

TITLE II

Elections

CHAPTER 5

GENERAL PROVISIONS, SCOPE, DEFINITIONS

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5.01 Scope. (1) CONSTRUCTION OF TITLE II. Title II shall give effect to the will of the electors, if that can be ascertained from the proceedings, notwithstanding informality or failure to fully comply with some of its provisions.

(2) GENERAL PROVISIONS OF ELECTION LAWS APPLY. The general provisions of Title II apply to all elections.

(3) PLURALITY SHALL ELECT. In every election to choose any officer, each elector shall have one vote for each office unless clearly indicated otherwise. The person receiving the greatest number of legal votes for the office shall be declared elected, and the canvassers shall so determine and certify.

(4) TIE VOTE. (a) If 2 or more candidates for the same office receive the greatest, but equal number of votes, the winner shall be chosen by lot in the presence of the election officials then present.

(b) If, in a primary, 2 or more candidates receive an equal but not the greatest number of votes so that only one of those candidates with equal votes may advance to the final election, the choice shall similarly be made by drawing lots.

(c) The candidates may, if all those tied for the same office are present, draw for themselves. Upon refusal or absence of any of the candidates, the election officials shall appoint a competent person to draw, and upon the results declare and certify the winner.

(5) ELECTION OF GOVERNOR AND LIEUTENANT GOVERNOR. (a) In every general election to choose the governor and the lieutenant gov-

ernor, each elector shall have a single vote applicable to both offices. The persons receiving the greatest number of legal votes cast jointly for them for governor and lieutenant governor shall be declared elected, and the canvassers shall so determine and certify.

(b) In case 2 or more slates have an equal and the highest number of votes for governor and lieutenant governor, the 2 houses of the legislature shall at the next annual session choose by joint ballot one of the slates so having an equal and the highest number of votes for governor and lieutenant governor.

Note: Chapter 261, laws of 1967, which created sub. (5), provides that it is to take effect January 1, 1970.

History: 1965 c. 666; 1967 c. 261.

Legislative Council Note, 1965: Sub (1) is a restatement of s. 5.011. The last sentence of s. 6.75 enumerates some noncompliance provisions which are now covered by the broad terms of the provision.

Sub (2), without enumeration, includes ss. 5.012 (1), 6.23 (19), 6.80, 7.06 (1st sentence), 8.05 (1st and 4th sentences), 9.02 (2) (last sentence), 10.35, 10.40 (1), 10.49 (1st sentence), 10.55, 11.08, 11.17 (1) and 11.65 (1st part). These sections all provide that the general rules apply unless there are exceptions.

Sub. (3) is a restatement of ss. 5.35 (1) (a) (last sentence), 5.37 (3), 6.75 (1st sentence), 8.04 (2) (last sentence), 10.37 (1st sentence), 10.47 (2nd sentence, 1st part), 10.60 (1st part).

Sub. (4) (a) and (c) are a restatement of the following sections, except the language is general to include each level of the canvass and minor changes were made to provide uniformity, ss. 5.21, 5.27 (1) (last sentence), 5.35 (3), 6.64 (last sentence, in part), 10.37 (2nd sentence), 10.47 (2nd sentence, last part), 10.60 (last part). Par. (b) is new. (Bill No. 755-A)

Irregularities in the qualifying of the election officials, the absence of padlocks on the sealed ballot boxes, the time of opening the polls at one voting precinct, the failure to provide absentee ballots, and the place of counting the ballots cast at one voting precinct, none of which was shown to have affected the result of the referendum, were not such as to require the election to be declared void. *Clapp v. Joint School Dist. 21 W (2d) 473, 124 NW (2d) 678.*

5.02 Definitions. In Title II, unless the context requires otherwise:

(1) (a) "Election" means all primaries and elections.

(b) "Primary" means a primary election.

(2) "Spring primary" means the nonpartisan primary held the first Tuesday in March to nominate candidates to be voted for at the spring election.

(3) "Spring election" means the election held on the first Tuesday in April to elect judicial, educational and municipal officers, nonpartisan county officers and to express preferences for the person to be the presidential candidate for each party.

(4) "September primary" means the primary held the 2nd Tuesday in September to nominate candidates to be voted for at the general election.

(5) "General election" means the election held in even-numbered years on the Tuesday after the first Monday in November to elect United States senators, representatives in congress, electors of president and vice president, state senators, members of the assembly, state officers and county officers other than supervisors and county executives required to be elected in that year.

(6) (a) "Special primary" means the primary held 4 weeks before the special election.

(b) "Special election" means any election, other than those described in subs. (2) to (5) to fill vacancies or for other designated purposes.

(7) (a) "Justice" means a justice of the supreme court.

(b) "Judge" means a judge of a circuit or county court.

(c) "State superintendent" means the state superintendent of public instruction.

(d) "Educational officer" means the state superintendent and school board members.

(8) "Precinct" means a town, village, city ward, or subdivisions therein as divided for the convenience of the electors. All electors within a precinct vote at the same polling place.

(9) (a) "Municipality" means city, town or village.

(b) "Governing body" means the city council, town board or village board, and also includes the municipal board of election commissioners insofar as the powers are given to them.

(c) "Municipal clerk" means the city clerk, town clerk, village clerk and the executive secretary of the city election commission and

their authorized representatives. Where applicable, "municipal clerk" also includes the clerk of a school district.

(10) "County clerk" includes the executive secretary of the county board of election commissioners and their authorized representatives.

(11) "Polling place" means the actual location wherein the elector receives and marks his ballot. The electors of more than one precinct may vote at the same polling place.

History: 1965 c. 666; 1967 c. 90.

Legislative Council Note, 1965: The definition in sub. (1) (a) is new. It is intended to remove the necessity of restating both primary or election in the statutes when it is to apply to both. Par. (b) is a restatement of s. 5.01 (1).

Sub. (2) is based on s. 5.01 (3) but the bill provides a specific date, the 1st Tuesday in March.

Sub. (3) combines s. 5.01 (5) which states the date of the spring election with ss. 5.37 (1) (1st sentence), 6.03 (2), 8.02 (1), 10.36 (1), and 10.45 (1st sentence) which enumerate the purpose of the election. This subsection adds a provision for county board supervisors.

Sub. (4) is a restatement of ss. 5.01 (2) and 5.03.

Sub. (5) is a restatement of ss. 5.01 (4) which sets the date and 6.03 (1) which enumerates the purpose of the election, except that s. 6.03 (1) includes that this election is provided for in the constitution. The phrase was deleted so as not to restrict the election to those offices enumerated in the constitution. The 2 exceptions for counties have been added.

