

1979 Senate Bill 362

Date published: May 17, 1980

## CHAPTER 311, Laws of 1979

AN ACT to renumber 5.02 (1), 7.23 (1) (g), 7.37 (5) and (6) and 9.01 (1) (b) 6; to renumber and amend 5.75 and 7.37 (7); to amend chapter 5 (title), 5.02 (15), 5.10, 5.35 (2) and (3), 5.40 (title), (1) and (3), 5.51 (1) and (6), 5.53 (1), 5.54, 5.55, 5.62 (intro.), (1) and (2), 5.66, 5.68, 5.70 (title) and (1), 6.15 (3) (b), 6.22 (4) and (5), 6.24 (6) and (7), 6.55 (2) (a) and (c) 2 and 3 and (3), 6.79 (1) and (3), 6.80 (1), (2) (a), (b), (e) and (f) and (3) (title), 6.82 (2) (a) and (b), 6.87 (4) and (5), 7.03, 7.08 (1) (d), 7.10 (1) (a), 7.15 (1) (c) and (e), (2) (b) and (c), (3) and (6), 7.25 (2) and (6) (b), 7.35 (1), 7.37 (4), 7.38 (1) (a), 7.50 (1) (b) and (2) (a), (b), (d) and (h), 7.51 (1) (intro.), (a) and (b), 7.51 (2), 8.05 (5), 8.11 (1) (d), 8.12 (1) (b) and (c), 8.15 (1), 8.17 (3) (a), 8.35 (2) and (3), 9.01 (1) (b) 4, 10.01 (2) (b), 10.02 (3) (intro.) and (a), 10.06 (3) (am), (bm) and (e), 10.07 (2), 12.13 (1) (f), (2) (b) 6 and (3) (e), (f), (j) and (q), 12.60 (1) (a), 59.997 (9), 67.04 (2) (a) and (5) (a), 67.05 (6a) (d) and (6m) (d), 117.02 (4) (e), 120.43 (4) (b) and 121.93 (4); and to create 5.02 (1), (1e), (1m), (4m), (24g) and (24r), 5.35 (6), 5.51 (8), subchapter III of chapter 5, 6.82 (3), 6.86 (4) and (5), 7.23 (1) (g), 7.37 (5), 7.50 (1) (c) and (d), 7.51 (6), 8.50 (3) (c), 9.01 (1) (b) 6 to 10 and 12.13 (3) (z) of the statutes, relating to authorization for the use of electronic voting systems, ballot preparation and voting and canvassing procedure, granting rule-making authority and providing penalties.

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

SECTION 1. Chapter 5 (title) of the statutes, as affected by chapter 89, laws of 1979, is amended to read:

### CHAPTER 5

#### ELECTIONS—GENERAL PROVISIONS; ~~BALLOT FORM~~

#### BALLOTS AND VOTING SYSTEMS

SECTION 2. 5.02 (1) of the statutes is renumbered 5.02 (1s).

SECTION 3. 5.02 (1), (1e), (1m) and (4m) of the statutes are created to read:

5.02 (1) "Automatic tabulating equipment" means apparatus which automatically examines and counts votes recorded on ballots or voting machines and tabulates the results.

(1e) "Ballot" means a tabulating card, ballot label, sheet of paper or envelope on which votes are recorded. The term also includes a sheet or card, filmstrip or other device listing or containing information relative to offices, candidates and referenda which is placed, projected or composed on the board or screen inside a voting machine.

(1m) "Ballot label" means the page, card or material containing the names of offices and candidates or referenda to be voted on, which is placed on a voting device. The term does not include a paster applied to ballots to fill a vacancy in a nomination.

(4m) "Electronic voting system" means a system in which votes are recorded on ballots, and the votes are subsequently counted and tabulated by automatic tabulating equipment. The term also includes a voting machine on which votes are recorded and tabulated by electronic means.

SECTION 4. 5.02 (15) of the statutes is amended to read:

5.02 (15) "Polling place" means the actual location wherein the elector's ~~ballot~~ vote is cast.

SECTION 5. 5.02 (24g) and (24r) of the statutes are created to read:

5.02 (24g) "Voting device" means an apparatus other than a voting machine which the elector uses to record his or her votes on a ballot.

(24r) "Voting machine" means a machine which serves in lieu of a voting booth and which mechanically or electronically records the votes cast by electors, who depress levers or buttons located next to the choices listed on a ballot to cast their votes.

SECTION 6. 5.10 of the statutes, as affected by chapter 89, laws of 1979, is amended to read:

**5.10 Presidential electors.** Although the names of the electors do not appear on the ballot and no reference is made to them, a vote for the president and vice president named on the ballot is a vote for the electors of the candidates ~~by whose names the mark appears for whom an elector's vote is cast~~. Under chs. 5 to 12, all references to the presidential election, the marking casting of the ballot votes and the canvassing of votes for president, or for president and vice president, mean ~~a vote~~ votes for them through their pledged presidential electors.

SECTION 7. 5.35 (2) and (3) of the statutes are amended to read:

5.35 (2) **VOTING BOOTHS.** There shall be one voting booth for every 200 electors who voted at the last general election. The booths shall be constructed at least 24 inches on a side, have a shelf to write on and be sufficiently enclosed to assure privacy for the elector and anyone lawfully assisting the elector while marking, punching or labeling the elector's ballot.

(3) **BALLOT BOXES.** Where the voting procedure makes them necessary, there shall be a separate ballot box for each form of ballot at each polling place. There must be a suitable lock and key for each, and an opening no larger than is sufficient to receive a single ~~folded~~ folded ballot or a single folded ballot if the box is used for deposit of paper ballots.

SECTION 8. 5.35 (6) of the statutes is created to read:

5.35 (6) **POSTING REQUIREMENT.** At each polling place in the state where an electronic voting system is utilized at a partisan primary election incorporating a ballot upon which electors may mark, punch or label votes for candidates of more than one recognized political party or for candidates of a recognized political party and independent candidates, the municipal clerk or board of election commissioners shall prominently post a sign in the form prescribed by the board warning electors in substance that on any ballot with votes cast for candidates of more than one recognized political party or any ballot with votes cast for candidates of a recognized political party and independent candidates, no votes cast for any candidates for partisan office will be counted.

SECTION 9. 5.40 (title), (1) and (3) of the statutes are amended to read:

**5.40 (title) Voting systems shall be used.** (1) The common council of every city and the trustees of every village with a population of 10,000 or more shall require the use of voting machines or electronic voting systems in every ward in the municipality. Any other municipal governing body may adopt and purchase voting machines or electronic voting systems for use in ~~the various wards~~ any ward in the municipality.

(3) Notwithstanding sub. (1), the use of voting machines ~~shall be~~ or electronic voting systems is optional with the municipality for any territory ~~of low population which is annexed to a city or village across the boundary of a legislative district, but shall again be mandatory as soon as the best evidence suggests that if~~ the population residing in the territory so annexed ~~exceeds~~ does not exceed the minimum population for a ward in that municipality as specified under s. 5.15 (2).

SECTION 10. 5.51 (1) and (6) of the statutes are amended to read:

5.51 (1) All paper ballots shall be of sufficient width and length to provide space for all matter required to be printed on them.

(6) All candidates' names for the same office shall be ~~printed~~ placed, projected or composed on the ballot in the same size and, style and color of type.

SECTION 11. 5.51 (8) of the statutes is created to read:

5.51 (8) Subsections (2) and (3) do not apply to ballots used with electronic voting systems.

SECTION 12. 5.53 (1) of the statutes is amended to read:

5.53 (1) The ~~ballots~~ ballot shall be placed, projected or composed ~~on or in a board or screen inside the machine,~~ under s. 5.64 and may be arranged in either vertical or horizontal rows.

SECTION 13. 5.54 of the statutes is amended to read:

**5.54 Notice to electors.** Every ~~paper~~ ballot, except a ballot label or voting machine 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 14. 5.55 of the statutes is amended to read:

**5.55 Ballot identification.** On every ~~paper~~ ballot, except a ballot label or voting machine ballot, shall be printed "Official .... Ballot" or "Official .... Ballot for ...." followed by the designation of the polling place for which the ballot has been prepared, the date of the election, and the official ~~indorsement~~ endorsement and blank certificates. The number of the ward or aldermanic district, if any, and the name of the municipality may be omitted in printing and stamped or written on the ballots at any location which is clearly visible at the option of the county clerk. ~~Stamped or written information may be placed at any location on the ballot which is clearly visible.~~ Other Printed information and initials shall appear on the back and outside of the ballot. When a ballot card is employed with an electronic voting system, the date of the election may be printed or stamped on the back of the ballot card in such a manner that the card is not reusable, at the option of the county clerk. Each ballot shall be prepared in substantially the following form:

OFFICIAL .... BALLOT

FOR

.... Ward (if any), .... Aldermanic district (if any),  
City (Village or ~~town~~ Town) of .....

.... 19...

