

**CHAPTER 260, Laws of 1979**  
(Vetoed in Part)

AN ACT to repeal 5.60 (1) (c) and (9) and 59.025 (6); to renumber 5.15 (1), 5.60 (1) (d), 5.75, 6.50 (4) to (9), 7.31, 7.33, 9.10 (2) (b) and 11.01 (13), (14) and (20); to renumber and amend 6.50 (3) and 6.88 (3) (c); to consolidate and amend 62.08 (1) and (2); to consolidate, renumber and amend 5.15 (intro.) and (1); to amend 4.004 (2), 5.15 (4) (a), (6) and (7), 5.35 (3), 5.54, 5.58 (2) (a), 5.60 (1) (intro.) and (b) and (6), 5.62 (3) and (5), 5.64 (1) (a), (b), (d) and (e) and (3) (a), 5.66 (2), 5.68 (2), 6.10 (3), 6.24 (1), 6.27 (title), 6.32 (4), 6.50 (1) and (2), 6.56 (2) to (4), 6.79 (1), (3) and (4), 6.82 (2) (a), 6.87 (2), 7.03, 7.08 (2) (c) and (4), 7.10 (1) (a), 7.15 (1) (f) and (2) (d), 7.23 (1) (b), 7.30 (title), (1), (2), (4) (c) and (d) and (6) (c), 7.37 (1) and (4), 7.51 (1) (intro.) and (a), (2), (3) (a) and (b), (4) and (5), 7.53 (1) and (2) (a) and (c), 7.60 (4) (a) and (b), (5) and (6), 7.70 (3) (e) 2 and (g) and (5) (a), 8.03 (1), 8.04, 8.10 (3) (intro.) and (a) and (6) (a) to (c), 8.11 (2m) (title) and (3), 8.12 (1) (a), (b) and (c), 8.15 (2), (3), (4) (a) and (8) (a) and (b), 8.17 (1), (2) (intro.), (3) (a) and (5) (d) and (h), 8.175 (3), 8.20 (7) and (9), 8.50 (intro.), (1) (a), (b) and (d), (2), (3) (a) and (4) (f), (g) and (h), 9.01 (1) (a), (ar) 3 and (b) 4, 10.01 (2) (c), 10.06 (1) (h), 11.21 (14), 12.13 (1) (intro.), 17.18 (2) (a), 17.21 (5), 17.23 (1) (a) and (b), 17.24 (2), 17.26 (1), 59.025 (title) and (1), 59.03 (3) (b), 59.031 (7), 59.032 (7), 60.19 (1) (a), 60.22, 62.03 (1), 62.08 (4), 120.06 (7) (a), (8) (b) and (10) and 120.43 (4) (a); to repeal and recreate 5.02 (4), 7.53 (3), 8.15 (5) and 59.07 (67); and to create 5.15 (intro.) and (1) (b), 5.35 (6), 5.51 (7), 5.53 (3), 5.60 (4) (c), 5.64 (1) (g), 5.75 (1) and (2), 6.27 (7), 6.50 (3), 7.05, 7.31, 7.53 (2) (d), 8.03 (3), 9.01 (1) (ag), 9.10 (2) (b) and 20.510 (1) (g) of the statutes, relating to special elections, election officials, ballots, nominations, canvassing, recounts, recall, vacancies, referenda, voting procedure, residency, notices and administration of elections and making an appropriation.

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

SECTION 1. 4.004 (2) of the statutes is amended to read:

4.004 (2) The boundaries of legislative districts established by a ~~legislative redistricting act~~ this chapter are not altered by any change in the county boundaries under ch. 2, by the creation of any town, village, city or ward or, except as provided under sub. (3), by any municipal annexation ~~or~~ consolidation or detachment which occurs after the effective date of ~~the~~ any redistricting act.

SECTION 1m. 5.02 (4) of the statutes is repealed and recreated to read:

5.02 (4) "Election" means every public primary and election.

SECTION 3c. 5.15 (intro.) and (1) of the statutes are consolidated, renumbered 5.15 (1) (a) and amended to read:

5.15 (1) (a) Within 90 days after the population count by rural enumeration district or urban city block, established in the decennial federal census of population, becomes available in printed form from the federal government or is published for distribution by an agency of this state, the governing body of every municipality with a population of 1,000 or more shall adjust its ~~ward lines~~ wards according to the schedule shown in sub. (2). Each ward shall consist of whole census enumeration districts or, where block statistics are available for urban blocks, of whole urban blocks. To suit the convenience of the

voters residing therein, each ward shall, as far as practicable, be kept as compact as practicable and observe the community of interest of existing neighborhoods and other settlements. The division of a municipality into wards shall be made by the common council for each city, by the village board for each village, and by the town board for each town. Passage of a division order or resolution requires the affirmative vote of a majority of the members of the respective governing body.

SECTION 3d. 5.15 (intro.) of the statutes is created to read:

5.15 (intro.) Every city, village or town in this state shall by its common council or village or town board, respectively, be divided into wards as further provided in this section if, according to the final published results of the most recent federal decennial census of population, the municipality contained a total population of 1,000 or more. The boundaries of the wards established under this section, and the number assigned to each ward, are intended to be as permanent as possible, and to this end each ward shall when created contain a population at a convenient point within the applicable population range under sub. (2), with due consideration for the known trends of population increase or decrease within that part of the municipality in which the ward is located. Once established, the boundaries of each ward shall remain unchanged until a further decennial federal census of population indicates that the population of a ward is then above or below the applicable population range. If the population of a ward has increased above the maximum of its population range, such ward shall be divided into 2 or more wards in compliance with sub. (2). If the population of a ward has decreased below the minimum of its population range such ward shall, if possible, be combined with an adjoining ward, or the underpopulated ward and one adjoining ward shall be combined and together subdivided into 2 or more wards in compliance with sub. (2). For the purpose of sub. (2), "population" means the population by census enumeration district or urban block established in the most recent federal decennial census of population.

SECTION 3r. 5.15 (1) (b) of the statutes is created to read:

5.15 (1) (b) The wards established by municipal governing bodies under this section on the basis of the published results of the 1980 census of population shall govern the adjustment of supervisory districts under s. 59.03 (2) (a) and (3) (b) and of aldermanic districts under s. 62.08 (1) for the purpose of local elections beginning on January 1, 1982, and thereafter unless revised under this section on the basis of the results of the 1990 census of population or unless adjusted, as a matter of statewide concern, in the enactment of legislative districts under section 3 of article IV of the constitution on the basis of the most recent federal decennial census of population.

SECTION 3t. 5.15 (4) (a), (6) and (7) of the statutes are amended to read:

5.15 (4) (a) The division order or resolution shall ~~list the number all~~ list the number all wards ~~by number~~ by number ~~and in the municipality in consecutive order,~~ and in the municipality in consecutive order, designate the polling place for each ward, ~~and describe the boundaries of each ward consistent with the conventions set forth in s. 4.002.~~

(6) (a) Following any municipality-wide special federal census of population, the governing body of the municipality in which the special census was held may ~~change~~ adjust the ward boundaries ~~in compliance with sub. (2),~~ in compliance with sub. (2), but ~~no ward line adjustment may cross the boundary of an assembly district.~~ no ward line adjustment may cross the boundary of an assembly district. The governing body shall file a copy of the order or resolution ~~under sub. (4) in compliance with this section.~~

(b) No later than 60 days before an election the governing body of any municipality may by resolution combine 2 or more wards for voting purposes to facilitate using a common polling place, but the wards so combined shall retain their separate identities. A copy of the resolution shall be filed in the same manner as for changes or adjustments in ward boundaries under sub. (4) (b). The resolution shall remain in effect for each election until modified or rescinded, or until a new division is made following the next census.

(7) When part of a town is annexed to a city or village, the town board, without regard to the time provisions of sub. (3), may ~~redistrict~~ adjust the remaining wards in that town ~~in compliance with sub. (2).~~ A, and shall file a copy of the order or resolution shall be filed under sub. (4), in compliance with this section.

SECTION 4. 5.35 (3) of the statutes is amended to read:

5.35 (3) **BALLOT BOXES.** Where the voting procedure makes ~~them~~ it necessary, there shall be a separate ballot box for each form of ballot at each polling place. There ~~must~~ shall be a suitable lock and key for each, and an opening no larger than is sufficient to receive a single folded ballot. If the electors of more than one ward use the same polling place, there shall be separate ballot boxes provided for the electors of each ward.

SECTION 5. 5.35 (6) of the statutes is created to read:

5.35 (6) **POSTING REQUIREMENTS.** At each polling place in the state, the municipal clerk or board of election commissioners shall post the following materials, positioned so that they may be readily observed by electors entering the polling place or waiting in line to vote:

(a) The relevant portions of the voting instructions in the type B notice for the election as specified in s. 10.02 (3).

(b) A copy of the election fraud laws provided in s. 12.13 (1) and (3) (intro), (d), (f), (g), (k), (L), (o), (q), (r), (u), (v) and (x), together with the applicable penalties provided in s. 12.60 (1).

(c) Two sample ballots prepared under s. 5.66 (2).

SECTION 6. 5.51 (7) of the statutes is created to read:

5.51 (7) In partisan primary elections, the ballots of all parties shall be of uniform color and size, and the same type of paper shall be used for all ballots.

SECTION 7. 5.53 (3) of the statutes is created to read:

5.53 (3) Whenever the number of candidates for any office requires the use of more than one row on a voting machine, the official or agency having the responsibility to determine ballot positions shall require that the rows be rotated in such a manner that all rows appear on top or to the left if vertical rows are used in an equal number of wards or election districts. If the number of wards and election districts in which voting for an office is conducted is not equally divisible, the position of the rows in the remaining wards or election districts shall be determined by the official or agency by the drawing of lots.

SECTION 7m. 5.54 of the statutes is amended to read:

**5.54 Notice to electors.** Every paper ballot shall bear the following information on the face: "NOTICE TO ELECTORS: This ballot ~~is~~ may be invalid unless initialed by 2 election officials serving as ballot clerks. If cast as an absentee ballot, the ballot must bear the initials of the municipal clerk."

SECTION 8. 5.58 (2) (a) of the statutes is amended to read:

5.58 (2) (a) There shall be one separate ballot for state superintendent, judicial officers, county executive under ss. 59.031 and 59.032 and county supervisor. In counties over 500,000 population the ballot also shall include those offices under s. 8.11 (2) and (2m). The arrangement of names for state superintendent, justice, court of appeals judge and circuit court judge shall be determined by the board ~~under~~ in the manner specified in s. 5.60 (1) (b). Arrangement of ~~judicial candidates, and~~ candidates for county executive and county supervisor ~~within a county shall be arranged~~ determined by the county clerk, or by the executive secretary of the county board of election commissioners ~~under in the manner specified in s. 5.60 (1) (b).~~ The ballot shall be in substantially the same form as annexed ballot "E" but titled, "Official Ballot for Judicial, State Superintendent of Public Instruction, County Executive and County Supervisor Primary", except that in counties having a population of 500,000 or more, it shall be titled "Official Ballot for County

Officers, Judicial, State Superintendent of Public Instruction and School Board Primary”.

SECTION 9. 5.60 (1) (intro.) and (b) of the statutes are amended to read:

5.60 (1) (title) JUDICIARY; STATE SUPERINTENDENT; COUNTY EXECUTIVE AND COUNTY SUPERVISORS. (intro.) There shall be one separate ballot for the county executive under ss. 59.031 and 59.032, county ~~supervisors~~ supervisor, judicial officers and the state superintendent of public instruction. Arrangement of the candidates for county executive and county ~~supervisors~~ within a county supervisor shall be ~~arranged~~ determined by the county clerk, or by the executive secretary of the county ~~election commission~~ under this section board of election commissioners in the manner prescribed in par. (b).