Sub. (6) is a combination of s. 5.29 (1) (1st sentence) for the date of a special primary and s. 5.01 (6). The purpose of a special election is added in reference to the primary. Section 5.29 (1) (1st sentence) requires a primary for those party candidates enumerated in the 2nd sentence.

Sub. (7) (a), (b) and (c) are a restatement of s. 8.01. Par. (d) is new.

Sub. (8) provides a uniform definition; ss. 5.01 (7), 6.017 and 10.50 each now contain somewhat similar provisions. To prevent confusion and clarify the definition of precinct, the words "election district" were deleted.

Sub. (9) is new. It is intended to eliminate enumeration of city, town or village or their governing body or clerk in the many instances where all 3 are included. The governing body definition in this bill provides for the board of election commissioners. The municipal clerk definition also includes the executive secretary of a city board of election commissioners and school clerks in those instances where applicable. The further provision for other municipal or quasi-corporations and the clerk of any school district which elects officers under s. 40.27 was deleted as unnecessary.

Sub. (10) is new. It is intended to reduce the amount of repetition to include the executive secretary of a county board of election commissioners.

In both subs. (9) and (10) the title for the secretary of the election commission was changed to executive secretary, which is more in line with their function and duties with the respective election boards.

Sub. (11) is new. (Bill No. 755-A)

5.03 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 name the mark appears. Under Title II, all references to the presidential election, the marking of the ballot and the canvassing of votes for president, or for president and vice president, mean a vote

for them through their pledged presidential electors.

History: 1965 c. 666.

Legislative Council Note, 1965: This provision is based on ss. 6.42 (6) and 11.03 (3) (last sentence). (Bill No. 755-A)

5.15 Division and consolidation of election precincts. (1) Towns may be divided into 2 or more precincts when the supervisors determine it necessary for convenience. Division shall be made when 50 or more electors of the town petition the board, in writing, for division. Division shall not be made in towns of less than 50 sections of land unless there were 400 or more votes cast at the last general election.

(2) Precincts shall be divided when 600 or more votes are cast at any election, unless voting machines are used exclusively. Division boundaries shall keep precincts compact and contiguous. The number of electors per precinct shall be kept as near uniform as possible.

(3) Any division shall be made at least 4 months prior to the next general election, except under sub. (7).

(4) (a) The division order or resolution shall list the precincts by number and designate the polling place in each precinct.

(b) The resolution or order shall be filed with the proper municipal clerk, who shall transmit a copy to the county clerk within 5 days.

(5) When a town is divided into precincts, the annual town meeting and special town elections shall be held at the first precinct.

(6) (a) The governing body of a municipality may change the precinct boundaries of their town, village or wards without creating new ones and may consolidate 2 or more wards or precincts within the same municipality by filing a copy of the order or resolution under sub. (4). The change or consolidation must comply with the time and compactness provisions of subs. (2) and (3).

(b) At least 60 days before an election the proper officers of any municipality may unite 2 or more precincts or wards to facilitate using a voting machine. Notice shall be given in the same manner as other changes in precinct boundaries.

(7) When part of a town is annexed to a city or village, the town board, without regard to the time provisions of sub. (3), may redistrict the election precincts subject to the compactness provisions. A copy of the order or resolution shall be filed under sub. (4).

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1) is a restatement of s. 6.05 (1) (except for the provision between the 2 semicolons).

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Sub. (2) is a restatement of s. 6.04 (4) (1st and 2nd sentences in part), the remainder of s. 6.05 (1) and s. 6.05 (2) (1st sentence in part). The 2nd sentence of s. 6.05 (2) pertaining to total numbers of electors per precinct and comparative sizes was deleted since the prescribed provisions are adequate.

Sub. (3) is a restatement of s. 6.05 (2) (1st sentence in part).

Sub. (4) (a) is a restatement of s. 6.05 (3) (in part). The provision pertaining to voter convenience was deleted here since it is covered in the definitions. Par. (b) is a restatement of s. 6.05 (2) (last sentence) except the posting requirement was deleted.

Sub. (5) is based on s. 6.05 (6). The provision that all other elections be held in the respective precincts was deleted as unnecessary.

Sub. (6) (a) is based on s. 6.05 (7). Par. (b) is a restatement of s. 11.04 (2nd sentence and 3rd sentence, in part).

Sub. (7) is a restatement of s. 6.05 (8). (Bill No. 755-A)

5.18 Compulsory division into precincts.

(1) When division into precincts becomes imperative under s. 5.15 and the governing body obliged to act fails or refuses to do so, any elector of the municipality may apply to the proper circuit court or its presiding judge for an order compelling division. After reasonable notice to the governing body proceeded against, the court or judge may order division when it appears necessary.

(2) Failure to comply with the order in the specified time, unless stayed or superseded, is criminal contempt.

(3) Until divided, all elections are held in the established precincts.

History: 1965 c. 666.

Legislative Council Note, 1965: This is a restatement of s. 6.06. (Bill No. 755-A)

5.25 Polling places. All elections under Title II shall be held at the polling places provided in this section. So far as practicable, the places chosen shall be public buildings.

(1) In 1st class cities, polling shall be at the places established by the board of election commissioners at any public schools and other public buildings which shall be made available without charge and at any fully or partially tax exempt nonsectarian private buildings offered without charge. In all other cities and villages, polling shall be at the places ordered by the governing body, at least 30 days before the election.

(2) In towns, polling shall be at the place where the last town meeting was held unless changed at that meeting or ordered by the supervisors under s. 60.07. The place for the annual town meeting held on the first Tuesday in April shall be similarly regulated.

History: 1965 c. 666.

Legislative Council Note, 1965: The (intro. par.) is a restatement of s. 6.04 (intro. par.) and (4) (2nd and 3rd sentences in part).

Sub. (1) is a combination of several sections. The 1st sentence is s. 10.23 (1st sentence, in part and 2nd sentence) without change. The 2nd sentence is based on ss. 6.04 (1), (2), 6.045 (1), (3),

(4) and 10.46 (1st sentence) with some minor changes for clarification and uniformity.

Sub. (2) is a restatement of parts of ss. 6.04 (3), 10.53 (1). Parts of those sections and s. 10.53 (2), (3), (5) and (6) (in part) are combined in this bill and are transferred to s. 60.07, Stats. Sec. 10.53 (6) (last part) was deleted as unnecessary. (Bill No. 755-A)

5.35 Polling place requirements. (1) NATIONAL FLAG. On election days, every polling place shall properly display the national flag during all hours the polls are open.