.....  
.....  
Ballot Clerks

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Absent Elector's Ballot issued by  
.... Municipal Clerk

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[I] [We] certify that the within ballot was marked by [me] [us] for an elector incapable under the law of marking the ballot and as directed by the elector.

.... (Signature of assisting elector)  
... (Signature of official)  
.... (title)  
.... (Signature of official)  
.... (Title)

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I certify that the within ballot was marked by me at the request of an absentee elector incapable under the law of marking the ballot and as directed by the elector.

.... (Signature of officer authorized  
to administer oaths)  
.... (Title)

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SECTION 15. 5.62 (intro.), (1) and (2) of the statutes are amended to read:

**5.62 September primary ballots.** (intro.) At September primaries, where necessary, the following ballot or ballots shall be provided for each ward, in substantially the same form as annexed Ballot 1.

(1) (a) There shall be an Australian ballot made up of the several party tickets with each party entitled to participate in the primary under par. (b) or sub. (2) having its own ballot, ~~and the~~ The independent candidates for state office shall have a separate ballot for all such candidates as under s. 5.64 (1) (e). The several ballots shall be secured together at the bottom. The party ballot of the party receiving the most votes for governor at the last general election shall be on top with the other parties arranged in an order based on their vote for governor at the last general election. The ballot listing the independent candidates shall be placed at the bottom. At polling places where voting machines are used, each party and the independent candidates shall be represented in a separate column or row on the ballot. At polling places where an electronic voting system is used other than an electronic voting machine, each party and the independent candidates may be represented in a separate column or row on the ballot.

(b) Every political organization listed as independent and every recognized political party listed on the official ballot at the last general election that received at least one percent of the total votes cast for any statewide office, including presidential elector, which was contested at that election shall have a separate primary ballot or separate column or row on the primary ballot as prescribed in par. (a) and a separate column on the general election ballot. The chairman and secretary of the organization which was "independent" at the last election shall certify to the board their party name, which ~~shall~~ may not duplicate the name of an existing party.

(2) Any political organization may be represented by on a separate primary ballot or a separate column or row on the primary ballot as prescribed in sub. (1) (a) if, not later than June 1 in the year of a September primary, it files with the board a petition so requesting, signed either by electors equal to one-sixth of the total vote cast for governor in each of at least 10 counties at the last election or one-sixth of the electors in any senate, assembly or congressional district. When their candidates fulfill the nomination paper requirements, they shall appear on a separate ballot or column on the ballot within the district or state.

SECTION 16. 5.66 of the statutes is amended to read:

**5.66 Number of ballots.** (1) For local elections, where necessary, municipal clerks shall have sufficient ballots printed or otherwise prepared whenever a voting system does not utilize printed ballots to assure a ballot for all electors or voting machines a ballot. For all other elections the municipal clerks shall certify to their county clerk, on the first day of

the month preceding the month in which the primary is held, the approximate number of electors in the ~~district~~ municipality. The county clerk shall total these estimates and order a sufficient supply to assure ballots for ~~every elector~~ all electors and voting machines.

(2) ~~A~~ The county clerk shall print a sufficient number of sample ballots shall be printed. Voting machine sample ballots shall be a reduced size diagram of the face of the board or screen inside the voting machine with all candidates, issues and voting instructions as they will appear on the official ballot. Sample ballots to be used with an electronic voting system in which ballot labels or ballot cards are used shall be an actual size copy of the ballot labels and ballot card. The county clerk shall distribute the samples approximately as follows: 45 % shall be kept in the clerk's office and distributed to electors requesting them; 45 % shall be sent to the municipalities for distribution to the electors; and 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 17. 5.68 of the statutes is amended to read:

**5.68 Cost of elections.** (1) ~~All~~ Except as otherwise expressly provided, all costs for ballots, supplies, machines, equipment and any other material necessary in preparing or conducting any election shall be paid for by the governing body county or municipality whose officer clerk or commission board of election commissioners is responsible under ch. 7 to provide for providing them under ch. 7.

(2) When voting machines are used or when an electronic voting system is used in which all candidates and referenda appear on the same ballot card, the ballots for all national, state and county offices and offices higher than state and county level referenda shall be printed and paid for by the county wherein they are used. When the voting machine or electronic voting system ballot includes a school district ballot, that portion of the ballot shall be paid for by the municipality in the school district with the property having the highest equalized valuation. When voting machine or electronic voting system ballots include 2 or more levels of government, the cost of ballot printing or preparation shall be prorated between the units of government sharing responsibility for the ballot. Referenda ballots shall be similarly printed and paid for.

SECTION 18. 5.70 (title) and (1) of the statutes are amended to read:

**5.70 (title) Preparation of ballots; printing of registration lists.** (1) The county clerk shall award the printing or preparation of ballots to the lowest responsible bidder upon the accepted bidder's filing with the clerk a bond in the penal sum of at least twice the amount of the accepted bid. If the ballots must be printed or prepared by the manufacturer or distributor of an electronic voting system in order to be utilized with that system, the award may be made without bidding upon furnishing of the required bond. The bond shall be signed by one or more sureties and conditioned upon the bidder's faithful performance of all conditions imposed upon him or her by the clerk. The clerk shall keep all ballot printing or preparation proposals in his or her office. The county clerk may reject all bids. If bids are not received for voting machine ballots the county clerk may enter into contracts for the printing of the ~~same~~ ballots without bids.

SECTION 19. 5.75 of the statutes is renumbered 5.72 and amended to read:

**5.72 Correcting ballot errors.** Whenever an affidavit is filed by any elector alleging an error or omission in the printing preparation of the ballots, the ~~proper~~ county where the ballot is proposed to be used or its presiding judge, by order, may summarily require a county or municipal clerk to correct the error, or show cause why it should not be corrected and, by order, after the hearing, have the correction made.

SECTION 20. Subchapter III of chapter 5 of the statutes is created to read:

CHAPTER 5  
SUBCHAPTER III  
ELECTRONIC VOTING SYSTEMS

**5.76 Adoption, experimentation or discontinuance of systems.** The governing body of any municipality may by ordinance adopt, experiment with, or discontinue any electronic voting system authorized by this subchapter and approved under s. 5.91 for use in this state, and may purchase or lease materials or equipment for such system to be used in all or some of the wards within its jurisdiction, either exclusively in combination with mechanical voting machines, or in combination with paper ballots where such ballots are authorized to be used.

**5.77 Applicable procedures.** (1) So far as applicable, the procedure provided for voting paper ballots applies when an electronic voting system employing the use of ballots distributed to electors is used.

(2) So far as applicable, the procedure provided for voting with mechanical voting machines applies when an electronic voting system employing the use of electronic voting machines is used.

**5.78 Voting booths.** At polling places where an electronic voting system employing the use of ballots distributed to electors is used, the municipality shall supply a sufficient number of voting booths for the use of electors as provided in s. 5.35 (2).

**5.79 Instruction of electors.** At polling places where an electronic voting system employing the use of ballot cards or ballot labels and voting devices is used, the election officials shall offer each elector instruction in the operation of the voting device and ballot label or ballot card before the elector enters the voting booth. No instructions may be given after the elector has entered the voting booth, except as authorized under s. 6.82 (2). All instructions shall be given by election officials in such a manner that they may be observed by other persons in the polling place.

**5.80 Demonstrator electronic voting system.** When an electronic voting system is used in a forthcoming election, the municipal clerk may provide, for the purpose of instructing electors in the election, one or more demonstrator electronic voting systems using the names of fictitious candidates or fictitious questions for placement in any public building within the municipality in which the election occurs. If such placement of a demonstrator takes place it shall be made available at least 30 days before the election.

**5.81 Ballot information; arrangement; absentee ballots; spoiled ballots.** (1) Whenever the statutes require the use of separate ballots or columns or rows for offices, parties or referenda, and an electronic voting system employing a ballot label or ballot card is used at a polling place, a single ballot may be used for all offices, referenda and parties. The ballot information, whether placed on the ballot or on the voting device, shall, as far as practicable, be grouped and ordered in the same manner as provided for other ballots under this chapter, except that the information on the ballot card need not be in separate columns or rows and the information in the ballot label booklet may appear on a number of pages.

(2) When an electronic voting system utilizes a ballot label booklet and ballot card, ballots for candidates and ballots on referenda may be placed on the voting device by providing in the ballot booklet separate ballot label pages or series of pages distinguished by differing colors. Whenever practicable, all candidates for the same office shall appear in the booklet on the same page or facing pages. More than one question may be placed on the same ballot page or series of pages. Ballot label pages for referenda shall be on paper of blue color and shall precede all other ballot label pages in the ballot label booklet. Ballot label pages for candidates shall be on paper of white color. In elections where provision is made for straight party voting by marking a party circle, the designation of the political parties for straight party voting shall be on a separate page on which no

names of candidates may appear. On each succeeding page of the candidate booklet, where the ballot information is listed vertically, the party affiliation of each candidate or the designation "independent" or the candidate's statement of principles, if any, shall appear immediately to the left of the candidate's name, and the name of candidates for the same office shall be listed vertically under the title of that office.