(b) The board shall certify the candidates' names and designate the official ballot arrangement for candidates for justice, court of appeals judge, circuit judge and state superintendent. The arrangement of names of all candidates on the ballot whose nomination papers are filed with the board shall be determined by the board by the drawing of lots ~~on~~ not later than the 7th day following the deadline for filing nomination papers. Whenever a primary is held for an office, a 2nd drawing of all candidates for that office shall be held by or under the supervision of the board not later than the 3rd day following the completion of the primary canvass to determine the arrangement of candidates on the election ballot. The board shall determine the arrangement of rows on voting machines at the same time as other arrangements are determined, as prescribed in s. 5.53 (3).

SECTION 10. 5.60 (1) (c) of the statutes is repealed.

SECTION 11. 5.60 (1) (d) of the statutes is renumbered 5.60 (1) (c).

SECTION 12. 5.60 (4) (c) of the statutes is created to read:

5.60 (4) (c) The arrangement of candidates for school board seats shall be determined by the school district clerk or the executive secretary of the city board of election commissioners by the drawing of lots not later than the 7th day following the deadline for filing nomination papers or declarations of candidacy. The method of determining arrangement shall be the same as provided in sub. (1) (b). Sufficient space shall be provided on the ballot for write-in candidates.

SECTION 13. 5.60 (6) of the statutes is amended to read:

5.60 (6) TOWN. There shall be a separate ballot giving the names of all candidates for town offices, except the superintendent of highways, in substantially the same form as annexed Ballot 6A or 6B. Ballot 6A is for the election of one supervisor and 6B is for the election of the 2 supervisors jointly. On Ballot 6B all supervisor candidates shall be listed together and the voting instructions shall state “Vote for Two”. Towns ~~now~~ electing their supervisors jointly on June 27, 1931, shall continue to do so until the method ~~outlined~~ specified in Ballot 6A is adopted at the annual town meeting. The names of candidates whose nomination papers are filed at the town level shall be arranged by using the same method as that used by the board under sub. (1) (b). A space shall be provided under each office on the ballot for a write-in candidate.

SECTION 14. 5.60 (9) of the statutes is repealed.

SECTION 15. 5.62 (3) and (5) of the statutes are amended to read:

5.62 (3) The board shall designate the official primary ballot arrangement for ~~state~~ statewide offices by using the same procedure as ~~for supreme court justice candidates~~ under provided in s. 5.60 (1) (b) for candidates for justice; congressional and state senate candidates by using the same procedure as for circuit ~~court~~ judges under s. 5.60 (1) (b) by numbering the assembly districts and parts of assembly districts within each congressional or senate district; and assembly candidates, by similarly numbering and arranging by population the counties within an assembly district. Independent candi-

dates for state office shall be listed for each office in an order drawn by lot by or under the supervision of the board. ~~The candidates shall then be listed under s. 5.60 (1) (b).~~

(5) At the September primary, an elector may vote for the candidates of only one party, or the elector may vote for any of the independent candidates for state office listed; but the elector may not vote for more than one candidate for a single office. A space shall be provided on the ballot for an elector to write in the name of his or her choice as a party candidate for any office, but no space shall be provided to write in the names of independent candidates.

SECTION 16. 5.64 (1) (a), (b), (d) and (e) of the statutes are amended to read:

5.64 (1) (a) The ballot shall be labeled "Official Ballot" in lettering at least three-eighths of an inch high. Directly underneath in plain, legible type, shall be the following voting instructions: "If you desire to vote a straight party ticket for all state statewide, congressional, legislative and county offices, place a cross (X) or other mark in the circle under the party designation at the top of the party column of the party of your choice. If you desire to vote for individual candidates, place a cross (X) or other mark in the square to the right of each candidate you wish to vote for or write the name of your preference in the space provided. When voting for governor and lieutenant governor, you may cast your vote only for the candidates on one ticket jointly".

(b) Below the voting instructions the ballot shall be divided into vertical columns. ~~The names of the candidates on the regular party tickets nominated by conventions, constituted and authorized committees, or primaries, at the primary or replacements appointed under s. 8.35 (2) shall be printed each in a separate column under the party designation. The columns shall be arranged from left to right according to rank, with the party receiving the most votes in the last gubernatorial election placed first based on the number of votes received by the party's candidate for governor at the last election beginning with the party that received the most votes. To the right of the party columns shall be the necessary number of columns for independents.~~

(d) The offices shall be consecutively arranged vertically beginning at the top with state governor and lieutenant governor, then remaining statewide offices, then if any, congressional offices, legislative offices and ending with county offices.

(e) Within each column, each space shall state the office to be voted for directly above the candidate's first and last name. The candidate's name shall be placed in the party column by which nominated or if independent, in a column designated independent and all candidates for the same office shall appear on or between the same horizontal lines on the ballot. Independent candidates for the same county office shall be listed in an order drawn by lot by or under supervision of the ~~board~~ county clerk or board of election commissioners. The board shall conduct a redrawing for purposes of determining the arrangement of independent candidates for state office in the manner provided in s. 5.60 (1) (b). To the right of each candidate's name, in each column, shall be a square for the elector to place his or her cross (X) or other mark.

SECTION 17. 5.64 (1) (g) of the statutes is created to read:

5.64 (1) (g) Following under the independent candidates for each office, a space shall be provided for the elector to write in the name of a candidate of his or her choice for that office.

SECTION 18. 5.64 (3) (a) of the statutes is amended to read:

5.64 (3) (a) The ballot shall be titled "Official Presidential Ballot" in lettering at least three-eighths of an inch high. Directly underneath in plain, legible type shall be the following voting instructions: "Place a cross (X) or other mark in the square opposite the names of the candidates for whose electors you desire to vote or write in the name of a candidate for either president or vice president, or both, in the space provided. Vote in ONE square only". The board shall take administrative notice of the nominations of the

parties entitled to a separate ballot under s. 5.62 (1) (b) or (2) for the offices of president and vice president. The names of the presidential electors of for the candidates need supplied under ss. 8.18 (2) and 8.20 (2) (b) are not be listed on the ballot but a vote for the candidates for president and vice president is a vote for them through their named presidential electors.

SECTION 19. 5.66 (2) of the statutes is amended to read:

5.66 (2) ~~A~~ The county clerk shall print a sufficient number of sample ballots shall be printed. Sample ballots shall be printed on nonwhite colored paper and shall be over-printed "SAMPLE". Voting machine sample ballots shall be a reduced size diagram of the face of the voting machine with all candidates, issues and voting instructions as they will appear on the official ballot. The county clerk shall distribute the samples approximately as follows: 45% shall be kept in the office and distributed to electors requesting them; 45% shall be sent to the municipalities for distribution to the electors; 10% shall be sent to the polling places in proportion to the number certified in sub. (1) and made available to electors at the polls on election day.

SECTION 20. 5.68 (2) of the statutes is amended to read:

5.68 (2) When voting machines are used, the ballots for all national, state and county offices and offices higher than county level and for county and state referenda shall be printed and paid for by the county wherein used. When the voting machine ballot includes a school district ballot, that ballot shall be paid for by the municipality in the school district with the highest equalized valuation. When voting machine ballots include 2 or more levels of government, the cost of printing shall be prorated between the units of government sharing the ballot. Referenda ballots shall be similarly printed and paid for.

SECTION 21. 5.75 of the statutes is renumbered 5.75 (3).

SECTION 22. 5.75 (1) and (2) of the statutes are created to read:

5.75 (1) As soon as possible after ballots are delivered to the county clerk or to the municipal clerk if the municipality is printing ballots under s. 7.15 (2), but not later than 3 weeks before any election relating to a state office or statewide referendum, the county or municipal clerk printing the ballots shall submit one copy of each ballot to the board for review of possible errors. If the ballot printer supplies proofs in advance of ballot printing, the clerk shall submit one copy of the proofs in lieu of actual ballots. If a voting machine ballot is used, the entire ballot shall be submitted, but if paper ballots are used, only those ballots relating to state offices and statewide referenda need be submitted. This subsection does not require delay of ballot distribution or mailing of absentee ballots.

(2) The board shall review ballots and proof copies submitted under sub. (1) and shall notify the county and municipal clerk of any error as soon as possible but in no event later than 7 days after submission. The clerk is not required to correct a ballot error upon receipt of notice of the error, unless ordered to do so under sub. (3).

SECTION 23. 6.10 (3) of the statutes is amended to read:

6.10 (3) When an elector moves from one ward to another or from one municipality to another within the state after the last registration day but at least 10 days before the election, the elector may vote in and be considered a resident of the new ward or municipality where residing upon transferring registration under s. 6.40 (1) or upon registering at the proper polling place in the new ward or municipality under s. 6.55 (2). If the elector moves within 10 days of an election, the elector shall vote in the elector's old ward or municipality if otherwise qualified to vote there.

SECTION 24. 6.24 (1) of the statutes is amended to read:

6.24 (1) (title) DEFINITION. In this section: (a) "National office" has the meaning given under s. 11.01 (14).

(b) ~~“Overseas, “overseas elector”~~ means a citizen not disqualified from voting under s. 6.03 who has or will attain the age of 18 by the date of an election who does not qualify as a resident of this state under s. 6.10, but who was last domiciled in this state immediately prior to departure from the United States, and is not registered to vote or voting in any other state, territory or possession.

SECTION 25. 6.27 (title) of the statutes is amended to read:

**6.27 (title) Where elector registration required; registration statistics.**

SECTION 26. 6.27 (7) of the statutes is created to read:

6.27 (7) Within 30 days after each primary and election at which a state office is filled or a statewide referendum is held, including any special election, the municipal clerk shall make a written statement to the board specifying:

(a) The total number of electors voting in the municipality in that primary or election.

(b) The total number of electors of the municipality who were preregistered on the deadline specified in s. 6.28 (1) (a), including mail registrations which are postmarked by that day.

(c) The total number of electors of the municipality who registered after the close of registration and prior to the day of the primary or election under s. 6.29.

(d) The total number of electors of the municipality who registered on the day of the primary or election under s. 6.55.

SECTION 27. 6.32 (4) of the statutes is amended to read:

6.32 (4) If the form is sufficient to accomplish registration and the clerk has no reliable information to indicate that the proposed elector is not qualified, the name shall be entered on the registration list and a 1st class letter or postcard shall be transmitted to the registrant, specifying the elector's ward or aldermanic district, and polling place. If such letter or postcard is returned, or if the clerk is informed of a different address than the one specified by the elector, the name shall be stricken from the list. The letter or postcard shall specify ~~“ADDRESS CORRECTION REQUESTED VOTER LIST VERIFICATION~~ “DO NOT FORWARD — RETURN POSTAGE GUARANTEED”.

SECTION 28. 6.50 (1) and (2) of the statutes are amended to read:

6.50 (1) Following each general election, the municipal clerk of every municipality where registration is required shall revise and correct the registration list by reviewing the registration of any elector who failed to vote within the past 2 years if qualified to do so during such entire period. Each such elector shall be mailed an address verification card under sub. (2). If an address verification card is returned by the postal service to the clerk, ~~or if the clerk is notified of an address correction~~, the registration of such elector shall be canceled. Otherwise, the registration shall be retained notwithstanding failure of the elector to vote at any election, except as provided in subs. ~~(3) to (6)~~ (4) to (7).

