

CHAPTER 15.

AN ACT to amend 5.02 (1) and (4), 8.01, 8.02 and 8.05; and to create 8.06 of the statutes, relating to primary elections for justices of the supreme court and state superintendent.

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

SECTION 1. 5.02 (1) and (4) of the statutes are amended to read:

5.02 (1) By a primary held in accordance with this chapter *or chapter 8*, or

(4) Except as otherwise specially provided in this chapter *or chapter 8*, there shall be no nomination by primary election of any candidate for the office of state superintendent, or county or district superintendent of schools, or board of education by whatever name designated, or constable or justice of the peace, or for any school district or judicial office.

SECTION 2. 8.01 of the statutes is amended to read:

8.01 In * * * *this chapter* the word "justice" means a justice of the supreme court, "judge" means a judge of a circuit, county, superior, municipal, district or civil court, and "superintendent" means the state superintendent of public instruction and a county or district superintendent of schools.

SECTION 3. 8.02 of the statutes is amended to read:

8.02 (1) *Except as provided in section 8.06*, every election for justice, judge or superintendent shall be held on the first Tuesday of April * * * next prior to the expiration of the term.

(2) The election to fill a vacancy in the office of justice or judge shall not be held at the time of holding the regular election for the same office. If the vacancy occurs forty days or more before the first Tuesday in April, in the case of a judge, such election shall be held on the first Tuesday of the succeeding April, and in the case of a justice, at the first judicial election when no other justice is to be elected. In either case, if the vacancy occurs within forty days prior to the first Tuesday of April, the election to fill the vacancy shall not be held until the judicial election of the next year. *Primary elections to fill vacancies shall be held when required under section 8.06.*

SECTION 4. 8.05 of the statutes is amended to read:

8.05 *Except as otherwise provided in this chapter*, elections for justice, judge and superintendent shall be noticed, held, conducted and the results canvassed and returned in the same manner as general elections. The ballots shall be printed, furnished and distributed by the county clerks, at the expense of the county, as other ballots and so prepared as to indicate the candidates to be voted for and the respective office for which each is intended as a ballot, substantially in the form prescribed in * * * section 6.23 (16). All votes given for any such officer shall be put in a ballot box, separate from that used for any other election on the same day. The polls of election for such officers shall open and close at the same time that the polls are opened and closed for the election of other officers who are voted for at the same time and place, or if no other officers are then being voted for they shall open and close at the same time at which they would be opened and closed, in the locality in which they are located, at any general election. Within a like time as prescribed for the county canvass after a general election, a board of county canvassers shall be convened, who shall canvass the statements received from the several polls in the county and make a statement thereof, and return the same as at a general election, and they shall determine who are elected to such offices within the county, except for circuit judge, and the county clerk shall give to each such successful candidate a certificate of election. The board of state canvassers shall be convened on or before the * * * *third Tuesday of April*, to canvass the statements of votes received for justice, circuit judge, or state superintendent in like manner, and shall have the powers and perform the duties in relation thereto, so far as applicable, as prescribed in respect to the canvass for state officers. * * *

SECTION 5. 8.06 of the statutes is created to read:

8.06 PRIMARY ELECTIONS. (1) Whenever nomination papers for more than 2 candidates for the office of justice or superintendent are filed, the April election shall be a primary election for such office.

(2) If at such primary election for justice or superintendent one candidate shall receive more than 50 per cent of the votes cast for all candidates for that office, he shall be deemed duly elected and no further election shall be held.

(3) If no candidate shall receive more than 50 per cent of such votes, a regular election shall be held the first Tuesday of May following, at which time the names of the person receiving the highest number and of the person receiving the second highest number of legal votes cast for that office at the primary election shall be placed on the ballot, and none other.

(4) Should a vacancy occur after the holding of a primary and before ballots for the election are printed, the person receiving the next highest number of votes shall be deemed nominated.

(5) The person receiving the highest number of legal votes cast at such May election for such office shall be deemed duly elected thereto.

(6) Whenever such May election is held, the board of state canvassers shall be convened on or before the fourth Tuesday of May.

Approved March 15, 1949.
