



State of Wisconsin
1997 - 1998 LEGISLATURE

LRB-4946/3

JTK:kg:lp

1997 ASSEMBLY BILL 959

March 26, 1998 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to
Committee on Elections and Constitutional Law.

1 **AN ACT** *to repeal* 5.25 (4) (b), 5.35 (6) (a) 4., 5.55 (form), 5.58 (2) (b), 5.64 (1) (c),
2 5.64 (2) (a) and (b), 5.64 (3) (intro.), 6.865 (2), 6.92 (1) to (6), 6.925 (1) to (6), 7.15
3 (1) (cs), 8.17 (2), (3) and (4) (a) and (b), 10.66 (1m) (a) and 10.76 (1r) (a); **to**
4 **renumber and amend** 5.55 (intro.), 5.58 (2) (a), 5.62 (1) (b), 5.62 (2), 5.64 (1)
5 (e), 5.64 (3) (a), 5.64 (3) (b), 6.92 (intro.), 6.925 (intro.) and 8.17 (4) (c); **to**
6 **consolidate, renumber and amend** 6.865 (intro.) and (1); **to amend** 5.01 (4)
7 (a), 5.05 (1) (e), 5.15 (6) (b), 5.25 (1), 5.37 (3), 5.58 (1c), 5.58 (1r), 5.58 (2m), 5.60
8 (1) (intro.), 5.60 (1) (b), 5.60 (8) (a), 5.62 (1) (a), 5.62 (5), 5.64 (1) (intro.), 5.64 (1)
9 (a), 5.64 (1) (b), 5.64 (1) (d), 5.64 (1) (f), 5.65, 5.85 (2) and (3), 5.85 (5), 5.86 (1),
10 6.15 (3) (b), 6.24 (1), (2) and (3), 6.24 (5), 6.28 (1), 6.29 (1), 6.77 (2), 6.79 (intro.),
11 6.80 (2) (e) and (f), 6.85, 6.86 (1) (b), 6.86 (3) (a), 6.87 (2), 6.875 (4), 6.88 (1), 7.30
12 (1) and (2), 7.30 (4) (a), 7.30 (4) (c), 7.30 (4) (d), 7.51 (2) (e), 7.51 (2) (g), 7.51 (4)
13 (a), 7.53 (1), 7.53 (2) (d), 7.53 (3) (a), 7.60 (2), 7.60 (4) (a), 7.60 (4) (b), 7.60 (4) (c),
14 7.60 (5), 7.60 (6), 7.70 (3) (d), 7.70 (3) (f), 8.05 (1) (j), 8.05 (3) (d) and (e), 8.10 (3)

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1 (intro.), 8.10 (6) (a), 8.11 (1) (b) and (d), (2), (2m) and (5), 8.12 (2), 8.15 (4) (a),
2 8.17 (1) (a), 8.17 (5) (b), 8.20 (3), 8.20 (9), 8.21, 8.35 (2) (a), 8.40 (2), 8.50 (1) (a),
3 8.50 (1) (b), 8.50 (2) (a), 8.50 (4) (fm), 9.01 (1) (ag) 1. and 2., 9.01 (2), 9.01 (5) (a),
4 9.01 (7) (a), 10.02 (3) (b) 1., 10.02 (3) (b) 2., 10.02 (3) (b) 2m., 10.02 (3) (b) 3., 4.,
5 (c) and (d), 10.82 (1) (e), 10.82 (2) (d), 10.82 (3) (d), 10.82 (4) (d), 10.82 (5) (c),
6 11.02 (3), 11.03 (1), 11.60 (4) and (5), 24.66 (4), 32.72 (1), 38.08 (1) (a) 1., 59.05
7 (2), 59.08 (7) (b), 60.24 (3) (a), 60.30 (4) (b), 60.62 (2), 60.74 (5) (b), 60.785 (2) (a),
8 61.187 (1), 61.46 (1), 62.13 (6) (b), 64.39 (2), 66.021 (5) (a), 66.022 (3), 66.023 (4)
9 (e) 1. and 2., 66.024 (4) (a) and (b), 66.027, 66.028 (6) (a) and (b), 66.059 (2m) (b),
10 66.061 (1) (c), 66.075 (5), 66.521 (10) (d), 66.77 (3) (a) 1., 66.94 (4), 67.12 (12) (e)
11 6., 81.01 (3) (b), 86.21 (2) (a), 92.11 (4) (c), 119.48 (4) (c), 119.49 (2), 120.06 (6)
12 (b), 120.06 (7) (a), 120.06 (7) (b), 121.91 (3) (a), 125.05 (1) (b) 5., 197.04 (1), 197.10
13 (2), 755.01 (4) and 778.135; and **to create** 5.02 (26), 5.25 (4) (d), 5.51 (8), 5.62
14 (1) (b) 2., 5.62 (2) (b), 5.64 (1) (e) 2., 5.64 (1) (eg), 5.655, 6.77 (3), 7.08 (5), 7.10
15 (5), 7.10 (6), 7.15 (1) (L), 7.21 (2m), 8.10 (6) (bm), 8.17 (5) (bm), 8.37, 9.01 (1) (ag)
16 2g. and 2r., 11.02 (3e), 67.05 (3) (am) and 120.06 (8) (dm) of the statutes;
17 **relating to:** absentee voting qualifications; late voter registration; location of
18 polling places; reports on impediments to voting; selection of party
19 committeemen and committeewomen; recount fees; delivery of recount
20 petitions to affected candidates; minutes of recount proceedings; certifications
21 by circulators of nomination papers and election-related petitions; presidential
22 ballots; maintenance of poll lists in an electronic format; an elector's residency
23 for voting purposes after municipal annexation; qualification of political
24 parties for separate positions on partisan primary and election ballots; the date
25 of special elections; the composition of the county board of canvassers;

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1 eligibility of adult children of overseas electors to vote in this state; reporting
2 of election returns by ward; authorizing a county board of election
3 commissioners to bring civil actions for violations of the campaign financing
4 law; administration of elections for joint municipal judges; depositing ballots
5 in ballot boxes; the time for a hearing on recount appeals; write-in absentee
6 ballots; consolidated paper ballots; filing of referenda questions; ballot design;
7 filing of declarations of candidacy and recording of votes received by write-in
8 candidates in certain elections; the method of selection of election officials; the
9 procedure for challenging electors; terms of office of town officers; granting
10 rule-making authority; and requiring a referendum.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTE provided by the joint legislative council in the body of the bill.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

PREFATORY NOTE: This bill was prepared for the joint legislative council's special committee to review the election process.

I. DATE OF SPECIAL ELECTIONS

Generally, under current law, the date of a special election may not be less than 62 days nor more than 77 days from the date of the order requiring the special election. This bill provides that the date of the special election may not be less than 92 days nor more than 107 days from the date of the order requiring the special election.

II. REGISTRATION AND VOTER PARTICIPATION

•Voting Absentee

Under current law, the authority to vote absentee is restricted to electors who will be absent from the municipality in which they are qualified electors on election day for any reason or who because of age, sickness, handicap, physical disability, jury duty, service as an election official or religious reasons cannot appear at the polling place in their wards.

This bill authorizes absentee voting by any qualified elector who for any reason is unable or unwilling to vote at the polling place.

•Late Voter Registration

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Under current law, the deadline for voter registration is 5 p.m. on the 2nd Wednesday preceding the election. Registrations made by mail must be delivered to the office of municipal clerk or board of election commissioners or postmarked not later than the 2nd Wednesday preceding the election. Voters may register after this deadline in person at the office of the municipal clerk or board of election commissioners or at the proper polling place on election day.

This bill authorizes a municipal clerk to accept a registration in any manner after the 2nd Wednesday preceding an election, if the clerk determines that the registration list can be revised to incorporate the registration in time for the election without creating a secondary registration list or separate registration material to accommodate the late registrant.

•Location of Polling Places

Under current law, the governing body of a city, village or town establishes polling places, except that the city board of election commissioners establishes polling places in cities over 500,000 population. So far as practicable, the places chosen must be public buildings.

This bill permits the authority charged with establishing polling places to choose a nonpublic building for this purpose if a public building is not practicable, as under current law, or a nonpublic building better serves the needs of the electorate.

•Challenging Electors

Under current law, election inspectors must challenge an elector's qualifications to vote if the inspector knows or suspects that the elector attempting to vote is unqualified. In doing so, the challenged elector must be administered an oath and must be asked various questions specified in the statutes designed to aid in determining the elector's qualifications. The inspector may also ask any other questions to determine the elector's qualifications. The statutory questions are as follows:

"(1) If challenged as unqualified on the ground that the person is not a citizen: Are you a citizen of the United States?

(2) If challenged as unqualified on the ground that the person is not a resident of the ward where the person's vote is offered:

(a) When did you last come into this ward?

(b) Did you come for a temporary purpose only, or for the purpose of making it your home?

(c) Did you come into this ward for the purpose of voting here?

(d) Have you now and have you had for the last 10 days a voting residence in this ward? If so, what is the particular description, name and location of your residence?

(e) If the answer to par. (d) is no, then: Have you moved from the ward after the close of registration?

(f) Have you registered to vote at this election at any other place within or outside this state?

(g) Have you applied for an absentee ballot at any place in this or any other state?

(h) If single, do you board for part of the week, month or year with your parents?

(i) If you have no parents, or are self-supporting, have you registered to vote in this ward?

(j) Will you file your next state income tax return as a resident of this ward?

(3) If challenged as unqualified on the ground that the person is not 18 years of age: Are you 18 years of age to the best of your knowledge and belief?

(4) If challenged as unqualified on the ground that the person has made or become directly or indirectly interested in any bet or wager depending upon the result of the election:

(a) Have you made, in any manner, any bet or wager depending upon the result of this election, or on the election of any person for whom votes may be cast at the election?

(b) Are you in any manner, directly or indirectly, interested in any bet or wager depending in any way upon the result of this election?

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(5) If challenged as unqualified on the ground that the person has been convicted of treason, felony or bribery and not been subsequently restored to civil rights:

(a) Have you ever been tried or convicted in this state of any crime? If yes, then—

(b) Of what crime, when and in what court were you so convicted?

(c) Have you in any manner since the conviction been restored to civil rights, and if yes, how?"

Challenges to an elector's qualifications may also be made by other electors who know or suspect that an elector is not qualified to vote. In such a case, the elector making the challenge is asked similar questions, which are also specified in the statutes, designed to elicit information about the challenged elector's qualifications.

This bill repeals the statutory questions used when an elector's qualifications are challenged. Instead, the bill requires the elections board, by rule, to determine the questions to be asked when an elector's qualifications are challenged.

•Report on Impediments to Voting

Under current federal and state law, all polling places, with limited exceptions, must be accessible to handicapped and elderly voters. Until 1994, federal law also required the chief election officer of each state to report to the federal election commission every 2 years the number of accessible and inaccessible polling places in the state and the reasons for any instances of inaccessibility. State law requires the executive director of the state elections board to transmit a copy of each such report to the legislature. Federal law, however, no longer requires this report.

This bill deletes the current reporting requirements and instead requires the state elections board to submit a biennial report on the impediments faced by elderly and handicapped voters in the state to each house of the legislature for distribution to the appropriate standing committees.

•Voting Residence After Annexation

Under current law, when territory of a municipality becomes part of another municipality, an elector of the territory must vote in the municipality in which the territory is included on the day of the election.

This bill provides that when such territory becomes part of another municipality fewer than 10 days prior to an election, an elector must vote in the municipality in which the territory was included prior to the change.

•Children of Overseas Electors

Under current law, the adult dependent children of members of the armed forces and merchant marine, federal employes and peace corps volunteers who are stationed abroad may vote in elections in this state in the ward or election district where the parent who provides support for the children is entitled to vote. This bill extends the privilege of voting, in federal elections only, to the adult citizen children of other U.S. citizens who are residing overseas, subject to approval at a statewide referendum to be held in November 1998.

•Depositing Ballots in Ballot Boxes

Generally, under current law, when an elector has completed voting his or her ballot, the elector may either deposit the ballot in the ballot box or deliver it to an election inspector for deposit in the ballot box. However, in certain situations, electors are not given such an option. For example, persons otherwise qualified to vote, but who have not resided in the state for 10 days prior to the date of the presidential election, may vote for president but the statutes provide that such electors' ballots must be given to an election inspector who must deposit the ballots in the ballot box. Conversely, at partisan primaries and the presidential preference primary when paper ballots are distributed to electors, the statutes provide that an elector must place the ballot in the appropriate ballot box and do not provide the option for an inspector to deposit the ballot. This bill amends current law to specifically provide that, in these situations, the ballots may be

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either deposited directly in the ballot box by the electors or given to the inspector who must deposit them in the ballot box.

III. ROLE OF POLITICAL PARTIES AND CANDIDATES**•Election of Committeemen or Committeewomen**

Under current law, political parties qualifying for separate ballot status elect their party committeemen or committeewomen at the September primary. The function of committeemen and committeewomen is to represent their neighborhoods in the structure of the political parties and to serve as liaisons between their party and the residents of their election districts.

This bill requires that political party committeemen or committeewomen be selected by a vote of the county political party members in good standing at a meeting held after the September primary but before April 1 of the following year.

•Affidavits Relating to Nomination Papers and Petitions

Under current law, the circulator of nomination papers or other election-related petitions must make, under oath, an affidavit attesting to certain information including the fact that he or she personally circulated the nomination papers or petition, personally obtained the signatures thereon and knows the respective residences of the signers thereof. A circulator falsifying any such information may be fined not more than \$10,000 or imprisoned not more than 3 years, or both, under the election laws. The person may also be subject to a fine of not more than \$10,000 or imprisonment not to exceed 5 years, or both, for false swearing.

This bill deletes the requirement that circulators of nomination papers or election-related petitions make an affidavit under oath. Instead, the bill requires circulators to certify all of the information currently required in the affidavit, subject to the same penalties under the election laws. However, under the bill, falsifying the information in the circulator's certification would not subject a person to the penalties for false swearing.

•Presidential Ballots

Current law requires a separate ballot when the president and vice president of the United States are to be elected. This bill eliminates that requirement and requires instead that the names of candidates for president and vice president be placed on the official general election ballot in a manner that will allow electors to vote for a political party's candidates for president and vice president by voting a straight party ticket.

•Partisan Primary and Election Ballots

Under current law, every recognized political party listed on the official ballot at the last gubernatorial election whose candidate for any statewide office received at least 1% of the total votes cast for that office and, if the last general election was also a presidential election, every recognized political party listed on the ballot at that election whose candidate for president received at least 1% of the total votes cast for that office is entitled to a separate primary ballot or one or more separate columns or rows on the September primary ballot. In addition, at least one candidate of the party for a state office must have qualified to have his or her name appear on the ballot under the name of the party at the last gubernatorial election.

This bill imposes an additional requirement that, within each assembly district or county, the party have at least one candidate for any national, state or county office listed on the current ballot. If a party does not qualify for a separate ballot, column or row, the bill requires that the ballot contain a place for casting a vote for a write-in candidate of the party for each office.

•Filing Declarations of Candidacy

Currently, the name of each person who receives a vote at an election is recorded on the returns for that election. When a county or state canvass of an election is performed, the names of write-in candidates who receive a comparatively small number of votes may be omitted and the votes designated on the returns as "scattering votes".

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This bill permits any write-in candidate to file a declaration of candidacy with the appropriate filing officer or agency, in the same form as is currently provided for other candidates, no later than 5 p.m. on the day before a primary or other election at which the candidate seeks office. Under the bill, the name of any write-in candidate need not be recorded on the returns for any election unless the candidate has filed a timely declaration of candidacy for the office for which the candidate receives votes. The procedure does not apply if a write-in candidate seeks an office for which there are no candidates whose names appear on the ballot or if there appears on the ballot the name of a deceased candidate for the office which the write-in candidate seeks.

•*Commencement of Terms of Office for Certain Elected Town Officers*

This bill changes the date of commencement of the terms of office for elected town officers from one week after the spring election to 2 weeks after the election, consistent with the commencement dates of elected county, city and village officers. The bill does not change the June 1 commencement date for the term of an elected town assessor.

IV. ELECTIONS ADMINISTRATION

•*Appointment of Poll Workers*

Currently, party committeemen and committeewomen, if any, may nominate to municipalities individuals to serve as election inspectors (poll workers) and special voting deputies at certain nursing and retirement homes and community-based residential facilities. Under the appointment procedure for election inspectors, a committeeman or committeewoman submits a number of nominees equal to the number of inspectors to be appointed. A committeeman or committeewoman may designate any individual as a first choice nominee. The municipal governing body or board of election commissioners must appoint every first choice nominee unless the governing body or board of election commissioners obtains permission from the state elections board not to appoint the nominee. The elections board may only permit nonappointment if a showing of good cause is made. A municipality's request for nonappointment may be contested and is subject to notice and hearing under the state administrative procedure act. The decision of the elections board may be appealed to circuit court. Regardless of whether nominees are submitted to a municipality by a committeeman or committeewoman, all election inspectors must be designated to represent one of the 2 political parties whose candidate for president or governor received the greatest number of votes in the area served by the polling place at the most recent general election, with the party whose candidate received the greatest number of votes entitled to be represented by one more inspector than the other party. Appointees serve for 2-year terms. Vacancies are filled by the municipal clerk or board of election commissioners of each municipality in the same manner that original appointments are made.

This bill provides that whenever there are an insufficient number of nominees submitted to a municipality by the appropriate party committeemen and committeewomen, the municipality may appoint election inspectors or special voting deputies without regard to party affiliation.

•*Electronic Poll Lists*

Under current law, election officials at each election ward must maintain 2 separate lists of all persons voting.

This bill authorizes those lists to be maintained in an electronic format approved by the elections board or its executive director.

•*Reporting Election Returns by Ward*

Current law authorizes the governing body of a municipality to combine 2 or more wards for voting purposes to facilitate using a common polling place. However, with certain exceptions, every municipality having a population of 35,000 or more is required to maintain separate election returns for each ward so combined. This bill changes the

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population threshold so that only municipalities with a population of 50,000 or more are required to maintain separate election returns for each ward so combined.

•Composition of County Board of Canvassers

Under current law, the county board of canvassers is composed of the county clerk and 2 qualified electors of the county appointed by the clerk. If the county clerk's office is vacant, if the clerk cannot perform his or her duties or if the clerk is a candidate for an office to be canvassed by the board, the county executive or the chairperson of the county board of supervisors, if there is no executive, must designate another qualified elector of the county to perform the clerk's duties.

Also under current law, every county clerk is required to appoint one or more deputies.

This bill provides that, if a county clerk's office is vacant, if the clerk cannot perform his or her duties, or if the clerk is a candidate at an election being canvassed, the county clerk shall designate a deputy clerk to perform his or her duties. Under the bill, if the county clerk and the designated deputy clerk are both unable to perform their duties, the county executive or chairperson of the county board of supervisors designates another qualified elector to serve, as currently provided.