(2) Upon a 1st class postcard bearing the mailing legend, ~~“ADDRESS CORRECTION REQUESTED VOTER LIST VERIFICATION~~ “DO NOT FORWARD — RETURN POSTAGE GUARANTEED”, the voter address verification shall read substantially as follows:

“OFFICIAL VOTER ADDRESS VERIFICATION

The official voter registration list shows that you are registered to vote by the name and address appearing on the front of this card. If either the name or address appearing on the front of this card is incorrect, please contact this office in person or by mail. Improper registration may result in your being denied the right to vote.

Office of clerk  
Clerk's address  
Telephone |”.

SECTION 29. 6.50 (3) of the statutes is renumbered 6.50 (4) and amended to read:

6.50 (4) Upon receipt of reliable information that a registered elector has moved outside the municipality, the municipal clerk shall notify the elector by mailing a notice by 1st class mail to the elector's registration address stating the source of the information. All municipal departments and agencies receiving information that a registered elector has moved shall notify the clerk. If the elector no longer resides in the municipality or fails to apply for continuation of registration within 30 days, the clerk shall cancel the elector's registration shall be canceled. Upon receipt of reliable information that a registered elector has moved within the municipality, the municipal clerk shall transfer the elector's registration and mail the elector a notice of the transfer under s. 6.40 (2). This subsection does not restrict the right of an elector to challenge any registration under s. 6.48, 6.925 or 6.93.

SECTION 30. 6.50 (3) of the statutes is created to read:

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

SECTION 31. 6.50 (4) to (9) of the statutes are renumbered 6.50 (5) to (10), respectively.

SECTION 32. 6.56 (2) to (4) of the statutes are amended to read:

6.56 (2) Upon receipt of the list, the municipal clerk shall make a check shall be made to determine whether each person who has been allowed to vote under s. 6.55 (3) is properly registered. If so, the clerk shall correct the registration list shall be corrected. If the address on the registration list is not correct, the clerk shall correct the address shall be corrected. The clerk shall then notify the elector shall then be notified by postcard when he or she is properly registered. If such person is found not to be properly registered, the clerk shall send the person shall be sent a 1st class letter with that information and, containing a mail registration form under s. 6.30 (4). The letter shall be marked "ADDRESS CORRECTION REQUESTED—VOTER LIST VERIFICATION "DO NOT FORWARD — RETURN POSTAGE GUARANTEED"". If such letter is returned undelivered, or if the U.S. postal service notifies the clerk of an improper address which was apparently improper on the day of the election, the clerk shall notify the district attorney.

(3) In the case of persons registering to vote at the polling place or clerk's office under s. 6.55 (2), an audit of all of such electors shall be made by the municipal clerk upon receipt of the list under sub. (1). Such The audit shall be made by first 1st class postcard. The postcard shall be labeled "ADDRESS CORRECTION REQUESTED—VOTER LIST VERIFICATION "DO NOT FORWARD — RETURN POSTAGE GUARANTEED"". If any postcard is returned undelivered, or if the clerk is informed of a different address than the one specified by the elector which was apparently improper on the day of the election, the elector's name shall be stricken from the registration list and the name shall be provided by the clerk to the district attorney.



(4) After each election, the municipal clerk shall carefully check to assure that no person has been allowed to vote more than once. Whenever the municipal clerk has good reason to believe that a person has voted more than once in an election, the clerk shall send the person a nonforwardable 1st class letter with return receipt and ~~address correction requested~~ return postage guaranteed, informing him or her that all registrations relating to that person may be canceled within 7 days unless the person contacts the office of the clerk to clarify the matter. A copy of such letter and any subsequent information received from or about the addressee shall be sent to the district attorney.

SECTION 33. 6.79 (1), (3) and (4) of the statutes are amended to read:

6.79 (1) MUNICIPALITIES WITHOUT REGISTRATION. Where there is no registration, before receiving his or her ballot, each person shall state his or her full name and address ~~which shall be recorded by the~~. The officials shall record each name and address on a poll list in the same order the votes are cast. If the residence of the elector does not have a number, the election officials shall, in the appropriate space, write "none". Alternatively, the municipal clerk may maintain a poll list consisting of the full name and address of electors compiled from previous elections. Whenever an elector appears to vote, the officials shall verify the correctness of the elector's name and address, and shall enter a serial number next to the name of the elector in the order that the votes are cast, beginning with the number one. If the name and address of an elector do not appear on the prepared poll list, the officials shall record the name, address and serial number of the elector at the bottom of the list. The officials may require any elector to provide identification, including acceptable proof of residence, or to have another elector corroborate his or her information in accordance with the procedure specified in s. 6.55 (2) (b) before permitting the elector to vote. A separate list shall be maintained of those persons voting under ss. 6.15 and 6.24.

(3) (title) REFUSAL TO GIVE NAME AND ADDRESS. If any elector offering to vote at any ~~poll~~ polling place refuses to give his or her name and address, ~~he shall~~ the elector may not receive a ballot.

(4) SUPPLEMENTAL INFORMATION. When any elector provides identification under sub. (1) or s. 6.15, 6.29 or 6.55 (2) or (3), the election officials shall enter the type of identification on the poll or registration list, or supplemental list maintained under sub. (2). If the form of identification includes a number which applies only to the individual holding that piece of identification, the election officials shall also enter that number on the list. When any elector corroborates the registration identity or residence of any person offering to vote under sub. (1) or s. 6.55 (2) (b) or (c) or (3) the name and address of the corroborator shall also be entered next to the name of the elector whose information is being corroborated on the registration or poll list, or the separate list maintained under sub. (2). When any person offering to vote has been challenged and taken the oath, following the person's name on the registration or poll list, the officials shall enter the word "Sworn".

SECTION 34. 6.82 (2) (a) of the statutes is amended to read:

6.82 (2) (a) If an elector declares to the presiding election official that he or she cannot read or write, or has difficulty in reading, writing or understanding English or that due to physical disability, is unable to mark a ballot, the elector shall be informed that he or she may have assistance. When assistance is requested, the elector may select any other elector or 2 election officials to assist in marking the ballot. An elector who is chosen to assist another elector may be any qualified elector within the county where the ward municipality is located. If an elector chooses 2 election officials to assist, the 2 persons shall not be of the same political party. The selected person or persons rendering assistance shall certify on the back of the ballot that it was marked with their assistance but shall not disclose to anyone how the elector voted. Where voting machines are used, certification shall be made on the registration list.

SECTION 35. 6.87 (2) of the statutes is amended to read:

6.87 (2) The municipal clerk shall place the ballot in an unsealed envelope furnished by the clerk. The envelope shall have the name, official title and post-office address of the clerk upon its face. The other side of the envelope shall have a printed certificate-affidavit in substantially the following form:

[STATE OF ....

County of ....]

or

[(name of foreign country and city or other jurisdictional unit)]

I, ....., (certify) (do solemnly swear) subject to the penalties of s. 12.60 (1) (b), Wis. Stats. for false statements that I am a resident of the [... ward of the] (town) (village) of ....., or of the .... aldermanic district in the city of ....., residing at .... in said city, the county of ....., state of Wisconsin, and am entitled to vote in the (ward) (election district) at the election to be held on ....; that I am not voting at any other location in this election; that I cannot appear at the polling place in the (ward) (election district) on election day because I expect to be absent from the municipality or because of sickness, handicap, physical disability, religious reasons, jury duty, or because I have changed my residence within the state from one ward or election district to another within 10 days before the election. I (certify) (swear) that I exhibited the enclosed ballot unmarked to the (2 witnesses) (person administering the oath), that I then in (their) (his) (her) presence and in the presence of no other person marked the ballot and enclosed and sealed the same in this envelope in such a manner that no one but myself and any person rendering assistance under s. 6.87 (5), Wisconsin Statutes, if I requested assistance, could know how I voted.

Signed ....

The (2 witnesses) (person administering the oath) shall execute either of the following as appropriate:

We, the undersigned witnesses, subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, certify that the above statements are true and the voting procedure was executed as there stated. Neither of us is a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk). The elector was not solicited or advised by us to vote for or against any candidate or measure.

.... (Name)  
.... (Address)  
.... (Name)  
.... (Address)

Subscribed and sworn to before me this .... day of ....., A.D., ....., and I hereby certify that I am not a candidate on the ballot upon which the affiant voted (unless I am an incumbent municipal clerk), that the voting procedure above was executed as therein stated, and that the affiant was not solicited or advised by me to vote for or against any candidate or measure.

.... (Name)  
.... (Title)  
.... (State or nation)

SECTION 36. 6.88 (3) (c) of the statutes is renumbered 7.51 (3) (d) and amended to read:

7.51 (3) (d) *Absentee ballots shall be counted in the manner prescribed in s. 6.88 (3).* All absentee certificate-affidavit envelopes which have been opened ~~and the absentee ballots which have been deposited in the ballot boxes~~ shall also be returned by the inspectors to the municipal clerk in a securely sealed carrier envelope which is clearly marked "used absentee certificate-affidavit envelopes ~~and absentee ballots~~". Except when the ballots are used in a municipal or school district election only, the municipal clerk shall transmit the used envelopes ~~and ballots~~ to the county clerk.

SECTION 37. 7.03 of the statutes is amended to read:

**7.03 (title) Compensation of election officials and trainees.** A reasonable compensation of not less than \$5 per day shall be paid to each election clerk, ballot clerk, inspector, voting machine custodian, member of a board of canvassers, messenger and tabulator who is employed and performing duties under this title. Alternatively, such officials may be paid by the hour at a proportionate rate for each hour actually worked. Special registration deputies appointed under s. 6.55 (6) may be paid or unpaid at the option of the municipality. Officials and trainees who attend training sessions under s. 7.15 (1) (e) or 7.25 (5) may also be compensated for such attendance at municipal option. The amount of compensation, when authorized or required, shall be fixed by the appropriate county board of supervisors or municipal governing body. The board shall fix the amount to be paid any person employed to perform duties for the state. Where such employment is necessitated to perform duties which are the responsibility of a county or municipality, the board shall charge the expense to such unit of government.

SECTION 39. 7.08 (2) (c) and (4) of the statutes are amended to read:

7.08 (2) (c) As soon as possible after the canvass of the spring and September primary votes, but no later than the first Tuesday in March and the Thursday after the 4th Tuesday in September, transmit to the state treasurer a certified list of all eligible candidates for state office ~~as defined in s. 11.01 (20)~~ who have filed applications under s. 11.50 (2) and whom the board determines to be eligible to receive payments from the Wisconsin election campaign fund. The list shall contain each candidate's name, the mailing address indicated upon the candidate's registration form, the office for which the individual is a candidate and the party or principle which he or she represents, if any.

(4) ELECTION LAWS. Prepare and publish the election laws. The board shall furnish the election laws shall be furnished free to election officials. ~~Distribution to all others shall be made at cost, and to members of the public upon request.~~

SECTION 40. 7.10 (1) (a) of the statutes is amended to read:

7.10 (1) (a) Each county clerk shall provide printed ballots for every election in his or her county for all national, state and county offices of county-level or above and for state and county referenda. The official and sample ballots shall be printed in substantially the same form as those annexed to ch. 5.

SECTION 41. 7.15 (1) (f) and (2) (d) of the statutes are amended to read:

7.15 (1) (f) ~~May discharge an~~ Discharge election ~~official~~ officials for improper conduct or wilful neglect of duties.

