

Sub. (6) is a restatement of s. 6.245 (6) but is new for cities.

Sub. (7) is based on s. 6.245 (7) and is broadened to include cities. [Bill 755-A]

On recall of elective officers see note to sec. 12, art. XIII.

10.44 (3), Stats. 1925, relating to the recall of elective officials of cities, was construed in State ex rel. Baxter v. Beckley, 192 W 367, 212 NW 792.

9.20 History: 1965 c. 666; Stats. 1965 s. 9.20; 1969 c. 419.

Legislative Council Note, 1965: Sub. (1) is a restatement of s. 10.43 (1) except it adds that with the petition there shall be filed the name of a person or organization to facilitate execution of sub. (3).

Sub. (2) is a restatement of s. 10.43 (2).

Sub. (3) is a restatement of s. 10.43 (3), except it adds a provision to allow placing the proposed ordinance or resolution in proper form which is intended to prevent mere technicalities from defeating the petition's purpose.

Sub. (4) is based on s. 10.43 (4). The 40-day provision was changed to 6 weeks.

Sub. (5) is based on s. 10.43 (5) (1st sentence). The dates were changed from "...not more than 20 nor less than 5 days. . .". The publication provision was changed.

Sub. (6) is a restatement of s. 10.43 (5) (last sentence).

Sub. (7) is based on s. 10.43 (6) (1st sentence, in part and 3rd sentence). The provision has been changed so the ordinance takes effect upon publication rather than immediately.

Sub. (8) is a restatement of s. 10.43 (6) (1st sentence, in part and the 2nd and 4th sentences). [Bill 755-A]

Where an election on the aldermanic form of city government was held, notice was given, an ordinance was published, and the form of the question presented the issue, this was sufficient, though the notice was not that required by the governing statute. State ex rel. Oaks v. Brown, 211 W 571, 249 NW 50.

The electors, upon such a referendum as is provided by 10.43, Stats. 1939, exercise only such legislative power or authority as is conferred upon the common council. They are permitted to vote upon a proposed ordinance or resolution only when the common council is duly authorized to pass it and has failed or refused to adopt it. This would seem clearly to imply that if the common council is without authority to fix or change salaries of city officers at a given time, the electors upon a referendum may not do so. Feavel v. Appleton, 234 W 483, 291 NW 830.

A referendum under 10.43, Stats. 1953, cannot modify an express statutory power conferred by another section, but is advisory only. Denning v. Green Bay, 271 W 230, 72 NW (2d) 730.

10.43, Stats. 1963, does not authorize the filing of petitions to compel a city council to repeal an existing ordinance or resolution, or, in default of repeal, to submit the question to a popular vote. Landt v. Wisconsin Dells, 30 W (2d) 470, 141 NW (2d) 245.

Initiative powers under 10.43, Stats. 1965, relate solely to those matters which are legis-

lative in character and do not extend to executive or administrative actions of local legislative bodies. Heider v. Wauwatosa, 37 W (2d) 466, 155 NW (2d) 17.

A specific provision of ch. 66, Stats. 1937, relating to municipal home rule, controls the more general provision under 10.43 (6). 27 Atty. Gen. 593.

CHAPTER 10.

Dates and Notices.

10.01 History: 1965 c. 666; Stats. 1965 s. 10.01; 1969 c. 360.

Legislative Council Note, 1965: This section has several new provisions. The provision of sub. (1) whereby the secretary of state prescribes the form of notice is new. As a part of the attempt to establish more significant notices of elections, the secretary of state is assigned this duty to provide more uniformity and more effective notices throughout the state.

Sub. (2) establishes 4 basic types of election notice. Each is based on present statutes, but the frequency of publication is made uniform, the times for giving the notices are changed to provide the notice intended at the proper time, and the components of the notices are changed as necessary to include all relevant information which should be given at the time of the notice. Par. (a) is based on s. 5.04. Par. (b) is based on s. 6.21 (3) (a), (b) and (c) and (4) (1st part). Par. (c) is based on s. 6.10 (in part). Par. (d) is based on s. 6.21 (2) (1st part) and 6.22 (3) (last part). [Bill 755-A]

10.02 History: 1965 c. 666; Stats. 1965 s. 10.02; 1969 c. 55.

Legislative Council Note, 1965: Sub. (1) is based on s. 6.21 (1), but made general in some respects to allow the secretary of state to prescribe the form.

Sub. (2) (a) is a restatement of s. 6.22 (2) (a) (1st part). Par. (b) is based on s. 6.21 (2) (last part) and provision added for the municipal clerk to publish the instructions when the county clerk will not be publishing them. Par. (c) is based on ss. 6.21 (3) (c) and (4), and 6.22 (2) (a) (3rd sentence).

Sub. (3) is a restatement of s. 6.22 (1), except for the required changes in instructions to adopt changes made elsewhere in this bill.

Sub. (4) is based on s. 6.22 (3) (1st part). [Bill 755-A]

10.03 History: 1965 c. 666; Stats. 1965 s. 10.03.

Legislative Council Note, 1965: This section is based on s. 6.22 (2) (b) (2nd, 3rd and 4th sentences), but its application has been changed from only facsimile ballot notices to all election notices. [Bill 755-A]

10.04 History: 1965 c. 666; Stats. 1965 s. 10.04.

Legislative Council Note, 1965: Sub. (1) is based on s. 6.82 (2) (1st sentence), but the provision has been changed from "one to 4 newspapers" to remove any restriction. The provisions of s. 6.82 (2) establishing which newspapers should be used based on party affiliation was deleted.