(3) If a municipality utilizes an electronic voting system in which ballots distributed to electors are employed, absentee ballots may consist of ballots utilized with the system or paper ballots and envelopes voted in person in the office of the municipal clerk or voted by mail. If a ballot card is used for voting by mail it shall be accompanied by a punching tool or marking device, elector instructions and a sample ballot showing the proper positions to vote on the ballot card for each party, candidate or referendum and, if the ballot card is to be punched, shall be mounted on a suitable material.

**5.82 Separate write-in ballots.** A separate write-in ballot, which may be in the form of a paper ballot, card or envelope in which the elector places his or her ballot card after voting, shall be provided by each municipality where an electronic voting system is utilized to permit electors to write in the names of persons whose names are not on the ballot whenever write-in votes are authorized.

**5.83 Preparation for use of voting devices; comparison of ballots.** Where voting devices are used at a polling place, the municipal clerk shall cause the voting devices to be put in order, set, adjusted and made ready for voting when delivered to the polling place. Before the opening of the polls the inspectors shall compare the ballots used in the voting devices with the sample ballots furnished and see that the names, numbers and letters thereon agree and shall certify thereto on forms provided by the board.

**5.84 Testing of equipment; custody of programs and ballots.** (1) Where any municipality employs an electronic voting system which utilizes automatic tabulating equipment, either at the polling place or at a central counting location, the municipal clerk shall, on any day not more than 10 days prior to the election day on which the equipment is to be utilized, have the equipment tested to ascertain that it will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given by the clerk at least 48 hours prior to the test by publication of a class 1 notice under ch. 985 in one or more newspapers published within the municipality if a newspaper is published therein, otherwise in a newspaper of general circulation therein. The test shall be open to the public. The test shall be conducted by processing a preaudited group of ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each referendum. The test shall include for each office one or more ballots which have votes in excess of the number allowed by law and, for a partisan primary election, one or more ballots which have votes cast for candidates of more than one recognized political party, in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the municipal clerk shall ascertain the cause and correct the error. The clerk shall make an errorless count before the automatic tabulating equipment is approved by the clerk for use in the election.

(2) Before beginning the ballot count at each polling place or at the central counting location, the election officials shall witness a test of the automatic tabulating equipment by engaging the printing mechanism and securing a printed result showing a zero count for every candidate and referendum. After the completion of the count, the ballots and programs used shall be sealed and retained under the custody of the municipal clerk in a secure location.

**5.85 Receiving, counting, tallying and return of ballots.** (1) At any polling place at which an electronic voting system is utilized, the following procedures for receiving, counting, tallying and return of the ballots shall be used. Whenever paper ballots are utilized at a polling place in combination with ballots employed in an electronic voting system, the paper ballots shall be deposited in a separate ballot box or boxes, according to the types of ballots used. For the purpose of transporting the ballots or the record of the

votes cast, the municipal clerk shall provide a secure container for each polling place. At each polling place, the applicable portions of the procedure prescribed for initiating the canvass under s. 7.51 (1) and (2) shall be performed, except that no count of the ballots, except write-in votes and paper ballots used for absentee voting and other purposes authorized by law, may be performed at a polling place if a central counting location is designated for the counting of ballots at that polling place by the municipality.

(2) The election officials shall examine the ballots or record of votes cast for write-in votes and shall count and tabulate the write-in votes. When an electronic voting system is used which utilizes a ballot which is distributed to electors, before separating the remaining ballot cards from their respective covering envelopes, the election officials shall examine the ballots for write-in votes. When an elector has cast a write-in vote, the election officials shall compare the write-in vote with the votes on the ballot to determine whether the write-in vote results in an overvote for any office. In case of an overvote for any office, the election officials, consisting in each case of at least one election official of each of the 2 major political parties, whenever officials of both parties are present, shall make a true duplicate ballot of all votes on the ballot card except for the office which is overvoted, by using the ballot label booklet and voting device for the ward, if any, and one of the punching or marking devices so as to transfer all votes of the elector except for the office overvoted, to an official ballot of that kind used in the ward at that election. Write-in votes shall be counted as provided in s. 7.50 (2) (d). The original ballot upon which there is an overvote shall be clearly labeled "Overvoted Ballot" and the ballot so produced "Duplicate Overvoted Ballot", and each shall bear the same serial number which shall be placed thereon by the election officials, commencing with number "1" and continuing consecutively for each of the ballots of that kind in that ward. The election officials shall initial the "Duplicate Overvoted Ballot" ballots and shall place them in the container for return of the ballots. The "Overvoted Ballot" ballots and their envelopes shall be placed in the "Original Ballots" envelope. Ballots bearing write-in votes marked in the place designated therefor and bearing the initials of an election official and not resulting in an overvote and otherwise complying with the election laws as to marking shall be counted, tallied, and their votes recorded on a tally sheet provided by the municipal clerk. Ballot cards and ballot card envelopes shall be separated and all ballots except any which are defective or overvoted shall be placed separately in the container for return of the ballots, along with the ballots marked "Duplicate Overvoted Ballots".

(3) The election officials shall examine the ballots to determine if any is damaged or defective so that it cannot be counted by the automatic tabulating equipment. If any ballot is damaged or defective so that it cannot be properly counted by the automatic tabulating equipment, the election officials, consisting in each case of at least one official of each of the 2 major political parties whenever present, in the presence of witnesses, shall make a true duplicate ballot of all votes on that ballot by using the ballot label booklet and voting device for the ward, if any, and one of the punching or marking devices so as to transfer all votes of the elector to an official ballot of that kind used in the ward in that election. The original ballot shall be clearly labeled "Damaged Ballot" and the ballot so produced "Duplicate Damaged Ballot", and each shall bear the same number which shall be placed thereon by the election officials, commencing with number "1" and continuing consecutively for the ballots of that kind in the ward. The election officials shall initial the "Duplicate Damaged Ballot" ballots, and shall place them in the container for return of the ballots. The officials shall place "Damaged Ballot" ballots and their envelopes in the "Original Ballots" envelope.

(4) The original ballots shall be preserved with the duplicate ballots and delivered by the inspectors to the municipal clerk. The officials shall then make out a slip indicating the number of electors voting in person, number of absentee ballots deposited in the ballot box, and the total number of electors of each ward served by the polling place who voted at the election, which shall be signed by all the inspectors.



(5) If the municipality has designated a central counting location to be used to count ballots under s. 7.51 (1), the inspectors shall count and deposit the paper ballots in the container. The inspectors shall then place the slip made out under sub. (4) in the container. The inspectors shall also place the tally sheet recording the write-in votes and other votes cast on paper ballots, and all other ballots, or the record of the votes cast on an electronic voting system where no ballots are distributed to electors, in the container and shall thereupon immediately seal the container with an adhesive seal provided by the municipal clerk for the purpose in such manner that the seal completely covers the opening in the container, and each of the inspectors shall sign the seal. The "Defective Ballots" envelope, and "Original Ballots" envelope each shall be securely sealed and the flap or end thereof of each signed by the inspectors and returned to the central counting location with the box for return of the ballots, enclosed ballots and returns. Thereupon 2 of the election officials, of different political parties whenever officials of both parties are present, shall forthwith and by the most direct route transport the container and envelopes to the central counting location designated by the municipal clerk.

**5.86 Proceedings at central counting location.** (1) At the central counting location, a team of election officials designated by the municipal clerk shall check the container returned containing the ballots to determine that all seals are intact, and thereupon shall open the container, check the inspectors' slip and compare the number of ballots so delivered against the total number of electors of each ward served by the polling place who voted, remove the ballots or record of the votes cast and deliver them to the technicians operating the automatic tabulating equipment. Any discrepancies between the number of ballots and total number of electors shall be noted on a sheet furnished for that purpose and signed by the election officials.

(2) All proceedings at the central counting location shall be under the direction of the municipal clerk. Except for any specially trained technicians required for the operation of the automatic tabulating equipment, the employes at the central counting location shall be equally divided between members of the 2 major political parties under s. 7.30 (2) (a) and all duties performed by the employes shall be by teams consisting of an equal number of members of each political party whenever sufficient persons from each party are available.

**5.87 Tabulating votes.** If a central counting location is not utilized, the procedure for tabulating the votes by the automatic tabulating equipment shall be under the direction of the chairperson of inspectors and shall conform to the requirements of the automatic tabulating equipment. If any ballot is not accepted by the automatic tabulating equipment, the election officials shall make a duplicate ballot to replace that ballot in the manner prescribed in s. 5.85 (3). All proceedings at the polling place and at any central counting location shall be open to the public, but no person, except those employed and authorized for the purpose, may touch any ballot, container, envelope, return or equipment.