•Enforcement of Campaign Finance Law by Milwaukee County Board of Election Commissioners

Under current law, the state elections board is authorized to investigate, subpoena records and commence and settle civil actions requiring the payment of civil forfeitures for violations of the campaign financing law. This bill grants the same authority to the county board of election commissioners, which must be established in any county with a population of more than 500,000 (currently, Milwaukee County), with respect campaign finance reports and statements for county offices and referenda.

•Administration of Elections for Joint Municipal Judges

Under current law, municipalities may enter into an agreement to establish a joint municipal court. In such cases, candidates for municipal judge file nomination papers with the elections board and their elections are certified by the board of state canvassers. This bill requires those candidates to file nomination papers with the county clerk or board of election commissioners of the county having the largest population in the jurisdiction served by the judge and their elections to be certified by the board of canvassers of that county.

•Elimination of Preparation of Write-In Absentee Ballots for Military and Overseas Electors

Under current law, municipal clerks must prepare write-in absentee ballots for delivery to military and overseas electors no later than 90 days before the election and distribute those ballots when available or when requested. This bill deletes the requirement to prepare and distribute these ballots. Under the bill, electors who prepare these ballots themselves may continue to cast them.

•Consolidated Paper Ballots

Under current law, if a municipality utilizes paper ballots at an election, it must provide separate ballots for certain offices or combinations of offices specified by law and separate ballots for referenda. The ballots are then distributed only to those groups of electors who are eligible to vote in the elections to which they pertain.

This bill authorizes a municipality, with the consent of the county clerk or board of election commissioners of each county in which there is located any portion of the municipality, to substitute for paper ballots a consolidated ballot that is prepared for utilization with an electronic voting system in any municipality located in any such county. With the consolidated ballot, all of the offices and referenda appear on the same ballot.

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The bill provides that a consolidated ballot may only be distributed to electors who are eligible to vote for all of the offices and in all of the referenda appearing on the ballot.

•Filing of Referendum Questions

Generally, under current law, notice of referenda questions that will appear on an election ballot must be published by the appropriate county or municipal clerk or other appropriate election official or agency prior to the election at which they will appear. However, the statutes do not provide a specific time by which the questions must be provided to the official or agency. This bill requires that, unless otherwise required by current law, all referenda questions that will appear on an election ballot, and all petitions seeking to have questions submitted to a vote of the people, be submitted to the responsible for the preparation of the ballots no later than 6 weeks prior to the election at which the question will appear. If, under current law, a referendum may be held sooner than 6 weeks after the filing of a petition or the passage of a resolution calling for that referendum, this bill extends the time period before which the referendum may be held to not less than 6 weeks.

•Ballot Design Requirements

Current law sets forth numerous, specific ballot design requirements for use in elections, including spring primary ballots, spring election ballots, September primary ballots, general election ballots and special referenda ballots.

This bill deletes these specific requirements. Instead, the bill requires that, unless otherwise provided by the statutes, all ballots conform with the ballot forms prescribed by the state elections board.

•Recount Fees

Under current law, each petition for a recount must be accompanied by a fee which is determined by the vote differential between the votes cast for the leading candidate and those for the petitioner or between the affirmative and negative votes cast upon a referendum question. If the vote differential is less than 10 and the total votes cast are 1,000 or less, or less than one-half of 1% of the total votes cast if more than 1,000 votes are cast, the petitioner is not required to pay a fee. If the vote differential is at least 10 out of a total vote of 1,000 or less, or at least one-half of 1% if more than 1,000 votes are cast, the petitioner is required to pay a fee of \$5 for each ward for which the petition requests a ballot recount, or \$5 for each municipality where no wards exist.

This bill specifies the following recount fees depending on the vote differential between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question:

1. No fee if the vote differential is less than one-half of 1%.
2. Five dollars per ward (or municipality where no wards exist) if the vote differential is at least one-half of 1% but less than 3%.
3. One-half the actual cost of the recount if the vote differential is at least 3% but less than 5%.
4. The actual cost of the recount if the vote differential is 5% or more.

Additionally, the bill requires the elections board to promulgate an administrative rule defining the "actual cost" of conducting a recount.

•Delivery of Recount Documents

Under current law, when a petition for an election recount is filed, the clerk or body with whom the petition is filed must have copies of the petition delivered to the candidates affected by the recount by the sheriff in the manner provided for service of a summons in a civil action.

This bill allows the opportunity for a candidate or an agent designated by the candidate to personally accept a copy of the petition.

•Minutes of Recount Proceedings

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Under current law, a board of canvassers must keep complete minutes of all of its recount proceedings. This bill requires a copy of those minutes to be provided to the state elections board.

•Time for a Hearing on Recount Appeals

Under current law, an appeal of a recount determination may be made to the circuit court. When an appeal is filed, the court must set the matter for a hearing. However, the time prescribed by the statutes in which the hearing must be held appears to conflict in 2 different statutory provisions. One provision requires the hearing to be held within 5 days of the date of the order requiring the municipal clerks to transfer relevant election materials to the court and another provision requires the hearing to be held within 15 days of the filing of an answer to the appeal. This bill removes this apparent conflict and requires the court to hold a hearing 15 days after the date that the answer to the appeal is filed.

1 **SECTION 1.** 5.01 (4) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is
2 amended to read:

3 5.01 (4) (a) If 2 or more candidates for the same office receive the greatest, but
4 an equal number of votes, the winner shall be chosen by lot in the presence of the
5 board of canvassers charged with the responsibility to determine the election, ~~except~~
6 ~~as provided in s. 8.17 (4) (b), or in the case of an election for state or national office~~
7 ~~or municipal judge, if the judge is elected under s. 755.01 (4), or metropolitan~~
8 ~~sewerage commissioner, if the commissioner is elected under s. 66.23 (11) (am), in the~~
9 presence of the chairperson of the board.

10 **SECTION 2.** 5.02 (26) of the statutes is created to read:

11 5.02 (26) "Write-in candidate" means a candidate who seeks or receives votes
12 at an election for an office without qualifying to have his or her name appear on the
13 ballot at that election for the office for which the candidate seeks or receives votes.

14 **SECTION 3.** 5.05 (1) (e) of the statutes is amended to read:

15 5.05 (1) (e) Delegate to its executive director the authority to issue a subpoena
16 under par. (b), apply for a search warrant under par. (b), commence an action under
17 par. (d), intervene in an action or proceeding under sub. (9), issue an order under s.
18 5.06, exempt a polling place from accessibility requirements under s. 5.25 (4) (a),

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1 exempt a municipality from the requirement to use voting machines or an electronic
2 voting system under s. 5.40 (5m), approve an electronic data recording system for
3 maintaining poll lists under s. 6.79, or authorize nonappointment of an individual
4 who is nominated to serve as an election official under s. 7.30 (4) (e), subject to such
5 limitations as the board deems appropriate.

6 **SECTION 4.** 5.15 (6) (b) of the statutes is amended to read:

7 5.15 (6) (b) No later than 60 days before each September primary and general
8 election, and no later than 30 days before each other election the governing body of
9 any municipality may by resolution combine 2 or more wards for voting purposes to
10 facilitate using a common polling place. Whenever wards are so combined, the
11 original ward numbers shall continue to be utilized for all official purposes. Except
12 as otherwise authorized under this paragraph, every municipality having a
13 population of 50,000 or more, ~~or 35,000 or more after June 1, 1996~~, shall maintain
14 separate returns for each ward so combined. In municipalities having a population
15 of less than 50,000, ~~or less than 35,000 after June 1, 1996~~, the governing body may
16 provide in the resolution that returns shall be maintained only for each group of
17 combined wards at any election. ~~In municipalities having a population as shown in~~
18 ~~the 1990 federal decennial census of at least 87,000 but not more than 150,000, the~~
19 ~~governing body may provide in a resolution adopted prior to June 1, 1996 that groups~~
20 ~~of not more than 2 wards shall use common ballot boxes and ballots or voting~~
21 ~~machines and that returns shall be maintained only for each group of combined~~
22 ~~wards at any election held prior to June 1, 1996.~~ Whenever a governing body
23 provides for common ballot boxes and ballots or voting machines, separate returns
24 shall be maintained for each separate ballot required under ss. 5.62 and 5.64 at the
25 September primary and general election. The municipal clerk shall transmit a copy

ASSEMBLY BILL 959**SECTION 4**

1 of the resolution to the county clerk of each county in which the municipality is
2 contained. In municipalities having a population of less than 50,000, ~~or less than~~
3 ~~35,000 after June 1, 1996~~, the resolution shall remain in effect for each election until
4 modified or rescinded, or until a new division is made under this section.

5 **SECTION 5.** 5.25 (1) of the statutes is amended to read:

6 5.25 (1) All elections under chs. 5 to 12 shall be held at the polling places
7 provided in this section. ~~So far as practicable, the~~ The places chosen shall be public
8 buildings, ~~unless the use of a public building for this purpose is impracticable or a~~
9 ~~nonpublic building better serves the needs of the electorate, as determined by the~~
10 ~~authority charged with the responsibility for establishing polling places under sub.~~
11 ~~(2).~~

12 **SECTION 6.** 5.25 (4) (b) of the statutes is repealed.

13 **SECTION 7.** 5.25 (4) (d) of the statutes is created to read:

14 5.25 (4) (d) No later than June 30, 1999, and every 2 years thereafter, the board
15 shall submit a report on impediments to voting faced by elderly and handicapped
16 individuals to the appropriate standing committees of the legislature under s. 13.172
17 (3). In preparing its report under this paragraph, the board shall consult with
18 appropriate advocacy groups representing the elderly and handicapped populations.

19 **SECTION 8.** 5.35 (6) (a) 4. of the statutes is repealed.

20 **SECTION 9.** 5.37 (3) of the statutes is amended to read:

21 5.37 (3) For presidential electors one device shall be provided to vote for all of
22 one party's electoral candidates at the same time. The device shall be opposite or
23 adjacent to the ~~ballot containing the names of the party's candidates for president~~
24 and vice president.

25 **SECTION 10.** 5.51 (8) of the statutes is created to read:

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1 5.51 (8) Unless otherwise specifically provided, the form of all ballots shall
2 conform to the ballot forms prescribed by the board under s. 7.08 (1) (a).

3 **SECTION 11.** 5.55 (intro.) of the statutes is renumbered 5.55 and amended to
4 read:

5 **5.55 Ballot identification.** On every ballot, except a ballot label or voting
6 machine ballot, shall be printed “Official Ballot” or “Official Ballot for”
7 followed by the designation of the polling place for which the ballot has been
8 prepared, the date of the election, and the official endorsement and blank
9 certificates. The number of the ward or wards or aldermanic district, if any, and the
10 name of the municipality may be omitted in printing and stamped or written on the
11 ballots at any location which is clearly visible at the option of the county clerk.
12 Printed information and initials shall appear on the back and outside of the ballot.
13 When a ballot card is employed with an electronic voting system, the date of the
14 election may be printed or stamped on the back of the ballot card in such a manner
15 that the card is not reusable, at the option of the county clerk. ~~Each ballot shall be~~
16 ~~prepared in substantially the following form:~~

17 **SECTION 12.** 5.55 (form) of the statutes is repealed.

18 **SECTION 13.** 5.58 (1c) of the statutes is amended to read:

19 5.58 (1c) MUNICIPAL JUDGE. There shall be a separate ballot for municipal
20 judges if they are elected under s. 755.01 (4). Arrangement of the names on the ballot
21 shall be determined by the board. ~~The ballot shall be entitled “Official Primary~~
22 ~~Ballot for Municipal Judge”~~ county clerk or the executive director of the county board
23 of election commissioners of the county having the largest portion of the population
24 in the jurisdiction served by the judge.

25 **SECTION 14.** 5.58 (1r) of the statutes is amended to read:

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1 5.58 (1r) TOWN SANITARY DISTRICT COMMISSION. There shall be a separate ballot
2 for members of the town sanitary district commission if commissioners are elected
3 under s. 60.74 and the boundaries of the district are not coterminous with one or more
4 towns. Candidates for different seats shall be listed in separate columns or rows if
5 more than one seat is contested in any election. Arrangement of the names on the
6 ballot shall be determined by the town clerk of the town whose board of supervisors
7 directs the election, in the same manner as provided in s. 5.60 (1) (b). ~~The ballot shall~~
8 ~~be titled "Official Primary Ballot for Town Sanitary District Commission".~~

9 **SECTION 15.** 5.58 (2) (a) of the statutes is renumbered 5.58 (2) and amended to
10 read:

11 5.58 (2) STATE SUPERINTENDENT OF PUBLIC INSTRUCTION; JUDICIARY; COUNTY
12 EXECUTIVE; AND COUNTY SUPERVISORS. There shall be one separate ballot for state
13 superintendent, judicial officers, county executive under s. 59.17 and county
14 supervisor. In counties having a population of 500,000 or more, the ballot also shall
15 include those offices under s. 8.11 (2) and (2m). The arrangement of names of
16 candidates for state superintendent, justice, court of appeals judge and circuit court
17 judge shall be determined by the board in the manner specified in s. 5.60 (1) (b).
18 Arrangement of the names of candidates for county executive and county supervisor
19 shall be determined by the county clerk or by the executive director of the county
20 board of election commissioners in the manner specified in s. 5.60 (1) (b). ~~The ballot~~
21 ~~shall be titled "Official Ballot for State Superintendent of Public Instruction,~~
22 ~~Judicial, County Executive and County Supervisor Primary".~~

23 **SECTION 16.** 5.58 (2) (b) of the statutes is repealed.

24 **SECTION 17.** 5.58 (2m) of the statutes is amended to read:

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1 5.58 (2m) METROPOLITAN SEWERAGE COMMISSION. There shall be a separate
2 ballot for members of the metropolitan sewerage commission if commissioners are
3 elected under s. 66.23 (11) (am), with candidates for different seats listed in separate
4 columns or rows if more than one seat is contested at any election. Arrangement of
5 the names on the ballot shall be determined by the board. ~~The ballot shall be titled~~
6 ~~“Official Primary Ballot for Metropolitan Sewerage Commission”.~~

7 **SECTION 18.** 5.60 (1) (intro.) of the statutes is amended to read:

8 5.60 (1) STATE SUPERINTENDENT; JUDICIARY; COUNTY EXECUTIVE AND COUNTY
9 SUPERVISORS. (intro.) There shall be one separate ballot for state superintendent,
10 judicial officers, county executive and county supervisor. For county supervisor, the
11 ballot shall be prepared in accordance with ss. 5.58 (2) and 59.10 (3). Arrangement
12 of the names of candidates for county executive ~~and~~, county supervisor and
13 municipal judge, if the judge is elected under s. 755.01 (4), shall be determined by
14 the county clerk or the executive director of the county board of election
15 commissioners determining ballot arrangement under s. 5.58 (1c), in the manner
16 prescribed in par. (b).

17 **SECTION 19.** 5.60 (1) (b) of the statutes is amended to read:

18 5.60 (1) (b) The board shall certify the candidates' names and designate the
19 official ballot arrangement for candidates for state superintendent, justice, court of
20 appeals judge, circuit judge, ~~municipal judge elected under s. 755.01 (4) and~~, if
21 commissioners are elected under s. 66.23 (11) (am), the metropolitan sewerage
22 commission. The arrangement of names of all candidates on the ballot whose
23 nomination papers are filed with the board shall be determined by the board by the
24 drawing of lots not later than the 2nd Tuesday in January, or the next day if the first
25 Tuesday is a holiday. Whenever a primary is held for an office, a 2nd drawing of all

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SECTION 19

1 candidates for that office shall be held by or under the supervision of the board not
2 later than the 3rd day following the completion of the primary canvass to determine
3 the arrangement of candidates on the election ballot.

4 **SECTION 20.** 5.60 (8) (a) of the statutes is amended to read:

5 5.60 (8) (a) An official ballot shall be printed and provided for use in each voting
6 district. The form of each ballot shall be substantially as follows:

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

8 OFFICIAL BALLOT

9 PRESIDENTIAL PREFERENCE VOTE

10 Party

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

12 Express your preference for one of the persons whose names are printed on this
13 ballot (in that case, make a cross (X) in the square after that person’s name); or

14 Vote for an uninstructed delegation from Wisconsin to the national convention
15 of the party (in that case, make a cross (X) in the square following “Uninstructed
16 delegation”); or

17 Write in the name of another person to become the presidential candidate of the
18 party (in that case, write that person’s name into the space following “Write-in
19 candidate”).

20 OLE CARLSON ()

21 AMOS DUNCAN ()

22 JAMES UNDERWOOD ()

23 Uninstructed delegation ()

24 Write-in candidate

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

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1 OFFICIAL BALLOT

2 PRESIDENTIAL PREFERENCE VOTE

3 Party

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

5 ~~Express your preference for the person whose name is printed on this ballot (in~~
6 ~~that case, make a cross (X) in the square after that person’s name); or~~

7 ~~Vote for an uninstructed delegation from Wisconsin to the national convention~~
8 ~~of the party (in that case, make a cross (X) in the square marked “Uninstructed~~
9 ~~delegation” following that person’s name); or~~

10 ~~Write in the name of another person to become the presidential candidate of the~~
11 ~~.... party (in that case, write that person’s name into the space following “Write-in~~
12 ~~candidate”).~~

13 JOHN DOE ()

14 Uninstructed delegation ()

15 Write-in candidate

16 ~~3. Form 3, to be used when there are no candidates who have qualified to appear~~
17 ~~on the ballot:~~

18 OFFICIAL BALLOT

19 PRESIDENTIAL PREFERENCE VOTE

20 Party

21 ~~MARK THIS BALLOT IN ONE SPACE ONLY. There are no candidates of the party who~~
22 ~~have qualified to have their names appear on the printed ballot. You have 2~~
23 ~~choices—you may either:~~

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SECTION 20

1 ~~Express your preference for an uninstructed delegation from Wisconsin to the~~
2 ~~national convention of the party (in that case, make a cross (X) in the square~~
3 ~~following "Uninstructed delegation"); or~~

4 ~~Write in the name of a person to become the presidential candidate of the~~
5 ~~party (in that case, write that person's name into the space following "Write-in~~
6 ~~candidate").~~

7 Uninstructed delegation ()

8 ~~Write-in candidate~~

9 **SECTION 21.** 5.62 (1) (a) of the statutes is amended to read:

10 5.62 (1) (a) At September primaries, the following ballot shall be provided for
11 the nomination of candidates of recognized political parties for national, state and
12 county offices and independent candidates ~~for state office~~ in each ward, in the same
13 form as prescribed by the board under s. 7.08 (1) (a). The ballots shall be made up
14 of the several party tickets with each party entitled to participate in the primary
15 under par. (b) or sub. (2) having its own ballot. The independent candidates ~~for state~~
16 ~~office other than district attorney~~ shall have a separate ballot for all such candidates
17 as under s. 5.64 (1) (e). The ballots shall be secured together at the bottom. The party
18 ballot of the party receiving the most votes for president or governor at the last
19 general election shall be on top with the other parties arranged in descending order
20 based on their vote for president or governor at the last general election. The ballots
21 of parties qualifying under sub. (2) shall be placed after the parties qualifying under
22 par. (b), in the same order in which the parties filed petitions with the board. The
23 ballot listing the independent candidates shall be placed at the bottom. On that
24 ballot, if a place is designated to write in the names of any party candidates under
25 par. (b) 2. or sub. (2) (b), the places shall appear before the names of the independent

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1 candidates in the same order in which the ballots of their parties would appear under
2 this paragraph. At polling places where voting machines are used, each party and
3 the independent candidates shall be represented in one or more separate columns
4 or rows on the ballot. At polling places where an electronic voting system is used
5 other than an electronic voting machine, each party and the independent candidates
6 may be represented in separate columns or rows on the ballot.

