  
2 circulation of nomination papers and the day of a special election for any state office.

3 **SECTION 80.** 11.26 (17) (d) of the statutes is amended to read:

4 11.26 (17) (d) In the case of any candidate at the spring primary or election or  
5 the ~~September~~ partisan primary or general election, the “campaign” of the candidate  
6 ends on June 30 or December 31 following the date on which the election or primary  
7 is held in which the candidate is elected or defeated, or the date on which the  
8 candidate receives sufficient contributions to retire any obligations incurred in  
9 connection with that contest, whichever is later. In the case of any candidate at a  
10 special primary or election, the “campaign” of the candidate ends on the last day of  
11 the month following the month in which the primary or election is held in which the  
12 candidate is elected or defeated, or the date on which the candidate receives  
13 sufficient contributions to retire any obligations incurred in connection with that  
14 contest, whichever is later.

15 **SECTION 81.** 11.31 (3m) of the statutes is amended to read:

16 11.31 (3m) UNOPPOSED CANDIDATES; EXCEPTION. Notwithstanding subs. (1) and  
17 (2), if all candidates for state senator or representative to the assembly in a  
18 legislative district who are certified under s. 7.08 (2) (a) to appear on the ~~September~~  
19 partisan primary ballot of all parties recognized under s. 5.62 (1) (b) or (2) have no  
20 opponent who is certified to appear on the same primary ballot, or if no primary is  
21 required for all candidates of parties recognized under s. 5.62 (1) (b) or (2) for state  
22 senator or representative to the assembly in a legislative district who are certified  
23 under s. 8.50 (1) (d) to appear on a special partisan election ballot, then the separate  
24 limitation specified in sub. (1) for disbursements during the primary and election  
25 period does not apply to candidates for that office in that primary and election, and

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1 the candidates are bound only by the total limitations specified for the primary and  
2 election.

3 **SECTION 82.** 11.31 (7) (a) of the statutes is amended to read:

4 11.31 (7) (a) For purposes of this section, the “campaign” of a candidate extends  
5 from July 1 preceding the date on which the spring primary or election occurs or  
6 January 1 preceding the date on which the ~~September~~ partisan primary or general  
7 election occurs for the office which the candidate seeks, or from the date of the  
8 candidate’s public announcement, whichever is earlier, through the last day of the  
9 month following the month in which the election or primary is held.

10 **SECTION 83.** 11.50 (1) (a) 1. of the statutes is amended to read:

11 11.50 (1) (a) 1. With respect to a spring or general election, any individual who  
12 is certified under s. 7.08 (2) (a) as a candidate in the spring election for state  
13 superintendent, or an individual who receives at least 6% of the vote cast for all  
14 candidates on all ballots for any state office, except district attorney, for which the  
15 individual is a candidate at the ~~September~~ partisan primary and who is certified  
16 under s. 7.08 (2) (a) as a candidate for that office in the general election, or an  
17 individual who has been lawfully appointed and certified to replace either such  
18 individual on the ballot at the spring or general election; and who has qualified for  
19 a grant under sub. (2).

20 **SECTION 84.** 11.50 (2) (b) 4. of the statutes is amended to read:

21 11.50 (2) (b) 4. The financial reports filed by or on behalf of the candidate as  
22 of the date of the spring or ~~September~~ partisan primary, or the date that the special  
23 primary is or would be held, if required, indicate that his or her statement filed with  
24 the application under par. (a) is true; and

25 **SECTION 85.** 11.50 (2) (b) 5. of the statutes is amended to read:

**SENATE BILL 116****SECTION 85**

1           11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as  
2 of the date of the spring or ~~September~~ partisan primary, or the date that the special  
3 primary is or would be held, if required, indicate that the candidate has received at  
4 least the amount provided in this subdivision, from contributions of money, other  
5 than loans, made by individuals, which have been received during the period ending  
6 on the date of the spring primary and July 1 preceding such date in the case of  
7 candidates at the spring election, or the date of the ~~September~~ partisan primary and  
8 January 1 preceding such date in the case of candidates at the general election, or  
9 the date that a special primary will or would be held, if required, and 90 days  
10 preceding such date or the date a special election is ordered, whichever is earlier, in  
11 the case of special election candidates, which contributions are in the aggregate  
12 amount of \$100 or less, and which are fully identified and itemized as to the exact  
13 source thereof. A contribution received from a conduit which is identified by the  
14 conduit as originating from an individual shall be considered a contribution made by  
15 the individual. Only the first \$100 of an aggregate contribution of more than \$100  
16 may be counted toward the required percentage. For a candidate at the spring or  
17 general election for an office identified in s. 11.26 (1) (a) or a candidate at a special  
18 election, the required amount to qualify for a grant is 5 percent of the candidate's  
19 authorized disbursement limitation under s. 11.31. For any other candidate at the  
20 general election, the required amount to qualify for a grant is 10 percent of the  
21 candidate's authorized disbursement limitation under s. 11.31.

22           **SECTION 86.** 11.50 (2) (c) of the statutes is amended to read:

23           11.50 (2) (c) If a candidate has not filed financial reports as of the date of the  
24 spring primary, ~~September~~ partisan primary, special primary, or date that the  
25 special primary would be held, if required, which indicate that he or she has met the



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1 qualification under par. (b) 5., the candidate may file a special report with the board.  
2 Such report shall be filed not later than the 7th day after the primary, or 7th day after  
3 the date the primary would be held, if required, and shall include such  
4 supplementary information as to sources of contributions which may be necessary  
5 to complete the candidate's qualification. The special report shall cover the period  
6 from the day after the last date covered on the candidate's most recent report, or from  
7 the date on which the first contribution was received or the first disbursement was  
8 made, whichever is earlier, if the candidate has not previously filed a report, to the  
9 date of such report. All information included on the special report shall also be  
10 included in the candidate's next report under s. 11.20.

11 **SECTION 87.** 11.50 (2) (f) of the statutes is amended to read:

12 11.50 (2) (f) The board shall inform each candidate in writing of the approval  
13 or disapproval of the candidate's application, as promptly as possible after the date  
14 of the spring primary, ~~September~~ partisan primary, special primary, or date that the  
15 primary would be held, if required. With respect to a candidate at a special election  
16 who applies for a postelection grant under sub. (1) (a) 2., the board shall inform the  
17 candidate in writing of the conditional approval or disapproval of the candidate's  
18 application at the same time.

19 **SECTION 88.** 11.50 (2) (i) of the statutes is amended to read:

20 11.50 (2) (i) Notwithstanding par. (g), if an eligible candidate at the spring  
21 election or a special nonpartisan election who accepts a grant is opposed by one or  
22 more candidates in the election, or if an eligible candidate at the general election or  
23 a special partisan election who accepts a grant is opposed by one or more candidates  
24 in the election who receive at least 6 percent of the vote cast for all candidates for the  
25 same office on all ballots at the ~~September~~ partisan primary or a special partisan

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SECTION 88

1 primary if a primary was held, and in either case if any such opponent of the eligible  
 2 candidate does not accept a grant under this section in whole or in part, the eligible  
 3 candidate is not bound by the pledge made in his or her application to adhere to the  
 4 contribution limitations prescribed in s. 11.26 and the disbursement limitation  
 5 prescribed under s. 11.31, unless each such opponent files an affidavit of voluntary  
 6 compliance under s. 11.31 (2m).

7 SECTION 89. 13.123 (3) (b) 1. a. of the statutes is amended to read:

8 13.123 (3) (b) 1. a. After the day of the ~~September~~ partisan primary, that the  
 9 member either has not filed nomination papers for reelection or election to another  
 10 legislative seat or has sought a party nomination for a legislative seat but it is  
 11 generally acknowledged that the member has not won nomination.