(2) VOTING BOOTHS. There shall be one voting booth for every 100 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 him while marking his ballot. The booths shall be placed apart from other activities in the polling place. Only the proper observers, election officials, and electors receiving, preparing or depositing their ballot shall be in the voting area.

(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 ballot.

History: 1965 c. 666.

Legislative Council Note, 1965: Sub (1) is based on s. 6.79 (in part). The present provision requires the flag to be flown only at general elections.

Sub. (2) is based on s. 6.30, but makes 2 changes. The number of voting electors was changed from 50 to 100 per booth to be consistent with actual practice. Also, to reflect present practice, the specifications pertaining to the physical arrangement in polling places have been revised.

Sub. (3) is based on ss. 6.045 (2) (in part), 6.23 (18), 6.46 (in part), 7.06 (2nd sentence), 8.04 (2) (2nd sentence, in part), 8.05 (3rd sentence) and 10.47 (1st sentence in part). Sec. 6.045 (2) stating one ballot box per ward shall be provided, one or more sets of election officials may serve the whole municipality and each ward shall be separately canvassed has been deleted. The necessity of these special provisions could not be justified. (Bill No. 755-A)

5.37 Voting machine requirements. (1) Voting machines shall give every elector a reasonable opportunity to vote for any person for any office and on any proposition he is entitled to vote on, assure privacy to the elector so no one will know how he is voting or has voted, preclude the electors from voting for persons or propositions upon which they are not entitled to vote and from voting more than once for the same office or on the same proposition. Voting machines shall be constructed to lock so they cannot be manipulated, tampered with, or show the number of votes registered for any candidate or proposition while voting is in progress. The machines shall provide a method for electors to vote a

straight party ticket, shall permit voting a split ticket and shall record each vote cast.

(2) When 2 or more precincts or wards are joined to use a voting machine, under s. 5.15 (6) (b), the machine shall be constructed to allow the electors to vote for all nominated candidates and issues for their ward or precinct, but for no other.

(3) For presidential electors one device may be provided to vote for all of one party's electoral candidates at the same time. The device shall be opposite or adjacent to the ballot containing the names of the party's candidates for president and vice president.

(4) Voting machines may be used at primary elections when they comply with subs. (1) and (2) and the following provisions: All candidate's names entitled to appear on the ballots at the primary shall appear on the machine; the elector cannot vote for candidates of more than one party, whenever the restriction applies; the elector may secretly select the party for which he wishes to vote; the elector may vote for as many candidates for each office as he is lawfully entitled to vote for, but no more.

(5) Polling places may have more than one voting machine. The voting machines shall be apart from other activities in the polling place with their exteriors in full view of the election officials. Only the proper observers, election officials and one elector at a time for each machine shall be in the voting area.

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1) is a restatement of s. 11.03 (1), (2) and (4), and s. 11.06 (4) (last sentence) except that the machines must now provide a method for voting a straight party ticket. Present law makes this permissive.

Sub. (2) is a restatement of s. 11.04 (3rd sentence in part).

Sub. (3) is a restatement of s. 11.03 (3), except the last part of the last sentence was deleted since s. 5.03 in this bill sufficiently states the provision.

Sub. (4) is a restatement of s. 11.15.

Sub. (5) (1st sentence) is a restatement of s. 11.06 (1). Sub. (5) (remainder) is based on s. 11.06 (4), but as in s. 5.35 (2) in this bill, physical specifications have been revised. (Bill No. 755-A)

5.40 Voting machines 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 by the September 1966 primary. Any other municipal governing body may adopt and purchase voting machines for use in the various precincts.

(2) Only voting machines complying with s. 5.37 shall be used in any election in this state.

History: 1965 c. 666.

Legislative Council Note, 1965: Subs. (1) and (2) are a restatement of s. 11.04 (1st part). The provisions of s. 11.14 pertaining to experimental use of voting machines was deleted as unneces-

sary. The provision of s. 10.24 pertaining to voting machines in the city of Milwaukee was also deleted. (Bill No. 755-A)

BALLOT FORM

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

(2) The paper used for ballots shall be 35 pounds per ream for sheets 24 inches by 36 inches. If a different size sheet is used, the weight per ream shall be proportioned accordingly, but shall meet this standard.

(3) All ballot columns shall be separated by lines at least one-eighth inch in width.

(4) No pasters shall be placed on a ballot by election officials except under s. 7.35 (3). Any other pasters applied by them shall not be counted.

(5) Sample ballots shall be printed on a different color paper than the official ballots, and need not have the indorsement and certificate.

(6) All candidates' names for the same office shall be printed on the ballot in the same size and style of type.

History: 1965 c. 666. Legislative Council Note, 1965: Sub. (1) is a restatement of s. 6.23 (16) (1st sentence, last part) and s. 6.23 (17) (b) (1st sentence, 1st part). Sub. (2) is a restatement of s. 6.23 (16) (1st sentence, 1st part), except the color of paper was deleted, and s. 6.23 (17) (b) (remainder). Sub. (3) is a restatement of s. 6.23 (3). Sub. (4) is a restatement of s. 6.23 (11) with some clarification. Sub. (5) is a combination of s. 5.11 (5) (2nd sentence) and s. 6.23 (17) (c) without substantive change. Sub. (6) is new. It is intended to prevent the use of different size type on any ballot for candidates for the same office. (Bill No. 755-A)

5.53 Voting machine ballots. (1) The ballots shall be placed on or in the machine, under s. 5.64 and may be arranged in either vertical or horizontal rows.

(2) Where the provisions require separate ballots, the names or questions shall be placed in separate rows upon the machines so they are voted on separately.

History: 1965 c. 666. Legislative Council Note, 1965: This section is a restatement of ss. 10.24 (in part) and 11.09 (2). The remainder of s. 10.24 has been deleted—see the note to s. 5.40 in this bill. (Bill No. 755-A)

5.55 Backs of ballots. On the back and outside of every paper 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 and blank certificates in substantially the following form:

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OFFICIAL BALLOT
FOR
. Precinct, Ward,
City (Village or town) of
., 19.

.
.
Ballot Clerks

Absent Elector's Ballot issued by
. Municipal Clerk

We certify that the within ballot was marked by us for an elector incapable under the law of marking his own ballot and as directed by him.