7 **SECTION 22.** 5.62 (1) (b) of the statutes is renumbered 5.62 (1) (b) 1. and
8 amended to read:

9 5.62 (1) (b) 1. ~~Every~~ Except as provided in subd. 2. and s. 5.64 (1) (e) 2., every
10 recognized political party listed on the official ballot at the last gubernatorial election
11 whose candidate for any statewide office received at least ~~one percent~~ 1% of the total
12 votes cast for that office and, if the last general election was also a presidential
13 election, every recognized political party listed on the ballot at that election whose
14 candidate for president received at least ~~one percent~~ 1% of the total vote cast for that
15 office shall have a separate primary ballot or one or more separate columns or rows
16 on the primary ballot as prescribed in par. (a) and a separate column on the general
17 election ballot in every ward and election district. An organization which was listed
18 as "independent" at the last general election and whose candidate meets the same
19 qualification shall receive the same ballot status upon petition of the chairperson
20 and secretary of the organization to the board requesting such status and specifying
21 their party name, which may not duplicate the name of an existing party. A petition
22 under this ~~paragraph~~ subdivision may be filed no later than 5 p.m. on June 1 in the
23 year of each general election. ~~This paragraph applies to a party only if at least one~~
24 ~~candidate of the party for a state office qualifies to have his or her name appear on~~
25 ~~the ballot under the name of the party at the last gubernatorial election.~~

ASSEMBLY BILL 959**SECTION 23**

1 **SECTION 23.** 5.62 (1) (b) 2. of the statutes is created to read:

2 5.62 (1) (b) 2. Subdivision 1. applies to a party within any assembly district or
3 county at any September primary election only if at least one candidate of the party
4 for any national, state or county office qualifies to have his or her name appear on
5 the ballot under the name of that party within that assembly district or county. The
6 county clerk or county board of election commissioners shall provide a place on the
7 ballot for the independent candidates that will permit an elector to cast a vote for a
8 write-in candidate for the nomination of any party for each national, state and
9 county office whenever that party qualifies to be represented on a separate primary
10 ballot or on one or more separate columns or rows under subd. 1. but does not qualify
11 under this subdivision.

12 **SECTION 24.** 5.62 (2) of the statutes is renumbered 5.62 (2) (a) and amended to
13 read:

14 5.62 (2) (a) ~~Any~~ Except as provided in par. (b) and s. 5.64 (1) (e) 2., any political
15 organization may be represented on a separate primary ballot or one or more
16 separate columns or rows on the primary ballot as prescribed in sub. (1) (a) and a
17 separate column on the general election ballot in every ward and election district if,
18 not later than 5 p.m. on June 1 in the year of a September primary, it files with the
19 board a petition so requesting. To qualify for a separate ballot, the petition shall be
20 signed by at least 10,000 electors, including at least 1,000 electors residing in each
21 of at least 3 separate congressional districts. The petition shall conform to the
22 requirements of s. 8.40. No signature obtained before January 1 in the year of filing
23 is valid. When the candidates of a political organization filing a valid petition fulfill
24 the requirements prescribed by law, they shall appear on a separate ballot or one or

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1 more separate columns or rows on the ballot for the period ending with the following
2 general election.

3 **SECTION 25.** 5.62 (2) (b) of the statutes is created to read:

4 5.62 (2) (b) Paragraph (a) applies to a party within any assembly district or
5 county at any September primary election only if at least one candidate of the party
6 for any national, state or county office qualifies to have his or her name appear on
7 the ballot under the name of that party within that assembly district or county. The
8 county clerk or county board of election commissioners shall provide a place on the
9 ballot for the independent candidates that will permit an elector to cast a vote for a
10 write-in candidate for the nomination of any party for each national, state and
11 county office whenever that party qualifies to be represented on a separate primary
12 ballot or on one or more separate columns or rows under par. (a) but does not qualify
13 under this paragraph.

14 **SECTION 26.** 5.62 (5) of the statutes is amended to read:

15 5.62 (5) At the September primary, an elector may vote for the candidates of
16 only one party, or the elector may vote for any of the independent candidates ~~for state~~
17 ~~office~~ listed; but the elector may not vote for more than one candidate for a single
18 office. A space shall be provided on the ballot for an elector to write in the name of
19 his or her choice as a party candidate for any office, including a party candidate of
20 a party whose name appears on the ballot, column or row designated for independent
21 candidates, as provided in sub. (1) (b) or (2) (b), but no space shall be provided to write
22 in the names of independent candidates.

23 **SECTION 27.** 5.64 (1) (intro.) of the statutes is amended to read:

24 5.64 (1) OFFICIAL BALLOT. (intro.) There shall be a separate ballot giving the
25 names of all candidates for president and vice president and for statewide,

ASSEMBLY BILL 959**SECTION 27**

1 congressional, legislative and county offices in the same form as prescribed by the
2 board under s. 7.08 (1) (a).

3 **SECTION 28.** 5.64 (1) (a) of the statutes is amended to read:

4 5.64 (1) (a) The ballot shall be labeled "Official Ballot" in lettering at least
5 three-eighths inch high. Directly underneath in plain, legible type, shall be the
6 following voting instructions: "If you desire permit an elector to vote a straight party
7 ticket for president and vice president, whenever those offices are contested, and for
8 all statewide, congressional, legislative and county offices, make a cross (X) in the
9 circle under the party designation at the top of the party column. If you desire, to
10 vote for individual candidates, make a cross (X) in the square at the RIGHT of the
11 name of each candidate for whom you desire to vote. To for each office or to vote for
12 a person whose name does not appear on the ballot, write the name in the blank space
13 provided for the purpose for any office. When voting for governor and lieutenant
14 governor, you may the ballot shall permit an elector to vote only for the candidates
15 on one ticket jointly or write in the names of persons in both spaces." Under the
16 party designation at the top of each party column shall appear the following words
17 in boldface type: "Make a cross (X) in this circle to vote a straight party ticket."

18 **SECTION 29.** 5.64 (1) (b) of the statutes is amended to read:

19 5.64 (1) (b) Below the voting instructions the ballot shall be divided into
20 vertical columns. The names of the candidates on the regular party tickets
21 nominated at the primary or replacements appointed under s. 8.35 (2) shall be
22 printed each in appear in a separate column under the party designation. The
23 columns shall be arranged from left to right according to rank, based on the number
24 of votes received by the each party's candidate for president or governor at the last
25 general election beginning with the party that received the most votes. To the right

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1 of the columns for parties qualifying under s. 5.62 (1) (b) shall be placed the columns
2 for parties qualifying under s. 5.62 (2) in the same order in which the parties filed
3 petitions with the board. To the right of the party columns shall be a column for the
4 names of independent candidates for each office, or more than one column if the first
5 column does not provide sufficient space for the names of all such candidates.

6 **SECTION 30.** 5.64 (1) (c) of the statutes is repealed.

7 **SECTION 31.** 5.64 (1) (d) of the statutes is amended to read:

8 5.64 (1) (d) The offices shall be arranged beginning with president and vice
9 president or governor and lieutenant governor, whenever these offices are filled, and
10 then the remaining offices in the order designated under s. 5.62 (3).

11 **SECTION 32.** 5.64 (1) (e) of the statutes is renumbered 5.64 (1) (e) 1. and
12 amended to read:

13 5.64 (1) (e) 1. ~~Within each column, each space shall state the office to be voted~~
14 ~~for directly above the candidate's first and last name. The Except as provided in~~
15 ~~subd. 2., each candidate's name shall be placed in the party column of the party by~~
16 ~~which nominated or if independent, in a column designated independent and all~~
17 ~~candidates for the same office shall appear within the same rows on the ballot. Below~~
18 ~~If a place is designated to write in the names of any party candidates in the column~~
19 ~~for independent candidates under subd. 2., the places shall appear before the name~~
20 ~~of the independent candidates in the same order in which the columns of their parties~~
21 ~~would appear under par. (b). Along with the names of the independent candidates~~
22 ~~shall appear the party or principle of the candidates, if any, in 5 words or less, as~~
23 ~~shown on their nomination papers. Independent candidates for the same county~~
24 ~~office shall be listed in the same manner in an order drawn by lot by or under~~
25 ~~supervision of the county clerk or board of election commissioners. The board shall~~

ASSEMBLY BILL 959**SECTION 32**

1 conduct a redrawing for purposes of determining the arrangement of independent
2 candidates for state office who appeared on the primary ballot in the manner
3 provided in s. 5.60 (1) (b). ~~To the right of each candidate's name, in each column, shall~~
4 ~~be a square for the elector to make his or her cross (X).~~

5 **SECTION 33.** 5.64 (1) (e) 2. of the statutes is created to read:

6 5.64 (1) (e) 2. There shall be a separate column for the candidates of each party
7 qualifying for that column under s. 5.62 (1) (b) or (2), except that if, within any
8 assembly district or county, there are no candidates for any national, state or county
9 office representing such a party who qualify to have their names appear on the ballot
10 under the name of that party within that assembly district, the county clerk or board
11 of election commissioners shall provide a space within the column for the
12 independent candidates that will permit an elector to cast a vote for a write-in
13 candidate of that party for each national, state and county office.

14 **SECTION 34.** 5.64 (1) (eg) of the statutes is created to read:

15 5.64 (1) (eg) In the case of balloting for the offices of president and vice
16 president, the names of the candidates shall be placed in the column of the party
17 which nominated them or if independent, in a column designated independent. In
18 each column there shall be one choice for the elector to cast a ballot jointly for both
19 offices.

20 **SECTION 35.** 5.64 (1) (f) of the statutes is amended to read:

21 5.64 (1) (f) In the case of balloting for the office of governor and lieutenant
22 governor, the names of the candidates shall be placed in the party column by which
23 nominated or if independent, in a column designated independent. ~~To the right of~~
24 ~~the names of the set of candidates for governor and lieutenant governor, in In each~~

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1 column there shall be one ~~square~~ choice for the elector to cast a ballot jointly for both
2 offices.

3 **SECTION 36.** 5.64 (2) (a) and (b) of the statutes are repealed.

4 **SECTION 37.** 5.64 (3) (intro.) of the statutes is repealed.

5 **SECTION 38.** 5.64 (3) (a) of the statutes is renumbered 5.64 (1) (em) and
6 amended to read:

7 5.64 (1) (em) ~~The ballot shall be titled "Official Presidential Ballot" in lettering~~
8 ~~at least three-eighths inch high. Directly underneath in plain, legible type shall be~~
9 ~~the following voting instructions: "Make a cross (X) in the square opposite the names~~
10 ~~of the candidates for whose electors you desire to vote or write in the names of~~
11 ~~candidates for president and vice president in the space provided for the purpose.~~
12 ~~Vote in ONE square only."~~ The names of the candidates for the offices of president
13 and vice president certified under s. 8.16 (7) or filed under s. 8.20 shall appear on the
14 ballot in the form prescribed in s. 7.08 (2) (a). The names of the presidential electors
15 for the candidates supplied under ss. 8.18 (2) and 8.20 (2) (d) are not listed on the
16 ballot but a vote for the candidates for president and vice president is a vote for them
17 through their named presidential electors.

18 **SECTION 39.** 5.64 (3) (b) of the statutes is renumbered 5.64 (1) (es) and amended
19 to read:

20 5.64 (1) (es) The party candidates shall be arranged consecutively from top to
21 bottom based on the number of votes received by their party's candidate for governor
22 at the last election beginning with the party that received the most votes. The
23 independent president-vice president candidates shall be listed together in an order
24 drawn by lot by or under supervision of the board, following under the party
25 candidates. ~~Below~~ Along with the names of the independent candidates shall appear

ASSEMBLY BILL 959**SECTION 39**

1 the party or principle of the candidates, if any, in 5 words or less, as shown on their
2 nomination papers. Following under the independent candidates, a space shall be
3 left for writing in the names of a candidate for president and vice president.

4 **SECTION 40.** 5.65 of the statutes is amended to read:

5 **5.65 Special referendum ballots.** Unless otherwise provided, ballots for
6 special referenda shall conform to the format prescribed in under s. 5.64 (2), insofar
7 as applicable.

8 **SECTION 41.** 5.655 of the statutes is created to read:

9 **5.655 Special consolidated paper ballot. (1)** Whenever a municipality
10 employing paper ballots is required to utilize separate ballots for certain offices or
11 referenda at an election, the municipality may, with the approval of the county clerk
12 or board of election commissioners of each county in which there is located any
13 portion of the municipality where one or more electors reside, substitute a ballot that
14 is utilized with an electronic voting system by any municipality that is located in any
15 such county, if the ballot contains all of the applicable information required to be
16 provided for paper ballots at that election. On such a ballot, there shall appear all
17 offices and referenda on which votes are to be cast at the election. Such a ballot may
18 only be distributed to electors who are eligible to vote for all of the offices and in all
19 of the referenda appearing on the ballot. The municipality shall utilize separate
20 ballots to the extent required to permit participation in an election by those electors
21 of the municipality who are not authorized to vote for all offices and in all referenda.

22 **(2)** The board shall require the same notices and instructions to be given to
23 electors who use a ballot that is authorized under sub. (1) as are provided to electors
24 who use the same ballot with an electronic voting system, insofar as applicable.

25 **SECTION 42.** 5.81 (2) of the statutes is amended to read:

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1 5.81 (2) When an electronic voting system utilizes a ballot label booklet and
2 ballot card, ballots for candidates and ballots on referenda may be placed on the
3 voting device by providing in the ballot booklet separate ballot label pages or series
4 of pages distinguished by differing colors. Whenever practicable, all candidates for
5 the same office shall appear in the booklet on the same page or facing pages. More
6 than one question may be placed on the same ballot page or series of pages. In
7 elections where provision is made for straight party voting ~~by marking a party circle,~~
8 the designation of the political parties for straight party voting shall be on a separate
9 page on which no names of candidates may appear. On each succeeding page of the
10 candidate booklet, where the ballot information is listed vertically, the party
11 affiliation of each candidate or the designation "independent" or the candidate's
12 statement of principles, if any, shall appear ~~immediately to the left of~~ next to the
13 candidate's name, and the name of candidates for the same office shall be listed
14 vertically under the title of that office.

15 **SECTION 43.** 5.85 (2) and (3) of the statutes are amended to read:

16 5.85 (2) The election officials shall examine the ballots or record of votes cast
17 for write-in votes and shall count and tabulate the write-in votes. When an
18 electronic voting system is used which utilizes a ballot which is distributed to
19 electors, before separating the remaining ballot cards from their respective covering
20 envelopes, the election officials shall examine the ballots for write-in votes. When
21 an elector has cast a write-in vote, the election officials shall compare the write-in
22 vote with the votes on the ballot to determine whether the write-in vote results in
23 an overvote for any office. In case of an overvote for any office, the election officials,
24 ~~consisting in each case of at least one election official of each of the 2 major political~~
25 ~~parties, whenever officials of both parties are present,~~ shall make a true duplicate

ASSEMBLY BILL 959**SECTION 43**

1 ballot of all votes on the ballot card except for the office which is overvoted, by using
2 the ballot label booklet and voting device for the ward, if any, and one of the punching
3 or marking devices so as to transfer all votes of the elector except for the office
4 overvoted, to an official ballot of that kind used in the ward at that election. Unless
5 election officials are selected under s. 7.30 (4) (c) without regard to party affiliation,
6 the election officials shall consist in each case of at least one election official of each
7 of the 2 major political parties, whenever officials of both parties are present.

8 Write-in votes shall be counted as provided in s. 7.50 (2) (d). The original ballot upon
9 which there is an overvote shall be clearly labeled "Overvoted Ballot" and the ballot
10 so produced "Duplicate Overvoted Ballot", and each shall bear the same serial
11 number which shall be placed thereon by the election officials, commencing with
12 number "1" and continuing consecutively for each of the ballots of that kind in that
13 ward. The election officials shall initial the "Duplicate Overvoted Ballot" ballots and
14 shall place them in the container for return of the ballots. The "Overvoted Ballot"
15 ballots and their envelopes shall be placed in the "Original Ballots" envelope. Ballots
16 bearing write-in votes marked in the place designated therefor and bearing the
17 initials of an election official and not resulting in an overvote and otherwise
18 complying with the election laws as to marking shall be counted, tallied, and their
19 votes recorded on a tally sheet provided by the municipal clerk. Ballot cards and
20 ballot card envelopes shall be separated and all ballots except any which are
21 defective or overvoted shall be placed separately in the container for return of the
22 ballots, along with the ballots marked "Duplicate Overvoted Ballots".

23 (3) The election officials shall examine the ballots to determine if any is
24 damaged or defective so that it cannot be counted by the automatic tabulating
25 equipment. If any ballot is damaged or defective so that it cannot be properly counted

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1 by the automatic tabulating equipment, the election officials, ~~consisting in each case~~
2 ~~of at least one official of each of the 2 major political parties whenever present~~, in the
3 presence of witnesses, shall make a true duplicate ballot of all votes on that ballot
4 by using the ballot label booklet and voting device for the ward, if any, and one of the
5 punching or marking devices so as to transfer all votes of the elector to an official
6 ballot of that kind used in the ward in that election. Unless election officials are
7 selected under s. 7.30 (4) (c) without regard to party affiliation, the election officials
8 shall consist in each case of at least one election official of each of the 2 major political
9 parties, whenever officials of both parties are present. The original ballot shall be
10 clearly labeled "Damaged Ballot" and the ballot so produced "Duplicate Damaged
11 Ballot", and each shall bear the same number which shall be placed thereon by the
12 election officials, commencing with number "1" and continuing consecutively for the
13 ballots of that kind in the ward. The election officials shall initial the "Duplicate
14 Damaged Ballot" ballots, and shall place them in the container for return of the
15 ballots. The officials shall place "Damaged Ballot" ballots and their envelopes in the
16 "Original Ballots" envelope.