12 SECTION 90. 59.605 (3) (a) 1. of the statutes is amended to read:

13 59.605 (3) (a) 1. If the governing body of a county wishes to exceed the operating  
 14 levy rate limit otherwise applicable to the county under this section, it shall adopt  
 15 a resolution to that effect. The resolution shall specify either the operating levy rate  
 16 or the operating levy that the governing body wishes to impose for either a specified  
 17 number of years or an indefinite period. The governing body shall call a special  
 18 referendum for the purpose of submitting the resolution to the electors of the county  
 19 for approval or rejection. In lieu of a special referendum, the governing body may  
 20 specify that the referendum be held at the next succeeding spring primary or election  
 21 or ~~September~~ partisan primary or general election to be held not earlier than ~~42~~ <sup>70</sup> days  
 22 after the adoption of the resolution of the governing body. The governing body shall  
 23 file the resolution to be submitted to the electors as provided in s. 8.37.

24 SECTION 91. 66.0602 (4) (a) of the statutes is amended to read:

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21

INS  
42-23

↓ 70  
42 days

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1           66.0602 (4) (a) A political subdivision may exceed the levy increase limit under  
2           sub. (2) if its governing body adopts a resolution to that effect and if the resolution  
3           is approved in a referendum. The resolution shall specify the proposed amount of  
4           increase in the levy beyond the amount that is allowed under sub. (2), and shall  
5           specify whether the proposed amount of increase is for the next fiscal year only or if  
6           it will apply on an ongoing basis. With regard to a referendum relating to the 2005  
7           levy, or any levy in an odd-numbered year thereafter, the political subdivision may  
8           call a special referendum for the purpose of submitting the resolution to the electors  
9           of the political subdivision for approval or rejection. With regard to a referendum  
10          relating to the 2006 levy, or any levy in an even-numbered year thereafter, the  
11          referendum shall be held at the next succeeding spring primary or election or  
12          September partisan primary or general election.

13           **SECTION 92.** 66.0619 (2m) (b) of the statutes is amended to read:

14           66.0619 (2m) (b) If a referendum is to be held on a resolution, the municipal  
15          governing body shall file the resolution as provided in s. 8.37 and shall direct the  
16          municipal clerk to call a special election for the purpose of submitting the resolution  
17          to the electors for a referendum on approval or rejection. In lieu of a special election,  
18          the municipal governing body may specify that the election be held at the next  
19          succeeding spring primary or election or ~~September~~ partisan primary or general  
20          election.

21           **SECTION 93.** 66.0921 (2) of the statutes is amended to read:

22           66.0921 (2) FACILITIES AUTHORIZED. A municipality may enter into a joint  
23          contract with a nonprofit corporation organized for civic purposes and located in the  
24          municipality to construct or otherwise acquire, equip, furnish, operate and maintain  
25          a facility to be used for municipal and civic activities if a majority of the voters voting

**SENATE BILL 116****SECTION 93**

1 in a referendum at a special election or at a spring primary or election or ~~September~~  
2 partisan primary or general election approve the question of entering into the joint  
3 contract.

4 **SECTION 94.** 66.1113 (2) (g) of the statutes is amended to read:

5 66.1113 (2) (g) The village of Sister Bay may enact an ordinance or adopt a  
6 resolution declaring itself to be a premier resort area under par. (a) even if less than  
7 40 percent of the equalized assessed value of the taxable property within Sister Bay  
8 is used by tourism-related retailers. The village may not impose the tax authorized  
9 under par. (b) unless the village board adopts a resolution proclaiming its intent to  
10 impose the tax and the resolution is approved by a majority of the electors in the  
11 village voting on the resolution at a referendum, to be held at the first spring primary  
12 or election or ~~September~~ partisan primary or general election following by at least  
13 45 days the date of adoption of the resolution.

14 **SECTION 95.** 66.1113 (2) (h) of the statutes is amended to read:

15 66.1113 (2) (h) The village of Ephraim may enact an ordinance or adopt a  
16 resolution declaring itself to be a premier resort area under par. (a) even if less than  
17 40 percent of the equalized assessed value of the taxable property within Ephraim  
18 is used by tourism-related retailers. The village may not impose the tax authorized  
19 under par. (b) unless the village board adopts a resolution proclaiming its intent to  
20 impose the tax and the resolution is approved by a majority of the electors in the  
21 village voting on the resolution at a referendum, to be held at the first spring primary  
22 or election or ~~September~~ partisan primary or general election following by at least  
23 45 days the date of adoption of the resolution.