.
. of Election
.
. of Election

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

.
Signature of officer authorized
to administer oaths
.
Title

History: 1965 c. 666. Legislative Council Note, 1965: This section is a restatement of s. 6.23 (14) plus supplemental provisions to give the complete requirements of the ballot backs, which, while referred to, are not specifically set forth in a particular section. Based on a change in duties whereby the county clerk will not be one of the issuers of absentee ballots, the form reflects this change. (Bill No. 755-A)

5.58 Spring primary ballots. At spring primary elections the following ballots, when necessary, shall be provided for each precinct. Only nonpartisan candidates nominated for office by nomination papers shall have their names placed on the official spring primary ballot under the proper office designation, but the ballots shall allow room for write-in candidates.

(1) MUNICIPAL; COUNTY SUPERVISOR BALLOTS. There shall be separate ballots for municipal and county supervisory primaries.

(a) For all cities, except 1st class cities, the official spring primary ballot shall be arranged by the city clerk under the applicable provisions of s. 5.60 (1) (b) 2.

(b) In 1st class cities, the arrangement shall be determined by drawing lots by or under the supervision of the executive secretary of the city election commission in his office at 2 p.m. the day after the deadline for filing nomination papers.

(c) Towns and villages holding a primary under s. 8.05 shall arrange the ballot in substantially the same form as provided in s. 5.60

(5) and (6) and annexed ballots 6A, 6B and 8 as appropriate.

(d) County supervisor ballots shall be in substantially the same form as annexed ballots "F1" and "F2".

(2) JUDICIARY; STATE SUPERINTENDENT AND COUNTY EXECUTIVE. (a) There shall be a separate ballot for state superintendent and judicial officers. In counties over 500,000 population the ballot also shall include those offices under s. 8.11 (2) and the county executive under s. 59.031; and the county executive shall be listed first on such ballot. The arrangement of names for state superintendent and judicial candidates for more than one county shall be determined by the secretary of state under s. 5.60. Arrangement of judicial candidates within a county shall be arranged by the county clerk under s. 5.60 or by the executive secretary of the county election commission with other offices under s. 8.11 (2) by drawing lots at 2 p.m. the day following the deadline for filing nomination papers. The drawing shall be by or under the supervision of the executive secretary or a member of the county election commission. The ballot shall be in substantially the same form as annexed ballot "E" but titled, "Official Ballot for Judicial and State Superintendent Primary", except that in counties having a population of 500,000 or more, it shall be titled "Official Ballot for County Officers, Judicial, State Superintendent and School Board Primary."

(b) The candidates for the offices shall be designated on the ballot as follows: "For Justice of the Supreme Court", "For State Superintendent", "For Circuit Judge Br.", "For County Judge Br.", and others as the situation requires.

(3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent, for any judicial office, and in counties over 500,000 population only 2 candidates for a member of the county board of supervisors in each district, and twice as many candidates as are to be elected members of the board of school directors, the board of education or other elective officers receiving the highest number of votes at the primary shall be nominees for the office at the spring election and only their names shall appear on the official spring ballot.

History: 1965 c. 666; 1967 c. 290.

Legislative Council Note, 1965: The intro. par. (1st sentence) is new. It is intended to provide uniformity among the several sections pertaining to the ballots to be used at the different elections. The 2nd sentence is a restatement of s. 5.25 (1).

Sub. (1) is based on several sections. Par. (a) is a restatement of s. 5.25 (2) (a). Par. (b) is a restatement of s. 5.25 (2) (b). Par. (c) is based

on s. 5.27 (4) (b) and (c), except the ballot is annexed as are other ballots, rather than being printed in the context of the statutes.

Sub. (2) (a) is a restatement of ss. 5.25 (2) (c) (1st sentence) and 5.25 (3) (1st sentence). Par. (b) is based on s. 5.25 (3) (2nd sentence), but the provision is state-wide under this bill and the name of the judge being succeeded has been deleted from the ballot provisions.

Sub. (3) is a restatement of ss. 5.25 (2) (c) (last sentence), 5.25 (3) (last sentence) and 5.28 (4). (Bill No. 755-A)

5.60 Spring election ballots. At spring elections the following ballots, when necessary, shall be provided for each precinct.

(1) JUDICIARY AND SCHOOL. There shall be a separate ballot giving the names of all candidates for judicial offices and state superintendent printed in substantially the same form as annexed Ballot "E".

(a) The names of candidates for the same office shall be placed in the same column. No party designation shall appear on the official ballot.

(b) 1. The secretary of state shall certify the candidates' names and designate the official ballot arrangement in each assembly district for candidates for supreme court justice, circuit court judge when the circuit comprises more than one county and state superintendent. For justice and state superintendent, the secretary of state shall number the assembly districts consecutively by population, beginning with the most populous district. For circuit court judge, when the circuit comprises more than one county, the secretary of state shall likewise number the assembly districts or parts of districts within the circuit.

2. The candidates shall be certified within each numbered area. The area numbered "one" shall have all candidates for each office arranged alphabetically. The remaining areas shall then have the names certified through alphabetical rotation of the candidates' names for the office so that the candidate appearing first in the preceding numbered area will appear last and all other candidates' names for the same office shall be moved up one position on the ballot. The rotation shall continue and be repeated as necessary until all the numbered areas have had all the candidates for the offices involved certified.

(c) The county clerk or board of election commissioners shall determine the official ballot order for judicial office candidates representing one county or less. The county clerk shall place all cities, villages and towns within the judicial district in alphabetical order, number all precincts within each, and arrange the names of all candidates by use of alphabetical rotation, under sub. (1) (b) 2. In counties over 500,000 population, the board of election

commissioners shall arrange the names of all candidates in the order provided in par. (b).

(d) When 2 or more judges of the same court are to be elected, the official ballot shall contain the names of all candidates, shall state the number of judges to be elected and the number of candidates for whom each elector may vote. Each candidacy shall show the branch being filled.

(2) COUNTY SUPERVISORS. There shall be a separate ballot for county supervisors. The county clerk shall arrange the names of all candidates by use of alphabetical rotation under sub. (1) (b) 2. The ballot shall be in substantially the same form as annexed ballots "F3" or "F4". There shall be no party designation.

(3) CITY. There shall be a separate ballot giving the names of all candidates for city and school offices, except under sub. (4), printed in substantially the same form as annexed ballot "B". City election ballots may vary in form to conform to the law under which an election is held.

(a) No party designation shall appear on the official ballot.

(b) The city clerk or executive secretary of the city election commission shall arrange the official city ballot under s. 5.62 (4).