17 **SECTION 44.** 5.85 (5) of the statutes is amended to read:

18 5.85 (5) If the municipality has designated a central counting location to be
19 used to count ballots under s. 7.51 (1), the inspectors shall count and deposit the
20 paper ballots in the container. The inspectors shall then place the slip made out
21 under sub. (4) in the container. The inspectors shall also place the tally sheet
22 recording the write-in votes and other votes cast on paper ballots, and all other
23 ballots, or the record of the votes cast on an electronic voting system where no ballots
24 are distributed to electors, in the container and shall thereupon immediately seal the
25 container with an adhesive seal provided by the municipal clerk for the purpose in

ASSEMBLY BILL 959**SECTION 44**

1 such manner that the seal completely covers the opening in the container, and each
2 of the inspectors shall sign the seal. The "Defective Ballots" envelope, and "Original
3 Ballots" envelope each shall be securely sealed and the flap or end thereof of each
4 signed by the inspectors and returned to the central counting location with the box
5 for return of the ballots, enclosed ballots and returns. Thereupon, the municipal
6 clerk or 2 of the election officials, ~~of different political parties whenever officials of~~
7 ~~both parties are present~~, shall forthwith and by the most direct route transport the
8 container and envelopes to the central counting location designated by the municipal
9 clerk. Unless election officials are selected under s. 7.30 (4) (c) without regard to
10 party affiliation, the election officials shall consist in each case of at least one election
11 official of each of the 2 major political parties, whenever officials of both parties are
12 present.

13 **SECTION 45.** 5.86 (1) of the statutes is amended to read:

14 5.86 (1) All proceedings at the central counting location shall be under the
15 direction of the municipal clerk unless the central counting location is at the county
16 seat and the municipal clerk delegates the responsibility to supervise the location to
17 the county clerk. ~~Except for any specially trained technicians required for the~~
18 ~~operation of the automatic tabulating equipment~~ Unless election officials are
19 selected under s. 7.30 (4) (c) without regard to party affiliation, the employes at the
20 central counting location, other than any specially trained technicians who are
21 required for the operation of the automatic tabulating equipment, shall be equally
22 divided between members of the 2 major political parties under s. 7.30 (2) (a) and all
23 duties performed by the employes shall be by teams consisting of an equal number
24 of members of each political party whenever sufficient persons from each party are
25 available.

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1 **SECTION 46.** 6.15 (3) (b) of the statutes is amended to read:

2 6.15 (3) (b) *Election day.* An eligible elector may appear at the polling place for
3 the ward or election district where he or she resides and make application for a ballot
4 under sub. (2). In such case, the inspector or special registration deputy shall
5 perform the duties of the municipal clerk. The elector shall provide identification.
6 If the elector is qualified, he or she shall be permitted to vote. The elector shall mark
7 or punch the ballot and, unless the ballot is utilized with an electronic voting system,
8 the elector shall fold the ballot, and shall deposit the ballot in the ballot box or give
9 it to the inspector. The inspector shall deposit it directly in the ballot box. Voting
10 machines or ballots utilized with electronic voting systems may only be used by
11 electors voting under this section if they permit voting for president and vice
12 president only.

13 **SECTION 47.** 6.24 (1), (2) and (3) of the statutes are amended to read:

14 6.24 (1) DEFINITION. In this section, "overseas elector" means a U.S. citizen who
15 is not disqualified from voting under s. 6.03, who has attained or will attain the age
16 of 18 by the date of an election at which the citizen proposes to vote and who does not
17 qualify as a resident of this state under s. 6.10, but who was last domiciled in this
18 state or whose parent was last domiciled in this state immediately prior to departure
19 from the United States, and who is not registered to vote or voting in any other state,
20 territory or possession.

21 (2) ELIGIBILITY. An overseas elector under sub. (1) may vote in any election for
22 national office, including the September primary and presidential preference
23 primary and any special primary or election. Such elector may not vote in an election
24 for state or local office. An overseas elector shall vote in the ward or election district

ASSEMBLY BILL 959**SECTION 47**

1 in which ~~he or she~~ the elector was last domiciled or in which the elector's parent was
2 last domiciled prior to departure from the United States.

3 **(3) REGISTRATION.** If registration is required in the municipality where the
4 overseas elector ~~resides~~ resided or where the elector's parent resided, the elector
5 shall register on a form prescribed by the board designed to ascertain the elector's
6 qualifications under this section. The form shall be substantially similar to the
7 original form under s. 6.33 (1), insofar as applicable. Registration shall be
8 accomplished in accordance with s. 6.30 (3).

9 **SECTION 48.** 6.24 (5) of the statutes is amended to read:

10 6.24 **(5) BALLOTS.** The board shall prescribe a special ballot for use under this
11 section whenever necessary. Official ballots ~~under ss. 5.60 (8) and 5.64 (3)~~ prescribed
12 for use in the presidential preference primary may also be used. The ballot shall be
13 designed to comply with the requirements of prescribed under ss. 5.60 (8), 5.62 and
14 5.64 (1) insofar as applicable. All ballots shall be limited to national offices only.

15 **SECTION 49.** 6.28 (1) of the statutes is amended to read:

16 6.28 **(1) REGISTRATION LOCATIONS; DEADLINE.** ~~Registration~~ Except as authorized
17 in ss. 6.29 and 6.55 (2), registration in person for any election shall close at 5 p.m.
18 on the 2nd Wednesday preceding the election. Registrations made by mail under s.
19 6.30 (4) must be delivered to the office of the municipal clerk or postmarked no later
20 than the 2nd Wednesday preceding the election. An application for registration in
21 person or by mail may be accepted for placement on the registration list after the
22 specified deadline, if the municipal clerk determines that the registration list can be
23 revised to incorporate the registration in time for the election. All applications for
24 registration corrections and additions may be made throughout the year at the office
25 of the city board of election commissioners, at the office of the municipal clerk, at the

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1 office of any register of deeds or at other locations provided by the board of election
2 commissioners or the common council in cities over 500,000 population or by either
3 or both the municipal clerk, or the common council, village or town board in all other
4 municipalities and may also be made during the school year at any high school by
5 qualified persons under sub. (2) (a). Other registration locations may include but are
6 not limited to fire houses, police stations, public libraries, institutions of higher
7 education, supermarkets, community centers, plants and factories, banks, savings
8 and loan associations and savings banks. Special registration deputies shall be
9 appointed for all locations.

10 **SECTION 50.** 6.29 (1) of the statutes is amended to read:

11 6.29 (1) No names may be added to a registration list for any election after the
12 close of registration, except as authorized under this section or s. 6.28 (1) or s. 6.55
13 (2) or (3). Any person whose name is not on the registration list but who is otherwise
14 a qualified elector is entitled to vote at the election upon compliance with this section.

15 **SECTION 51.** 6.77 (2) of the statutes is amended to read:

16 6.77 (2) ~~Whenever~~ Except as provided in sub. (3), whenever territory which was
17 formerly a part of one municipality becomes a part of another municipality, an elector
18 of the territory shall vote in the municipality in which the territory is included on the
19 day of the election.

20 **SECTION 52.** 6.77 (3) of the statutes is created to read:

21 6.77 (3) Whenever territory which was formerly a part of one municipality
22 becomes a part of another municipality less than 10 days prior to the election, an
23 elector of the territory shall vote in the municipality in which the territory was
24 formerly included.

25 **SECTION 53.** 6.79 (intro.) of the statutes is amended to read:

ASSEMBLY BILL 959**SECTION 53**

1 **6.79 Recording electors.** (intro.) Two election officials at each election ward
2 shall be in charge of and shall maintain 2 separate lists of all persons voting. The
3 municipal clerk may elect to maintain the information on the poll list manually or
4 electronically. If the list is maintained electronically, the officials shall enter the
5 information into an electronic data recording system which enables retrieval of a
6 printed copy of the poll list at the polling place. The system employed is subject to
7 the approval of the board.

8 **SECTION 54.** 6.79 (1) of the statutes is amended to read:

9 **6.79 (1) MUNICIPALITIES WITHOUT REGISTRATION.** Where there is no registration,
10 before being permitted to vote, each person shall state his or her full name and
11 address. The officials shall ~~record~~ enter each name and address on a poll list in the
12 same order as the votes are cast. If the residence of the elector does not have a
13 number, the election officials shall, in the appropriate space, ~~write~~ enter "none".
14 Alternatively, the municipal clerk may maintain a poll list consisting of the full name
15 and address of electors compiled from previous elections. Whenever an elector
16 appears to vote, the officials shall verify the correctness of the elector's name and
17 address, and shall enter a serial number next to the name of the elector in the order
18 that the votes are cast, beginning with the number one. If the name and address of
19 an elector do not appear on the prepared poll list, the officials shall ~~record~~ enter the
20 name, address and serial number of the elector at the bottom of the list. The officials
21 may require any elector to provide identification, including acceptable proof of
22 residence, or to have another elector corroborate his or her information in accordance
23 with the procedure specified in s. 6.55 (2) (b) before permitting the elector to vote.
24 The officials shall maintain a separate list of those persons voting under ss. 6.15 and
25 6.24.

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1 **SECTION 55.** 6.79 (2) of the statutes is amended to read:

2 **6.79 (2) MUNICIPALITIES WITH REGISTRATION.** Where there is registration, each
3 person, before receiving a voting number, shall state his or her full name and
4 address. Upon the prepared registration list, after the name of each elector, the
5 officials shall enter the serial number of the vote as it is polled, beginning with
6 number one. Each elector shall receive a slip bearing the same serial number. A
7 separate list shall be maintained for electors who are voting under s. 6.15, 6.29 or
8 6.55 (2) or (3) and electors who are reassigned from another polling place under s.
9 5.25 (5) (b). Each such elector shall have his or her full name, address and serial
10 number likewise ~~recorded~~ entered and shall be given a slip bearing such number.

11 **SECTION 56.** 6.80 (2) (e) and (f) of the statutes are amended to read:

12 **6.80 (2) (e)** Upon voting his or her ballot, the elector shall publicly and in person
13 deposit it in the ballot box or deliver it to an inspector ~~for,~~ who shall deposit the ballot
14 in the ballot box.

15 (f) In the presidential preference primary and other partisan primary elections
16 at polling places where ballots are distributed to electors, unless the ballots are
17 utilized with an electronic voting system in which all candidates appear on the same
18 ballot, after the elector prepares his or her ballot the elector shall detach the
19 remaining ballots, fold the ballots to be discarded, and fold the completed ballot
20 unless the ballot is intended for counting with automatic tabulating equipment, The
21 elector shall then either personally deposit the ballots to be discarded in the separate
22 ballot box marked "blank ballot box", and deposit the completed ballot in the ballot
23 box indicated by the inspectors ,or give the ballots to an inspector who shall deposit
24 the ballots directly into the appropriate ballot boxes. The inspectors shall keep the

ASSEMBLY BILL 959**SECTION 56**

1 blank ballot box locked until the canvass is completed and shall dispose of the blank
2 ballots as prescribed by the municipal clerk.

3 **SECTION 57.** 6.85 of the statutes is amended to read:

4 **6.85 Absent elector; definition.** An absent elector is any otherwise qualified
5 elector who is ~~or expects to be absent from the municipality in which the absent~~
6 ~~elector is a qualified elector on election day whether by reason of active service in the~~
7 ~~U.S. armed forces or for any other reason, or who because of age, sickness, handicap,~~
8 ~~physical disability, jury duty, service as an election official or religious reasons~~
9 ~~cannot~~ is unable or unwilling to appear at the polling place in his or her ward. No
10 person under the age of 70 ~~qualifies as an absent elector solely because of age.~~ Any
11 otherwise qualified elector who changes residence within this state by moving to a
12 different ward or municipality later than 10 days prior to an election may vote an
13 absentee ballot in the ward or municipality where he or she was qualified to vote
14 before moving. An elector qualifying under this section may vote by absentee ballot
15 under ss. 6.86 to 6.89.

16 **SECTION 58.** 6.86 (1) (b) of the statutes is amended to read:

17 6.86 (1) (b) Except as provided in this section, if application is made in writing,
18 the application, signed by the elector, shall be received no later than 5 p.m. on the
19 Friday immediately preceding the election. If application is made in person, the
20 application shall be made no later than 5 p.m. on the day preceding the election. If
21 the elector is making written application and the application indicates that the
22 reason for requesting an absentee ballot is that the elector is a sequestered juror, the
23 application shall be received no later than 5 p.m. on election day. If the application
24 is received after 5 p.m. on the Friday immediately preceding the election, the
25 municipal clerk or the clerk's agent shall immediately take the ballot to the court in

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1 which the elector is serving as a juror and deposit it with the judge. The judge shall
2 recess court, as soon as convenient, and give the elector the ballot. The judge shall
3 then notarize the affidavit as provided in s. 6.87 and shall deliver the ballot to the
4 clerk or agent of the clerk who shall deliver it to the polling place as required in s.
5 6.88. If application is made under sub. (2), the application may be received no later
6 than 5 p.m. on the Friday immediately preceding the election.

7 **SECTION 59.** 6.86 (3) (a) of the statutes is amended to read:

8 6.86 (3) (a) Any elector who is registered, or otherwise qualified where
9 registration is not required, and who ~~qualifies under ss. 6.20 and 6.85 as an absent~~
10 ~~elector because the elector is hospitalized,~~ may apply for and obtain an official ballot
11 by agent. The agent may apply for and obtain a ballot for the hospitalized absent
12 elector by presenting a form prescribed by the board and containing the required
13 information supplied by the hospitalized elector and signed by that elector and any
14 other elector residing in the same municipality as the hospitalized elector,
15 corroborating the information contained therein. The corroborating elector shall
16 state on the form his or her full name and address.

17 **SECTION 60.** 6.865 (intro.) and (1) of the statutes are consolidated, renumbered
18 6.865 and amended to read:

19 **6.865 Federal postcard request form.** A federal postcard registration and
20 absentee ballot request form may be used to apply for an absentee ballot under s. 6.86
21 (1) if the form is completed in such manner that the municipal clerk or board of
22 election commissioners with whom it is filed is able to determine ~~all of the following:~~
23 ~~(1) That that the applicant is an elector of this state and of the ward or election~~
24 district where the elector seeks to vote.

25 **SECTION 61.** 6.865 (2) of the statutes is repealed.

ASSEMBLY BILL 959**SECTION 62**

1 **SECTION 62.** 6.87 (2) of the statutes is amended to read:

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

6 [STATE OF

7 County of]

8 or

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

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

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1 Signed

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

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

10(Name)

11(Address)

12(Name)

13(Address)

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

19(Name)

20(Title)

21(State or nation)

22 **SECTION 63.** 6.875 (4) of the statutes is amended to read:

23 6.875 (4) For the purpose of absentee voting in nursing homes and qualified
24 retirement homes and qualified community-based residential facilities, the
25 municipal clerk or board of election commissioners of each municipality in which one

ASSEMBLY BILL 959**SECTION 63**

1 or more nursing homes or qualified retirement homes or qualified community-based
2 residential facilities are located shall appoint at least 2 special voting deputies for
3 the municipality in the manner prescribed in s. 7.30 (4). Upon application under s.
4 6.86 (1) or (2) by one or more qualified electors who are occupants of such a nursing
5 home or qualified retirement home or qualified community-based residential
6 facility, the clerk or board of election commissioners shall dispatch 2 special voting
7 deputies to visit the home or qualified community-based residential facility for the
8 purpose of supervising absentee voting procedure by occupants of the home or
9 qualified community-based residential facility. The 2 deputies designated to visit
10 each nursing home or qualified retirement home and qualified community-based
11 residential facility shall be affiliated with different political parties whenever
12 deputies representing different parties are available. Nominations for deputy
13 positions ~~shall~~ may be submitted by the 2 recognized political parties whose
14 candidates for governor or president received the greatest numbers of votes in the
15 municipality at the most recent general election. The deputies shall be specially
16 appointed to carry out duties under this section for the period specified in s. 7.30 (6)
17 (a). The clerk or board of election commissioners may revoke an appointment at any
18 time. No individual who is employed or retained, or within the 2 years preceding
19 appointment has been employed or retained at a nursing home or qualified
20 retirement home or qualified community-based residential facility in the
21 municipality, or any member of the immediate family of such an individual as defined
22 in s. 19.42 (7), may be appointed to serve as a deputy.

23 **SECTION 64.** 6.88 (1) of the statutes is amended to read:

24 6.88 (1) When an absentee ballot arrives at the office of the municipal clerk,
25 the clerk shall enclose it, unopened, in a carrier envelope which shall be securely

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1 sealed and endorsed with the name and official title of the clerk, ~~and the words "This~~
2 ~~envelope contains the ballot of an absent, aged, sick, handicapped or disabled elector~~
3 ~~or the ballot of an election official and must be opened at the polls during polling~~
4 ~~hours on election day"~~. The clerk shall keep the ballot in the clerk's office until
5 delivered, as required in sub. (2).

6 **SECTION 65.** 6.92 (intro.) of the statutes is renumbered 6.92 and amended to
7 read:

8 **6.92 Inspector making challenge.** Each inspector shall challenge for
9 cause any person offering to vote whom the inspector knows or suspects is not a
10 qualified elector. If a person is challenged as unqualified by an inspector, one of the
11 inspectors shall administer the following oath or affirmation to the person: "You do
12 solemnly swear (or affirm) that you will fully and truly answer all questions put to
13 you regarding your place of residence and qualifications as an elector of this
14 election"; and shall then ask ~~those of the following~~ questions which are appropriate
15 as determined by the board, by rule, to test the person's qualifications:.

16 **SECTION 66.** 6.92 (1) to (6) of the statutes are repealed.

17 **SECTION 67.** 6.925 (intro.) of the statutes is renumbered 6.925 and amended
18 to read:

19 **6.925 Elector making challenge in person.** Any elector may challenge for
20 cause any person offering to vote whom the elector knows or suspects is not a
21 qualified elector. If a person is challenged as unqualified by an elector, one of the
22 inspectors may administer the oath or affirmation to the challenged elector under s.
23 6.92 and ask the challenged elector the questions under that section which are
24 appropriate to test the elector's qualifications. In addition, one of the inspectors shall
25 administer the following oath or affirmation to the challenging elector: "You do

ASSEMBLY BILL 959**SECTION 67**

1 solemnly swear (or affirm) that you will fully and truly answer all questions put to
2 you regarding the challenged person's place of residence and qualifications as an
3 elector of this election"; and shall then ask ~~those of the following~~ questions which are
4 appropriate as determined by the board, by rule, to test the qualifications of the
5 challenged elector;

6 **SECTION 68.** 6.925 (1) to (6) of the statutes are repealed.

