

WISCONSIN SESSION LAWS
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CHAPTER 567.

AN ACT to create section 11.90 of the statutes, relating to adjustments in the election laws of this state to facilitate voting by Wisconsin electors serving in the armed forces of the United States at the primary and general elections of 1944, and making an appropriation.

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

11.90 of the statutes is created to read:

11.90 ELECTORS IN ARMED FORCES; ADJUSTMENTS IN LAWS TO FACILITATE VOTING IN 1944 PRIMARY AND GENERAL ELECTIONS.

(1) LEGISLATIVE PURPOSE. In recognition of the state's responsibility to enact appropriate legislation to facilitate so far as practicable the voting by its qualified electors who are serving in the armed forces of the United States, at elections held within the state, the legislature by this enactment makes necessary adjustments in the absent voting law and in the election statutes to provide adequate time for the preparation and transmission of ballots to such electors within and without the United States and for the return of such ballots in due time to be recorded at such elections. All county and local clerks and all election officials throughout the state are directed to cooperate to the fullest possible extent in order to effectively carry out the purpose and intent of this section.

(2) APPLICATION OF SECTION. This section applies only to citizens of this state who are absent from their respective voting residences because of service in the armed forces of the United States and applies only to the November general election held in 1944 and the primary election preceding such general election.

(3) ELECTION LAWS TO GOVERN EXCEPT AS MODIFIED. Except as modified by this section, the provisions of sections 11.54 to 11.68, chapters 5 and 6, and other statutes relating

to elections shall so far as applicable apply to voting under this section.

(4) **LOCAL REGISTER OF ELECTORS IN ARMED FORCES.** The clerk of each city, village and town shall compile and maintain an up-to-date list or register of electors therein who are serving in the armed forces. Such register shall contain the name of the elector and his latest known residence and mail addresses. It shall include all such electors who will become 21 years of age on or before November 7, 1944, with a notation as to any who will reach that age after August 15, 1944 but on or prior to November 7, 1944. The clerk shall make a diligent effort to make such register complete and up to date at all times and to that end he may request the assistance of the local draft board, newspapers, and the citizens generally. He may publish appropriate advertisements in any one or more newspapers having circulation in the municipality requesting parents, wives or husbands, relatives and friends of such absent members of the armed forces to furnish their names and latest addresses. Such clerk shall exercise reasonable care to avoid duplication of names and to avoid including any person who is for any reason not qualified to vote at such election. He shall distribute to each polling place in his municipality a copy of such register for use on election day.

(5) **MAILING OF BALLOTS.** The local clerk shall, as promptly as possible, mail an official ballot or ballots if more than one are to be voted at the election, as provided in sections 11.57 and 11.58, to every absent member of the armed forces whose name appears on the register. The return envelope shall be substantially in the form prescribed by section 11.58 except that the affidavit thereon shall also contain the date of birth of the absent voter and shall state that the voter has not returned another ballot to any voting precinct. Such ballots shall be mailed, postage prepaid, to the address shown on the register as the latest known address, and shall be mailed by air mail when the destination is more than 500 miles. Priority in mailing shall be given first, to ballots to be sent outside the United States, then to ballots to be sent 500 or more miles within the United States, then to all other ballots. If, after a ballot has been mailed to an absent member of the armed forces, the clerk is advised as to a new address, he may mail another to such person at the new address,

marking it in such manner as to indicate that it is a duplicate and to prevent more than one ballot being counted. No registration other than that specified in subsection (4) and no request for a ballot shall be required to entitle an absent member of the armed forces to vote the ballot mailed to him. If the federal authorities require or recommend any type of mail service for mailing ballots which is different than that provided in this subsection, the secretary of state shall notify the city, village and town clerks as to such changes and specify the method or methods of mail service required or recommended.

(6) **FORM OF BALLOT.** The ballots used under this section shall conform to the requirements in sections 11.54 to 11.68 and chapters 5 and 6 except that if a modification of the size of ballot or envelope or weight of paper is necessary to conform to mailing requirements of the federal authorities, the secretary of state shall notify the respective county clerks specifying the changes, and the clerks shall cause such modifications to be made. No envelope, return envelope or explanatory note shall contain the name of any person who is a candidate at the election to which the enclosed ballot pertains.