24 **SECTION 96.** 67.05 (6m) (b) of the statutes is amended to read:

**SENATE BILL 116**

1           67.05 **(6m)** (b) If a referendum is to be held on an initial resolution, the district  
2 board shall direct the technical college district secretary to call a special election for  
3 the purpose of submitting the initial resolution to the electors for a referendum on  
4 approval or rejection. In lieu of a special election, the district board may specify that  
5 the election be held at the next succeeding spring primary or election or ~~September~~  
6 partisan primary or general election.

7           **SECTION 97.** 67.12 (12) (e) 5. of the statutes is amended to read:

8           67.12 **(12)** (e) 5. Within 10 days of the adoption by a technical college district  
9 board of a resolution under subd. 1. to issue a promissory note for a purpose under  
10 s. 38.16 (2), the secretary of the district board shall publish a notice of such adoption  
11 as a class 1 notice, under ch. 985. The notice need not set forth the full contents of  
12 the resolution, but shall state the amount proposed to be borrowed, the method of  
13 borrowing, the purpose thereof, that the resolution was adopted under this  
14 subsection and the place where and the hours during which the resolution is  
15 available for public inspection. If the amount proposed to be borrowed is for building  
16 remodeling or improvement and does not exceed \$1,500,000 or is for movable  
17 equipment, the district board need not submit the resolution to the electors for  
18 approval unless, within 30 days after the publication or posting, a petition  
19 conforming to the requirements of s. 8.40 is filed with the secretary of the district  
20 board requesting a referendum at a special election to be called for that purpose.  
21 Such petition shall be signed by electors from each county lying wholly or partially  
22 within the district. The number of electors from each county shall equal at least 1.5%  
23 of the population of the county as determined under s. 16.96 (2) (c). If a county lies  
24 in more than one district, the technical college system board shall apportion the  
25 county's population as determined under s. 16.96 (2) (c) to the districts involved and

## SENATE BILL 116

## SECTION 97

1 the petition shall be signed by electors equal to the appropriate percentage of the  
2 apportioned population. In lieu of a special election, the district board may specify  
3 that the referendum shall be held at the next succeeding spring primary or election  
4 or ~~September~~ partisan primary or general election. Any resolution to borrow  
5 amounts of money in excess of \$1,500,000 for building remodeling or improvement  
6 shall be submitted to the electors of the district for approval. If a referendum is held  
7 or required under this subdivision, no promissory note may be issued until the  
8 issuance is approved by a majority of the district electors voting at such referendum.  
9 The referendum shall be noticed, called and conducted under s. 67.05 (6a) insofar as  
10 applicable, except that the notice of special election and ballot need not embody a  
11 copy of the resolution and the question which shall appear on the ballot shall be  
12 “Shall .... (name of district) be authorized to borrow the sum of \$.... for (state purpose)  
13 by issuing its general obligation promissory note (or notes) under section 67.12 (12)  
14 of the Wisconsin Statutes?”

15 **SECTION 98.** 117.22 (2) (e) of the statutes is amended to read:

16 117.22 (2) (e) If a primary election for the school board positions is required  
17 under s. 120.06 (7) (b), it shall be held on the day which is 4 weeks before the election,  
18 except that if the school board election is held on the day of the general election, the  
19 primary shall be held on the day of the ~~September~~ partisan primary, and if the school  
20 board election is held on the day of the spring election, the primary shall be held on  
21 the day of the spring primary. The school district clerk shall notify the clerk of each  
22 city, village or town, any part of which is contained within an affected school district,  
23 of the primary election. The school district clerk shall give the notices under s. 120.06  
24 (8) (c) on the Monday before the primary election, if one is held, and on the Monday  
25 before the school board election.