7 **SECTION 69.** 7.08 (5) of the statutes is created to read:

8 7.08 (5) NOTICE OF WRITE-IN CANDIDATES. Whenever a write-in candidate files
9 a timely declaration of candidacy with the board, the board shall immediately notify
10 the county clerk or board of election commissioners of each county where the write-in
11 candidate seeks office of the name of the candidate and the office which the candidate
12 seeks. This subsection does not apply if the write-in candidate seeks an office for
13 which there are no candidates whose names appear on the ballot or if there appears
14 on the ballot the name of a deceased candidate for the office which the write-in
15 candidate seeks.

16 **SECTION 70.** 7.10 (5) of the statutes is created to read:

17 7.10 (5) NOTICE OF WRITE-IN CANDIDATES. Whenever a write-in candidate files
18 a timely declaration of candidacy with the county clerk or the clerk receives notice
19 from the board under s. 7.08 (5) that a write-in candidate seeks office in the county,
20 the clerk shall immediately notify the municipal clerk or board of election
21 commissioners of each municipality in the county where the write-in candidate
22 seeks office of the name of the candidate and the office which the candidate seeks.
23 This subsection does not apply if the write-in candidate seeks an office for which
24 there are no candidates whose names appear on the ballot or if there appears on the

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1 ballot the name of a deceased candidate for the office which the write-in candidate
2 seeks.

3 **SECTION 71.** 7.10 (6) of the statutes is created to read:

4 7.10 (6) MUNICIPAL JUDGE; CERTIFIED LIST. If candidates for the office of a
5 municipal judge who is elected under s. 755.01 (4) file nomination papers in the office
6 of the county clerk and any municipality served by the judge prepares its own ballots
7 for voting machines or an electronic voting system, the county clerk shall certify to
8 the municipal clerk of that municipality the names of the candidates for judge as soon
9 as possible after the last day for filing nomination papers and after certification by
10 the county board of canvassers of the results of any primary election

11 **SECTION 72.** 7.15 (1) (cs) of the statutes is repealed.

12 **SECTION 73.** 7.15 (1) (L) of the statutes is created to read:

13 7.15 (1) (L) Whenever a write-in candidate files a timely declaration of
14 candidacy with the municipal clerk or the clerk receives notice from the county clerk
15 or board of election commissioners under s. 7.10 (5) or a school district clerk under
16 s. 120.06 (8) (dm) that a write-in candidate seeks office in the municipality, notify
17 the inspectors at each polling place in the municipality where the write-in candidate
18 seeks office of the name of the candidate and the office which the candidate seeks no
19 later than 8 p.m. on election day. This paragraph does not apply if the write-in
20 candidate seeks an office for which there are no candidates whose names appear on
21 the ballot or if there appears on the ballot the name of a deceased candidate for the
22 office which the write-in candidate seeks.

23 **SECTION 74.** 7.21 (2m) of the statutes is created to read:

24 7.21 (2m) The county board of election commissioners may:

ASSEMBLY BILL 959**SECTION 74**

1 (a) Bring civil actions to require forfeitures under s. 11.60 for any violation of
2 ch. 11. Forfeiture actions brought by the county board of election commissioners may
3 concern only violations with respect to reports or statements required by law to be
4 filed with it. The county board of election commissioners may compromise and settle
5 any civil action or potential action brought or authorized to be brought by it under
6 ch. 11 which, in the opinion of the county board of election commissioners, constitutes
7 a minor violation, a violation caused by excusable neglect, or which for other good
8 cause shown, should not in the public interest be prosecuted under such chapter.
9 Notwithstanding s. 778.06, an action or proposed action authorized under this
10 paragraph may be settled for such sum as may be agreed between the parties. Any
11 settlement made by the county board of election commissioners shall be in such
12 amount as to deprive the alleged violator of any benefit of his or her wrongdoing and
13 may contain a penal component to serve as a deterrent to future violations. In
14 settling actions or proposed actions, the county board of election commissioners shall
15 treat comparable situations in a comparable manner and shall ensure that any
16 settlement bears a reasonable relationship to the severity of the offense or alleged
17 offense. Forfeiture actions brought by the county board of election commissioners
18 shall be brought in the circuit court for the county served by the board of election
19 commissioners.

20 (b) In the discharge of its authority under par. (a) and upon notice to the party
21 or parties being investigated, subpoena and bring before it any person in the state
22 and require the production of any papers, books or other records relevant to an
23 investigation. A circuit court may by order permit the inspection and copying of the
24 accounts and the depositor's and loan records at any financial institution, as defined
25 in s. 705.01 (3), doing business in the state to obtain evidence of any violation of ch.

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1 11 upon showing by the county board of election commissioners of probable cause to
2 believe there is a violation and that such accounts and records may have a
3 substantial relation to the violation. In the discharge of its duties, the county board
4 of election commissioners may cause the deposition of witnesses to be taken in the
5 manner prescribed for taking depositions in civil actions in circuit court.

6 (c) Delegate to its executive director the authority to issue a subpoena or apply
7 for a search warrant under par. (b), subject to such limitations as the county board
8 of election commissioners considers appropriate.

9 **SECTION 75.** 7.30 (1) and (2) of the statutes are amended to read:

10 7.30 (1) NUMBER. There shall be 7 inspectors for each polling place at each
11 election. In municipalities where voting machines are used, the municipal governing
12 body may reduce the number of inspectors to 5. A municipal governing body may
13 provide for the appointment of additional inspectors whenever more than one voting
14 machine is used or wards are combined under s. 5.15 (6) (b). A municipal governing
15 body may provide by ordinance for the selection of alternate officials or the selection
16 of 2 sets of officials to work at different times on election day. ~~Additional~~ Unless
17 officials are appointed without regard to party affiliation under sub. (4) (c),
18 additional officials shall be appointed in such a manner that the total number of
19 officials is an odd number and the predominant party under sub. (2) is represented
20 by one more official than the other party.

21 (2) QUALIFICATIONS AND PROCEDURE. (a) Only election officials appointed under
22 this section may conduct an election. Except as authorized in s. 7.15 (1) (k), each
23 inspector shall be a qualified elector in the ward for which the polling place is
24 established. Special registration deputies appointed under s. 6.55 (6) and election
25 officials serving more than one ward or when necessary to fill a vacancy under par.

ASSEMBLY BILL 959**SECTION 75**

1 (b) need not be a resident of that ward, but shall be a resident of the municipality.

2 Special registration deputies may be appointed to serve more than one polling place.

3 All officials shall be able to read and write the English language, be capable, be of

4 good understanding, and may not be a candidate, ~~other than for party committeeman~~

5 ~~or committeewoman~~, for any office to be voted for at an election at which they serve.

6 In 1st class cities, they may hold no public office other than notary public. Except

7 as authorized under sub. (4) (c), all inspectors shall be affiliated with one of the 2

8 recognized political parties which received the largest number of votes for president,

9 or governor in nonpresidential general election years, in the ward or combination of

10 wards served by the polling place at the last election. The party which received the

11 largest number of votes is entitled to one more inspector than the party receiving the

12 next largest number of votes at each polling place. The same election officials may

13 serve the electors of more than one ward where wards are combined under s. 5.15 (6)

14 (b). If a municipality is not divided into wards, the ward requirements in this

15 paragraph apply to the municipality at large.

16 (b) When a vacancy occurs, the ~~appointment~~ vacancy shall be filled by

17 appointment of the municipal clerk. The vacancy shall be filled from the remaining

18 names on the lists submitted under sub. (4) or from additional names submitted by

19 the chairperson of the county party committee of the appropriate party under sub.

20 (4) whenever names are submitted under sub. (4) (d). If the vacancy is due to

21 candidacy, sickness or any other temporary cause, the appointment shall be a

22 temporary appointment and effective only for ~~that~~ the election at which the

23 temporary vacancy occurs. The same qualifications shall be required, ~~but of persons~~

24 who fill vacancies. Vacancies may be filled in cases of emergency or because of time

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1 limitations by a person from another aldermanic district or ward within the
2 municipality so the proper balance of party representation is maintained.

3 (c) The governing body of any municipality may require all persons named on
4 the party lists for servicing as election officials to prove their ability to read and write
5 English and to have a general knowledge of the election laws. Examinations may be
6 given to prove the qualifications can be met.

7 **SECTION 76.** 7.30 (4) (a) of the statutes is amended to read:

8 7.30 (4) (a) Except in cities where there is a board of election commissioners,
9 the mayor, president or board chairperson of each municipality shall nominate to the
10 governing body no later than their last regular meeting in December of each
11 even-numbered year the necessary election officials for each election ward polling
12 place. If no regular meeting is scheduled, the mayor, president or chairperson shall
13 call a special meeting for the purpose of considering nominations no later than
14 December 31.

15 **SECTION 77.** 7.30 (4) (c) of the statutes is amended to read:

16 7.30 (4) (c) For so long as nominees are made available by the political parties
17 under this section, appointments may be made only from the lists of submitted
18 nominees. If the lists are not submitted by November 30 of the year in which
19 appointments are to be made, the board of election commissioners shall appoint, or
20 the mayor, president or chairperson of a municipality shall nominate qualified
21 persons whose names have not been submitted. If an insufficient number of
22 nominees appears on the lists as of November 30, the board of election commissioners
23 shall similarly appoint, or the mayor, president or chairperson shall similarly
24 nominate sufficient individuals to fill the remaining vacancies. ~~If an official is~~
25 ~~appointed whose name was not submitted on the lists, the official shall be affiliated~~

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1 with or designated by the appointing authority to represent one of the 2 parties that
2 are entitled to submit lists. ~~An official who is affiliated with one party may not be~~
3 ~~designated to represent a different party, unless the municipal clerk first makes a~~
4 ~~good faith effort to appoint an official who is affiliated with the represented party.~~
5 Any appointment which is made due to the lack of availability of names submitted
6 under par. (b) may be made without regard to party affiliation.

7 **SECTION 78.** 7.30 (4) (d) of the statutes is amended to read:

8 7.30 (4) (d) A party committee or aldermanic district or village committeeman
9 or committeewoman under s. 8.17 may submit additional names for inclusion in its
10 list of nominations under this section at any time. ~~Whenever there are no available~~
11 ~~names on any list, the board of election commissioners or the mayor, president or~~
12 ~~chairman of the municipality shall so notify the chairman of the appropriate party~~
13 ~~committee or the appropriate aldermanic district or village committeeman or~~
14 ~~committeewoman under s. 8.17~~ for the purpose of filling vacancies that occur during
15 a term of office. However, an appointment need at no time be delayed because of the
16 lack of availability of party nominees.

17 **SECTION 79.** 7.51 (2) (e) of the statutes is amended to read:

18 7.51 (2) (e) If, after any ballots have been laid aside, the number of ballots still
19 exceeds the total number of electors recorded on the registration or poll list, the
20 inspectors shall separate the absentee ballots from the other ballots. If there is an
21 excess number of absentee ballots, the inspectors shall place the absentee ballots in
22 the ballot box and one of the inspectors shall publicly and without examination draw
23 therefrom by chance the number of ballots equal to the excess number of absentee
24 ballots. If there is an excess number of other ballots, the inspectors shall place those
25 ballots in the ballot box and one of the inspectors shall publicly and without

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1 examination draw therefrom by chance the number of ballots equal to the excess
2 number of those ballots. All ballots so removed may not be counted but shall be
3 specially marked as having been removed by the inspectors on original canvass due
4 to an excess number of ballots, set aside and preserved. When the number of ballots
5 and total shown on the poll or registration list agree, the inspectors shall return all
6 ballots to be counted to the ballot box and shall turn the ballot box in such manner
7 as to thoroughly mix the ballots. The inspectors shall then open, count and record
8 the number of votes. In recording the votes cast for an office, the inspectors may
9 indicate votes cast for a write-in candidate who does not file a timely declaration of
10 candidacy for the office for which the candidate receives votes as scattering votes,
11 unless there are no candidates whose names appear on the ballot for that office or
12 unless there appears on the ballot the name of a deceased candidate for that office.
13 When the ballots are counted, the inspectors shall separate them into piles for ballots
14 similarly voted. Objections may be made to placement of ballots in the piles at the
15 time the separation is made.

16 **SECTION 80.** 7.51 (2) (g) of the statutes is amended to read:

17 7.51 (2) (g) Immediately after the polls close, where voting machines are used,
18 the inspectors shall open the registering or recording compartments or remove the
19 record of the votes cast and shall canvass, record, announce and return on the tally
20 sheets and certificates furnished. In recording the votes cast for an office, the
21 inspectors may indicate votes cast for a write-in candidate who does not file a timely
22 declaration of candidacy for the office for which the candidate receives votes as
23 scattering votes, unless there are no candidates whose names appear on the ballot
24 for that office or unless there appears on the ballot the name of a deceased candidate.
25 In recording the votes registered on any counter which, before the opening of the

ASSEMBLY BILL 959**SECTION 80**

1 polls, did not register 000, the inspectors shall upon the return sheets subtract the
2 number registered before the polls opened from the number registered when the
3 polls closed. The difference between the 2 numbers is the correct vote for the
4 candidate whose name was represented by the counter, except if the number
5 registered on the counter when the polls closed is smaller than the number registered
6 thereon when the polls opened, the number 1,000 shall be added to the number
7 registered when the polls closed, before the subtraction is made.

8 **SECTION 81.** 7.51 (4) (a) of the statutes is amended to read:

9 7.51 (4) (a) The tally sheets shall state the total number of votes cast for each
10 office and for each individual receiving votes for that office, ~~whether or not the~~
11 ~~individual's name appears on the ballot, and shall~~ except a write-in candidate who
12 has not filed a timely declaration of candidacy for the office for which the candidate
13 receives a vote, unless there are no candidates whose names appear on the ballot for
14 that office or unless there appears on the ballot the name of a deceased candidate for
15 that office. The tally sheets shall also state the vote for and against each proposition
16 voted on. Upon completion of the tally sheets, the inspectors shall immediately
17 complete inspectors' statements in duplicate. The inspectors shall state the excess
18 by which the number of ballots exceeds the number of electors voting as shown by
19 the poll or registration list, if any, and shall state the number of the last elector as
20 shown by the registration or poll lists. At least 3 inspectors, including the chief
21 inspector and, unless election officials are appointed under s. 7.30 (4) (c) without
22 regard to party affiliation, at least one inspector representing each political party,
23 shall then certify to the correctness of the statements and tally sheets and sign their
24 names. All other election officials assisting with the tally shall also certify to the

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1 correctness of the tally sheets. When the tally is complete, the inspectors shall
2 publicly announce the results from the statements.

3 **SECTION 82.** 7.53 (1) of the statutes is amended to read:

4 7.53 (1) MUNICIPALITIES WITH ONE POLLING PLACE. Where the municipality
5 constitutes one ward or combines all wards to utilize a single polling place under s.
6 5.15 (6) (b), the canvass shall be conducted publicly under s. 7.51 and the inspectors
7 shall act as the municipal board of canvassers. Upon completion of the canvass and
8 ascertainment of the results by the inspectors, the clerk shall publicly read the
9 names of the persons voted for and the number of votes for each person for each
10 municipal office, except a write-in candidate who has not filed a timely declaration
11 of candidacy for the office for which the candidate receives a vote, unless there are
12 no candidates whose names appear on the ballot for that office or unless there
13 appears on the ballot the name of a deceased candidate for that office. The clerk shall
14 also publicly read the names of the persons declared by the inspectors to have won
15 nomination or election to each municipal office and the number of votes cast for and
16 against each municipal referendum question.

17 **SECTION 83.** 7.53 (2) (d) of the statutes is amended to read:

18 7.53 (2) (d) The municipal board of canvassers shall publicly canvass the
19 returns of every municipal election. The canvass shall begin within 24 hours after
20 the polls close. At the spring election, the board of canvassers shall publicly declare
21 the results on or before the 2nd Tuesday in April. The board of canvassers shall
22 prepare a statement showing the results of each election for any municipal office and
23 each municipal referendum. After each primary for municipal offices, the board of
24 canvassers shall prepare a statement certifying the names of those persons who have
25 won nomination to office. After each other election for a municipal office and each

ASSEMBLY BILL 959**SECTION 83**

1 municipal referendum, the board of canvassers shall prepare a determination
2 showing the names of the persons who are elected to each municipal office and the
3 results of each municipal referendum. The statement shall include the number of
4 votes cast for each person for each municipal office, except a write-in candidate who
5 has not filed a timely declaration of candidacy for the office for which the candidate
6 receives a vote, unless there are no candidates whose names appear on the ballot for
7 that office or unless there appears on the ballot the name of a deceased candidate for
8 that office. The statement shall also include the number of votes cast for and against
9 each question submitted by the municipality. The board of canvassers shall file each
10 statement and determination in the office of the municipal clerk or board of election
11 commissioners.

12 **SECTION 84.** 7.53 (3) (a) of the statutes is amended to read:

13 7.53 (3) (a) In a common, union high or unified school district, the school district
14 clerk shall appoint 2 qualified electors of the school district prior to the date of the
15 election being canvassed who shall, with the school district clerk, constitute the
16 school district board of canvassers. If the school district clerk is a candidate at the
17 election being canvassed, the other 2 members of the board of canvassers shall
18 designate a 3rd member to serve in lieu of the clerk for that election. The canvass
19 shall begin as soon as possible after receipt of the returns, and shall continue,
20 without adjournment, until completed. The board of canvassers may return
21 defective returns to the municipal board of canvassers in the manner provided in s.
22 7.60 (3). The board of canvassers shall prepare a written statement showing the
23 numbers of votes cast for each person for each office and, except a write-in candidate
24 who has not filed a timely declaration of candidacy for the office for which the
25 candidate receives a vote, unless there are no candidates whose names appear on the

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1 ballot for that office or unless there appears on the ballot for that office the name of
2 a deceased candidate. The statement shall also show the numbers of votes cast for
3 and against each question and. The board of canvassers shall also prepare a
4 determination showing the names of the persons who are elected to the school board
5 and the results of any school district referendum. Following each primary election,
6 the board of canvassers shall prepare a statement certifying the names of the persons
7 who have won nomination to the school board. Each statement and determination
8 shall be attested by each of the canvassers. The board of canvassers shall file each
9 statement and determination in the school district office. The school district clerk
10 shall certify nominations after each primary and issue certificates of election to
11 persons who are elected to the school board after each election in the manner
12 provided in sub. (4).