(4) CITY SCHOOL. There shall be a separate ballot for city school officers when so required. Officers elected under s. 120.44 (2) (a) may be placed on the same ballot as other city officers.

(5) VILLAGE. There shall be a separate ballot giving the names of all candidates for village offices.

(a) The offices to be filled shall be arranged on the official ballot in the order they are named in the statutes creating them. The candidates shall be arranged alphabetically within each office designation. Where there is more than one precinct, candidates shall be arranged by alphabetical rotation under sub. (1) (b) 2. Sufficient space shall be left under each office for write-in candidates.

(b) Only persons nominated under s. 8.05 shall be placed on the official ballots. If no nominations are made, the spaces for this office shall be left blank.

(6) TOWN. There shall be a separate ballot giving the names of all candidates for town offices, except the superintendent of highways, in substantially the same form as annexed Ballot 6A or 6B. Ballot 6A is for the election of one supervisor and 6B is for the election of the 2 supervisors jointly. On Ballot 6B all supervisor candidates shall be listed together and the voting instructions shall state "Vote

for Two". Towns now electing their supervisors jointly shall continue to do so until the method outlined for Ballot 6A is adopted at the annual town meeting. Where there is more than one precinct, candidates shall be arranged by alphabetical rotation under sub. (1) (b) 2.

(7) REFERENDUM BALLOTS. There shall be a separate ballot setting forth all propositions requiring a vote in the form and manner provided by s. 5.64.

(8) BALLOTS FOR PRESIDENTIAL VOTE. There shall be a separate ballot for each party qualified under s. 5.62, listing the names of all potential candidates of that party determined under s. 8.12 and affording, in addition, an opportunity to the voter to nominate another potential candidate by write-in vote or to vote against the choices offered on the ballot. The order of such presidential candidates shall be determined by lot by or under the supervision of the board of state canvassers. Each voter shall be given the ballots of all the parties participating in the presidential preference vote, but may vote on one ballot only.

(a) An official ballot shall be printed and provided for use in each voting district. The form of each ballot shall be substantially as follows:

1. Form 1, to be used when there are several candidates:

OFFICIAL BALLOT
PRESIDENTIAL PREFERENCE VOTE

..... Party

MARK THIS BALLOT IN ONE SPACE ONLY.
You have one of 3 choices—you may either:

Express your preference for one of the persons whose names are printed on this ballot (in that case, make a cross or other similar mark in the space after that person's name); or:

Vote against all of the names printed on this ballot, thus in fact expressing your preference for an uninstructed delegation from Wisconsin to the national convention of the party (in that case, make a cross or other similar mark in the space following "None of the names shown"); or:

Write in the name of another person to become the presidential candidate of the party (in that case, write his name into the space following "Write-in candidate").

- OLE CARLSON()
- AMOS DUNCAN()
- JAMES UNDERWOOD()
- None of the names shown.....()
- Write-in candidate()

2. Form 2, to be used when there is only one candidate:

OFFICIAL BALLOT
PRESIDENTIAL PREFERENCE VOTE

..... Party

MARK THIS BALLOT IN ONE SPACE ONLY.

You have one of 3 choices—you may either:

Express your preference for the person whose name is printed on this ballot (in that case, make a cross or other similar mark in the space marked "YES" following that person's name); or:

Vote against the person whose name is printed on this ballot, thus in fact expressing your preference for an uninstructed delegation from Wisconsin to the national convention of the party (in that case, make a cross or other similar mark in the space marked "NO" following that person's name); or:

Write in the name of another person to become the presidential candidate of the party (in that case, write his name into the space following "Write-in candidate").

JOHN DOEYES..()

NO..()

Write-in candidate()

(b) The back of such ballot shall show the following printed indorsement:

OFFICIAL BALLOT
FOR
PRESIDENTIAL PREFERENCE VOTE

..... Precinct, Ward,
City (Village or Town) of,
May [April], 19.....

....., Ballot Clerks
Absent Voter's Ballot issued by,

City Clerk, Village Clerk or Town Clerk

We certify that the within ballot was marked by us for an elector incapable under the law of marking his own ballot and as directed by him.

.....
..... of Election

.....
..... of Election

(c) The official ballots for the presidential preference vote shall be securely fastened together at the bottom. The party casting the greatest number of votes for governor at the preceding election shall have its ticket placed on top and the remaining party ballots shall follow in the same manner. A facsimile ballot notice shall be published as provided in s. 10.02.

(d) After preparing his ballot, the elector shall detach it from the remaining ballots and shall fold it so that its face will be concealed. The printed indorsements and signatures or initials on the back of the ballot will then be

visible. The remaining ballots shall be folded in like manner by the elector. The elector shall, without leaving the polling place, deliver in person the ballot on which he has expressed his presidential preference, and the remaining ballots, to one of the inspectors for deposit in the proper ballot boxes.

(e) Immediately after the canvass the inspectors shall, without examination, destroy the ballots deposited in the blank ballot box.

(9) REFERENDA BALLOT. The referenda ballot used at the spring election shall be the same as that used at the general election under s. 5.64 (2).

History: 1965 c. 666; 1967 c. 90, 92, 228, 290.

Legislative Council Note, 1965: The intro. par. is new; see note to s. 5.53 (intro. par.).

Sub. (1) (intro. par.) is a restatement of s. 6.23 (16) (2nd sentence). The ballot color is by local discretion. Par. (a) is a combination of ss. 6.23 (15) and 6.24 (in part). The 2nd sentence of s. 6.24 has been deleted as unnecessary as this is a nonpartisan election and a nonpartisan ballot. Par. (b) is a restatement of s. 6.19 (2), (3), (4) and (5) with some clarification as to who certifies circuit judge candidates. Par. (c) is a restatement of s. 6.20 with some clarification. Par. (d) is a restatement of s. 8.04 (2) (2nd sentence in part), except the statement of who is being succeeded has been deleted.

Sub. (2) is a restatement of s. 6.24 (in part), except the population figures have been made uniform.

Sub. (3) (intro. par.) combines ss. 5.14 (3), 6.23 (17) (a) (in part) and 6.24 (in part) but deletes the color of the ballot and provides the exception based on s. 10.41. Par. (a) is based on s. 6.24, but deletes the provision permitting a nonpartisan statement following each candidate's name. Par. (b) is a restatement of s. 10.36 (4).

Sub. (4) is a restatement of s. 10.41.

Sub. (5) (intro. par.) is based on s. 10.47 (1st sentence in part). Par. (a) is a restatement of ss. 5.27 (1) (19th sentence) and 10.48 (1) (sentences 3 and 4). Par. (b) is a restatement of s. 10.48 (2).