**5.89 Official return.** The return produced by the automatic tabulating equipment shall be appended to the tally sheet by the canvassers. The return constitutes a part of the official return for the ward or election district. The municipal clerk shall check the totals shown by the return and, if it appears that there is an obvious discrepancy with respect to the number of votes cast in any ward or election district, the clerk shall have the ballots for that ward or election district publicly retabulated to correct the return. Upon completion of the count, the return is open to the public.

**5.90 Recounts.** Except as otherwise provided in this subchapter, recounts of votes cast on an electronic voting system shall be conducted in the manner prescribed in s. 9.01. The officials shall test the automatic tabulating equipment to be used prior to the recount as provided in s. 5.84, and then the official ballots or the record of the votes cast shall be recounted on the automatic tabulating equipment. In addition, the ballots shall be checked for the presence or absence of the initials and other distinguishing marks, the

ballots marked "Rejected", "Defective" and "Objected to" shall be examined to determine the propriety of such labels, and the "Duplicate Overvoted Ballots" and "Duplicate Damaged Ballots" shall be compared with their respective originals to determine the correctness of the duplicates.

**5.91 Requisites for approval of ballots, devices and equipment.** No ballot, voting device, automatic tabulating equipment or related equipment and materials to be used in an electronic voting system may be utilized in this state unless it is approved by the board. The board may revoke its approval of any ballot, device, equipment or materials at any time for cause. No such ballot, voting device, automatic tabulating equipment or related equipment or material may be approved unless it fulfills the following requirements:

(1) It enables an elector to vote in secrecy and to select the party or the independent candidates for whom an elector will vote in secrecy at a partisan primary election.

(2) It enables an elector to vote a straight party ticket whenever this option is permitted by law.

(3) Except in primary elections, it enables an elector to vote for a ticket selected in part from the nominees of one party, and in part from the nominees of other parties, and in part from independent candidates and in part of candidates whose names are written in by the elector.

(4) It enables an elector to vote for a ticket of his or her own selection for any person for any office for whom he or she may desire to vote whenever write-in votes are permitted.

(5) It accommodates all referenda to be submitted to the electors in the form provided by law.

(6) The voting device or machine permits an elector in a primary election to vote for the candidates in the party primary of his or her choice, and the automatic tabulating equipment or machine rejects any ballot on which votes are cast in the primary of more than one recognized political party, except where an elector casts write-in votes for candidates of more than one party on a ballot that is distributed to the elector.

(7) It permits an elector to vote at an election for all persons and offices for whom and for which the elector is lawfully entitled to vote; to vote for as many persons for an office as the elector is entitled to vote for; to vote for or against any question upon which the elector is entitled to vote; and it rejects all choices recorded on a ballot for an office or a measure if the number of choices exceeds the number which an elector is entitled to vote for on such office or on such measure, except where an elector casts excess write-in votes upon a ballot that is distributed to the elector.

(8) It permits an elector, at a presidential or gubernatorial election, by one action to vote for the candidates of a party for president and vice president or for governor and lieutenant governor, respectively.

(9) It prevents an elector from voting for the same person more than once for the same office, except where an elector casts excess write-in votes upon a ballot that is distributed to the elector.

(10) It is suitably designed for the purpose used, of durable construction, and is useable safely, securely, efficiently and accurately in the conduct of elections and counting of ballots.

(11) It records correctly and counts accurately every vote properly cast and maintains a cumulative tally of the total votes cast that is retrievable in the event of a power outage, evacuation or malfunction so that the records of votes cast prior to the time that the problem occurs is preserved.

(12) It minimizes the possibility of disenfranchisement of electors as the result of failure to understand the method of operation or utilization or malfunction of the ballot, voting device, automatic tabulating equipment or related equipment or materials.

(13) The automatic tabulating equipment authorized for use in connection with the system includes a mechanism which makes the operator aware of whether the equipment is malfunctioning in such a way that an inaccurate tabulation of the votes could be obtained.

**5.92 Bond may be required.** Before entering into a contract for the purchase or lease of an electronic voting system or any ballots, voting devices, automatic tabulating equipment or related equipment or materials to be used in connection with a system, any municipality may require the vendor or lessor to provide a performance bond with a licensed surety company as surety, guaranteeing the supply of additional equipment, parts or materials, provision of adequate computer programming, preventive maintenance or emergency repair services, training of election officials and other municipal employees or provision of public educational materials for a specified period, or guaranteeing the security of the computer programs or other equipment or materials to be utilized with the system to prevent election fraud, or such other guarantees as the municipality determines to be appropriate.

**5.93 Administration.** The board may adopt reasonable rules for the administration of this subchapter.

**5.94 Sample ballot labels and cards; publication.** When an electronic voting system employing a ballot label and ballot card is used, the county and municipal clerk of the county and municipality in which the polling place designated for use of the system is located shall cause to be published, in the type B notices, a true actual-size copy of the ballot label and ballot card containing the names of offices and candidates and statements of measures to be voted on, as nearly as possible, in the form in which they will appear on the official ballot label and ballot card on election day. The notice may be published as a newspaper insert. Municipal clerks may post the notice if the remainder of the type B notice is posted.

**5.95 Elector information.** The board shall prescribe information to electors in municipalities and counties using various types of electronic voting systems to be published in lieu of the information specified in s. 10.02 (3) in type B notices whenever the type B notice information is inapplicable.

SECTION 21. 6.15 (3) (b) of the statutes is amended to read:

6.15 (3) (b) *Polling place.* An eligible elector may appear at the proper polling place in the ward or election district where he or she resides and make application for a ballot under sub. (2). In such case, the inspector shall perform the duties of the municipal clerk. The elector shall provide identification. If the elector is qualified and is at the proper polling place, he or she shall ~~receive a ballot~~ be permitted to vote. The elector shall ~~mark and fold, punch or label the ballot and, if it is a paper ballot, the elector shall fold the ballot,~~ and shall give it to the inspector, ~~who~~. The inspector shall deposit it directly in the ballot box. ~~Voting machines or ballots utilized with electronic voting systems may only be used by electors voting under this section if they permit voting for president and vice president only.~~

SECTION 22. 6.22 (4) and (5) of the statutes are amended to read:

6.22 (4) INSTRUCTIONS AND HANDLING. The municipal clerk shall mail a ballot, as soon as available, to each military elector by or for whom a request has been made. The board shall prescribe the instructions for marking, punching or labeling and returning ballots and the municipal clerk shall enclose instructions with each ballot and shall also enclose supplemental instructions for local elections. The envelope, return envelope or explanatory note ~~shall~~ may not contain the name of any candidate appearing on the enclosed ballots other than that of the municipal clerk affixed in the fulfillment of his or her duties. The election material shall be ~~printed~~ prepared and mailed to make use of the federal free postage laws.

(5) VOTING PROCEDURE. The ballot shall be marked, punched or labeled and returned, deposited and recorded, in the same manner as other absentee ballots. In addition, the affidavit under s. 6.87 (2) shall have a statement of the elector's birth date. Failure to return the unused ballots in a primary election ~~shall~~ does not invalidate the ~~marked ballot on which the elector casts his or her votes.~~

SECTION 23. 6.24 (6) and (7) of the statutes are amended to read:

6.24 (6) INSTRUCTIONS AND HANDLING. The municipal clerk shall mail a ballot, as soon as available, to each overseas elector by whom a request has been made. The board shall prescribe the instructions for marking, punching or labeling and returning ballots and the municipal clerk shall enclose such instructions with each ballot. The envelope, return envelope and instructions ~~shall~~ may not contain the name of any candidate appearing on the enclosed ballots other than that of the municipal clerk affixed in the fulfillment of his or her duties. ~~The election municipal clerk shall mail the material shall be mailed~~ postage prepaid to any place in the world. The overseas elector shall provide return postage.

(7) VOTING PROCEDURE. The ballot shall be marked, punched or labeled and returned, deposited and recorded, in the same manner as other absentee ballots. In addition, the certificate-affidavit shall have a statement of the elector's birth date. Failure to return the unused ballots in a primary election does not invalidate the ~~marked ballot on which the elector casts his or her votes.~~

SECTION 24. 6.55 (2) (a) and (c) 2 and 3 and (3) of the statutes are amended to read:

6.55 (2) (a) Except where the procedure under par. (c) is employed, any person who qualifies as an elector in the ward ~~or aldermanic district~~ where he or she desires to vote, but has not previously filed a registration form, or was registered at another location in a municipality where registration is required, may request a ballot permission to vote at the proper polling place for that ward. When a proper request is made, the inspector shall require ~~such~~ the person to execute a registration form prescribed by the board which shall contain the following written oath or affirmation:

"I, ..., do solemnly swear (or affirm) that to the best of my knowledge, I am a qualified elector, having resided at .... for at least 10 days immediately preceding this election, and that I am not disqualified on any ground from voting, and I have not voted, at this election." If a change of address is made from outside the municipality, the elector shall file a cancellation under s. 6.40 (1) (b).