13 **SECTION 85.** 7.60 (2) of the statutes is amended to read:

14 7.60 (2) COUNTY BOARD OF CANVASSERS. The county clerk and 2 qualified electors
15 of the county appointed by the clerk constitute the county board of canvassers. The
16 members of the board of canvassers shall serve for 2-year terms commencing on
17 January 1 of each odd-numbered year, except that any member who is appointed to
18 fill a permanent vacancy shall serve for the unexpired term of the original appointee.
19 One member of the board of canvassers shall belong to a political party other than
20 the clerk's. If the county clerk's office is vacant, ~~or~~ if the clerk cannot perform his or
21 her duties or if the clerk is a candidate at an election being canvassed, the county
22 clerk shall designate a deputy clerk to perform the clerk's duties. If the county clerk
23 and designated deputy clerk are both unable to perform their duties, the county
24 executive or, if there is no county executive, the chairperson of the county board of
25 supervisors shall designate another qualified elector of the county to perform the

ASSEMBLY BILL 959**SECTION 85**

1 clerk's duties. If a member other than the clerk cannot perform his or her duties, the
2 clerk shall appoint another member to serve. No person may serve on the county
3 board of canvassers if the person is a candidate for an office to be canvassed by that
4 board. If lists of candidates for the county board of canvassers are submitted to the
5 county clerk by political party county committees, the lists shall consist of at least
6 3 names and the clerk shall choose the board members from the lists. Where there
7 is a county board of election commissioners, it shall serve as the board of canvassers.

8 **SECTION 86.** 7.60 (4) (a) of the statutes is amended to read:

9 7.60 (4) (a) The board of canvassers shall make separate duplicate statements
10 showing the numbers of votes cast for the offices of president and vice president; state
11 officials; U.S. senators and representatives in congress; state legislators; justice;
12 court of appeals judge; circuit judges; district attorneys; ~~municipal judges, if they are~~
13 ~~elected under s. 755.01 (4);~~ and metropolitan sewerage commissioners, if the
14 commissioners are elected under s. 66.23 (11) (am). If a municipal judge elected
15 under s. 755.01 (4) serves a municipality that is located partially within the county
16 and candidates for that judgeship file nomination papers in another county, the
17 board of canvassers shall prepare a duplicate statement showing the numbers of
18 votes cast for that judgeship in that county for transmittal to the other county. For
19 partisan candidates, the statements shall include the political party or principle
20 designation, if any, next to the name of each candidate. The board of canvassers shall
21 also prepare a statement showing the results of any county, technical college district
22 or statewide referendum. Each statement shall ~~state~~ show the total number of votes
23 cast in the county for each office; the names of all persons for whom the votes were
24 cast, as returned; and the number of votes cast for each person; ~~and, except a write-in~~
25 candidate who has not filed a timely declaration of candidacy for the office for which

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1 the candidate receives a vote, unless there are no candidates whose names appear
2 on the ballot for that office or unless there appears on the ballot for that office the
3 name of a deceased candidate. The statement shall also show the number of votes
4 cast for and against any question submitted at a referendum. The board of
5 canvassers shall use one copy of the each duplicate statement to report to the
6 elections board or, technical college district board or board of canvassers of any other
7 county and shall file the other statement in the office of the county clerk or board of
8 election commissioners.

9 **SECTION 87.** 7.60 (4) (b) of the statutes is amended to read:

10 7.60 (4) (b) The board of canvassers shall then prepare a written
11 determination, in duplicate where necessary, giving the names of the persons elected
12 to any county office and to any municipal judgeship if the judge is elected under s.
13 755.01 (4) and candidates for that judgeship file nomination papers in that county.
14 The board of canvassers shall likewise prepare a written determination showing the
15 results of any county referendum. Following any primary election, the board of
16 canvassers shall prepare a statement certifying the names of all persons who have
17 won nomination to any county office or any municipal judgeship, if the judge is
18 elected under s. 755.01 (4) and candidates for that judgeship file nomination papers
19 in that county. The board of canvassers shall file all statements and determinations
20 in the office of the county clerk or board of election commissioners.

21 **SECTION 88.** 7.60 (4) (c) of the statutes is amended to read:

22 7.60 (4) (c) In preparing the statements and determinations, the board of
23 canvassers shall carefully review the tally sheets and inspectors' statement. The
24 board of canvassers may omit the names of individuals whose names do not appear
25 on the ballot and who receive a comparatively small number of votes. The board of

ASSEMBLY BILL 959**SECTION 88**

1 ~~canvassers shall~~ name of any write-in candidate who has not filed a timely
2 declaration of candidacy for the office for which the candidate receives votes, and
3 ~~designate votes received by such individuals~~ the candidate as scattering votes,
4 unless there are no candidates whose names appear on the ballot for that office or
5 unless there appears on the ballot for that office the name of a deceased candidate.

6 The board of canvassers shall append to each statement and determination a
7 tabulation of the votes cast at each election district, ward or combination of wards
8 authorized under s. 5.15 (6) (b) in the county for each office and each individual,
9 whether the votes are canvassed or not, as well as the total canvassed votes cast for
10 each individual and each office, except where scattering votes are designated. If any
11 votes are rejected, the board of canvassers shall specify the reasons therefor.

12 **SECTION 89.** 7.60 (5) of the statutes is amended to read:

13 7.60 (5) REPORTING. Immediately following the canvass the county clerk shall
14 deliver or send to the elections board, by 1st class mail, a certified copy of each
15 statement of the county board of canvassers for president and vice president; state
16 officials; senators and representatives in congress; state legislators; justice; court of
17 appeals judge; circuit judge; district attorney; ~~municipal judge, if elected under s.~~
18 ~~755.01-4~~; and metropolitan sewerage commissioners, if the commissioners are
19 elected under s. 66.23 (11) (am). The statement shall record the returns for each
20 office or referendum by ward, unless combined returns are authorized under s. 5.15
21 (6) (b) in which case the statement shall record the returns for each group of
22 combined wards. Following primaries the county clerk shall enclose on blanks
23 prescribed by the elections board the names, party or principle designation, if any,
24 and number of votes received by each candidate recorded in the same manner. The
25 county clerk shall deliver or transmit the certified statement to the elections board

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1 no later than 7 days after each primary and no later than 10 days after any other
2 election. The board of canvassers shall deliver or transmit a certified copy of each
3 statement for any technical college district referendum to the secretary of the
4 technical college district board. If the board of canvassers becomes aware of a
5 material mistake in the canvass of an election for state or national office or a
6 statewide or technical college district referendum prior to the close of business on the
7 day the elections board receives returns from the last county board of canvassers
8 with respect to that canvass, the board of canvassers may petition the elections board
9 to reopen and correct the canvass. The elections board shall direct the canvass to be
10 reopened and corrected if it determines that the public interest so requires. If the
11 elections board directs the canvass to be reopened, the board of canvassers shall
12 reconvene and transmit a certified corrected copy of the canvass statement to the
13 elections board or secretary of the technical college district board.

14 **SECTION 90.** 7.60 (6) of the statutes is amended to read:

15 7.60 (6) CERTIFICATE OF ELECTION. Immediately after expiration of the time
16 allowed to file a petition for a recount the county clerk shall issue a certificate of
17 election to each person who is elected to any county office ~~and to each person who is~~
18 ~~elected to the office of party committeeman or committeewoman.~~ The certificate
19 notice shall state the amount of the required official bond, if any. When a petition
20 for a recount is filed, the county clerk shall not issue the certificate of election for the
21 office in question until the recount has been completed and the time allowed for filing
22 an appeal has passed, or if appealed until the appeal is decided.

23 **SECTION 91.** 7.70 (3) (d) of the statutes, as affected by 1997 Wisconsin Act 27,
24 is amended to read:

ASSEMBLY BILL 959**SECTION 91**

1 7.70 (3) (d) When the certified statements and returns are received, the
2 chairperson of the board shall proceed to examine and make a statement of the total
3 number of votes cast at any election for the offices involved in the election for
4 president and vice president; a statement for each of the offices of governor,
5 lieutenant governor, if a primary, and a joint statement for the offices of governor and
6 lieutenant governor, if a general election; a statement for each of the offices of
7 secretary of state, state treasurer, attorney general, and state superintendent; for
8 U.S. senator; representative in congress for each congressional district; the state
9 legislature; justice; court of appeals judge; circuit judge; district attorney; ~~municipal~~
10 ~~judge, if he or she is elected under s. 755.01 (4); metropolitan sewerage commission,~~
11 ~~if the commissioners are elected under s. 66.23 (11) (am); and for any referenda~~
12 ~~questions submitted by the legislature.~~

13 **SECTION 92.** 7.70 (3) (f) of the statutes is amended to read:

14 7.70 (3) (f) The statements shall show the persons' names receiving votes, and
15 any referenda questions; the whole number of votes given to each; and an individual
16 listing by the districts or counties in which they were given. ~~The names of persons~~
17 ~~not regularly nominated who received only a comparatively small number of votes~~
18 ~~name of any write-in candidate who has not filed a timely declaration of candidacy~~
19 ~~for the office for which the candidate receives votes may be omitted and their the~~
20 ~~votes cast for that candidate may be designated as scattering votes.~~

21 **SECTION 93.** 8.05 (1) (j) of the statutes is amended to read:

22 8.05 (1) (j) The municipal clerk shall notify in writing each candidate whose
23 name is certified as a nominee under par. (h) of his or her nomination. If a municipal
24 judge is elected under s. 755.01 (4), the county clerk of the county having the largest
25 portion of the population in the jurisdiction served by the judge shall make the

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1 notification. Upon receipt of the notice, each candidate shall file a declaration of
2 candidacy in the manner prescribed by s. 8.21 with the municipal clerk making the
3 notification no later than 5 p.m. on the 5th day after the notification is mailed or
4 personally delivered to the candidate by the municipal clerk, except as authorized
5 in this paragraph. If an incumbent whose name is certified as a nominee fails to file
6 a declaration of candidacy within the time prescribed by this paragraph, each
7 certified candidate for the office held by the incumbent, other than the incumbent,
8 may file a declaration of candidacy no later than 72 hours after the latest time
9 prescribed in this paragraph. If the candidate has not filed a registration statement
10 under s. 11.05 at the time of the notification, the candidate shall file the statement
11 with the declaration. A candidate for municipal judge shall also file a statement of
12 economic interests with the ethics board under s. 19.43 (4) no later than 4:30 p.m.
13 on the 5th day after notification of nomination is mailed or personally delivered to
14 the candidate ~~by the municipal clerk~~, or no later than 4:30 p.m. on the next business
15 day after the last day for filing a declaration of candidacy whenever that candidate
16 is granted an extension of time for filing a declaration of candidacy under this
17 paragraph. Upon receipt of the declaration of candidacy and registration statement
18 of each qualified candidate, and upon filing of a statement of economic interests by
19 each candidate for municipal judge, the municipal clerk, or the county clerk if the
20 judge is elected under s. 755.01 (4), shall place the name of the candidate on the
21 ballot. No later than the end of the 3rd day following qualification by all candidates,
22 the municipal clerk, or the county clerk if the judge is elected under s. 755.01 (4),
23 shall draw lots to determine the arrangement of candidates' names on the spring
24 election ballot.

25 **SECTION 94.** 8.05 (3) (d) and (e) of the statutes are amended to read:

ASSEMBLY BILL 959**SECTION 94**

1 8.05 (3) (d) The question of adoption of the nonpartisan primary under this
2 subsection may be submitted to the electors at any regular election held in the town
3 or at a special election called for the purpose. When a petition requesting adoption
4 of the nonpartisan primary conforming to the requirements of s. 8.40 signed by at
5 least 20 electors of the town is filed with the town clerk ~~so requesting~~ as provided in
6 s. 8.37, the question shall be submitted to a vote.

7 (e) Petitions requesting a vote on the question at a regular town election shall
8 be filed in accordance with s. 8.37 no later than 5 p.m. the last Tuesday in February.
9 When the petition is filed, the clerk shall check its sufficiency. Whether at a regular
10 or special election, the clerk shall give separate notice by one publication in a
11 newspaper at least 5 days before the election.

12 **SECTION 95.** 8.05 (5) of the statutes is amended to read:

13 8.05 (5) WHEN PRIMARY IS HELD. Towns and villages adopting the nonpartisan
14 primary to nominate candidates, under subs. (3) and (4), shall hold a primary only
15 when the number of candidates for an elective office in the municipality exceeds
16 twice the number to be elected to the office. A primary for the office of joint municipal
17 judge under s. 755.01 (4) shall be held whenever there are more than 2 candidates
18 for that office. Those offices for which a primary has been held shall have only the
19 names of candidates nominated at the primary appear on the official spring election
20 ballot. When the number of candidates for an office does not exceed twice the number
21 to be elected, their names shall appear on the official ballot for the election without
22 a primary.

23 **SECTION 96.** 8.10 (3) (intro.) of the statutes is amended to read:

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1 8.10 (3) (intro.) The ~~affidavit~~ certification of a qualified elector under s. 8.15
2 (4) (a) shall be appended to each nomination paper. The number of required
3 signatures on nomination papers filed under this section is:

4 **SECTION 97.** 8.10 (6) (a) of the statutes is amended to read:

5 8.10 (6) (a) For state offices; ~~municipal judges, if they are elected under s.~~
6 ~~755.01 (4);~~ or seats on a metropolitan sewerage commission, if the commissioners are
7 elected under s. 66.23 (11) (am), in the office of the board.

8 **SECTION 98.** 8.10 (6) (bm) of the statutes is created to read:

9 8.10 (6) (bm) For municipal judge, if the judge is elected under s. 755.01 (4), in
10 the office of the county clerk or board of election commissioners of the county having
11 the largest portion of the population in the jurisdiction served by the judge.

12 **SECTION 99.** 8.11 (1) (b) and (d), (2), (2m) and (5) of the statutes are amended
13 to read:

14 8.11 (1) (b) Any city may provide by charter ordinance, under s. 66.01, that
15 whenever 3 or more candidates, other than write-in candidates, file nomination
16 papers for a city office, a primary to nominate candidates for the office shall be held.

17 (d) When the number of candidates, other than write-in candidates, for any
18 city office does not exceed twice the number to be elected to the office, no primary may
19 be held for the office and the candidates' names shall appear on the ballot for the
20 ensuing election.

21 (2) MILWAUKEE COUNTY. A primary shall be held in counties having a population
22 of 500,000 or more whenever there are more than twice the number of candidates,
23 other than write-in candidates, to be elected to any judicial office within the county
24 or to the county board of supervisors from any one district.

ASSEMBLY BILL 959**SECTION 99**

1 **(2m)** FIRST CLASS CITY SCHOOL BOARD. A primary shall be held in 1st class cities
2 whenever there are more than 2 candidates, other than write-in candidates, for
3 member of the board of school directors at-large or from any election district in any
4 year.

5 **(5)** COUNTY SUPERVISORS. A primary shall be held in an election for county board
6 supervisor whenever 3 or more candidates, other than write-in candidates, file
7 nomination papers.

8 **SECTION 100.** 8.12 (2) of the statutes is amended to read:

9 8.12 **(2)** BALLOTS. The form of the official ballots shall be prescribed by the
10 board under s. 5.60 (8). The ballot shall provide to an elector the opportunity to vote
11 for an uninstructed delegation to represent this state at the presidential nominating
12 convention of his or her party, or to write in the name of a candidate for the
13 presidential nomination of his or her party.

14 **SECTION 101.** 8.15 (4) (a) of the statutes is amended to read:

15 8.15 **(4)** (a) The affidavit certification of a qualified elector stating his or her
16 residence with street and number, if any, shall appear at the bottom of each
17 nomination paper, stating he or she personally circulated the nomination paper and
18 personally obtained each of the signatures; he or she knows they are electors of the
19 ward, aldermanic district, municipality or county, as the nomination papers require;
20 he or she knows they signed the paper with full knowledge of its content; he or she
21 knows their respective residences given; he or she knows each signer signed on the
22 date stated opposite his or her name; and, that he or she, the affiant circulator,
23 resides within the district which the candidate named therein will represent, if
24 elected; that he or she intends to support the candidate; and that he or she is aware
25 that falsifying the affidavit certification is punishable under ss. s. 12.13 (3) (a) and

ASSEMBLY BILL 959**SECTION 101**

1 946.32 (1) (a), Wis. stats. The affidavit certification may be made by the candidate
2 or any qualified elector. ~~The nomination papers are valid with or without the seal~~
3 ~~of the officer who administers the oath.~~

4 **SECTION 102.** 8.17 (1) (a) of the statutes is amended to read:

5 8.17 (1) (a) Political parties qualifying for a separate ballot under s. 5.62 (1) (b)
6 or (2) shall elect their party committeemen and committeewomen at the September
7 primary as provided under sub. (5) (b). The function of committeemen and
8 committeewomen is to represent their neighborhoods in the structure of a political
9 party. Committeemen and committeewomen shall act as liaison representatives
10 between their parties and the residents of the election districts in which they serve.
11 Activities of committeemen and committeewomen shall include, but not be limited
12 to, voter identification; assistance in voter registration drives; increasing voter
13 participation in political parties; polling and other methods of passing information
14 from residents to political parties and elected public officials; and dissemination of
15 information from public officials to residents. For assistance in those and other
16 activities of interest to a political party, each committeeman and committeewoman
17 may appoint a captain to engage in these activities in each ward, if the election
18 district served by the committeeman or committeewoman includes more than one
19 ward. In an election district which includes more than one ward, the committeeman
20 or committeewoman shall coordinate the activities of the ward captains in promoting
21 the interests of his or her party.

22 **SECTION 103.** 8.17 (2), (3) and (4) (a) and (b) of the statutes are repealed.

23 **SECTION 104.** 8.17 (4) (c) of the statutes is renumbered 8.17 (4) and amended
24 to read:

ASSEMBLY BILL 959**SECTION 104**

1 8.17 (4) The term of office of each ~~elected or appointed~~ committeeman or
2 committeewoman shall end on the date of the meeting held under sub. (5) (b)
3 following each September primary.

4 **SECTION 105.** 8.17 (5) (b) of the statutes is amended to read:

5 8.17 (5) (b) A combined meeting of the county committee and members in good
6 standing of the party in the county shall be held no sooner than 15 days after the
7 September primary and no later than April 1 of the following year. At this meeting,
8 the party committeemen or committeewomen and the county committee offices of
9 chairperson, vice chairperson, secretary and treasurer shall be filled by election by
10 the committeemen, committeewomen and party members present and voting, each
11 of whom is entitled to one vote. At this meeting, the county committee shall elect the
12 members of the congressional district committee as provided in sub. (6) (b), (c) and
13 (d). The secretary of the county committee shall give at least 7 days' written notice
14 of the meeting to party and committee members. Individuals elected as county
15 committee officers or as congressional district committee members may be, but are
16 not required to be, committeemen or committeewomen. They are required to be party
17 members in good standing. ~~Their~~ The terms of committeemen and
18 committeewomen, county committee officers and congressional district committee
19 members begin during the meeting immediately upon completion and verification of
20 the voting for each office.