Sub. (6) is a restatement of s. 10.52 (1) (first and last sentences) and s. 10.52 (2).

The ballots are annexed to the statutes as are other sample ballots rather than being printed in the context of the statutes.

Sub. (7) is based on s. 10.61. The general provisions of the section are presented elsewhere and are not repeated here.

Sub. (8) (intro. par.) is based on s. 5.39 (1) (a), but the ballot is annexed rather than printed in context. Par. (a) is a restatement of s. 5.39 (2). Par. (b) is a restatement of s. 5.39 (1) (b) (2nd sentence) with some clarification. Par. (c) is a restatement of s. 5.39 (1) (b) (1st sentence). Par. (d) is a restatement of s. 5.39 (1) (b) (3rd sentence) and (3) (1st sentence). Par. (e) is a restatement of s. 5.39 (1) (b) (4th sentence).

Sub. (9) provides a cross-reference to the section where all referenda ballot provisions are set forth. (Bill No. 755-A)

5.62 September primary ballots. At September primaries, where necessary, the following ballot shall be provided for each precinct, 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 having its own ballot. 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.

(b) Every political organization listed as independent and every recognized political party listed on the official ballot at the last election that received at least one per cent of the total votes cast for any state-wide office for which they had a candidate shall have a separate primary ballot and 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 secretary of state their party name, which shall not duplicate the name of an existing party.

(2) Any political organization may be represented by a separate ballot if, not later than June 1 in the year of a September primary, it files with the secretary of state 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 within the district or state.

(3) The secretary of state shall designate the official primary ballot arrangement for state offices by using the same procedure as for supreme court justice candidates under s. 5.60 (1) (b); congressional and state senate candidates by using the same procedure as for circuit court judges under s. 5.60 (1) (b) by numbering the assembly districts and parts of assembly districts within each congressional or senate district; and assembly candidates, when the district comprises more than one county, by similarly numbering and arranging by population the counties within an assembly district. The candidates shall then be listed by alphabetical rotation, under s. 5.60 (1) (b) 2.

(4) The county clerk or county board of election commissioners shall designate the official primary ballot arrangement for all candidates filing nomination papers in that office.

(a) The county clerk shall alphabetically arrange the towns, villages and cities in that order and under each shall list their wards and precincts in numerical order for each assembly district or part thereof. When there is more than one assembly district, each shall be arranged separately by district and in the order of their number. Precincts in each senate district in the county shall be arranged the same way. Within a county the county clerk shall arrange the names of all candidates filing nom-

ination papers with his office within each precinct within each assembly and senate district or part of a district by alphabetical rotation, under s. 5.60 (1) (b) 2 for each district. When the county comprises one or more state senate districts the same procedure shall be used.

(b) The county board of election commissioners in counties having a population of 500,000 or more shall prepare the official primary ballot as follows. Assembly candidates shall be arranged as under par. (a). State senate and county office candidates shall be arranged by consecutively listing the assembly districts within each senate district by population beginning with the most populous district as number 1. The commissioners shall then arrange the names of all candidates for each office for the first assembly district, and each succeeding district, by alphabetical rotation, under s. 5.60 (1) (b) 2.

History: 1965 c. 666.

Legislative Council Note, 1965: The intro. par. is new and gives a number to the ballot presently annexed at s. 5.11.

Sub. (1) (a) is a restatement of s. 5.13 (1) with some clarification. Par. (b) is a restatement of s. 5.13 (2).

Sub. (2) is a restatement of s. 5.13 (3) with one exception—the date has been fixed.

Sub. (3), with one exception, is a restatement of s. 5.08 (2) (a), (b), (c), (3) (a), and (b). The section uses cross-references to decrease duplication. The circuit court judge provision, a non-partisan office, of sub. (2) (b) has been deleted as s. 5.58 in the bill pertains to the spring primary and includes the necessary provisions for that office.

Sub. (4) is a combination of s. 5.11 (2), (3) and (4). The intro. par. establishes the scope established by the present provisions. Par. (a) is a restatement of s. 5.11 (2) and (3). Par. (b) is a restatement of s. 5.11 (4). (Bill No. 755-A)

5.64 General election ballots. At general elections the following ballots, when necessary, shall be provided for each precinct.

(1) **OFFICIAL BALLOT.** There shall be a separate ballot giving the names of all candidates for state, congressional, legislative and county offices in substantially the same form as annexed Ballot "A".

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

(b) Below the voting instructions the ballot shall be divided into vertical columns. The regular party tickets nominated by conventions, constituted and authorized committees, or primaries, shall be printed each in a separate column under the party designation. The columns shall be arranged from left to right according to rank, with the party receiving the most votes in the last gubernatorial election placed first. To the right of the party columns shall be the necessary number of columns for independents.

(c) The party designation shall be printed at the top of each column and under it shall appear a circle at least three-eighths of an inch in diameter for electors wishing to vote a straight party ticket. Within each column only candidates nominated by the party designated at the head of the column shall appear.

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

(e) Within each column, each space shall state the office to be voted for directly above the candidate's first and last name. The candidate's name shall be placed in the party column by which nominated or if independent, in a column designated independent and all candidates for the same office shall appear on or between the same horizontal lines on the ballot. To the right of each candidate's name, in each column, shall be a square for the elector to place his cross (X) or other mark.

(f) In the case of balloting for the office of governor and lieutenant governor, the names of the candidates shall be placed in the party column by which nominated or if independent, in a column designated independent. To the right of the names of the set of candidates for governor and lieutenant governor, in each column shall be one square for the elector to cast his ballot jointly for both offices.

Note: Chapter 261, laws of 1967, which created par. (f), provides that it is to take effect January 1, 1970.

(2) REFERENDUM BALLOT. There shall be a separate ballot when any proposed constitutional amendment or any other measure or question is submitted to a vote of the people. The ballot shall give a concise statement of each question in accordance with the act or resolution directing submission in substantially the same form as annexed Ballot "D". This ballot form shall be used at all elections when questions are submitted to a vote of the people.

(a) The ballot shall be titled "Official Referendum Ballot" in lettering at least three-eighths of an inch high. Directly underneath

in plain, legible type shall be the following voting instructions: "If you desire to vote on any question, place a cross (X) or other mark in the square beneath the question after "yes" if in favor of the question, or place a cross (X) or other mark in the square after "no" if opposed to the question."

(b) Under voting instructions shall be the concise statement of the question submitted. Directly under each question shall appear the words "yes" and "no" with a square to the right of each word.