(7) **BALLOTING INSTRUCTIONS ENCLOSED.** An explanatory note shall be enclosed with each ballot giving instructions as to the marking of the ballot and the return thereof, and any other pertinent information. The form of such explanatory note shall be prescribed by the secretary of state.

(8) **MARKING AND RETURN OF BALLOT.** The ballot shall be marked and returned as provided by sections 11.54 to 11.68 except that the affidavit on the reverse side of the return envelope may be executed before a commissioned officer, warrant officer, or noncommissioned officer not lower in grade than sergeant or its equivalent navy rating.

(9) **DELIVERY AND COUNTING OF BALLOT.** Upon receipt of the returned ballot the clerk shall check the elector's name with his register to ensure that the ballot is from a voter entitled to vote and that he has not already returned another ballot. Any discrepancy or disqualifying fact appearing shall be noted by the clerk on the envelope. In other respects the provisions of sections 11.54 to 11.68 as to delivery, deposit, counting, and challenging of such ballot shall apply, except that in the primary election the failure to return unused ballots shall not

invalidate the marked ballot, which shall be counted. All ballots received by the clerk before the closing hour of the polls shall be delivered by him to the proper polling place. No separate count of ballots of absent members of the armed forces shall be made or kept.

(10) **TIME LIMITATIONS IN ABSENT VOTING LAW SUSPENDED.** The limitations of time for filing or receiving applications under section 11.55 or for the delivery of ballots under section 11.57 shall not apply to electors absent by reason of serving in the armed forces. Any such elector may in one application request a ballot for the primary election and the succeeding general election. All applications by such electors shall be sent directly to the clerk of the town, village or city wherein they have a voting residence. All applications received by the secretary of state or any county clerk shall be promptly forwarded to the proper local clerk.

(11) **DATE OF PRIMARY ELECTION ADVANCED.** The date of the primary election preceding the general election in 1944 shall be August 15, 1944. The dates for the performance of acts in preparation for such primary election are changed as follows:

1944

May 6 (not earlier)	First day for circulating nomination papers.
June 6 (not later)	Last day for filing nomination papers.
June 21 (not later)	Secretary of state to certify names of candidates to county clerks.
June 23 (not later)	Ballots to be in hands of printers.
July 10 (not later)	Ballots to be in hands of county clerks.
July 12 (not later)	Ballots to be in hands of local clerks.
Aug. 15	Date of primary election.
Aug. 16 (not later)	Local inspectors report returns to county clerk.
Aug. 17	County board of canvassers meet.
Aug. 21	Primary election returns reported to secretary of state.
	Petitions for recount proceedings must be made within 3 days after the last regular meeting of the board of county canvassers.

- Aug. 22 Canvass by state board of canvassers begins.
- Aug. 25 First day for filing independent nomination papers for general election.
- Aug. 28 Canvass by state board of canvassers completed.
- Aug. 29 Platform conventions meet (12 o'clock noon).

(12) DATES IN PREPARATION FOR GENERAL ELECTION ADVANCED. The dates for the performance of acts in preparation for the general election in 1944 are changed as follows:

1944

- Sept. 1 (not later) Declination by nominees must be filed.
- Sept. 2 (Sat. noon) Last day for filing independent nomination papers for general election.
- Sept. 4 (not later) Vacancies in nomination must be filled.
- Sept. 6 (not later) Secretary of state to certify names of candidates to county clerks.
- Sept. 8 (not later) Ballots to be in hands of printers.
- Sept. 18 (not later) Ballots to be in hands of county clerks.
- Sept. 20 (not later) Ballots to be in hands of local clerks.
- Nov. 7 Date of general election.

All other dates or time for the performance of acts in preparation for the primary election or general election are advanced proportionately when necessary to conform to the changes in dates made in subsection (11) of this subsection. The secretary of state shall determine what advancements of such dates or time are necessary and give such notice thereof as he may deem advisable.

(13) APPROPRIATION. There is appropriated from the general fund to the secretary of state a sum sufficient for the execution of his functions under this section, including the printing and distribution of such information as the secretary of state deems advisable to indicate the change in the date of the primary election and changes in dates or time for the performance of acts in connection with the elections to which this section applies.

(14) EXPIRATION OF SECTION. This section shall expire after the completion of the general election in 1944.

Approved January 25, 1944.