(2) (d) Whenever by ordinance or resolution the governing body of any municipality submits any question, or ordinance or proposed recall from office to a vote of the electors or whenever a proper recall petition and certificate are filed under s. 9.10, the municipal clerk shall issue a call for the election and prepare and distribute ballots as required in the authorization of submission or as provided in s. 9.10. The ballot for any referendum shall conform to s. 5.64 (2). If there is already an official referendum ballot for the election, the question, or ordinance or recall may be printed at the bottom of the ballot.

SECTION 42. 7.23 (1) (b) of the statutes is amended to read:

7.23 (1) (b) Voting machine recorders essential for proper operation of ~~the voting machine machines~~ may be cleared and reactivated 14 21 days after the any primary and 60 30 days after any spring or general other election unless there is litigation pending, a demand for recount or, notice of an election contest or litigation pending with respect to that election.

SECTION 43. 7.30 (title), (1), (2), (4) (c) and (d) and (6) (c) of the statutes are amended to read:

**7.30 (title) Appointment of election officials.**

(1) NUMBER. There shall be 3 inspectors, 2 election clerks, and 2 ballot clerks for each polling place at each election held under Title II. Where voting machines are used, the ballot clerks shall be dispensed with, ~~and, if more than one voting machine is used, additional inspectors.~~ Additional inspectors and clerks may be appointed whenever more than one voting machine is used or polling places are combined under s. 5.15 (6) (b). Additional ~~inspectors~~ officials shall be appointed in such a manner that the total number of ~~inspectors~~ officials is an odd number and the predominant party under sub. (2) is represented by one more ~~inspector~~ official than the other party. Election clerks shall not be appointed in cities over 500,000 population.

(2) QUALIFICATIONS AND PROCEDURE. (a) Each inspector and clerk shall be a qualified elector in the ward for which the polling place is established. Special registration deputies appointed under s. 6.55 (6) and election officials serving more than one ward or when necessary to fill a vacancy under par. (b) need not be a resident of that ward, but shall be a resident of the municipality. Special registration deputies may be appointed to serve more than one polling place. All officials shall be able to read and write the English language, be capable, be of good understanding, and ~~shall~~ may not be a candidate, other than for party committeeman, to be voted for at an election at which they serve. In 1st class cities, they ~~shall~~ may hold no public office other than notary public. All Except as authorized under sub. (4) (c), all officials, except other than special registration deputies, shall be affiliated with one of the 2 recognized political parties which received the largest number of votes for president, or governor in nonpresidential general election years, in the ward or combination of wards served by the polling place at the last election. The party which received the largest number of votes shall be entitled to 2 inspectors, one clerk and one ballot clerk for each polling place. The party receiving the next largest number of votes shall be entitled to one inspector, one clerk and one ballot clerk for each polling place. The same election officials may serve the electors of more than one ward where wards are combined under s. 5.15 (6) (b). If a municipality is not divided into wards, the ward requirements in this paragraph apply to the municipality at large.

(b) When a vacancy occurs, the appointment shall be filled by the municipal clerk from the remaining names on the submitted lists or from additional names submitted by the chairman of the county party committee under s. 8.17. If appointments in the municipality are made under s. 7.31, the clerk shall fill vacancies from lists and names submitted under s. 7.31. If the vacancy is due to candidacy, sickness or any other temporary cause, the appointment shall be a temporary appointment and effective only for that election. The same qualifications shall be required, but vacancies may be filled in cases of emergency or because of time limitations by a person from another aldermanic district or ward within the election district so the proper balance of party representation is maintained.

(4) (c) For so long as qualified nominees are made available by the political parties under this section or under s. 7.31, appointments may be made only from the lists of submitted nominees. If the lists are not submitted by November 30 of the year in which an appointment is appointments are to be made, the board of election commissioners shall appoint, or the mayor, president or chairman of a municipality shall nominate as appears appropriate qualified persons whose names have not been submitted. If an insufficient number of qualified nominees appears on the lists as of November 30, the board of election commissioners shall similarly appoint, or the mayor, president or chairman shall similarly nominate sufficient qualified persons to fill the remaining vacancies. If an official is appointed whose name was not submitted on the lists, the official shall be affiliated with or designated by the appointing authority to represent one of the 2 parties that are entitled to submit lists. An official who is affiliated with one party may not be designated to represent a different party, unless the municipal clerk first makes a good faith effort to appoint an official who is affiliated with the represented party.

(d) A party committee under s. 8.17 ~~or a committee submitting nominations under s. 7.31~~ may submit additional names for inclusion in its list of nominations under this section at any time. Whenever there are no available names on any list, the board of election commissioners or the mayor, president or chairman of the municipality shall so notify the chairman of the appropriate party committee under s. 7.31 or 8.17. However, an appointment need at no time be delayed because of the lack of availability of party nominees.

(6) (c) If an election official lacks the qualifications set forth in this section, ~~fails to attend training sessions required under s. 7.15 (1) (e) unless excused therefrom,~~ is guilty of neglecting his ~~or her~~ official duties or commits official misconduct ~~he, the municipal clerk or board of election commissioners shall be summarily removed~~ remove the official from office and the vacancy shall be filled under sub. (2) (b).

SECTION 44. 7.31 of the statutes is renumbered 7.33.

SECTION 45. 7.31 of the statutes is created to read:

**7.31 Appointment of election officials where no party is organized.** (1) If one or both or the 2 political parties whose candidate for president or governor in the most recent general election in a ward or election district has not organized under s. 8.17 in the municipality or the county where the ward or election district is located, the municipal clerk shall notify the county chairman of the regular party whose name is filed under s. 8.175 (1).

(2) The county chairman may submit nominations for the appointment of election officials in accordance with s. 7.30 on behalf of any party which is not organized in a county or municipality for so long as the party does not organize under s. 8.17. Nominees submitted under this section shall have the same qualifications and shall be treated in the same manner as other nominees under s. 7.30. The nomination and appointment procedure specified in s. 7.30 applies to appointments made under this section.

SECTION 46. 7.33 of the statutes is renumbered 7.32.

SECTION 47. 7.37 (1) and (4) of the statutes are amended to read:

7.37 (1) **ADJOURN TO ANOTHER LOCATION.** Whenever it becomes impossible or inconvenient to hold an election at the designated location, the inspectors, after assembling at or as near the designated polling place as practicable and before receiving any votes, may adjourn to the nearest convenient place for holding the election. ~~A~~ The inspectors shall make a proclamation of the move shall be made and a constable law enforcement officer or other proper person designated by the municipal clerk shall be stationed at or as near as possible to the place where the adjournment was made, to notify all electors of the place to which the election adjourned. At the new location ~~they~~ the inspectors shall immediately proceed with the election.

(4) **POSTING SAMPLE BALLOTS.** ~~Where voting machines are used,~~ 2 Two sample ballots sent by the municipal clerk shall be posted by the inspectors near the entrance to the polling location for public inspection throughout the day.

SECTION 48. 7.51 (1) (intro.) and (a), (2), (3) (a) and (b), (4) and (5) of the statutes are amended to read:

7.51 (1) (intro.) **CANVASSING.** Immediately after the polls close the inspectors shall proceed to canvass publicly all votes received at that polling place. The canvass shall continue, without adjournment, until the canvass is completed and the return statements are made. The inspectors shall first compare the poll or registration lists, correcting any mistakes until the poll or registration lists agree and verify their correctness by each signing their name thereto.

(a) Where paper ballots are used, ~~they~~ the inspectors shall then open the ballot box and remove and count the number of ballots therein without examination except as is necessary to ascertain that each is a single ballot. If 2 or more ballots are folded together so as to appear as a single ballot, they shall be laid aside until the count is completed; and

if, after a comparison of the count and the appearance of the ballots it appears to a majority of the inspectors that the ballots folded together were voted by the same person they shall be destroyed. The inspectors shall then proceed under sub. (2). If, after any ballots ~~folded together~~ have been destroyed or laid aside, the number of ballots still exceeds the total number of electors recorded on the registration or poll lists list, the ballots shall be placed in the ballot box and one of the inspectors shall publicly draw therefrom by chance, and without examination, destroy the number of ballots equal to the excess number. When the number of ballots and total shown on the poll or registration lists list agree, the inspectors shall open, count and record the number of votes.

(2) DEFECTIVE AND IRREGULAR BALLOTS. When, during the counting of the ballots cast at an election, the inspectors find a ballot which is so defective that it cannot be determined with reasonable certainty for whom it was cast, a majority of the inspectors shall determine whether the ballot is defective, and if so, it shall be so marked, preserved and not counted. ~~No ballot may be counted unless it bears the initials of 2 ballot clerks. A ballot which does not bear 2 initials is void.~~ Such Whenever the number of ballots exceeds the number of voting electors as indicated on the poll or registration list, the inspectors shall place all ballots face up to check for blank ballots. Any blank ballots shall be so marked, laid aside and carefully preserved. If the number of ballots still exceeds the number of voting electors, the board of canvassers shall place all ballots face down and proceed to check for the initials. Any ballot not bearing the initials of 2 ballot clerks or any absentee ballot not bearing the initials of the municipal clerk shall be so marked "defective", and shall be, laid aside and preserved. During the count the inspectors shall count those ballots cast by challenged electors and marked "Objected to" the same as the other ballots. The inspectors shall keep a written statement, in duplicate, of the number of defective and objected to ballots. The officials shall certify that the statement is correct, sign it, and attach it to the canvass statements.

(3) (a) The inspectors shall place together all ballots counted by them which relate to any national, state or county office or any state, county or vocational district referendum and secure them together so that they cannot be untied or tampered with without breaking the seal. The secured ballots together with any ballots marked "Defective" shall then be secured by the inspectors in the container provided in such a manner that the containers cannot be opened without breaking the seals or locks, or destroying the container. The inspectors shall deliver the ballots returned to the county to the municipal clerk shall be delivered in the bag provided or a bag similar to that provided at the same time as the other election materials under s. 7.08 (1) (b).

(b) For municipal elections ballots which relate only to municipal or school district offices or referenda the inspectors, in lieu of par. (a), after counting the ballots shall return them to the proper ballot boxes, lock the boxes, paste paper over the slots, sign their names to the paper and deliver them and the keys therefor to the municipal clerk.

(4) ANNOUNCE AND REPORT. (a) When the canvass is complete, the inspectors shall publicly announce the results from the tally sheets. They shall state the total number of votes cast for each office and for each person receiving votes for that office and shall state the vote for and against each proposition voted on. They shall immediately complete the inspectors' statements in duplicate, which shall be combined with the tally sheet setting forth in written words as well as figures, the total number of votes for each office, the names of all persons receiving votes, the number of votes each person received, and the number of votes for and against any proposition at the election. They shall state the excess by which the number of ballots exceeds the number of electors voting as shown by the poll or registration list, if any, and shall state the number of the last elector as shown by the registration or poll lists. The At least 3 inspectors, including at least one official representing each political party, shall then certify to the correctness of the statements and sign their names. All other election officials assisting with the canvass shall also certify to the correctness of the tally sheets.