(c) 2. Upon compliance with the procedures under subd. 1, the municipal clerk or deputy clerk shall issue a certificate addressed to the inspectors of the proper polling place directing that the elector be permitted to cast his or her ~~ballot~~ vote. If the elector's registration is corroborated, the clerk shall enter the name and address of the corroborator shall be entered on the face of the certificate. The certificate shall be numbered serially, and prepared in duplicate and. The municipal clerk shall preserve one copy preserved in the his or her office of the municipal clerk.

3. The elector, at the time he or she ~~requests a ballot~~ appears to vote at the polling place, shall deliver the certificate issued under subd. 2 to the inspectors.

(3) Any qualified elector in the ward ~~or aldermanic district~~ where the elector desires to vote whose name does not appear on the registration list where registration is required but who claims to be registered to vote in the election may request a ballot permission to vote at the polling place for that ward. When the request is made, the inspector shall require ~~such~~ the person to give his or her name and address. If the elector is not at the correct polling place, the inspector shall provide the elector shall be provided with directions to the correct location. If the elector is at the correct polling place, the elector shall then execute the following written oath or affirmation: "I, ..., do solemnly swear (or affirm)

that to the best of my knowledge, I am a qualified elector, having resided at .... for at least 10 days immediately preceding this election, and that I am not disqualified on any ground from voting, and I have not voted at this election and am properly registered to vote in this election." The person shall be required to provide acceptable proof of residence as provided under sub. (7) and shall then be given the right to vote. If acceptable proof is presented, the inspector shall administer the oath and ~~such~~ the elector need not have the affidavit corroborated by any other elector. If acceptable proof is not presented, the statement shall be certified by the elector and shall be corroborated by another elector who resides in the municipality. The corroborator shall then provide acceptable proof of residence. Whenever the question cannot be satisfactorily resolved and the elector permitted to vote, an election official shall telephone the office of the municipal clerk to reconcile the records at the polling place with those at the office.

SECTION 25. 6.79 (1) and (3) of the statutes are amended to read:

6.79 (1) MUNICIPALITIES WITHOUT REGISTRATION. Where there is no registration, before ~~receiving his or her ballot being permitted to vote~~, each person shall state his or her full name and address which shall be recorded by the officials in the same order as 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". 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 The officials shall maintain 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 not receive a ballot~~ the elector may not be permitted to vote.

SECTION 26. 6.80 (1), (2) (a), (b), (e) and (f) and (3) (title) of the statutes are amended to read:

6.80 (1) (title) VOTING BOOTH OR MACHINE USE. Except when assistance is required to ~~mark a ballot cast a vote~~, only one person at a time ~~shall be~~ is permitted to occupy a voting booth or machine.

(2) METHOD OF VOTING. (a) Upon receiving his or her ballot and without leaving the polling place, the elector shall enter an unoccupied voting booth or machine alone to ~~mark cast his ballot or her vote~~. An elector may use or copy an unofficial sample ballot which may be marked in advance of his entering the polling place, but ~~he shall~~ an elector may not use or bring into the polling place any ballot printed upon paper of the quality type required or utilized for official ballots at that polling place.

(b) After preparing his or her ballot, unless the ballot is intended for counting with automatic tabulating equipment, the elector shall fold it so its face will be concealed ~~and~~. The elector shall then turn the ballot so the ballot clerks' printed ~~indorsement~~ endorsement and initials may be seen.

(c) After ~~folding~~ turning the completed ballot, the elector shall publicly and in person deliver the official ballot to one of the inspectors at the polling place where he or she offers to vote. The inspector receiving the ballot, without opening it or permitting it to be opened or examined, shall deposit it in the ballot box in the elector's presence.

(f) In partisan primary elections or for delegates to the national conventions at polling places where ballots are distributed to electors, unless the ballots are utilized with an electronic voting system in which all candidates appear on the same ballot, after the elector prepares his or her ballot ~~he~~ the elector shall detach the remaining ballots, fold both the completed ballot and the ballots to be discarded, personally deposit the ballots to be discarded in the separate ballot box marked "blank ballot box", and deliver the completed ballot as provided in par. (e). The inspectors shall keep the blank ballot box locked until

the canvass is completed and shall dispose of the blank ballots as prescribed by the municipal clerk.

(3) (title) TIME IN BOOTH OR MACHINE.

SECTION 27. 6.82 (2) (a) and (b) of the statutes are 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, punch or label a ballot or depress a button or lever on a voting machine, the elector shall be informed by the officials 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 casting his or her vote. An elector who is chosen to assist another elector may be any qualified elector residing within the county where the ward or election district is located. If an elector chooses 2 election officials to assist, the 2 persons shall officials may 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, punched or labeled 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.

(b) The officials or the elector chosen shall enter the voting booth or machine with the elector and shall read the names of all candidates on the ballot for each office, and ask, "For which one do you vote?". The ballot shall be marked, punched or labeled or lever or button depressed according to the elector's expressed preference. Any The official or other person selected to assist shall may not disclose to anyone how the elector voted.

SECTION 28. 6.82 (3) of the statutes is created to read:

6.82 (3) SOLICITATION PROHIBITED. No election official or other person assisting an elector under this section or s. 5.79 may request, suggest or seek to persuade an elector to cast a vote for or against any candidate, party or question.

SECTION 29. 6.86 (4) and (5) of the statutes are created to read:

6.86 (4) If a municipality employs an electronic voting system which utilizes a ballot that is inserted into automatic tabulating equipment, the municipality may distribute ballots for utilization with the electronic voting system as absentee ballots or it may distribute paper ballots as absentee ballots.

(5) Whenever an elector returns a spoiled or damaged absentee ballot to the municipal clerk, or an elector's agent under sub. (3) returns a spoiled or damaged ballot to the clerk on behalf of an elector, and the clerk believes that the ballot was issued to or on behalf of the elector who is returning it, the clerk shall issue a new ballot to the elector or elector's agent, and shall destroy the spoiled or damaged ballot. Any request for a replacement ballot under this subsection must be made within the applicable time limits under subs. (1) and (3) (c).

SECTION 30. 6.87 (4) and (5) of the statutes are amended to read:

6.87 (4) The elector voting absentee shall either make and subscribe to the affidavit before a person authorized to administer oaths or make and subscribe to the certification before 2 witnesses. The absent elector, in the presence of the administrator of the oath or witnesses, shall mark, punch or label the ballot in a manner that will not disclose how the ~~ballot is marked~~ elector's vote is cast. The elector shall then, still in the presence of the administrator of the oath or the 2 witnesses, fold the ballots if they are paper ballots so each is separate and conceals the markings, punches or labels thereon and deposit them in the proper envelope, but may receive assistance under sub. (5). The return envelope shall then be sealed. The witnesses or the official oath administrator shall may not be a candidate. The envelope shall be mailed by the elector, postage prepaid, or delivered in person, to the municipal clerk issuing the ballot. Failure to return the unused ballot in a primary shall does not invalidate the ~~marked~~ ballot on which the elector's votes are cast.

(5) If a person requests assistance, an officer authorized to administer oaths shall assist an absentee elector who is unable to read, or who by reason of physical disability is unable to mark, punch or label his or her ballot, and shall then sign his or her name to a certification on the back of the ballot, substantially as provided under s. 5.55.

SECTION 31. 7.03 of the statutes, as affected by chapter 89, laws of 1979, is amended to read:

**7.03 Compensation of election officials.** A reasonable compensation of not less than \$5 per day shall be paid to each election clerk, ballot clerk, inspector, voting machine custodian, automatic tabulating equipment technician, member of a board of canvassers, messenger and tabulator who is employed and performing duties under chs. 5 to 12. 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. 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~~ If 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 32. 7.08 (1) (d) of the statutes is amended to read:

7.08 (1) (d) Promulgate rules for the administration of the statutory requirements for voting machines and electronic voting systems and any other voting apparatus which may be introduced in this state for use at elections. Pursuant to such responsibility, the board may obtain assistance from competent persons to check the machines, systems and apparatus and approve for use those types meeting the statutory requirements and shall establish reasonable compensation for persons performing duties under this paragraph.

SECTION 33. 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 offices of county level or above. The official and sample ballots shall be printed prepared in substantially the same form as those annexed to ch. 5.

SECTION 34. 7.15 (1) (c) and (e), (2) (b) and (c), (3) and (6) of the statutes are amended to read:

7.15 (1) (c) Provide Distribute ballots and provide other supplies for conducting elections. Materials received from the county clerk shall be delivered with the ballots before the polls open.

(e) Instruct election officials in their duties, calling them together whenever advisable, advise them of changes in laws, rules and procedures affecting the performance of their duties, and administer examinations as authorized under s. 7.30 (2) (c). The clerk shall assure that officials who serve at polling places where an electronic voting system is used are familiar with the system and competent to instruct electors in its proper use. The clerk shall inspect systematically and thoroughly the conduct of elections in the municipality so that elections are honestly, efficiently and uniformly conducted.