(c) In addition to the official referendum ballot described in pars. (a) and (b), there shall be the following official referendum ballots, substantially in the forms annexed.

1. Form D1 under ss. 67.05, 67.13 and 67.14.
2. Form D2 under s. 66.054 (5) (c).
3. Form D3 under s. 66.054 (5) (c).
4. Form D4 under s. 176.38 (3).
5. Form D5 under s. 8.05 (3) (f).

(3) PRESIDENTIAL BALLOTS. There shall be a separate ballot when the president and vice president of the United States are to be elected containing the names of all candidates for the offices in substantially the same form as annexed Ballot "C".

(a) The ballot shall be titled "Official Presidential Ballot" in lettering at least three-eighths of an inch high. Directly underneath in plain, legible type shall be the following voting instructions: "Place a cross (X) or other mark in the square opposite the name of the candidate for whose electors you desire to vote. Vote in ONE square only." The electors of the candidate need not be listed on the ballot but a vote for the candidates for president and vice president is a vote for them through their named presidential electors.

(b) The party candidates shall be arranged consecutively from top to bottom based on the number of votes received by their party's candidate for governor at the last election beginning with the party that received the most votes. The independent president-vice president candidates shall be listed alphabetically according to the presidential candidates, following under the party candidates.

History: 1965 c. 666; 1967 c. 261.

Legislative Council Note, 1965: The intro. par. is a restatement of s. 6.23 (1) (in part).

Sub. (1) (intro. par.) is a restatement of s. 6.23 (1) (last part) and incorporates the cross references thereto of s. 6.23 (17) (a) (1st part) and s. 9.02 (2) (1st sentence). Par. (a) is a restatement of s. 6.23 (7) (1st 3 sentences) with some clarifications. Par. (b) is a restatement of s. 6.23 (2). Par. (c) is a restatement of s. 6.23 (7) (4th sentence), except the provision for erased or written over names is set forth in s. 7.50 in this bill and is not repeated here. Par. (d) is a restatement of s. 6.23 (6). Par. (e) is a restatement of s. 6.23 (4).

Sub. (2) (intro. par.) is a restatement of s. 6.23 (8) (1st sentence, in part, and last sentence) and

shall be on top with the other parties arranged in an order based on their vote for governor at the last general election.

(b) Every political organization listed as independent and every recognized political party listed on the official ballot at the last election that received at least one per cent of the total votes cast for any state-wide office for which they had a candidate shall have a separate primary ballot and 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 secretary of state their party name, which shall not duplicate the name of an existing party.

(2) Any political organization may be represented by a separate ballot if, not later than June 1 in the year of a September primary, it files with the secretary of state 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 within the district or state.

(3) The secretary of state shall designate the official primary ballot arrangement for state offices by using the same procedure as for supreme court justice candidates under s. 5.60 (1) (b); congressional and state senate candidates by using the same procedure as for circuit court judges under s. 5.60 (1) (b) by numbering the assembly districts and parts of assembly districts within each congressional or senate district; and assembly candidates, when the district comprises more than one county, by similarly numbering and arranging by population the counties within an assembly district. The candidates shall then be listed by alphabetical rotation, under s. 5.60 (1) (b) 2.

(4) The county clerk or county board of election commissioners shall designate the official primary ballot arrangement for all candidates filing nomination papers in that office.

(a) The county clerk shall alphabetically arrange the towns, villages and cities in that order and under each shall list their wards and precincts in numerical order for each assembly district or part thereof. When there is more than one assembly district, each shall be arranged separately by district and in the order of their number. Precincts in each senate district in the county shall be arranged the same way. Within a county the county clerk shall arrange the names of all candidates filing nom-

ination papers with his office within each precinct within each assembly and senate district or part of a district by alphabetical rotation, under s. 5.60 (1) (b) 2 for each district. When the county comprises one or more state senate districts the same procedure shall be used.

(b) The county board of election commissioners in counties having a population of 500,000 or more shall prepare the official primary ballot as follows. Assembly candidates shall be arranged as under par. (a). State senate and county office candidates shall be arranged by consecutively listing the assembly districts within each senate district by population beginning with the most populous district as number 1. The commissioners shall then arrange the names of all candidates for each office for the first assembly district, and each succeeding district, by alphabetical rotation, under s. 5.60 (1) (b) 2.

History: 1965 c. 666.

Legislative Council Note, 1965: The intro. par. is new and gives a number to the ballot presently annexed at s. 5.11.

Sub. (1) (a) is a restatement of s. 5.13 (1) with some clarification. Par. (b) is a restatement of s. 5.13 (2).

Sub. (2) is a restatement of s. 5.13 (3) with one exception—the date has been fixed.

Sub. (3), with one exception, is a restatement of s. 5.08 (2) (a), (b), (c), (3) (a), and (b). The section uses cross-references to decrease duplication. The circuit court judge provision, a non-partisan office, of sub. (2) (b) has been deleted as s. 5.58 in the bill pertains to the spring primary and includes the necessary provisions for that office.

Sub. (4) is a combination of s. 5.11 (2), (3) and (4). The intro. par. establishes the scope established by the present provisions. Par. (a) is a restatement of s. 5.11 (2) and (3). Par. (b) is a restatement of s. 5.11 (4). (Bill No. 755-A)

5.64 General election ballots. At general elections the following ballots, when necessary, shall be provided for each precinct.

(1) **OFFICIAL BALLOT.** There shall be a separate ballot giving the names of all candidates for state, congressional, legislative and county offices in substantially the same form as annexed Ballot "A".

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

(b) Below the voting instructions the ballot shall be divided into vertical columns. The regular party tickets nominated by conventions, constituted and authorized committees, or primaries, shall be printed each in a separate column under the party designation. The columns shall be arranged from left to right according to rank, with the party receiving the most votes in the last gubernatorial election placed first. To the right of the party columns shall be the necessary number of columns for independents.

(c) The party designation shall be printed at the top of each column and under it shall appear a circle at least three-eighths of an inch in diameter for electors wishing to vote a straight party ticket. Within each column only candidates nominated by the party designated at the head of the column shall appear.

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

(e) Within each column, each space shall state the office to be voted for directly above the candidate's first and last name. The candidate's name shall be placed in the party column by which nominated or if independent, in a column designated independent and all candidates for the same office shall appear on or between the same horizontal lines on the ballot. To the right of each candidate's name, in each column, shall be a square for the elector to place his cross (X) or other mark.