(b) The inspectors' chairman, or one of the inspectors appointed by him or her, immediately after the votes are tabulated or counted at each election, shall report the returns of the election to the ~~proper municipal~~ clerk who or the school district clerk for school district elections in common, union high and unified districts. ~~The clerk shall then make them the returns public.~~

(5) RETURNS. The inspectors shall make full and accurate return of the votes cast for each candidate and proposition on blanks provided for the purpose. After recording the votes, ~~the inspectors shall seal~~ one tally sheet statement and registration or poll list ~~shall be properly sealed for delivery to the county clerk and, unless the election relates only to municipal and school district offices or referenda.~~ The inspectors shall also seal one tally sheet statement and registration or poll list shall be properly sealed for delivery to the municipal clerk. For school district elections in common, union high and unified school districts, the inspectors shall seal one tally sheet statement and registration or poll list for delivery to the school district clerk in lieu of the municipal clerk. ~~The envelopes and inspectors shall immediately deliver all ballots and materials shall be delivered immediately, statements, lists and envelopes to the municipal clerk or school district clerk, as appropriate.~~ The municipal clerk shall deliver the appropriate election materials ballots, statements, lists and envelopes for his or her municipality relating to any county, vocational district, state or national election to the county clerk by 2 p.m. on the day following each such election. ~~The person delivering the returns shall be paid out of the municipal treasury.~~

SECTION 49. 7.53 (1) and (2) (a) and (c) of the statutes are amended to read:

7.53 (1) MUNICIPALITIES WITH ONE WARD. Where the municipality constitutes one ward, the canvass shall be conducted publicly under s. 7.51 and the inspectors shall act as the municipal board of canvassers. Upon completion of the canvass and ascertainment of the results by the inspectors, the clerk shall publicly read to the meeting the names of the persons voted for, the number of votes for each person for each office, and the persons' names declared to ~~be duly elected~~ have won nomination or election by the inspectors to each office.

(2) (a) Unless the municipality otherwise elects under par. (b) and except as provided in par. (c), the municipal board of canvassers in municipal elections shall be composed of the municipal governing body in every municipality comprised of 2 or more wards.

(c) ~~The municipal board of canvassers shall canvass publicly the returns of every local election. The canvass shall begin within 24 hours after the polls close. When annual elections are held, the results shall be declared on or before the 2nd Tuesday of April in each year.~~ In cities of more than 500,000 population, the board of election commissioners shall perform act as the canvass board of canvassers.

SECTION 50. 7.53 (2) (d) of the statutes is created to read:

7.53 (2) (d) The municipal board of canvassers shall publicly canvass the returns of every local election. The canvass shall begin within 24 hours after the polls close. At the spring election, the board of canvassers shall publicly declare the results on or before the 2nd Tuesday in April. The board of canvassers shall prepare a statement showing the results of each election for any municipal office and each municipal referendum. After each primary for municipal offices, the board of canvassers shall prepare a statement certifying the names of those persons who have won nomination to office. After each other election for a municipal office and each municipal referendum, the board of canvassers shall prepare a determination showing the names of the persons who are elected to each municipal office and the results of each municipal referendum. The board of canvassers shall file each statement and determination in the office of the municipal clerk or board of election commissioners.

SECTION 51. 7.53 (3) of the statutes is repealed and recreated to read:

7.53 (3) SCHOOL DISTRICT ELECTIONS. In city school districts and school districts organized under ch. 119, the municipal board of canvassers shall determine the results of school district elections and referenda and shall file a written statement and determination of the results for each election and referendum in the office of the city clerk or board of election commissioners. In other school districts, the school district clerk shall prepare a written statement and determination of the results of each election and referendum and shall file them in the school district office. The board of election commissioners, city clerk or school district clerk shall certify nominations after each primary and shall issue certificates of election to persons who are elected to the board of school directors or school board after each election in the manner provided in sub. (4).

SECTION 52. 7.60 (4) (a) and (b), (5) and (6) of the statutes are amended to read:

7.60 (4) (a) The board of canvassers shall make separate duplicate statements showing the numbers of votes cast for the offices of president and vice president; state officials; U.S. senators and representatives in congress; state legislators; justice; court of appeals judge; and circuit judges. The board of canvassers shall also prepare a statement showing the results of any county, vocational district or statewide referendum. Each statement shall state in numbers written out the total number of votes cast in the county for each office; the names of all persons for whom the votes were cast, as returned; ~~and~~ the number of votes cast for each person; and the number of votes cast for and against any referendum question. One copy of the statement shall be used to report to the elections board ~~under sub. (5) or vocational district board~~ and the other statement shall be filed in the office of the county clerk ~~or board of election commissioners.~~

(b) The board of canvassers shall then prepare a written determination, in duplicate where necessary, giving those persons receiving the highest number of votes and therefore elected to any county office. The board of canvassers shall likewise prepare a written determination showing the results of any county referendum. Following any primary election, the board of canvassers shall prepare a statement certifying the names of all persons who have won nomination to any county office. The board of canvassers shall file all statements and determinations in the office of the county clerk or board of election commissioners.

(5) REPORTING. Immediately following the canvass the county clerk shall send the elections board, by certified mail with return receipt requested, a certified copy of each statement of the county board of canvassers for president and vice president, state officials, senators and representatives in congress, state legislators, justice, court of appeals judge and circuit judge. Following primaries the county clerk shall enclose on blanks furnished by the elections board, the names, party or principle designation, if any, and number of votes received by each candidate by voting wards or by municipalities, if not divided into wards. The county clerk shall transmit the certified statement to the elections board no later than 10 days after each primary and no later than 14 days after any other election. The board of canvassers shall transmit a certified copy of each statement for any vocational district referendum to the secretary of the district board of vocational, technical and adult education.

(6) CERTIFICATE OF ELECTION. Immediately after expiration of the time allowed to file a petition for a recount the county clerk shall issue a certificate of election to each person having the largest number of votes for any county office ~~and any county judgeship unless the district consists of more than one county.~~ The certificate notice shall state the amount of the required official bond, if any. When a petition for a recount is filed, the county clerk shall not issue the certificate of election for the office in question until the recount has been completed and the time allowed for filing an appeal has passed.

SECTION 53. 7.70 (3) (e) 2 and (g) and (5) (a) of the statutes are amended to read:



7.70 (3) (e) 2. After the general election in years in which statewide officers are elected, the name of each political party which receives at least one percent of the vote cast in such election for any statewide office.

(g) The board of state canvassers shall certify the statements to be correct and shall determine ~~what~~ which persons, by the largest number of votes, have been elected to the various offices. They shall likewise determine the outcome of any referenda questions. ~~Each~~ Following each primary election, the board of state canvassers shall prepare a statement certifying the names of those persons who have won nomination to any state office. ~~Except for the primary election statements, each~~ statement shall have the certificate of determination attached to it and shall be delivered to the elections board.

(5) (a) The elections board shall record in its office each certified statement and determination made by the board of state canvassers. Immediately after the expiration of the time allowed to file a petition for recount, it shall make and transmit to each person declared elected, a certificate of election under the seal of the elections board ~~and cause a copy of the certified statements and determinations to be published once in a newspaper under ch. 985.~~ It shall also prepare similar certificates, attested by the executive secretary of the elections board, addressed to the U.S. house of representatives, stating the names of those persons elected as representatives to the congress from this state. In the case of U.S. senators, the board shall prepare a certificate of election for the governor's signature, and the governor shall sign and affix the great seal of the state and transmit the certificate to the president of the U.S. senate. The certificate shall be countersigned by the secretary of state. If a person elected was elected to fill a vacancy, the certificate shall so state. When a valid petition for recount is filed, the elections board ~~shall~~ may not certify a nomination or issue a certificate of election or determination until the recount has been completed and the time allowed for filing an appeal has passed.

SECTION 54. 8.03 (1) of the statutes is amended to read:

8.03 (1) The name of any person nominated to the same office by more than one party or primary or nominated for more than one partisan or state nonpartisan office shall appear under the party first nominating him or her or under the office to which he or she was first nominated. If the double nomination is simultaneous, the person nominated, before the deadline for filing the certificate of nomination papers shall file a written statement with the same person with whom he or she files his ~~certificate nomination papers~~ stating his the person's party or office preference. If the candidate fails to select his the party or office, his the filing officer shall place the candidate's name shall be placed on the ballot under either party or office, but cannot may not permit it to appear more than once. ~~When~~ If a candidate is nominated at a primary election for partisan office or nonpartisan state office on a ballot where his or her name appears or by nomination papers filed by the candidate, and is also nominated on some other ballot by write-in, he shall votes at the primary election to another office, or to the same office as the candidate of a different party, the candidate does not have a choice, but shall be a nominee of the party which printed his name on their placed on the ballot for the election under the office and party for which the candidate's name appeared on the primary ballot or for which the candidate had filed nomination papers.

SECTION 55. 8.03 (3) of the statutes is created to read:

8.03 (3) This section does not affect the law of compatibility of offices.

SECTION 55m. 8.04 of the statutes is amended to read:

**8.04 Nomination paper signatures.** If any person signs nomination papers for 2 candidates for the same office in the same election at different times, the earlier signature is valid and the later signature ~~shall be stricken.~~ ~~Any person who signs or circulates nomination papers for one candidate may later circulate nomination papers for another candidate for the same office in the same election if he changes his mind and intends to support the latter candidate is invalid.~~ If any person circulates a nomination paper for 2 candi-

dates for the same office in the same election at different times, the earlier paper is valid and the later paper is invalid.

SECTION 56. 8.10 (3) (intro.) and (a) and (6) (a) to (c) of the statutes are amended to read:

8.10 (3) (intro.) The nomination papers shall conform to the requirements for nomination papers for independent candidates for the general election, except that no statement of party or principle may be included and the number of required signatures shall be:

(a) For ~~state~~ statewide offices, not less than 2,000 nor more than 4,000 electors;

(6) (a) For statewide state offices, ~~court of appeals judgeships and circuit judgeships,~~ in the office of the board.

(b) For county offices ~~not specified in par. (a) to be voted for wholly within one county and for county supervisor,~~ in the office of the county clerk or board of election commissioners.

(c) For city offices and other ~~officers~~ offices voted for exclusively within the municipality, except ~~ward committeeman under s. 8.17 and the office of county supervisors under par. (b)~~ supervisor, in the office of the municipal clerk or board of election commissioners.

SECTION 57. 8.11 (2m) (title) and (3) of the statutes are amended to read:

8.11 (2m) (title) CITY OF MILWAUKEE.

(3) STATE. A primary shall be held ~~when there are 3 or if more than 2 candidates file nomination papers for the office of state superintendent, for justice, for court of appeals judge in the same district or for judge of the same branch of circuit court.~~

SECTION 58. 8.12 (1) (a) of the statutes, as affected by chapter 34, laws of 1979, is amended to read:

8.12 (1) (a) ~~On the first Tuesday in February last Tuesday in January~~ in each year in which electors for president and vice president are to be elected, there shall be convened in the capitol a committee consisting of, for each political party recognized under s. 5.62, the state chairman of that state party organization, the national committeeman and the national committeewoman; the speaker and the minority leader of the assembly, and the president and minority leader of the senate. This committee shall organize by selecting an ~~11th~~ additional member who shall be the chairman and shall determine, and certify to the board no later than on the Friday following the first Tuesday in February, the names of all candidates of the political parties recognized under s. 5.62 for the office of president of the United States. The committee shall have sole discretion to determine that such candidates' candidacy is generally advocated or recognized in the national news media throughout the United States.

SECTION 58m. 8.12 (1) (b) and (c) of the statutes are amended to read:

8.12 (1) (b) No later than 5 p.m. on the ~~first~~ 2nd Thursday following the 3rd Tuesday in March February of ~~said~~ each presidential election year, any person seeking the ~~indorsement nomination~~ by the national convention of a political party recognized under s. 5.62 for the office of president of the United States, or any group organized in this state on behalf of and with the consent of such person, may submit to the board a petition to have ~~said~~ the person's name printed on the presidential preference ballot. Such petition shall be signed by a number of qualified electors equal in each congressional district to not less than 1,000 signatures nor more than 1,500 signatures. All signers on each separate petition shall reside in the same county.