(2) (b) Cities over 500,000 population may ~~print prepare~~ their own official and sample ballots. The Official ballots not utilized as absentee ballots shall be printed so they are ready at least 2 days before the election.

(c) With the consent of the county clerk, municipalities may print their own ballots whenever voting machines or electronic voting systems are used in ~~nonpartisan~~ elections where both local and judicial candidates for both local offices and national, state or county offices appear on the ballot. This paragraph does not apply to cities under par. (b).

(3) (title) BALLOT SUPPLY; SAMPLE BALLOTS. (a) ~~Where~~ voting machines are used or where electronic voting systems are employed, the municipal clerk shall provide at least 2 duplicate sample ballots for each ~~voting~~ ward in diagram form showing the ~~front of the board inside each voting machine or the front of each ballot~~ as it will appear in the voting machines or booths on election day.

(b) ~~Machine and sample~~ Sample ballots, voting machine ballots and ballot labels for electronic voting systems, whenever the labels are affixed to the voting devices, shall be furnished to the ~~ward~~ officials in the ward or election district at least one day before the each election.

(6) SUBSTITUTE BALLOTS. The municipal clerk shall provide substitute paper ballots in substantially the form of the original ballots whenever the necessary original ballots are not delivered to the municipality, are destroyed, are lost or stolen after delivery, are not ready for distribution or the supply is exhausted during polling hours. Upon receiving the substitute paper ballots accompanied by a statement made under oath by the municipal clerk that the ballots have been prepared and furnished by ~~him~~ the clerk to replace the original ballots which are not available, the election officials shall use the substitute ballots in the same manner as if originals they had been original ballots.

SECTION 35. 7.23 (1) (g) of the statutes is renumbered 7.23 (1) (h).

SECTION 36. 7.23 (1) (g) of the statutes is created to read:

7.23 (1) (g) Detachable recording units and compartments for use with electronic voting machines may be cleared or erased 90 days after any election.

SECTION 37. 7.25 (2) and (6) (b) of the statutes are amended to read:

7.25 (2) Under the direction of the municipal clerk, the custodian shall label or insert, set, adjust, put in order and deliver the machines with all necessary furniture and appliances to the rooms where the election will be held in for each ward at least one hour before the time set for opening the polls on election day.

(6) (b) Before opening the polls, they shall compare the ~~ballot labels~~ ballots on the machines with the sample ballots furnished by the municipal clerk to ~~insure~~ ensure that the names, numbers and letters thereon agree; examine the seal on each machine to see that it has not been broken; and examine the counter on each machine to see that each registers 000. If any counter on any machine does not register 000, the counter number and the number showing on the counter shall be recorded, signed by all the election officials and a copy shall be conspicuously posted by the inspectors at the polling place during polling hours.

SECTION 38. 7.35 (1) of the statutes is amended to read:

7.35 (1) GENERAL. Ballot clerks serve only ~~on election days when at polling places which utilize paper ballots are used or electronic voting systems in which ballots are distributed to electors.~~ They shall take charge of the official ballots, write their initials on the back of each ballot, ~~fold it in the proper manner to be deposited~~ and deliver to each elector as he or she enters the voting booth one ballot properly ~~folded and indorsed~~ endorsed by 2 ballot clerks. Where paper ballots are used, the ballot clerks shall fold each ballot in the proper manner to be deposited before delivering it to the elector. If asked, ballot clerks may instruct any elector as to the proper manner of marking, punching or labeling the ballot, but ~~shall~~ they may not give advice, suggestions, express any preferences or make any requests as to the person for whom, the question on which or the ballot on which the elector shall vote.

SECTION 39. 7.37 (4) of the statutes is amended to read:

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



SECTION 40. 7.37 (5) of the statutes is renumbered 7.37 (6).

SECTION 41. 7.37 (5) of the statutes is created to read:

7.37 (5) ELECTRONIC VOTING SYSTEMS. Prior to the opening of the polling place, wherever electronic voting systems employing voting devices are used, the inspectors shall place the voting devices in position for voting and examine them to see that they are in proper working order and that they have the correct ballot labels by comparing them with the sample ballots.

SECTION 42. 7.37 (6) of the statutes is renumbered 7.37 (7).

SECTION 43. 7.37 (7) of the statutes is renumbered 7.37 (8) and amended to read:

7.37 (8) CANVASSERS. The election inspectors shall constitute the board of canvassers of their ~~respective ward~~ polling place and in that capacity shall perform the duties under s. 7.51, except as otherwise designated by the municipal clerk under ss. 5.85 and 5.86.

SECTION 44. 7.38 (1) (a) of the statutes is amended to read:

7.38 (1) (a) For every ~~election ward~~ polling place, each recognized political party may appoint 2 party observers and an alternate for each, as observers of the election proceedings and the canvassing of the ~~ballots~~ votes. The appointments may be made by the county committee of the party that nominated the candidates. Party appointments shall be filled by the chairman of the party. Except at primary elections, observers appointed by a party shall serve as observers for all candidates appearing on the ballot or in the column of that party. Candidates at partisan primary elections, independent candidates at partisan elections and candidates at nonpartisan elections may similarly appoint one observer for each ward polling place to represent them. ~~If a municipality is not divided into wards, observers shall be appointed for the municipality.~~

SECTION 45. 7.50 (1) (b) of the statutes is amended to read:

7.50 (1) (b) When an elector casts more votes for any office or measure than he or she is entitled to cast at any election, all ~~his~~ the elector's votes for that office or measure ~~shall be rejected~~ are invalid and he shall be the elector is deemed to have voted for none of them, except as provided in sub. (2) (d).

SECTION 46. 7.50 (1) (c) and (d) of the statutes are created to read:

7.50 (1) (c) If an elector casts more than one vote for the same candidate for the same office, the first vote is valid and the remaining votes are invalid.

(d) Whenever an electronic voting system is used at a polling place in a partisan primary, and the same ballot is utilized to cast votes for candidates of more than one recognized political party, if an elector makes a mark or punch or affixes a ballot label or paster opposite candidates of more than one recognized political party or opposite a candidate in the independent candidates' column and a candidate of a recognized political party, no votes cast by the elector for any candidate for partisan office are valid, but votes for other candidates and votes on ballot questions, if any, shall be counted if otherwise valid.

SECTION 47. 7.50 (2) (a), (b), (d) and (h) of the statutes are amended to read:

7.50 (2) (a) At a general election, if the elector places a mark ~~or~~, symbol or label or punches a hole under a party designation at the head of a column in or near the space indicated for that purpose, it is a vote for all the candidates whose names appear in the marked, labeled or punched column except as otherwise provided in this paragraph. If a name is stricken, it ~~shall~~ is not be a vote for that candidate. If a name is written in, it ~~shall be~~ is a vote for the write-in candidate. If a sticker is attached it ~~shall be~~ is a vote for the candidate whose name appears on the sticker. If in some other column there is a mark, label or punch in the square to the right of a specific candidate's name or at the place designated or the ballot for marking, labeling or punching a vote for a specific candidate for the same office, it ~~shall be~~ is a vote for that specific candidate and no vote ~~shall~~ may be

counted for the candidate for the same office in the column marked, labeled or punched for a straight party vote.

(b) A ballot cast without any marks ~~shall~~, labels or punches may not be counted. A ballot without a mark, label or punch at the top of a party column ~~shall~~ may be counted only for persons for whom marks, labels or punches are applicable.

(d) ~~When~~ If an elector writes a person's name in the proper space for ~~write-ins~~ write-in candidates for ~~that an~~ office, it is a vote for the person written in for the office indicated, even if the elector fails to strike the name ~~printed~~ appearing in the same column for the same office, or ~~makes~~ places a mark, punch or label by the same or any other name for the same office, or omits ~~the~~ placing a mark, punch or label to the right of the name written in. If an elector is permitted to vote for more than one candidate for the same office in an election and casts one or more write-in votes which, when added to the votes cast for candidates whose names appear on the ballot, exceed the number of votes authorized to be cast for the office, the write-in votes shall be counted and the votes for candidates whose names appear on the ballot may not be counted, unless there are more write-in votes than votes authorized to be cast, in which case no votes may be counted for the office.

(h) ~~Where voting machines are used, write-in~~ Write-in votes ~~shall~~ may not be counted for any person for any party, if the person's name appears on the ~~printed~~ official ballot ~~labels~~ of that party. To vote for any person as the candidate of any party when that person's name does not appear on the ~~printed~~ official ballot ~~label~~ of that party, the elector shall write the name of the person in the space provided on the ballot or the ballot provided for that purpose, or where voting machines are used, in the irregular ballot device, designating the party for which he or she desires such person to be the nominee.

SECTION 48. 7.51 (1) (intro.), (a) and (b) and (2) 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. In any municipality where an electronic voting system is used, the municipal governing body may, by ordinance, provide or authorize the municipal clerk to provide for the adjournment of the canvass to one or more central counting locations for specified polling places in the manner prescribed in subch. III of ch. 5. No central counting location may be used to count votes at a polling place where an electronic voting system is not employed. The canvass, whether conducted at the polling place or at the central counting location, 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~~ distributed to electors, 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.