(f) In the case of balloting for the office of governor and lieutenant governor, the names of the candidates shall be placed in the party column by which nominated or if independent, in a column designated independent. To the right of the names of the set of candidates for governor and lieutenant governor, in each column shall be one square for the elector to cast his ballot jointly for both offices.

Note: Chapter 261, laws of 1967, which created par. (f), provides that it is to take effect January 1, 1970.

(2) REFERENDUM BALLOT. There shall be a separate ballot when any proposed constitutional amendment or any other measure or question is submitted to a vote of the people. The ballot shall give a concise statement of each question in accordance with the act or resolution directing submission in substantially the same form as annexed Ballot "D". This ballot form shall be used at all elections when questions are submitted to a vote of the people.

(a) The ballot shall be titled "Official Referendum Ballot" in lettering at least three-eighths of an inch high. Directly underneath

in plain, legible type shall be the following voting instructions: "If you desire to vote on any question, place a cross (X) or other mark in the square beneath the question after "yes" if in favor of the question, or place a cross (X) or other mark in the square after "no" if opposed to the question."

(b) Under voting instructions shall be the concise statement of the question submitted. Directly under each question shall appear the words "yes" and "no" with a square to the right of each word.

(c) In addition to the official referendum ballot described in pars. (a) and (b), there shall be the following official referendum ballots, substantially in the forms annexed.

1. Form D1 under ss. 67.05, 67.13 and 67.14.
2. Form D2 under s. 66.054 (5) (c).
3. Form D3 under s. 66.054 (5) (c).
4. Form D4 under s. 176.38 (3).
5. Form D5 under s. 8.05 (3) (f).

(3) PRESIDENTIAL BALLOTS. There shall be a separate ballot when the president and vice president of the United States are to be elected containing the names of all candidates for the offices in substantially the same form as annexed Ballot "C".

(a) The ballot shall be titled "Official Presidential Ballot" in lettering at least three-eighths of an inch high. Directly underneath in plain, legible type shall be the following voting instructions: "Place a cross (X) or other mark in the square opposite the name of the candidate for whose electors you desire to vote. Vote in ONE square only." The electors of the candidate need not be listed on the ballot but a vote for the candidates for president and vice president is a vote for them through their named presidential electors.

(b) The party candidates shall be arranged consecutively from top to bottom based on the number of votes received by their party's candidate for governor at the last election beginning with the party that received the most votes. The independent president-vice president candidates shall be listed alphabetically according to the presidential candidates, following under the party candidates.

History: 1965 c. 666; 1967 c. 261.

Legislative Council Note, 1965: The intro. par. is a restatement of s. 6.23 (1) (in part).

Sub. (1) (intro. par.) is a restatement of s. 6.23 (1) (last part) and incorporates the cross references thereto of s. 6.23 (17) (a) (1st part) and s. 9.02 (2) (1st sentence). Par. (a) is a restatement of s. 6.23 (7) (1st 3 sentences) with some clarifications. Par. (b) is a restatement of s. 6.23 (2). Par. (c) is a restatement of s. 6.23 (7) (4th sentence), except the provision for erased or written over names is set forth in s. 7.50 in this bill and is not repeated here. Par. (d) is a restatement of s. 6.23 (6). Par. (e) is a restatement of s. 6.23 (4).

Sub. (2) (intro. par.) is a restatement of s. 6.23 (8) (1st sentence, in part, and last sentence) and

s. 6.23 (17) (a) (in part). Par. (a) is a restatement of s. 6.23 (8) (2nd and 3rd sentences). Par. (b) is a restatement of s. 6.23 (8) (1st sentence, in part). Par. (c) sets forth the referenda ballots at the end of present ch. 6 and the referendum ballot referred to in present s. 5.27 (4) (e), (s. 8.05 (3) (f) in this bill). The color provisions have been deleted.

Sub. (3) intro. part. is a restatement of s. 6.23 (9) (1st sentence in part). Par. (a) is a restatement of s. 6.23 (9) (1st sentence, in part) and (10) (a) with some clarification. Par. (b) is a restatement of s. 6.23 (9) (remainder). (Bill No. 755-A)

5.66 Number of ballots. (1) For local elections, where necessary, municipal clerks shall have sufficient ballots printed to assure 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. The county clerk shall total these estimates and order a sufficient supply to assure ballots for every elector.

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

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1) is a combination of ss. 5.11 (5) (3rd sentence) and 6.26 (1) with one change—the date has now been fixed so it will apply to any primary rather than just the September primary.

Sub. (2) is based on ss. 5.11 (5) (3rd sentence), 6.26 (2) and 11.09 (4). The provision of s. 6.26 (2) limiting the number of sample ballots has been changed. The provisions of s. 11.09 (4) pertaining to sample ballots for municipalities over 200,000 population using voting machines was incorporated into this section and several provisions were changed for uniformity. (Bill No. 755-A)

5.68 Cost of elections. (1) All costs for ballots, supplies, machines and any other material necessary in preparing or conducting any election shall be paid for by the governing body whose officer or commission is responsible under ch. 7 to provide them.

(2) When voting machines are used, the ballots for all county offices and offices higher

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

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1) is a combination of ss. 6.25 (5), 6.26 (2) (last sentence), 6.46 (1st sentence, in part), 6.82, 8.05 (2nd sentence), 10.38, 10.48 (1) (1st sentence, in part), 10.53 (4) all relating to payment of election costs. S. 6.79 is also included.

Sub. (2) is based on ss. 6.21 (4) (last part) and 11.09 (1) (b). It also now specifically provides for school districts. (Bill No. 755-A)

5.70 Printers' fees. (1) The county clerk shall award the printing of ballots to the lowest responsible bidder within the county 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. The bond shall be signed by one or more sureties and conditioned upon the bidder's faithful performance of all conditions imposed on him by the clerk. The clerk shall keep all printing proposals in his office. The county clerk may reject all bids deemed excessive and contract for the printing outside the county.

(2) The city board of election commissioners in counties having a population of 500,000 or more may similarly provide for the printing of registry lists.

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1) is a restatement of s. 6.25 (1) (after the 1st semicolon), except the provision for 2 sureties has been changed.

Sub. (2) is based on s. 10.14 but makes some changes for uniformity. (Bill No. 755-A)

5.75 Correcting ballot errors. Whenever an affidavit is filed by any elector alleging error or omission in the printing of the ballots, the proper circuit court 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.

History: 1965 c. 666.

Legislative Council Note, 1965: This is a restatement of s. 6.43. (Bill No. 755-A)