(c) The board shall forthwith contact each person whose name has been placed in nomination under par. (a) and notify him or her that his or her name will be printed on the Wisconsin presidential preference ballot unless he or she files, no later than 5 p.m. on

the last day 2nd Thursday following the 3rd Tuesday in February of such year, with the board, a disclaimer stating without qualification that he or she is not and does not intend to become a candidate for the office of president of the United States at the forthcoming presidential election. The disclaimer may be filed with the board by certified mail, telegram or in person.

SECTION 59. 8.15 (2), (3) and (4) (a) of the statutes are amended to read:

8.15 (2) ~~The signer of a nomination paper declares his intent to support the candidate named therein.~~ Only one signature per person for the same office is valid. In addition to his or her signature, each signer of a nomination paper shall list his or her residence, including the street and number, if any, and the date of signing.

(3) All signers on each separate nomination paper for all state offices, ~~United States senators, congressmen, county offices and state legislators~~ county offices, and the offices of U.S. Senator and representative in congress shall reside in the same county and in the district which the candidate named ~~therein~~ on the paper will represent, if elected.

(4) (a) The affidavit of a qualified elector stating his or her residence with street and number, if any, shall appear at the bottom of each nomination paper, stating he or she personally circulated the nomination paper and personally obtained each of the signatures; he or she is personally acquainted with all the signers; he or she knows they are electors of the ward, aldermanic district, municipality or county, as the nomination papers require; he or she knows they signed the paper with full knowledge of its content; he or she knows their respective residences given; he or she knows each signer signed on the date stated opposite his or her name; and, that he or she, the affiant, resides within the district which the candidate named therein will represent, if elected, and that he or she intends to support the candidate. The affidavit may be made by the candidate or any qualified elector.

SECTION 59m. 8.15 (5) of the statutes is repealed and recreated to read:

8.15 (5) Each nomination paper shall have substantially the following words printed at the top:

I, the undersigned, request that the name of (insert candidate's legal name and street address) be placed on the ballot at the (general, spring or special) election to be held on (date of election) as a candidate [(representing the (name of party)) or (representing the principle(s) of (statement of principles))] so that voters will have the opportunity to vote for (him or her) for the office of (name of office). I am eligible to vote in (name of jurisdiction or district in which candidate seeks office). I have not signed the nomination paper of any other candidate for the same office at this election.

SECTION 59s. 8.15 (8) (a) and (b) of the statutes are amended to read:

8.15 (8) (a) For state offices, ~~United States senators, representatives and the offices of U.S. senator and representative in congress and members of the senate and assembly,~~ in the office of the board.

(b) For offices to be voted for wholly within one county, except representatives in congress and members of the senate and assembly, in the office of the county clerk or board of election commissioners.

SECTION 60. 8.17 (1), (2) (intro.), (3) (a) and (5) (d) and (h) of the statutes are amended to read:

8.17 (1) At the September primary the party committeemen and committeewomen shall be elected. Counties over 500,000 population shall elect one committeeman or committeewoman for each political party from each aldermanic district and village. All other counties shall elect one committeeman or committeewoman for each political party from each ward, or from each municipality if the municipality is not divided into wards. No person is eligible to serve in the office of party committeeman or committeewoman who is

not a resident of the aldermanic district, ward or municipality for which he or she is chosen at the time of filing nomination papers for the office, or at the time of appointment under this section.

(2) (intro.) Nomination papers shall be in substantially the same form as those required under s. 8.15. Nomination papers shall be circulated no sooner than June 1 preceding the election and shall be filed in the office of the county clerk or board of election commissioners not later than 5 p.m. on the 2nd Tuesday of July in those years when a September primary is held. The number of required signatures shall be:

(3) (a) Only the names of persons filing nomination papers shall have their names printed on the ballots. There shall be no space provided for ~~write-ins~~ write-in candidates. When no candidate files nomination papers for party committeeman or committeewoman, the office shall not appear on the ballot for that party in that ward, aldermanic district or ~~village~~ municipality and the vacancy shall be filled by the political party county committee under ~~ss. 7.38 (3) and 8.35 sub. (5) (g) and (h).~~

(5) (d) The county committee chairman elected at the first meeting shall certify to the state ~~central~~ committee chairman under s. 8.175 the name and post-office address of each person elected to the congressional district committee.

(h) The county committee may appoint a committeeman or committeewoman for any ward, aldermanic district or ~~village~~ municipality in which none was elected.

SECTION 61. 8.175 (3) of the statutes is amended to read:

8.175 (3) In the event of failure to file the name of a current county chairman, it is presumed that no organized political party committee exists in the county. In such case, the state party is entitled to fill any vacancy occurring on the party ballot under s. 7.38 (3) ~~and. If no party is organized in the county under s. 8.17,~~ nomination of election officials shall proceed as provided under s. 7.30 (4) (c).

SECTION 62. 8.20 (7) and (9) of the statutes are amended to read:

8.20 (7) Nomination papers shall be filed in the office of the board for all statewide state offices, representatives and the offices of U.S. senator and representative in congress, members of the senate and assembly and any districts or divisions including more than one county; or, and in the office of county clerk or board of election commissioners for all ~~other offices for only one county offices.~~

(9) Persons nominated by nomination papers without party designation shall be placed on the official ballot ~~at the September primary when required,~~ at the general election and at any partisan election to the right or below the party candidates in their own column designated "Independent". At the September primary, persons nominated by nomination papers without party designation shall be placed on a separate ballot or row on the voting machine designated "Independent". If the candidate's name already appears under a party it shall may not be listed again.

SECTION 63. 8.50 (intro.) of the statutes, as affected by chapter 27, laws of 1979, is amended to read:

**8.50 Special elections.** (intro.) Unless otherwise provided, this section applies to filling vacancies in the U.S. senate and house of representatives, executive, judicial and legislative state offices and, county offices and the offices of municipal judge and member of the board of school directors in school boards of school districts organized under ch. 119. State legislative offices may be filled in anticipation of the occurrence of a vacancy whenever authorized in sub. (4) (e). In addition to filling vacancies in public office by appointment, vacancies may be filled by election under this section, but no special election may be held after February 1 preceding the spring election unless it is held on the same day as the spring election, nor after September 1 preceding the general election unless it is held on the same day as the general election, until the day after that election. If the special

election is held on the day of the general election, the primary for the special election, if any, shall be held on the day of the September primary. If the special election is held on the day of the spring election, the primary for the special election, if any, shall be held on the day of the spring primary.

SECTION 64. 8.50 (1) (a) of the statutes, as affected by chapter 32, laws of 1979, is amended to read:

8.50 (1) (a) When there is to be a special election, the special election for governor shall be ordered by the attorney general; the special election for county clerk shall be ordered by the sheriff; the special election for any other county office shall be ordered by the county clerk except as provided in s. 17.21 (5); the special election for school board member in a school district organized under ch. 119 shall be ordered by the school board; and all other special elections shall be ordered by the governor. When the governor or attorney general issues the order, it shall be filed and recorded in the office of the board. When the county clerk or sheriff issues the order, it shall be filed and recorded in the office of the county clerk. When the county executive issues the order, it shall be filed in the office of the county board of election commissioners. When the school board of a school district organized under ch. 119 issues the order, it shall be filed and recorded in the office of the city board of election commissioners.

SECTION 65. 8.50 (1) (b) and (d), (2), (3) (a) and (4) (f), (g) and (h) of the statutes are amended to read:

8.50 (1) (b) Notice of any special election shall be given upon the filing of the order under par. (a) by publication in a newspaper under ch. 985. If the special election concerns any state office ~~as defined in s. 11.01 (20)~~ or an office to be filled from a district which includes more than one county, the board shall give notice as soon as possible to the county clerks and publish one notice. Upon receipt of notice from the board, or when the special election is for a county office, the county clerk shall give notice as soon as possible to all municipal clerks and publish 2 notices. The notices shall include the provisions of par. (c) and be a type A notice under ch. 10 in substantially the form prescribed by the board.

(d) When the election concerns a state office under par. (b) or an office to be filled from a district which includes more than one county, the board shall transmit to each county clerk at least ~~45~~ 22 days before the special primary a certified list of all persons for whom nomination papers have been filed in its office. If no primary is required, the list shall be transmitted at least 42 days prior to the day of the election. Immediately upon receipt of the certified list, the county clerk shall prepare his or her ballots. For a county special election, the county clerk shall certify the candidates and prepare the ballots. If there is a primary, the county clerk shall publish 2 type B notices in a newspaper under ch. 10. When a primary is held, as soon as possible after the primary, the county clerk shall certify the candidates and prepare the ballots for the following special election. The clerk shall publish 2 type B notices in a newspaper under ch. 10 for the election.

(2) DATE OF SPECIAL ELECTION. (a) The date for the special election shall be not less than ~~55~~ 62 nor more than ~~70~~ 77 days from the date of the order except when the special election is held on the day of the general election ~~and except when the special election is held pursuant to ss. 60.175 (7), 61.46 (3) (g), 62.12 (4m) (g), 65.07 (2) (g), 70.62 (4) (g) and 121.93~~ or spring election. If a special election is held concurrently with the spring or general election, the special election may be ordered not earlier than 92 days prior to the spring primary or September primary, respectively, and not later than 49 days prior to that primary.

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

concurrently with the spring primary. ~~Notwithstanding par. (a), if a special election is held concurrently with the spring election, the date for the special election shall be not less than 107 nor more than 122 days from the date of the order.~~

(3) (a) Nomination papers shall may be circulated no sooner than the day the order for the special election is filed and shall be filed not later than 5 p.m. ~~21~~ 28 days before the day that the special primary will or would be held, if required, except when a special election is held concurrently with the spring election or general election, the deadline for filing nomination papers shall be filed no later specified in the order and the date shall be no earlier than the date provided in s. 8.10 (2) or 8.15 (1), respectively, and no later than 35 days prior to the date of the spring or September primary.

(4) (f) A vacancy in the office of judge or justice occurring on or before December ~~12~~ 1 shall be filled, if in the office of circuit judge, at the succeeding spring election; if in the office of court of appeals judge, at the first spring election when no other court of appeals judge is to be elected from the same court of appeals district; or, if in the office of justice, at the first spring election when no other justice is to be elected. A vacancy in the office of circuit judge occurring after December ~~12~~ 1 shall be filled at the spring election the next year; in the office of court of appeals judge, at the first spring election, beginning with the spring election the next year, when no other court of appeals judge is to be elected from the same court of appeals district; or in the office of justice, at the first spring election, beginning with the spring election the next year, when no other justice is to be elected.

(g) If through neglect or failure, an elected officer who should have been chosen at the spring or general election is not chosen at that election, a special election may be held to fill the vacancy; but no special election may be held for any school or county officer after the time when the officer's term would have commenced had such person been elected at the proper spring or general election, except as authorized under this section, and no election may be held to fill a vacancy in the office of justice or judge except as authorized in par. (f).

(h) Whenever the right to office of any person listed in par. (g) who is elected to the legislature or the U.S. house of representatives ceases before the commencement of the term of office to which he or she is elected, a special election may be held to fill the vacancy.