(b) Immediately after the polls close, where voting machines are used, ~~they the inspectors~~ shall open the registering or recording compartments ~~or remove the record of the votes cast and shall~~ canvass, record, announce and return on the ~~provided return~~ tally sheets and certificates furnished. In recording the votes registered on any counter which, before the opening of the polls, did not register 000, the inspectors shall upon the return sheets subtract the number registered before the polls opened from the number registered when the polls closed. The difference between the 2 numbers ~~shall be~~ is the correct vote for the candidate whose name was represented by the counter, except if the number registered on the counter when the polls closed is smaller than the number registered thereon when the polls opened, the number 1,000 shall be added to the number registered when the polls closed, before the subtraction is made.

(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.~~ 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.

SECTION 49. 7.51 (6) of the statutes is created to read:

7.51 (6) ELECTRONIC VOTING SYSTEMS. The procedure for canvassing of votes cast at polling places utilizing an electronic voting system in which ballots are distributed to electors shall follow the procedure for canvassing paper ballots insofar as applicable, and the procedure for canvassing of votes cast at polling places utilizing an electronic voting machine shall follow the procedure for canvassing of mechanical voting machines insofar as applicable, except as otherwise provided in ss. 5.85 to 5.89.

SECTION 50. 8.05 (5) of the statutes is amended to read:

8.05 (5) WHEN PRIMARY IS HELD. Towns and villages adopting the nonpartisan primary to nominate candidates, under subs. (3) and (4), shall hold a primary only when the number of candidates for an elective office in the municipality exceeds twice the number to be elected to the office. Those offices for which a primary has been held shall have only the names of candidates nominated at the primary appear on the official spring election ballot. When the number of candidates for an office does not exceed twice the number to be elected, their names shall ~~be printed~~ appear on the official ballot for the ~~regular~~ election without a primary.

SECTION 51. 8.11 (1) (d) of the statutes is amended to read:

8.11 (1) (d) When the number of candidates for any city office does not exceed twice the number to be elected to the office, no primary ~~shall~~ may be held for the office and the candidates' names shall ~~be printed~~ appear on the ballot for the ensuing election.

SECTION 52. 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 Tuesday in March of ~~said~~ each presidential election year, any person seeking the ~~indorsement~~ endorsement 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~~ appear 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~~ appear on the Wisconsin presidential preference ballot unless he or she files, no later than 5 p.m. on the last day 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 53. 8.15 (1) of the statutes is amended to read:

8.15 (1) Nomination papers shall be circulated not sooner than June 1 preceding the election and shall be filed not later than 5 p.m. on the 2nd Tuesday of July in those years when a September primary is held. Only those candidates for whom nomination papers containing the necessary signatures acquired within the allotted time and filed before the deadline ~~shall~~ may have their names ~~printed~~ appear on the official September primary ballot.

SECTION 54. 8.17 (3) (a) of the statutes is amended to read:

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

SECTION 55. 8.35 (2) and (3) of the statutes are amended to read:

8.35 (2) If a vacancy occurs after nomination due to death of a candidate, the vacancy may be filled for partisan offices by the chairman of the committee of the proper political party under s. 7.38 (3), or the personal campaign committee, if any, in the case of independent candidates, except as provided in s. 8.17 (5) (g). Similar vacancies for municipal and nonpartisan county offices may be filled within 2 days by the personal campaign committee or, if the candidate had none, by the governing body of the municipality or county. Within 2 days after notification of the nomination, the new nominee shall file a declaration of acceptance and registration statement under s. 11.05 (2g) or (2r). Upon failure to file such declaration or statement, the official or agency with whom such papers are filed may refuse to place the candidate's name on the ballot. If the ballots have been ~~printed~~ prepared, the committees or body filling the vacancy shall supply pasters as provided under s. 7.38 (3) (c).

(3) Whenever a nominee dies after the ballots are ~~printed~~ prepared, and no nomination is made under this section, the votes cast for the deceased shall be counted and returned. If he ~~or she~~ receives a ~~majority plurality~~ of the votes cast, the vacancy shall be filled as in the case of a vacancy occurring by death after election.

SECTION 56. 8.50 (3) (c) of the statutes is created to read:

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

SECTION 57. 9.01 (1) (b) 4 of the statutes is amended to read:

9.01 (1) (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 58. 9.01 (1) (b) 6 of the statutes is renumbered 9.01 (1) (b) 11.

SECTION 59. 9.01 (1) (b) 6 to 10 of the statutes are created to read:

9.01 (1) (b) 6. In recanvassing a voting machine in which the record of the votes cast is contained in the machine, the board of canvassers shall make a record of the number of the seal, if any, the number of the protective counter or other device, if one is provided, and shall open the recording compartment of the machine, and without unlocking the machine against voting, shall recanvass the votes thereon. If the machine is an electronic voting machine utilizing a detachable record of votes cast, the record shall be retabulated under s. 5.90.

7. When a machine is recounted, the board of canvassers shall proceed to inspect and examine the machine showing the votes cast for each office or referendum specified in the petition, and shall make a record of the votes for that office or referendum as shown on that voting machine, which they shall certify as correct, in the presence of at least one witness.

8. If, upon the recanvass, it is found that the original canvass of the returns has been correctly made from a voting machine, and that the discrepancy still remains unaccounted for, the board of canvassers shall publicly unlock the voting and counting mechanism of the machine, and shall proceed to examine and test the machine to determine the cause of the discrepancy in returns from the machine. A similar test shall be performed for electronic voting machines to ascertain whether there is any malfunction in the machine. After the completion of the examination and test, the board of canvassers shall prepare a statement giving the results of the examination and test. The statement shall be witnessed by at least one witness.

9. If, upon the recanvass, it appears that the original canvass of the returns by the election officials was incorrect, the statements and determinations of the board of canvassers shall be corrected accordingly.

10. Recounts at polling places utilizing an electronic voting system in which ballots are distributed to electors shall be performed in accordance with the procedure for recounting paper ballots insofar as applicable, except as provided in s. 5.90. Recounts at polling places utilizing electronic voting machines shall be performed in accordance with the procedure for recounting votes cast on mechanical voting machines, insofar as applicable, except as provided in s. 5.90.

SECTION 60. 10.01 (2) (b) of the statutes is amended to read:

10.01 (2) (b) Type B--The type B notice shall give the relevant facsimile ballots and the relevant portions of voting instructions to electors under s. 10.02 and the date of the appropriate primary or election. In counties or municipalities where an electronic voting system employing a ballot label and ballot card is used, the notice shall include the information specified in s. 5.94. This notice shall be published twice by the county clerks, and for municipal elections, twice by the municipal clerks on the 2nd Monday and the Monday preceding an election. If there is no newspaper published within the municipality, the governing body of the municipality may choose to post 3 notices in lieu of publication. Whenever posting is used, the notices shall be posted at least one week before the election for which the posting ~~intends~~ is intended to give notice.

SECTION 61. 10.02 (3) (intro.) and (a) of the statutes are amended to read:

10.02 (3) (intro.) The statement of information to electors shall contain the following relevant sections:

FACSIMILE BALLOT NOTICE  
OF .... ELECTION

Office of .... [County] [Municipal] Clerk. To the Electors of .... [County] [Municipality]:

Notice is hereby given of a .... election to be held in the several wards in the [county] [municipality] of ..., on the ... day of ..., 19..., at which the officers named below shall be chosen. The names of the candidates for each office to be voted for, whose nominations have been certified to or filed in this office, are given under the title of the office and under the appropriate party or other designation, each in its proper column, together with the questions submitted to a vote, in the sample ballot below.

INFORMATION TO ELECTORS

Voting Except where a different statement is prescribed by the board for use in whole or in part by municipalities using electronic voting systems under s. 5.95, the voting instructions shall be given substantially as follows:

(a) Upon entering the polling place, an elector shall give his or her name and address before being permitted to vote. Where ~~paper~~ ballots are used distributed to electors, the initials of 2 ballot clerks must appear on the ballot. Upon being permitted to vote, the elector shall retire alone to a voting booth or machine and cast his or her ballot. An election official may inform the elector of the proper manner for casting a ~~ballot~~ vote, but the official ~~shall~~ may not in any manner advise or indicate for whom to vote.

SECTION 62. 10.06 (3) (am), (bm) and (e) of the statutes are amended to read:

10.06 (3) (am) As soon as possible following the deadline for filing nomination papers for any municipal election when there is to be an election for a county or state office or a county or statewide referendum, but no later than 2 days after such deadline, the municipal clerk of each municipality in which voting machines or ballots containing the names of candidates for both local offices and national, state or county offices are used shall certify the list of candidates for municipal office to the county clerk if a primary is required, unless the municipality prepares its own ballots under s. 7.15 (2) (c).