Sub. (2) is based on s. 6.82 (2) (3rd sentence). The provision has been changed from requiring authorization when more than 2 newspapers are used. The last sentence of 6.82 (2) has been deleted as ch. 985 provides the necessary standards for newspapers.

Sub. (3) is new. It is intended to present alternatives when more than one newspaper is used or when weeklies are used.

Sub. (4) is a restatement of ss. 6.22 (2) (a) (last sentence) and 6.82 (3).

Sub. (5) is a restatement of s. 6.21 (4) (last part, in part). [Bill 755-A]

10.05 History: 1965 c. 666; Stats. 1965 s. 10.05; 1969 c. 360.

Legislative Council Note, 1965: This section replaces the posting provisions throughout Title II of the general statutes. It is intended to provide uniformity to those municipalities which use posting, but it does not prevent any municipality, county or the state from posting in addition to their statutory notice requirements. [Bill 755-A]

10.06 History: 1965 c. 666; Stats. 1965 s. 10.06; 1969 c. 419.

Legislative Council Note, 1965: This section is based on ss. 5.04, 6.10, 6.11, 6.21, 8.03, 8.04 (1) and (2) (1st sentence), 10.36 (3), 10.45 (2nd sentence through end of section), 10.52 (1) (2nd sentence) and 11.10 (5) (1st sentence). The dates have been changed and the number of newspaper insertions have been made uniform for all areas of the state whether paper ballots or voting machines are used. The exceptions of s. 6.10 (1) (b) as to what constitutional amendments can be made and when, have been deleted for uniformity. [Bill 755-A]

Failure to give the prescribed statutory notice of a vacancy to be filled at a general election, and where the existence of such vacancy was not, in fact, known generally to the electors, made the election as to that office invalid. State ex rel. Chase v. McKinney, 25 W 416.

In the absence of proof in the record to the contrary, the presumption is that notice of an election was regularly given. State ex rel. Ennis v. Janesville, 90 W 157, 62 NW 933.

The legislature may submit to the voters the question whether Congress shall amend the Volstead act so as to authorize the manufacture and sale of 2.75 per cent beer. A prior joint resolution designated the question to be submitted and 6.10, 6.19, 6.22, 6.23, 6.68 and 6.71, Stats. 1925, impose on the secretary of state the duty of submitting such question to the people. State ex rel. Fulton v. Zimmerman, 191 W 10, 210 NW 381.

The publication of information to voters required by this sec. 36, Stats. 1898, is not optional as regards city elections, but the omission of the publication does not necessarily invalidate the election. 1902 Atty. Gen. 114.

Under sec. 36 (4), Stats. 1911, where there are both daily and weekly newspapers, the notice of election may be published in either. 1 Atty. Gen. 279.

The election laws do not provide for certification to secretary of state of nominations for president and vice president of United States made by political party national conven-

tions; secretary of state and county clerks take official notice of such nominations as matters of common knowledge obtained through public press and otherwise and prepare election notices and ballots, etc., as provided by statute accordingly. 13 Atty. Gen. 421.

Suggestions for form of ballot relating to submission of proposed constitutional amendment to people at general election. 13 Atty. Gen. 446; 15 Atty. Gen. 346.

Suggestion for statement in notice submitting question of proposed state television network to the people at the general election. 43 Atty. Gen. 234.

Suggestion for statement in notice submitting question of change in eligibility of voters at presidential elections at the general election. 43 Atty. Gen. 235.

10.08 History: 1965 c. 666; Stats. 1965 s. 10.08; 1967 c. 88.

10.10 History: 1967 c. 88; Stats. 1967 s. 10.10.

10.12 History: 1967 c. 88, 90, 228; Stats. 1967 s. 10.12; 1969 c. 55; 1969 c. 392 s. 87 (33).

10.14 History: 1967 c. 88; Stats. 1967 s. 10.14.

10.16 History: 1967 c. 88; Stats. 1967 s. 10.16; 1969 c. 137.

10.18 History: 1967 c. 88; Stats. 1967 s. 10.18; 1969 c. 55.

10.20 History: 1967 c. 88; Stats. 1967 s. 10.20; 1969 c. 392 s. 87 (33).

10.22 History: 1967 c. 88; Stats. 1967 s. 10.22; 1969 c. 392 s. 87 (33); 1969 c. 421.

10.24 History: 1967 c. 88; Stats. 1967 s. 10.24.

10.26 History: 1967 c. 88; Stats. 1967 s. 10.26; 1969 c. 55.

10.28 History: 1967 c. 88; Stats. 1967 s. 10.28; 1969 c. 55; 1969 c. 392 s. 87 (33); 1969 c. 421.

10.30 History: 1967 c. 88; Stats. 1967 s. 10.30; 1969 c. 392 s. 87 (33).

10.32 History: 1967 c. 88; Stats. 1967 s. 10.32; 1969 c. 2, 355; 1969 c. 392 s. 87 (33).

CHAPTER 12.

Corrupt Practices Relating to Elections.

12.01 History: 1911 c. 650; Stats. 1911 s. 94—1; 1915 c. 499 s. 2; Stats. 1915 s. 12.01; 1935 c. 308; 1937 c. 101; 1965 c. 666.

Legislative Council Note, 1965: Sub. (5) is a restatement of s. 5.012 (3). [Bill 755-A]

The corrupt practices act applies to the activities of those interested in a recall election prior to the calling thereof. 1 Atty. Gen. 266.

The corrupt practices act does not apply to work done in an effort merely to create a more general public sentiment and understanding favorable to woman suffrage, such work not being for the purpose of influencing