SECTION 66. 9.01 (1) (a) of the statutes is amended to read:

9.01 (1) (a) Any candidate voted for at any election or any elector who voted upon any referendum question at any election may request a recount. A The petitioner shall file a verified petition or petitions and \$2 for each ward for which the petition requests a ballot recount shall be filed accompanied by the fee prescribed in par. (ag), if any, with the proper clerk or body under par. (ar) not earlier than the time of completion of the canvass and not later than 5 p.m. on the 3rd business day following the last meeting day of each the municipal or county board of canvassers that determined determining the election for that office or on that referendum question. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between affirmative and negative votes cast upon any referendum question is less than one half of one per cent of the total votes cast for the office or on the question, respectively, the petitioner shall not be required to pay the \$2 per ward fee. The deadline applies to the county boards of canvassers in the case of a statewide office or statewide referendum in which a statewide recount affecting all wards and municipalities is requested, even though the petition is not filed with them or, if more than one board of canvassers makes the determination not later than 5 p.m. on the 3rd business day following the last meeting day of the last board of canvassers which makes a determination. If the board of state canvassers makes the determination for the office or the referendum question, the petitioner shall file the petition not earlier than the last meeting day of the last county board of canvassers to make a statement in the election or referendum and not later than 5 p.m. on the 3rd

business day following the day on which the elections board receives the last statement from a county board of canvassers for the election or referendum. Each verified petition shall state that at the election the petitioner was a candidate for the office in question or that he or she voted on the referendum question in issue; that the petitioner is informed and believes that a mistake or fraud has been committed in a specified ward or municipality in the counting and return of the votes cast for the office or upon the question; or shall specify any other defect, irregularity or illegality in the conduct of the election. The petition shall specify each ward, or each municipality where no wards exist, in which a recount is desired. If a recount is requested for all wards within a jurisdiction, each ward need not be specified.

SECTION 67. 9.01 (1) (ag) of the statutes is created to read:

9.01 (1) (ag) 1. Each petition for a recount shall be accompanied by the fee prescribed in this paragraph. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is less than .5% of the total votes cast for the office or on the question, the petitioner is not required to pay a fee.

2. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is at least .5%, the petitioner shall pay a fee of \$2 for each ward for which the petition requests a ballot recount, or \$2 for each municipality where no wards exist.

3. All fees shall be prepaid in cash or another form of payment which is acceptable to the officer to whom they are paid. No petition for which a fee is required is valid unless the proper fee is paid at the time of filing.

4. The board shall deposit all moneys received by it into the account under s. 20.510 (1) (g), and shall pay the fees required for each recount to the county clerks of the counties in which the recount is to be held. The county clerk shall deposit fees received by him or her with the county treasurer. The municipal clerk shall deposit fees received by him or her with the municipal treasurer.

5. In this paragraph, the "leading candidate" includes every individual whose vote total at the time of the filing of the recount petition would entitle the individual to election or nomination to office.

SECTION 68. 9.01 (1) (ar) 3 and (b) 4 of the statutes are amended to read:

9.01 (1) (ar) 3. Upon receipt of a valid petition, the clerk shall thereupon notify the proper board of canvassers. Upon receipt of a valid petition by the elections board, the board shall promptly by certified mail order the proper boards of canvassers to commence the recount. Returns from a ~~statewide~~ recount ordered by the elections board shall be transmitted to the office of the board as soon as possible, but in no case later than 14 days from the date of the order of the board directing the recount. The board of state canvassers ~~shall may~~ not make a determination in any election if a recount is pending before any county board of canvassers in that election. The board of state canvassers ~~shall need~~ not recount actual ballots, but shall verify the returns of the county boards of canvassers in making its determinations.

(b) 4. When the container or bag has been checked, it shall be opened and the contents removed. The board of canvassers shall, without examination other than is necessary to determine that each is a single ballot, count the number of ballots therein. If the number of ballots and the totals recorded under subd. 1 do not agree, the board of canvassers shall make a record of this fact ~~shall be noted~~. When the number of ballots exceeds the number of voting electors, the board of canvassers shall ~~proceed to~~ place all ballots face up to check for blank ballots. Any blank ballots shall be so marked, laid aside and carefully preserved. If the number of ballots still exceeds the number of voting electors, the board of canvassers shall place all ballots face down to check the ~~ballot clerks'~~ initials. Any

~~ballots~~ ballot not properly initialed by 2 ballot clerks or any absentee ballot not properly initialed by the municipal clerk shall be ~~so marked, laid aside, properly marked and carefully preserved.~~ If the number of ballots still exceeds the number of voting electors, the remaining ballots shall be returned to the container or bag and the board of canvassers shall draw a number of ballots equal to the excess number of ballots ~~shall be drawn~~ by chance and without inspection from the container or bag. These ballots shall be specially marked as having been removed by the canvassers on recount due to an excess number of ballots and carefully preserved.

SECTION 69. 9.10 (2) (b) of the statutes is renumbered 9.10 (2) (c).

SECTION 70. 9.10 (2) (b) of the statutes is created to read:

9.10 (2) (b) In determining the number of signatures required on a petition to recall a school district officer, the method of calculation provided in s. 115.01 (13) shall be applied.

SECTION 71. 10.01 (2) (c) of the statutes is amended to read:

10.01 (2) (c) Type C — The type C notice shall be given whenever referenda questions are submitted to a vote of the people. The notice shall contain the entire text of the ~~referenda questions and question and the proposed enactment, if any, as well as an explanatory statement of the effect of either a “yes” or “no” vote.~~ For state questions, the statement shall be prepared by the attorney general. For county questions, the statement shall be prepared by the corporation counsel, or if there is no corporation counsel, by the district attorney. For other questions, the statement shall be prepared by the attorney for the jurisdiction in which the question is proposed. The board shall publish one notice under s. 10.06. County clerks and, for local referenda questions, municipal clerks shall publish the notice twice at the same times as the facsimile ballots are published. The type C notice shall be printed in the newspaper as close as possible to the facsimile ballot containing the referenda questions.

SECTION 72. 10.06 (1) (h) of the statutes is amended to read:

10.06 (1) (h) As soon as possible after the deadline for ~~filing nomination papers determining ballot arrangement~~ for the September primary on the ~~2nd Tuesday in July but no later than the 3rd Tuesday in July,~~ the board shall send a type B notice to each county clerk certifying the list of candidates for the September primary.

SECTION 73. 11.01 (13) of the statutes is renumbered 5.02 (9).

SECTION 74. 11.01 (14) of the statutes is renumbered 5.02 (12).

SECTION 75. 11.01 (20) of the statutes is renumbered 5.02 (23).

SECTION 76. 11.21 (14) of the statutes is amended to read:

11.21 (14) Prepare, publish and periodically revise as necessary, a manual simply and concisely describing the filing and registration requirements established in this chapter in detail, as well as other major provisions of chs. 11 and 12. ~~Copies shall~~ The board shall cause the manual to be distributed to election officials, to each candidate for state or local office upon filing nomination papers and to every committee, individual or group upon registering under s. 11.05. Distribution to all others shall be made upon ~~payment of a fee of \$1 per copy request.~~

SECTION 77. 12.13 (1) (intro.) of the statutes is amended to read:

12.13 (1) (intro.) ELECTORS. ~~The municipal clerk or local election board shall post a copy of this subsection, and a copy of the penalties under s. 12.60 (1) in a conspicuous place at each polling place.~~ Whoever intentionally does any of the following violates this chapter:

SECTION 78. 17.18 (2) (a) of the statutes is amended to read:



CHAPTER 260

1384

17.18 (2) (a) If the vacancy occurs 60 days or more prior to the 2nd Tuesday in July in even-numbered years, such vacancy shall be filled at the September primary and general election in such even year. If the vacancy occurs less than 60 days prior to the 2nd Tuesday in July in even-numbered years, it shall be filled 2 years hence. The provisions for election for the unexpired term ~~shall do not~~ apply if the next general election is one at which the vacant senate seat is to be filled for a full term. The senator so elected shall qualify for office as soon as possible after receiving a certificate of election.

SECTION 79. 17.21 (5) of the statutes is amended to read:

17.21 (5) SUPERVISORS, POPULOUS COUNTIES. In the office of county supervisor of counties having a population of at least 500,000, according to the last ~~United States U.S.~~ census, by election for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, in case it happens ~~100 days or more before such day no later than December 1 preceding the first Tuesday in April,~~ but if ~~such the~~ vacancy happens ~~less than 100 days before such~~ after December 1 preceding the first Tuesday in April, then such successor shall be elected on the first Tuesday of April of the next ensuing year; but no election to fill a vacancy in ~~such the~~ office ~~shall may~~ be held at the time of holding the regular election for such office. ~~Notwithstanding any other provision of~~ In addition to the elections required under this subsection, the county executive may order a special election to be held under s. 8.50 to fill the vacancy and s. 8.50 shall apply to such election. ~~When.~~ If an assembly district in such the county is altered by legislative redistricting effective prior to the end of an existing supervisor term and a vacancy happens, the person elected to fill ~~such that~~ vacancy for the residue of the unexpired term shall be an elector of ~~such the~~ assembly district as it existed prior to ~~such~~ redistricting.

SECTION 80. 17.23 (1) (a) and (b) of the statutes are amended to read:

17.23 (1) (a) In cities of the 2nd, 3rd or 4th class, in the office of mayor, except as provided in s. 9.10, by appointment by the common council. In the office of alderman, by the common council, except as provided in s. 9.10. A person so appointed shall hold office until a successor is elected and qualified. A successor shall be elected for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, in case it happens ~~90 days or more before such day no later than December 1 preceding the the first Tuesday in April,~~ but if ~~such the~~ vacancy happens ~~within 90 days before such day after December 1 preceding the first Tuesday in April,~~ before such day, then the successor shall be elected on the ~~following such date~~ first Tuesday in April of the next ensuing year; but no election to fill a vacancy in such office ~~shall may~~ be held at the time of holding the regular election for that office.

(b) ~~In cities of the 1st class~~ cities, in the office of mayor, except as provided in s. 9.10, the vacancy shall be filled by the president of the common council as acting mayor until a special election can be held under this paragraph. In such case, the acting mayor may continue to serve as president of the common council, in addition to exercising the powers and responsibilities of the office of mayor, until such time as a new mayor is elected, but the acting mayor ~~shall may~~ not take part in any vote of the common council during that period. In the office of alderman, by special election, except as provided in s. 9.10. A person so appointed shall hold office until a successor is elected and qualified. When a mayor is temporarily appointed, or when an aldermanic seat becomes vacant, a successor shall be elected for the residue of the unexpired term on the first Tuesday of April or the Tuesday after the first Monday in November next after the vacancy happens, in case it happens ~~earlier than 90 days before such~~ no later than December 1 or June 1 preceding that day, but if ~~such the~~ vacancy happens ~~on or after 90 days before such~~ December 1 or June 1 preceding that day, then the successor shall be elected on the following ~~such date~~ first Tuesday in April or Tuesday after the first Monday in November; but no election to fill a vacancy in such office ~~shall may~~ be held at the time of holding the regular election for that office. In addition, the president of the common council of any ~~city of the 1st~~

class city may ~~at any time~~ order a special election to be held under s. 8.50 to fill a vacant aldermanic seat prior to the time when ~~such that~~ that seat is required to be filled under this paragraph whenever he or she deems it advisable. If a special election is held under this paragraph after a redistricting plan is adopted, the election shall be held in the aldermanic district as it existed when the office was filled at the last preceding election. The common council may ~~at any time~~ order a special election for the office of mayor to be held under s. 8.50 when ~~said that~~ that office is temporarily filled by the president of the common council prior to the time when ~~such an~~ an election for the office of mayor is required to be held under this paragraph.