(bm) As soon as possible following the municipal canvass of the primary vote or the municipal caucus when there is to be an election for a county or state office or a county or statewide referendum, but no later than 2 days after such date, the municipal clerk of each municipality in which voting machines or ballots containing the names of candidates for both local offices and national, state or county offices are used shall certify the list of candidates for municipal office and municipal referenda appearing on the ballot to the county clerk, unless the municipality prepares its own ballots under s. 7.15 (2) (c).

(e) When electronic or mechanical voting machines or electronic voting systems employing a ballot card or label are used in a municipality, the municipal clerk shall publish a type B notice on the 2nd Monday and the Monday before every election. The notice shall include all offices and questions to be voted on at the election. The cost of this notice shall be shared under s. 5.68 (1) and (2).

SECTION 63. 10.07 (2) of the statutes is amended to read:

10.07 (2) When a voting machine ballot or ballot to be used with an electronic voting system includes 2 or more levels of government, the cost of giving the type B notice shall be prorated under s. 5.68 (2).

SECTION 65. 12.13 (1) (f) of the statutes is amended to read:

12.13 (1) (f) Shows his or her marked, punched or labeled ballot to any person or places a mark upon the ballot so it is identifiable as his or her ballot.

SECTION 66. 12.13 (2) (b) 6 of the statutes, as affected by chapter 89, laws of 1979, is amended to read:

12.13 (2) (b) 6. Intentionally permit or cause a voting machine, voting device or automatic tabulating equipment to fail [to correctly] register or record a vote cast thereon or inserted therein, or tamper with or disarrange the machine, device or equipment or any part or appliance thereof; cause or consent to the machine, device or automatic tabulating equipment being used for voting at an election with knowledge that it is out of order or is not perfectly set and adjusted so that it will correctly register or record all votes cast thereon or inserted therein; with the purpose of defrauding or deceiving any elector, cause doubt for what party, candidate or proposition a vote will be cast or cause the vote for one party, candidate or proposition to be cast so it appears to be cast for another; or remove, change or mutilate a ballot on the a voting machine, device or a ballot to be inserted into automatic tabulating equipment, or do any similar act contrary to chs. 5 to 12.

SECTION 67. 12.13 (3) (e), (f), (j) and (q) of the statutes are amended to read:

12.13 (3) (e) ~~Print~~ Prepare or cause to be ~~printed~~ prepared an official ballot with intent to change the result of the election as to any ~~nominee~~ or candidate or referendum; prepare an official ballot which is premarked, prepunched or prelabeled prior to delivery to an elector; or deliver to an elector an official ballot bearing a mark, label or punch opposite the name of a candidate or referendum question that might be counted as a vote for that or against a candidate or question.

(f) Before or during any election, tamper with voting machines, voting devices or automatic tabulating equipment readied for voting; or the counting of votes; disarrange, deface, injure or impair a any such machine, device or equipment; or mutilate, injure or destroy a ballot placed or displayed on a voting machine or device, or to be placed or displayed on a any such machine, device or automatic tabulating equipment or any other appliance used in connection with the machine, device or equipment.

(j) ~~Furnish a ballot to~~ While assisting an elector who cannot read or write, has difficulty in reading, writing or understanding English, or is unable to to mark, punch or label a ballot ~~informing or depress a lever or button on a voting machine, inform~~ the elector that ~~a ballot~~ contains names or words different than are written or printed or displayed on the ballot with the intent of inducing the elector to vote contrary to his or her inclination or intentionally fail to cast a vote in accordance with the elector's instructions.

(q) Solicit a person to show how his ~~ballot is marked~~ or her vote is cast.

SECTION 68. 12.13 (3) (z) of the statutes is created to read:

12.13 (3) (z) Tamper with automatic tabulating equipment or any record of votes cast or computer program which is to be used in connection with such equipment to count or recount votes at any election so as to prevent or attempt to prevent an accurate count of the votes from being obtained.

SECTION 69. 12.60 (1) (a) of the statutes is amended to read:

12.60 (1) (a) Whoever violates ss. 12.05, 12.09, 12.11 or 12.13 (1), (2) or (3) (a), (e), (f), (j), (k), (L), (m) ~~or~~, (y) or (z) may be fined not more than \$10,000, or imprisoned not more than 3 years in the Wisconsin State prisons, or both.

SECTION 70. 59.997 (9) of the statutes is amended to read:

59.997 (9) ~~Such~~ The ballot shall have on the back or reverse side thereof the ~~indorsements~~ endorsements provided by law for ballots for general elections and shall be marked, punched or labeled by the ~~voter~~ elector and counted and canvassed as other ballots cast on questions in the county are counted and canvassed. The election shall be conducted by the same officers and in the same manner as are other elections in the county. The results of the election shall be certified to the judge or judges of the circuit court ~~of said~~ for the counties.

SECTION 71. 67.04 (2) (a) and (5) (a) of the statutes are amended to read:

67.04 (2) (a) For the erection, construction, enlargement or repair of a city hall or other public buildings and the purchase of sites for the ~~same~~ buildings; or for the purchase of voting machines or electronic voting systems.

(5) (a) To purchase voting machines or electronic voting systems.

SECTION 72. 67.05 (6a) (d) and (6m) (d) of the statutes are amended to read:

67.05 (6a) (d) The school board shall provide for the cost of all necessary election supplies, ballot boxes and booths, voting machines or electronic voting systems and ~~select~~ the necessary election officials. The form of the ballot provided shall correspond as near as may be with form "D" annexed to s. 5.64 (2). The notice of such special election and the ballot used thereat, shall embody a copy of the resolution, and the question submitted shall be whether the resolution shall be or shall not be approved.

(6m) (d) A copy of any resolution of the district board under par. (a) which requires a referendum shall be promptly transmitted by the secretary of the district board to the county clerk or board of election commissioners of each county any part of which is contained within the district. The district board shall provide the election officials of each city, village and town having territory in the district with all necessary election supplies, and, for a special election, shall arrange with affected municipalities for the necessary ballot boxes and booths ~~or~~, voting machines or electronic voting systems and the selection of the necessary election officials. Extra labor costs necessitated by a special election shall be assumed by the district board. The form of the ballot shall correspond substantially with form "D" annexed to s. 5.64 (2). The ballot need not embody a copy of the resolution, but shall contain a statement of the purpose and the amount of the bonds proposed to be issued.

SECTION 73. 117.02 (4) (e) of the statutes is amended to read:

117.02 (4) (e) The election officials shall be selected by the governing body of the municipality where the polling place is located ~~pursuant to~~ under s. 7.30. Each municipality shall compensate the election officials and shall provide the necessary voting machines, electronic voting systems or ballot boxes and voting booths. The county clerk shall provide for the printing and distribution of ballots and other election supplies at county expense. The form of the ballot shall correspond, so far as possible, to form "D" annexed to s. 5.64. The referendum shall be conducted and the votes canvassed and the results returned to the county clerk as at a general election.

SECTION 74. 120.43 (4) (b) of the statutes is amended to read:

120.43 (4) (b) Voting machines ~~may~~ or electronic voting systems shall be used in an election of school board members if an entire ward is included. For a partial ward, paper ballots may be used. In such case, a special registration or poll list shall be prepared by the appropriate municipal clerk and printed ballots shall be supplied by the city clerk.



SECTION 75. 121.93 (4) of the statutes is amended to read:

121.93 (4) The clerk of the school board shall provide the election officials with all necessary election supplies, registration lists if the district has a register of its electors, and, for a special election, shall provide or arrange for the necessary voting ~~machine machines, electronic voting systems~~ or ballot boxes and booths and shall select the necessary election officials. The form of the ballot shall correspond substantially with form "D1" annexed to s. 5.64 (2). The notice of the election and the ballot to be used thereat shall embody a copy of the resolution, and the question submitted shall be whether the resolution shall or shall not be approved.

SECTION 76. **Special report by the elections board.** If an electronic voting system is utilized in any town in this state at the 1980 September primary or general election, or both, the elections board shall monitor the use of the system and shall report to the appropriate standing committees of the legislature, as determined by the presiding officer of each house, no later than January 15, 1981, concerning any problems encountered with the use of the system and suggesting any changes in elections laws which may be necessary or desirable to improve the effectiveness or utility of electronic voting systems.

SECTION 77. **Application.** Notwithstanding section 5.91 of the statutes, as created by this act, the elections board may not approve any ballot, voting device, automatic tabulating equipment or related equipment or materials to be used in an electronic voting system as defined in section 5.02 (4m) of the statutes, as created by this act, in any city or village, or in any town having a population of less than 15,000 according to the 1970 federal decennial census, for utilization prior to the 1981 spring primary election. The elections board may not approve any ballot, voting device, automatic tabulating equipment or related equipment or materials to be used in an electronic voting system as defined in section 5.02 (4m) of the statutes, as created by this act, in any town having a population of 15,000 or more, according to the 1970 federal decennial census, for utilization prior to the 1980 September primary election.

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