21 **SECTION 106.** 8.17 (5) (bm) of the statutes is created to read:

22 8.17 (5) (bm) A county committee may require that candidates for party
23 committeemen and committeewomen file nomination papers with the county
24 committee prior to the combined meeting under par. (b). The form, content and

ASSEMBLY BILL 959**SECTION 106**

1 circulation and filing deadlines of the nomination papers shall be established by the
2 county committee.

3 **SECTION 107.** 8.20 (3) of the statutes is amended to read:

4 8.20 (3) The affidavit certification of an elector under s. 8.15 (4) (a) shall be
5 appended to each nomination paper.

6 **SECTION 108.** 8.20 (9) of the statutes is amended to read:

7 8.20 (9) Persons nominated by nomination papers without a recognized
8 political party designation shall be placed on the official ballot at the general election
9 and at any partisan election to the right or below the recognized political party
10 candidates in their own column or row designated "Independent". At the September
11 primary, persons nominated ~~for state office~~ by nomination papers without a
12 recognized political party designation shall be placed on a separate ballot or row on
13 the voting machine designated "Independent". If the candidate's name already
14 appears under a recognized political party it may not be listed on the independent
15 ballot, column or row.

16 **SECTION 109.** 8.21 of the statutes is amended to read:

17 **8.21 Declaration of candidacy.** Each candidate, except a write-in candidate
18 or a candidate for presidential elector under s. 8.20 (2) (d), shall file a declaration of
19 candidacy, no later than the latest time provided for filing nomination papers under
20 s. 8.10 (2) (a), 8.15 (1), ~~8.17 (2)~~, 8.20 (8) (a) or 8.50 (3) (a), or the time provided under
21 s. 8.16 (2) or 8.35 (2) (c). A write-in candidate may file a declaration of candidacy no
22 later than 5 p.m. before the day of the primary or other election at which the
23 candidate seeks office. A candidate shall file the declaration with the officer or
24 agency with which nomination papers are filed for the office which the candidate
25 seeks, or if nomination papers are not required, with the clerk or board of election

ASSEMBLY BILL 959**SECTION 109**

1 commissioners of the jurisdiction in which the candidate seeks office. The
2 declaration shall be sworn to before any officer authorized to administer oaths. The
3 declaration shall contain the name of the candidate in the form specified under s.
4 8.10 (2) (b) for candidates for nonpartisan office or s. 8.15 (5) (a) or 8.20 (2) (a) for
5 candidates for partisan office, and shall state that the signer is a candidate for a
6 named office, that he or she meets or will at the time he or she assumes office meet
7 applicable age, citizenship, residency or voting qualification requirements, if any,
8 prescribed by the constitutions and laws of the United States and of this state, and
9 that he or she will otherwise qualify for office if nominated and elected. The Except
10 in the case of a write-in candidate, the declaration shall include the candidate's
11 name in the form in which it will appear on the ballot. Each candidate for state and
12 local office shall include in the declaration a statement that he or she has not been
13 convicted of any infamous crime for which he or she has not been pardoned and a list
14 of all felony convictions for which he or she has not been pardoned. In addition, each
15 candidate for state or local office shall include in the declaration a statement that
16 discloses his or her municipality of residence for voting purposes, and the street and
17 number, if any, on which the candidate resides. The declaration is valid with or
18 without the seal of the officer who administers the oath. A candidate for state or local
19 office shall file an amended declaration under oath with the same officer or agency
20 if any information contained in the declaration changes at any time after the original
21 declaration is filed and before the candidate assumes office or is defeated for election
22 or nomination.

23 **SECTION 110.** 8.35 (2) (a) of the statutes is amended to read:

24 8.35 (2) (a) If a vacancy occurs after nomination due to the death of a candidate
25 of a recognized political party for a partisan office, ~~other than party committeeman~~

ASSEMBLY BILL 959**SECTION 110**

1 or ~~committeewoman~~, the vacancy may be filled by the chairperson of the committee
2 of the proper political party under s. 7.38 (3), or the personal campaign committee,
3 if any, in the case of independent candidates. Similar vacancies in nominations of
4 candidates for nonpartisan local offices may be filled by the candidate's personal
5 campaign committee or, if the candidate had none, by the body which governs the
6 local governmental unit in which the deceased person was a candidate for office. The
7 chairperson, chief officer of the committee, or clerk of the body making an
8 appointment shall file a certificate of appointment with the official or agency with
9 whom declarations of candidacy for the office are filed. For purposes of this
10 paragraph, the official or agency need not recognize members of a personal campaign
11 committee whose names were not filed under s. 11.05 prior to the death of the
12 candidate.

13 **SECTION 111.** 8.37 of the statutes is created to read:

14 **8.37 Filing of referenda petitions or questions.** Unless otherwise required
15 by law, all proposed constitutional amendments and any other measure or question
16 that is to be submitted to a vote of the people, or any petitions requesting that a
17 measure or question be submitted to a vote of the people, if applicable, shall be filed
18 with the official or agency responsible for preparing the ballots for the election no
19 later than 42 days prior to the election at which the amendment, measure or question
20 will appear on the ballot.

21 **SECTION 112.** 8.40 (2) of the statutes is amended to read:

22 8.40 (2) The affidavit certification of a qualified elector stating his or her
23 residence with street and number, if any, shall appear at the bottom of each separate
24 sheet of each petition specified in sub. (1), stating that ~~the affiant~~ he or she personally
25 circulated the petition and personally obtained each of the signatures; that the

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1 ~~affiant circulator knows that they are electors of the jurisdiction or district in which~~
2 ~~the petition is circulated; that the affiant circulator knows that they signed the paper~~
3 ~~with full knowledge of its content; that the affiant circulator knows their respective~~
4 ~~residences given; that the affiant circulator knows that each signer signed on the~~
5 ~~date stated opposite his or her name; that the affiant circulator resides within the~~
6 ~~jurisdiction or district in which the petition is circulated; and that the affiant~~
7 ~~circulator is aware that falsifying the affidavit certification is punishable under ss.~~
8 ~~s. 12.13 (3) (a) and 946.32 (1) (a). The petition is valid with or without the seal of the~~
9 ~~officer who administers the oath.~~

10 **SECTION 113.** 8.50 (1) (a) of the statutes is amended to read:

11 8.50 (1) (a) When there is to be a special election, the special election for county
12 clerk shall be ordered by the sheriff; the special election for any other county office
13 shall be ordered by the county clerk except as provided in s. 17.21 (5); the special
14 election for school board member in a school district organized under ch. 119 shall
15 be ordered by the school board; the special election for municipal judge shall be
16 ordered by the mayor, president or chairperson of the municipality, except in 1st class
17 cities, or if the judge is elected under s. 755.01 (4) jointly by the mayors, presidents
18 or chairpersons of all municipalities served by the judge; and all other special
19 elections shall be ordered by the governor. When the governor or attorney general
20 issues the order, it shall be filed and recorded in the office of the board. When the
21 county clerk or sheriff issues the order, it shall be filed and recorded in the office of
22 the county clerk. When the county executive issues the order, it shall be filed in the
23 office of the county board of election commissioners. When the school board of a
24 school district organized under ch. 119 issues the order, it shall be filed and recorded
25 in the office of the city board of election commissioners. When the mayor, president

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1 or chairperson issues the order, it shall be filed in the office of the municipal clerk or
2 city board of election commissioners. If a municipal judge is elected under s. 755.01
3 (4), the order shall be filed in the office of the county clerk or board of election
4 commissioners of the county having the largest portion of the population of the
5 jurisdiction served by the judge.

6 **SECTION 114.** 8.50 (1) (b) of the statutes is amended to read:

7 8.50 (1) (b) Notice of any special election shall be given upon the filing of the
8 order under par. (a) by publication in a newspaper under ch. 985. If the special
9 election concerns a national or state office, the board shall give notice as soon as
10 possible to the county clerks. Upon receipt of notice from the board, or when the
11 special election is for a county office or a municipal judgeship under s. 755.01 (4), the
12 county clerk shall give notice as soon as possible to all the municipal clerks of all
13 municipalities in which electors are eligible to vote in the election and publish one
14 type A notice for all offices to be voted upon within the county as provided in s. 10.06
15 (2) (n) and (3) (f).

16 **SECTION 115.** 8.50 (2) (a) of the statutes is amended to read:

17 8.50 (2) (a) The date for the special election shall be not less than ~~62~~ 92 nor more
18 than ~~77~~ 107 days from the date of the order except when the special election is held
19 on the day of the general election or spring election. If a special election is held
20 concurrently with the spring or general election, the special election may be ordered
21 not earlier than 92 days prior to the spring primary or September primary,
22 respectively, and not later than 49 days prior to that primary.

23 **SECTION 116.** 8.50 (4) (fm) of the statutes is amended to read:

24 8.50 (4) (fm) A permanent vacancy in the office of municipal judge may be filled
25 by temporary appointment of the municipal governing body, or, if the judge is elected

ASSEMBLY BILL 959**SECTION 116**

1 under s. 755.01 (4), jointly by the governing bodies of all municipalities served by the
2 judge. The office shall then be permanently filled by special election, held
3 concurrently with the next spring election following the occurrence of the vacancy,
4 except that a vacancy occurring during the period after December 1 and on or before
5 the date of the spring election shall be filled at the 2nd succeeding spring election,
6 and no such election may be held after the expiration of the term of office nor at the
7 time of holding the regular election for the office.

8 **SECTION 117.** 9.01 (1) (ag) 1. and 2. of the statutes are amended to read:

9 9.01 (1) (ag) 1. For the purpose of this subsection, the elections board shall
10 promulgate a rule defining the “actual cost” of conducting a recount. Each petition
11 for a recount shall be accompanied by the fee or charge prescribed in this paragraph.
12 If the difference between the votes cast for the leading candidate and those cast for
13 the petitioner or the difference between the affirmative and negative votes cast upon
14 any referendum question is less than ~~10 if 1,000 or less votes are cast or less than .5%~~
15 ~~of the total votes cast for the office or on the question if more than 1,000 votes are cast,~~
16 the petitioner is not required to pay a fee.

17 2. If the difference between the votes cast for the leading candidate and those
18 cast for the petitioner or the difference between the affirmative and negative votes
19 cast upon any referendum question is at least ~~10 if 1,000 or less votes are cast or at~~
20 ~~least .5% if more than 1,000 votes are cast~~ but less than 3%, the petitioner shall pay
21 a fee of \$5 for each ward for which the petition requests a ballot recount, or \$5 for each
22 municipality where no wards exist.

23 **SECTION 118.** 9.01 (1) (ag) 2g. and 2r. of the statutes are created to read:

24 9.01 (1) (ag) 2g. If the difference between the votes cast for the leading
25 candidate and those cast for the petitioner or the difference between the affirmative

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1 and negative votes cast upon any referendum question is at least 3% but less than
2 5%, the petitioner shall pay 50% of the actual cost of conducting the recount.

3 2r. If the difference between the votes cast for the leading candidate and those
4 cast for the petitioner or the difference between the affirmative and negative votes
5 cast upon any referendum question is 5% or more, the petitioner shall pay the actual
6 cost of conducting the recount.

7 **SECTION 119.** 9.01 (2) of the statutes is amended to read:

8 9.01 (2) NOTICE TO CANDIDATES. When the recount concerns an election for an
9 office, the clerk or body with whom the petition is filed shall promptly prepare a copy
10 of the petition for delivery to each opposing candidate for the same office whose name
11 appears on the ballot. In a recount proceeding for a partisan primary, the clerk or
12 body shall prepare a copy of the petition for delivery to each opposing candidate for
13 the same party nomination for the same office, to each opposing candidate for the
14 party nomination of each other party for the same office and to each independent
15 candidate qualifying to have his or her name placed on the ballot for the succeeding
16 election. The A candidate or agent designated by a candidate may personally accept
17 delivery of a copy of the petition. Upon such delivery, the clerk or body shall require
18 the candidate or agent to sign a receipt therefor. If a candidate or agent does not
19 personally accept delivery, the clerk or body shall then promptly deliver the copies
20 of the petition to the sheriff, who shall promptly deliver the copies of the petition to
21 each candidate at the address given on the candidate's nomination papers, without
22 fee, in the manner provided for service of a summons in civil actions.

23 **SECTION 120.** 9.01 (5) (a) of the statutes, as affected by 1997 Wisconsin Act 27,
24 is amended to read:

ASSEMBLY BILL 959**SECTION 120**

1 9.01 (5) (a) The board of canvassers or the chairperson of the board shall keep
2 complete minutes of all proceedings before the board of canvassers or chairperson.
3 Upon completion of the proceedings, the board of canvassers shall deliver one copy
4 of its minutes to the elections board. The minutes shall include a record of objections
5 and offers of evidence. If the board of canvassers or chairperson receives exhibits
6 from any party, the board of canvassers or chairperson shall number and preserve
7 the exhibits. The board of canvassers or chairperson shall make specific findings of
8 fact with respect to any irregularity raised in the petition or discovered during the
9 recount. Any member of the board of canvassers or the chairperson may administer
10 oaths, certify official acts and issue subpoenas for purposes of this section. Witness
11 fees shall be paid by the county. In the case of proceedings before the chairperson of
12 the board, witness fees shall be paid by the board.

13 **SECTION 121.** 9.01 (7) (a) of the statutes is amended to read:

14 9.01 (7) (a) The court with whom an appeal is filed shall forthwith issue an
15 order directing each affected county or municipal clerk or board to transmit
16 immediately all ballots, papers and records affecting the appeal to the clerk of court
17 or to impound and secure such ballots, papers and records, or both. The order shall
18 fix a place and a time for the ~~a hearing within 5 days of the order~~ either in open court,
19 at chambers or before a referee and a time for the hearing in accordance with par.
20 (b). The order shall be served upon each affected county or municipal clerk or board
21 and all other candidates and persons who filed a written notice of appearance before
22 any board of canvassers involved in the recount. A reference may be ordered upon
23 any question. At the assigned time and place, the matter shall be summarily heard
24 and determined and costs taxed as in other civil actions.

25 **SECTION 122.** 10.02 (3) (b) 1. of the statutes is amended to read:

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1 10.02 (3) (b) 1. If an elector wishes to vote for all candidates nominated by any
2 party, the elector shall make a (X) ~~in the circle~~ or depress the lever or button under
3 next to the party designation printed shown at the top of the ballot, except that at
4 the general election the elector shall cast one vote jointly for the offices of president
5 and vice president or governor and lieutenant governor. A vote for candidates for
6 president and vice president is a vote for the presidential electors of those candidates.
7 Unless a name has been erased or crossed out, another name written in, a cross made
8 ~~to the right~~ next to the name of a candidate for the same office in another column or
9 a sticker applied, a cross ~~in the circle~~ next to a party designation at the top of the
10 column is a vote for all the party's candidates listed in the column. If an elector does
11 not wish to vote for all the candidates nominated by one party, the elector shall make
12 a cross (X) ~~in the square at the right of~~ next to or separately depress the levers or
13 buttons next to each candidate's name for whom he or she intends to vote, or shall
14 insert or write in the name of a candidate.

15 **SECTION 123.** 10.02 (3) (b) 2. of the statutes is amended to read:

16 10.02 (3) (b) 2. At a special partisan primary, the elector shall select the party
17 ballot of his or her choice and shall make a cross (X) ~~in the square at the right of~~ next
18 to or depress the lever or button next to the candidate's name for each office for whom
19 the elector intends to vote, or shall insert or write in the name of the elector's choice
20 for a candidate.

21 **SECTION 124.** 10.02 (3) (b) 2m. of the statutes is amended to read:

22 10.02 (3) (b) 2m. At the September primary, the elector shall select the party
23 ballot of his or her choice or the ballot containing the names of the independent
24 candidates ~~for state office~~, and make a cross (X) ~~in the square at the right of~~ next to
25 or depress the lever or button next to the candidate's name for each office for whom

ASSEMBLY BILL 959**SECTION 124**

1 the elector intends to vote or insert or write in the name of the elector's choice for a
2 party candidate, if any. In order to qualify for participation in the Wisconsin election
3 campaign fund, a candidate for state office at the September primary, other than a
4 candidate for district attorney, must receive at least 6% of all votes cast on all ballots
5 for the office for which he or she is a candidate, in addition to other requirements.

6 **SECTION 125.** 10.02 (3) (b) 3. and 4., (c) and (d) of the statutes are amended to
7 read:

8 10.02 (3) (b) 3. When casting a presidential preference vote, the elector shall
9 select the party ballot of his or her choice and make a cross (X) ~~in the square at the~~
10 ~~right of next to~~ or depress the button or lever next to the candidate's name for whom
11 he or she intends to vote or shall, in the alternative, make a cross (X) ~~in the square~~
12 ~~at the right of next to~~ or depress the button or lever next to the words "Uninstructed
13 delegation", or shall write in the name of his or her choice for a candidate.

14 4. At a nonpartisan primary, the elector shall make a cross (X) ~~in the square~~
15 ~~at the right of next to~~ or depress the button or lever next to the candidate's name for
16 each office for whom he or she intends to vote, or insert or write in the name of his
17 or her choice for a candidate.

18 (c) In presidential elections, the elector shall make a cross (X) ~~in the square at~~
19 ~~the right of next to~~ or depress the button or lever next to the set of candidates for
20 president and vice president for whom he or she intends to vote. The vote shall be
21 counted for all the candidates for presidential electors of those candidates.

22 (d) On referenda questions, the elector shall make a cross (X) ~~in the square at~~
23 ~~the right of next to~~ or depress the button or lever next to the answer which he or she
24 intends to give.

25 **SECTION 126.** 10.66 (1m) (a) of the statutes is repealed.

ASSEMBLY BILL 959**SECTION 127**

1 **SECTION 127.** 10.76 (1r) (a) of the statutes is repealed.

2 **SECTION 128.** 10.82 (1) (e) of the statutes is amended to read:

3 10.82 (1) (e) *Date for special election.* The date for the special election shall be
4 not less than ~~62~~ 92 nor more than ~~77~~ 107 days from date of order except when the
5 special election is held on the day of the spring election or the general election. See
6 s. 8.50 (2).

7 **SECTION 129.** 10.82 (2) (d) of the statutes is amended to read:

8 10.82 (2) (d) *Date for special election.* The date for the special election shall be
9 not less than ~~62~~ 92 nor more than ~~77~~ 107 days from date of order except when the
10 special election is held on the day of the spring election or the general election. See
11 s. 8.50 (2).

12 **SECTION 130.** 10.82 (3) (d) of the statutes is amended to read:

13 10.82 (3) (d) *Date for special election.* The date for the special election shall be
14 not less than ~~62~~ 92 nor more than ~~77~~ 107 days from date of order except when the
15 special election is held on the day of the spring election or the general election. See
16 s. 8.50 (2).

17 **SECTION 131.** 10.82 (4) (d) of the statutes is amended to read:

18 10.82 (4) (d) *Date for special election.* The date for the special election shall be
19 not less than ~~62~~ 92 nor more than ~~77~~ 107 days from date of order except when the
20 special election is held on the day of the spring election or the general election. See
21 s. 8.50 (2).