SECTION 81. 17.24 (2) of the statutes is amended to read:

17.24 (2) Except as provided in sub. (3), a vacancy in any elective office in a village may be filled by special election of a successor for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, if it happens ~~90 days or more before such day no later than December 1 preceding the first Tuesday in April~~, but if the vacancy happens ~~within 90 days before~~ after December 1 preceding the first Tuesday of April, then the successor shall be elected on the first Tuesday of April of the next ensuing year; but no election to fill a vacancy in the office may be held at the time of holding the regular election for the office.

SECTION 82. 17.26 (1) of the statutes is amended to read:

17.26 (1) In the case of common, unified and union high school districts, by appointment by the remaining members. Such appointees shall hold office until a successor is elected and takes office under s. 120.06 (4) or 120.73 (1). When a vacancy occurs in the office of a board member who is in the last year of his or her term, or when a vacancy occurs after the spring election but on or before the ~~2nd last Tuesday in December~~ November in the office of a board member who is not in the last year of his or her term, the successor shall be elected at the next spring election. When a vacancy occurs ~~between after the 2nd last Tuesday in December~~ November and on or before the date of the next spring election in the office of a board member who is not in the last year of his or her term, the successor shall be elected at the 2nd following spring election.

SECTION 84. 20.510 (1) (g) of the statutes is created to read:

20.510 (1) (g) *Recount fees*. All moneys received on account of recount petitions filed with it, to be apportioned to the county clerks or county board of election commissioners as prescribed in s. 9.01 (1) (ag).

SECTION 85. 59.025 (title) and (1) of the statutes is amended to read:

**59.025 (title) County organization.** (1) **PURPOSE.** The purpose of this section is to improve the ability of county government to organize its administrative structure and to govern, within constitutional limits. ~~The state constitution now~~ authorizes the legislature to establish one or more systems of county government. Consistent with this constitutional authority, it is the intent of the legislature to increase the organizational discretion which county government may exercise in the administration of powers conferred upon county boards of supervisors by the legislature. ~~The legislature intends to allow county governments to conduct advisory and contingent referenda.~~

SECTION 86. 59.025 (6) of the statutes is repealed.

SECTION 86m. 59.03 (3) (b) of the statutes is amended to read:

59.03 (3) (b) *Creation of supervisory districts*. Within 90 days after every municipality in the county has ~~redistricted~~ adjusted its wards under s. 5.15, the county board in each such county shall establish and number supervisory districts, after a public hearing, in such a manner that by combining the contiguous whole wards established under s. 5.15 each supervisor shall represent as nearly as practicable an equal number of inhabitants according to the most recent ~~countywide~~ decennial federal census of population. The

~~chairman~~ chairperson of the county board shall file a certified copy of the ~~apportionment~~ districting plan with the secretary of state.

SECTION 87. 59.031 (7) of the statutes is amended to read:

59.031 (7) REMOVAL FROM OFFICE; VACANCY, HOW FILLED. The county executive may be removed from office by the governor for cause under s. 17.16. A vacancy in the office of county executive shall be filled temporarily, within 30 days of the date of the vacancy, by appointment by the chairperson of the ~~county~~ board, subject to confirmation by the ~~county~~ board, from among electors of the county. Within 7 days following the occurrence of the vacancy, the chairperson of the ~~county~~ board shall order a special election to be held ~~to fill the vacancy.~~ Section under s. 8.50 shall apply to the election except that if to fill the vacancy. If the vacancy occurs less than 100 days before the first Tuesday in April, it shall be held on after October 31 but not later than 49 days prior to the day of the spring election if the provisions of s. 8.50 permit primary, the special election shall be held concurrently with the spring primary and election.

SECTION 88. 59.032 (7) of the statutes is amended to read:

59.032 (7) VACANCY, HOW FILLED. The county executive may be removed from office by the governor for cause under s. 17.16. A vacancy in the office of the county executive shall be filled temporarily, within 30 days of the date of the vacancy, by appointment by the chairperson of the ~~county~~ board, subject to confirmation by a majority of the ~~county~~ board, from among electors of the county. Within 7 days following the occurrence of the vacancy, the chairperson of the ~~county~~ board shall order a special election to be held ~~to fill the vacancy.~~ Section under s. 8.50 shall apply to such election except that if to fill the vacancy. If the vacancy occurs less than 100 days before the first Tuesday in April, it shall be held on after October 31 but not later than 49 days prior to the day of the spring election if the provisions of s. 8.50 permit primary, the special election shall be held concurrently with the spring primary and election.

SECTION 89. 59.07 (67) of the statutes is repealed and recreated to read:

59.07 (67) ADVISORY AND CONTINGENT REFERENDA. Conduct a countywide referendum for advisory purposes or for the purpose of ratifying or validating a resolution adopted by the board contingent upon approval in the referendum.

SECTION 89c. 60.19 (1) (a) of the statutes, as affected by chapter 130, laws of 1979, is amended to read:

60.19 (1) (a) Biennially, in the odd-numbered years, ~~at the annual town meeting~~ each town shall elect the following officers: 3 supervisors except when the number of supervisors has been increased under par. (am), one of whom shall be designated on the ballots as chairman, a town clerk, a treasurer, or under s. 60.60 (2) (b), a person to serve in the combined office of town clerk and town treasurer, an assessor (the number of assistant assessors for which the town board before the election made provisions), if election of the assessor is provided, and so many constables, not exceeding 3, as were ordered by the last preceding annual town meeting. No person who is not an elector of the town may hold any town office, except that the town may appoint a corporation as an assistant to the assessor under s. 70.05 (2), or employ a corporation or the department of revenue as expert help under s. 70.055, or the town board may appoint a person who is not an elector of the town under sub. (2) or (5), ~~and no.~~ No person may hold the offices of treasurer and assessor at the same time. The electors may at a referendum election held at the time of any regular or special election, vote to combine the offices of assessor and clerk to take effect at the expiration of the current terms of such officers. No assessor may be elected in towns appointing such officers under civil service under subs. (2) and (3) and no assessor may be elected in any town after the town comes within the jurisdiction of a county assessor under s. 70.99. The corporation or the department of revenue appointed under s. 70.055 shall designate the person who shall serve with the assessor as the assessment board. The designee shall file the official oath as prescribed in s. 19.01, and sign the

affidavit of the assessor attached to the assessment roll under s. 70.49. No person may be designated by any corporation or the department of revenue unless the person has been granted the appropriate certification under s. 73.03 (2).

SECTION 89f. 60.22 of the statutes is amended to read:

60.22 **Term of office.** Every elected town officer ~~elected at an annual meeting~~ shall hold his or her office for 2 years, and until his successor is elected and qualified.

SECTION 89k. 62.03 (1) of the statutes is amended to read:

62.03 (1) This subchapter, except ~~s. ss.~~ ss. 62.071 and 62.08 (1), shall not apply to cities of the 1st class under special charter.

SECTION 89t. 62.08 (1) and (2) of the statutes are consolidated and amended to read:

62.08 (1) Within 90 days after the wards have been readjusted under s. 5.15 (intro.) to (2) the common council of ~~any every city may change the numbers and, including any city of the first class, shall~~ redistrict the boundaries of its aldermanic districts, by an ordinance introduced at a regular meeting of the council, published as a class 2 notice, under ch. 985, and thereafter adopted by a ~~two-thirds~~ majority vote of all the members of the council; ~~but no further change shall be made in any such aldermanic district for 2 years except by adding thereto territory newly attached to the city.~~ (2) Aldermanic, so that all aldermanic districts shall be are as compact in area as possible and contain, as nearly as practicable by combining contiguous whole wards, an equal number of inhabitants according to the most recent city-wide decennial federal census of population.

(2) If new area is subsequently annexed to any city, the limitations of s. 5.15 relating to population or area shall not apply to the creation of new wards in the area annexed, or to the addition of the area to an existing ward, but no ward line adjustment may cross the boundary of an assembly district.

SECTION 89v. 62.08 (4) of the statutes is amended to read:

62.08 (4) The common council of any city may ~~not more frequently than once in 2 years, by a two-thirds vote of all its members at any time but not more frequently than once in 2 years, increase or decrease the number of aldermanic districts or the number of members of the city council, and in that case shall redistrict, readjust and change the boundaries of aldermanic districts, so that they shall be~~ are as nearly equal in population as may be, ~~and to that end such council may create new aldermanic districts and consolidate old ones according to the most recent city-wide federal census as practicable by combining contiguous whole wards.~~ In redistricting such cities the original numbers of the aldermanic districts in their geographic outlines shall as far as possible be retained, and the aldermanic districts so created and those the boundaries of which are changed shall be in as compact form as possible.

SECTION 91. 120.06 (7) (a), (8) (b) and (10) of the statutes are amended to read:

120.06 (7) (a) ~~Immediately upon the expiration of the time for filing declarations of candidacy, but no~~ No later than 5 p.m. on the 2nd Tuesday in January, ~~or the next day if Tuesday is a holiday,~~ the school district clerk shall verify the declarations of candidacy. In making verifications, the school district clerk shall designate the form of each candidate's name to appear on the ballot in the manner prescribed in s. 7.08 (2) (a). Once filed, a declaration may not be withdrawn.

(8) (b) Determine for the primary, if any, and again for the spring election the order in which the names of candidates are printed on the ballot by supervising the drawing of lots ~~at 8 p.m. on the~~ not later than the 7th day following the last day for filing written declarations of candidacy and the 3rd day following the completion of the canvass of the primary election, if any;

(10) Within 8 days after the election or appointment of any person to the school board, the school district clerk shall notify the person of his or her election or appointment as prescribed in s. 7.53 (3). On or prior to the day provided for taking office, a school board member shall take and file the official oath.

SECTION 92. 120.43 (4) (a) of the statutes is amended to read:

120.43 (4) (a) The city clerk shall prepare all ballots for the election of school board members, including ballots solely for the attached territory when the school board is not elected at large. The clerk shall designate the form of each candidate's name to appear on the ballot in the manner prescribed in s. 7.08 (2) (a).

SECTION 92m. **Election districts preserved.** Nothing in this act requires cities, villages, towns or counties to change the boundaries of their wards or election districts prior to the publication of the detailed results of the 1980 federal decennial census of population.

SECTION 93. **Term changes.** Wherever in section 9.01 (1) (b) 2, 4 and 5 of the statutes the terms "electors" or "voting electors" appear, the term "voters" is substituted.

SECTION 93m. **Reconciliation.** The treatment of section 17.26 (1) of the statutes by this act supersedes the treatment of that subsection by chapter ... (Assembly Bill 1212), laws of 1979.

SECTION 94. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
7.23 (1)(c)	6.50 (7)	6.50 (8)
13.62 (6)	11.01 (20)	5.02 (23)
13.62 (11m)	11.01 (13)	5.02 (9)
13.62 (13)	11.01 (20)	5.02 (23)

SECTION 94m. **Reconciliation.** If 1979 Senate Bill 156 is enacted, the word "statement" is substituted for the word "affidavit" in section 8.15 (4) (a) of the statutes, as affected by this act.

SECTION 95. **Application.** (1) This act takes effect on July 1, 1980, except as provided in subsection (2).

**Vetoed** (2) The treatment of sections 8.04 and 8.15 ~~(2) and (5)~~ of the statutes by this act **in Part** applies commencing on July 1, 1981.