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✓  
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1 SECTION 99. 121.91 (3) (a) of the statutes is amended to read:

2 121.91 (3) (a) If a school board wishes to exceed the limit under sub. (2m)  
3 otherwise applicable to the school district in any school year, it shall promptly adopt  
4 a resolution supporting inclusion in the final school district budget of an amount  
5 equal to the proposed excess revenue. The resolution shall specify whether the  
6 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the  
7 proposed excess revenue is for both recurring and nonrecurring purposes, the  
8 amount of the proposed excess revenue for each purpose. The resolution shall be filed  
9 as provided in s. 8.37. Within 10 days after adopting the resolution, the school board  
10 shall notify the department of the scheduled date of the referendum and submit a  
11 copy of the resolution to the department. The school board shall call a special  
12 referendum for the purpose of submitting the resolution to the electors of the school  
13 district for approval or rejection. In lieu of a special referendum, the school board  
14 may specify that the referendum be held at the next succeeding spring primary or  
15 election or ~~September~~ partisan primary or general election, if such election is to be  
16 held not sooner than ~~42~~ <sup>70</sup> days after the filing of the resolution of the school board. The  
17 school district clerk shall certify the results of the referendum to the department  
18 within 10 days after the referendum is held. ✓

19 SECTION 100. 229.824 (15) of the statutes is amended to read:

20 229.824 (15) Impose, by the adoption of a resolution, the taxes under subch. V  
21 of ch. 77, except that the taxes imposed by the resolution may not take effect until  
22 the resolution is approved by a majority of the electors in the district's jurisdiction  
23 voting on the resolution at a referendum, to be held at the first spring primary or  
24 ~~September~~ partisan primary following by at least 45 days the date of adoption of the  
25 resolution. Two questions shall appear on the ballot. The first question shall be:

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47-18

**SENATE BILL 116****SECTION 100**

1 “Shall a sales tax and a use tax be imposed at the rate of 0.5% in .... County for  
2 purposes related to football stadium facilities in the .... Professional Football  
3 Stadium District?” The 2nd question shall be: “Shall excess revenues from the 0.5%  
4 sales tax and use tax be permitted to be used for property tax relief purposes in ....  
5 County?” Approval of the first question constitutes approval of the resolution of the  
6 district board. Approval of the 2nd question is not effective unless the first question  
7 is approved. The clerk of the district shall publish the notices required under s. 10.06  
8 (4) (c), (f) and (i) for any referendum held under this subsection. Notwithstanding  
9 s. 10.06 (4) (c), the type A notice under s. 10.01 (2) (a) relating to the referendum is  
10 valid even if given and published late as long as it is given and published prior to the  
11 election as early as practicable. A district may not levy any taxes that are not  
12 expressly authorized under subch. V of ch. 77. The district may not levy any taxes  
13 until the professional football team and the governing body of the municipality in  
14 which the football stadium facilities are located agree on how to fund the  
15 maintenance of the football stadium facilities. The district may not levy any taxes  
16 until the professional football team and the governing body of the municipality in  
17 which the football stadium facilities are located agree on how to distribute the  
18 proceeds, if any, from the sale of naming rights related to the football stadium  
19 facilities. If a district board adopts a resolution that imposes taxes and the resolution  
20 is approved by the electors, the district shall deliver a certified copy of the resolution  
21 to the secretary of revenue at least 120 days before its effective date. If a district  
22 board adopts a resolution that imposes taxes and the resolution is not approved by  
23 the electors, the district is dissolved.

24 **SECTION 101.** 995.20 of the statutes is amended to read:



**SENATE BILL 116**

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

19           **SECTION 102. Initial applicability.**

20           (1) The treatment of sections 6.24 (4) (c), 6.86 (1) (a) 3. and (b) (by SECTION 32)  
 21          ~~and (m)~~, 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 103. Effective dates.** This act takes effect on the day after  
 25          publication, except as follows:

**SENATE BILL 116**

**SECTION 103**

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(1) The treatment of sections 6.24 (4) (c), 6.86 (1) (a) 3. and ~~(b)~~ (by SECTION 32) and ~~(2b)~~ 6.865 (title), (3), and (3m) (a), (b), and (c), and 7.15 (1) (j) of the statutes and SECTION 102 (1) of this act take effect on the 90th day beginning after publication.

(END)

D-note