22 **SECTION 132.** 10.82 (5) (c) of the statutes is amended to read:

23 10.82 (5) (c) *Date for special election.* The date for the special election shall be
24 not less than ~~62~~ 92 nor more than ~~77~~ 107 days from date of order except when the

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1 special election is held on the day of the spring election or the general election. See
2 s. 8.50 (2).

3 **SECTION 133.** 11.02 (3) of the statutes is amended to read:

4 11.02 (3) The Except as provided in sub. (3e), the “filing officer” for each
5 candidate for local office and for each committee which or individual who is acting
6 in support of or in opposition to any candidate for local office, but not any candidate
7 for state office, is the clerk of the most populous jurisdiction for which any candidate
8 who is supported or opposed seeks office.

9 **SECTION 134.** 11.02 (3e) of the statutes is created to read:

10 11.02 (3e) The “filing officer” for each candidate for municipal judge elected
11 under s. 755.01 (4) and for each committee which or individual who is acting in
12 support of or in opposition to such a candidate, but not any candidate for state office,
13 is the county clerk or board of election commissioners of the county having the largest
14 portion of the population in the jurisdiction served by the judge.

15 **SECTION 135.** 11.03 (1) of the statutes is amended to read:

16 11.03 (1) Elections for the positions of presidential elector, and convention
17 delegate ~~and party committeeman or committeewoman~~ are not subject to ss. 11.05
18 to 11.23 and 11.26 to 11.29.

19 **SECTION 136.** 11.60 (4) and (5) of the statutes are amended to read:

20 11.60 (4) Actions under this section arising out of an election for state office or
21 a statewide referendum may be brought by the board or by the district attorney of
22 the county where the violation is alleged to have occurred, except as specified in s.
23 11.38. Actions under this section arising out of an election for local office or a local
24 referendum may be brought by the district attorney of the county where the violation
25 is alleged to have occurred. Actions under this section arising out of an election for

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1 county office or a county referendum may be brought by the county board of election
2 commissioners of the county wherein the violation is alleged to have occurred. If a
3 violation concerns a district attorney or circuit judge or candidate for such offices, the
4 action shall be brought by the attorney general. If a violation concerns the attorney
5 general or a candidate for such office, the governor may appoint special counsel
6 under s. 14.11 (2) to bring suit in behalf of the state. The counsel shall be independent
7 of the attorney general and need not be a state employe at the time of appointment.

8 (5) Any elector may file a verified petition with the board, the county board of
9 election commissioners or the appropriate district attorney or ~~both~~ with more than
10 one of them where ~~the~~ their authority is concurrent under sub. (4), requesting that
11 civil action under this chapter be brought against any person, committee or group.
12 The petition shall allege such facts as are within the knowledge of the petitioner to
13 show probable cause that a violation of this chapter has occurred.

14 **SECTION 137.** 24.66 (4) of the statutes is amended to read:

15 24.66 (4) POPULAR VOTE, WHEN REQUIRED. If any municipality is not empowered
16 by law to incur indebtedness for a particular purpose without first submitting the
17 question to its electors, the application for a state trust fund loan for that purpose
18 must be approved and authorized by a majority vote of the electors at a special
19 election called, noticed and held in the manner provided for other special elections.
20 The question to be voted on shall be filed as provided in s. 8.37. The notice of the
21 election shall state the amount of the proposed loan and the purpose for which it will
22 be used.

23 **SECTION 138.** 32.72 (1) of the statutes is amended to read:

24 32.72 (1) Sections 32.50 to 32.71 do not take effect in any city until the following
25 question is submitted to the electors of the city at a special election and adopted by

ASSEMBLY BILL 959**SECTION 138**

1 a majority vote of the electors voting: "Shall subchapter II of chapter 32, Wisconsin
2 Statutes, be effective in the city of, thus allowing the city to acquire and
3 condemn property for street widening and similar purposes, financed through
4 assessments of benefits and damages?". The question shall be filed as provided in
5 s. 8.37.

6 **SECTION 139.** 38.08 (1) (a) 1. of the statutes is amended to read:

7 38.08 (1) (a) 1. A district board shall administer the district and shall be
8 composed of 9 members who are residents of the district, including 2 employers, 2
9 employes, 3 additional members, a school district administrator, as defined under s.
10 115.001 (8), and one elected official who holds a state or local office, as defined in s.
11 5.02, ~~except for the office of party committeeman or party committeewoman.~~ The
12 board shall by rule define "employer" and "employee" for the purpose of this
13 subdivision.

14 **SECTION 140.** 59.05 (2) of the statutes, as affected by 1997 Wisconsin Act 35,
15 is amended to read:

16 59.05 (2) If two-fifths of the legal voters of any county, to be determined by the
17 registration or poll lists of the last previous general election held in the county, the
18 names of which voters shall appear on some one of the registration or poll lists of such
19 election, present to the board a petition conforming to the requirements of s. 8.40
20 asking for a change of the county seat to some other place designated in the petition,
21 the board shall submit the question of removal of the county seat to a vote of the
22 qualified voters of the county. The board shall file the question as provided in s. 8.37.
23 The election shall be held only on the day of the general election, notice of the election
24 shall be given and the election shall be conducted as in the case of the election of
25 officers on that day, and the votes shall be canvassed, certified and returned in the

ASSEMBLY BILL 959**SECTION 140**

1 same manner as other votes at that election. The question to be submitted shall be
2 “Shall the county seat of county be removed to?”.

3 **SECTION 141.** 59.08 (7) (b) of the statutes is amended to read:

4 59.08 (7) (b) The question of the consolidation of the counties shall be submitted
5 to the voters at the next election to be held on the first Tuesday in April, or the next
6 regular election, or at a special election to be held on the day fixed in the order issued
7 under par. (a), which day shall be the same in each of the counties proposing to
8 consolidate. A copy of the order shall be filed with the county clerk of each of the
9 counties as provided in s. 8.37. If the question of consolidation is submitted at a
10 special election, it shall be held not less than ~~30~~ 42 days nor more than 60 days from
11 the completion of the consolidation agreement, but not within 60 days of any spring
12 or general election.

13 **SECTION 142.** 60.24 (3) (a) of the statutes is amended to read:

14 60.24 (3) (a) Nominate individuals for service as election officials ~~when to the~~
15 town board whenever the town board disapproves the nominee of a party committee
16 under s. 7.30 (4) ~~(b) 2.~~ and the names of additional nominees are not available.

17 **SECTION 143.** 60.30 (4) (b) of the statutes is amended to read:

18 60.30 (4) (b) The regular term of elected town officers, other than the town
19 assessor, commences on the ~~2nd~~ 3rd Tuesday of April in the year of their election.
20 The regular term of an elected assessor commences on June 1 in the year of the
21 assessor's election.

22 **SECTION 144.** 60.62 (2) of the statutes is amended to read:

23 60.62 (2) If the county in which the town is located has enacted a zoning
24 ordinance under s. 59.69, the exercise of the authority under sub. (1) is subject to
25 approval by the town meeting or by a referendum vote of the electors of the town held

ASSEMBLY BILL 959**SECTION 144**

1 at the time of any regular or special election. The question for the referendum vote
2 shall be filed as provided in s. 8.37.

3 **SECTION 145.** 60.74 (5) (b) of the statutes is amended to read:

4 60.74 (5) (b) A petition conforming to the requirements of s. 8.40 signed by
5 qualified electors of the district equal to at least 20% of the vote cast for governor in
6 the district at the last gubernatorial election, requesting a change to appointment
7 of commissioners, may be submitted to the town board, subject to sub. (5m) (a). The
8 petition shall be filed as provided in s. 8.37. Upon receipt of the petition, the town
9 board shall submit the question to a referendum at the next regular spring election
10 or general election, or shall call a special election for that purpose. The inspectors
11 shall count the votes and submit a statement of the results to the commission. The
12 commission shall canvass the results of the election and certify the results to the
13 town board which has authority to appoint commissioners.

14 **SECTION 146.** 60.785 (2) (a) of the statutes is amended to read:

15 60.785 (2) (a) Any town sanitary district may be consolidated with a contiguous
16 town sanitary district by resolution passed by a two-thirds vote of all of the
17 commissioners of each district, fixing the terms of the consolidation and ratified by
18 the qualified electors of each district at a referendum held in each district. The
19 resolution shall be filed as provided in s. 8.37. The ballots shall contain the words
20 “for consolidation”, and “against consolidation”. If a majority of the votes cast on the
21 referendum in each town sanitary district are for consolidation, the resolutions are
22 effective and have the force of a contract. Certified copies of the resolutions and the
23 results of the referendum shall be filed with the secretary of natural resources and
24 the original documents shall be recorded with the register of deeds in each county
25 in which the consolidated district is situated.

ASSEMBLY BILL 959**SECTION 147**

1 **SECTION 147.** 61.187 (1) of the statutes is amended to read:

2 61.187 (1) PROCEDURE. Whenever a petition conforming to the requirements
3 of s. 8.40, signed by at least one-third as many electors of any village as voted for
4 village officers at the next preceding election therefor, shall be presented to the
5 village board, and filed as provided in s. 8.37, praying for dissolution of the village
6 corporation, such board shall submit to the electors of such village, for determination
7 by ballot in substantially the manner provided by ss. 5.64 (2) and 10.02, at a general
8 election or at a special election called by them for that purpose, the question whether
9 or not such village corporation shall be dissolved.

10 **SECTION 148.** 61.46 (1) of the statutes is amended to read:

11 61.46 (1) GENERAL; LIMITATION. The village board shall, on or before December
12 15 in each year, by resolution to be entered of record, determine the amount of
13 corporation taxes to be levied and assessed on the taxable property in such village
14 for the current year. Before levying any tax for any specified purpose, exceeding one
15 percent of the assessed valuation aforesaid, the village board shall, and in all other
16 cases may in its discretion, submit the question of levying the same to the village
17 electors at any general or special election by giving 10 days' notice thereof prior to
18 such election by publication in a newspaper published in the village, if any, and if
19 there is none, then by posting notices in 3 public places in said village, setting forth
20 in such notices the object and purposes for which such taxes are to be raised and the
21 amount of the proposed tax. The village board shall file the question as provided in
22 s. 8.37.

23 **SECTION 149.** 62.13 (6) (b) of the statutes is amended to read:

24 62.13 (6) (b) The provisions of this subsection shall apply only if adopted by the
25 electors. Whenever not less than ~~30~~ 42 days prior to a regular city election a petition

ASSEMBLY BILL 959**SECTION 149**

1 therefor, conforming to the requirements of s. 8.40 and signed by electors equal in
2 number to not less than 20% of the total vote cast in the city for governor at the last
3 general election, shall be filed with the clerk as provided in s. 8.37, the clerk shall give
4 notice in the manner of notice of the regular city election of a referendum on the
5 adoption of this subsection. Such referendum election shall be held with the regular
6 city election, and the ballots shall conform with the provisions of ss. 5.64 (2) and
7 10.02, and the question shall be "Shall s. 62.13 (6) of the statutes be adopted?"

8 **SECTION 150.** 64.39 (2) of the statutes is amended to read:

9 64.39 (2) Such petition shall conform to the requirements of s. 8.40 and shall
10 be signed by qualified electors of such city at least equal in number to 25% of the total
11 number of votes cast in such city for all candidates for governor at the last preceding
12 general election. Such petition shall be filed with the city clerk as provided in s. 8.37
13 and after being so filed, no name shall be erased or removed therefrom and no
14 signature shall be valid or be counted unless its date is less than one month preceding
15 the date of such filing.

16 **SECTION 151.** 66.021 (5) (a) of the statutes is amended to read:

17 66.021 (5) (a) *Notice.* Within 60 days after the filing of the petition, the common
18 council or village board may accept or reject the petition and if rejected no further
19 action shall be taken thereon. Acceptance may consist of adoption of an annexation
20 ordinance. Failure to reject the petition shall obligate the city or village to pay the
21 cost of any referendum favorable to annexation. If the petition is not rejected the
22 clerk of the city or village with whom the annexation petition is filed shall give
23 written notice thereof by personal service or registered mail with return receipt
24 requested to the clerk of any town from which territory is proposed to be detached
25 and shall give like notice to any person who files a written request therefor with the

ASSEMBLY BILL 959**SECTION 151**

1 clerk. Such notice shall indicate whether the petition is for direct annexation or
2 whether it requests a referendum on the question of annexation. If the notice
3 indicates that the petition is for a referendum on the question of annexation, the
4 clerk of the city or village shall file the notice as provided in s. 8.37. If the notice
5 indicates that the petition is for a referendum on the question of annexation, the
6 town clerk shall give notice as provided in par. (c) of a referendum of the electors
7 residing in the area proposed for annexation to be held ~~within 30~~ not less than 42
8 days nor more than 72 days after the date of personal service or mailing of the notice
9 required under this paragraph. If the notice indicates that the petition is for direct
10 annexation, no referendum shall be held unless within 30 days after the date of
11 personal service or mailing of the notice required under this paragraph, a petition
12 conforming to the requirements of s. 8.40 requesting a referendum is filed with the
13 town clerk as provided in s. 8.37, signed by at least 20% of the electors residing in the
14 area proposed to be annexed. If such a petition is filed, the clerk shall give notice as
15 provided in par. (c) of a referendum of the electors residing in the area proposed for
16 annexation to be held ~~within 30~~ not less than 42 days nor more than 72 days ~~of~~ after
17 the receipt of the petition and shall mail a copy of such notice to the clerk of the city
18 or village to which the annexation is proposed. Any referendum shall be held at some
19 convenient place within the town to be specified in the notice.

20 **SECTION 152.** 66.022 (3) of the statutes is amended to read:

21 66.022 (3) The governing body of any city, village or town involved may, or if
22 a petition conforming to the requirements of s. 8.40 signed by a number of qualified
23 electors thereof equal to at least 5% of the votes cast for governor in the city, village
24 or town at the last gubernatorial election, demanding a referendum thereon, is
25 presented to it within 30 days after the passage of either of the ordinances herein

ASSEMBLY BILL 959**SECTION 152**

1 provided for shall, cause the question to be submitted to the electors of the city,
2 village or town whose electors petitioned therefor, at a referendum election called for
3 such purpose ~~within 30~~ not less than 42 days nor more than 72 days after the filing
4 of such petition, or after the enactment of either ordinance. The petition shall be filed
5 as provided in s. 8.37. Whenever a number of electors cannot be determined on the
6 basis of reported election statistics, the number shall be determined in accordance
7 with s. 60.74 (6). The governing body of the municipality shall appoint 3 election
8 inspectors who shall be resident electors to supervise the referendum. The ballots
9 shall contain the words "For Detachment" and "Against Detachment". The
10 inspectors shall certify the results of the election by their affidavits annexed thereto
11 and file a copy with the clerk of each town, village or city involved, and none of the
12 ordinances so provided for shall take effect nor be in force unless a majority of the
13 electors shall approve the same. The referendum election shall be conducted in
14 accordance with chs. 6 and 7 insofar as applicable.

15 **SECTION 153.** 66.023 (4) (e) 1. and 2. of the statutes are amended to read:

16 66.023 (4) (e) 1. Within 30 days after adoption of a final plan under par. (d), the
17 governing body of a participating municipality may adopt a resolution calling for an
18 advisory referendum on the plan. An advisory referendum shall be held if, within
19 30 days after adoption of the final plan under par. (d), a petition, signed by a number
20 of qualified electors equal to at least 10% of the votes cast for governor in the
21 municipality at the last gubernatorial election, is filed with the clerk of a
22 participating municipality and as provided in s. 8.37, requesting an advisory
23 referendum on the cooperative plan. The petition shall conform to the requirements
24 of s. 8.40.

ASSEMBLY BILL 959**SECTION 153**

1 2. The advisory referendum shall be held ~~within 30~~ not less than 42 days nor
2 more than 72 days after adoption of the resolution under subd. 1. calling for the
3 referendum or ~~within 30~~ not less than 42 days nor more than 72 days after receipt
4 of the petition by the municipal clerk. The municipal clerk shall give notice of the
5 referendum by publishing a notice in a newspaper of general circulation in the
6 municipality, both on the publication day next preceding the advisory referendum
7 election and one week prior to that publication date.

8 **SECTION 154.** 66.024 (4) (a) and (b) of the statutes are amended to read:

9 66.024 (4) (a) If the court, after such hearing, is satisfied as to the correctness
10 of the description of the territory or any survey and that the provisions of this section
11 have been complied with, it shall make an order so declaring and shall direct a
12 referendum election within the territory which shall be described in the order, on the
13 question, whether such area should be annexed. Such order shall be filed as provided
14 in s. 8.37. Such order shall direct 3 electors named therein residing in the town in
15 which the territory proposed to be annexed lies, to perform the duties of inspectors
16 of election.

17 (b) The referendum election shall be held ~~within 30~~ not less than 42 days nor
18 more than 72 days after the ~~entry~~ filing of the order as provided in s. 8.37, in the
19 territory proposed for annexation, by the electors of such territory as provided in s.
20 66.021 (5), so far as applicable. The ballots shall contain the words "For Annexation"
21 and "Against Annexation". The certification of the election inspectors shall be filed
22 with the clerk of the court, and the clerk of any municipality involved, but need not
23 be filed or recorded with the register of deeds.

24 **SECTION 155.** 66.027 of the statutes is amended to read:

ASSEMBLY BILL 959**SECTION 155**

1 **66.027 Municipal boundaries, fixed by judgment.** Any 2 municipalities
2 whose boundaries are immediately adjacent at any point and who are parties to any
3 action, proceeding or appeal in court for the purpose of testing the validity or
4 invalidity of any annexation, incorporation, consolidation or detachment, may enter
5 into a written stipulation, compromising and settling any such litigation and
6 determining the common boundary line between the municipalities. The court
7 having jurisdiction of the litigation, whether it is a circuit court, the court of appeals
8 or the supreme court, may enter a final judgment incorporating the provisions of the
9 stipulation and fixing the common boundary line between the municipalities
10 involved. Any stipulation changing boundaries of municipalities shall be approved
11 by the governing bodies of the detaching and annexing municipalities and s. 66.021
12 (8) and (10) shall apply. Any change of civil municipal boundaries under this section
13 is subject to a referendum of the electors residing within the territory annexed or
14 detached, if within 30 days after the publication of the stipulation to change
15 boundaries in a newspaper of general circulation in the area proposed to be annexed
16 or detached, a petition for a referendum conforming to the requirements of s. 8.40
17 signed by at least 20% of the electors of the area to be annexed or detached, is filed
18 with the clerk of the municipality from which the area is proposed to be detached and
19 is filed as provided in s. 8.37. The referendum shall be conducted as are annexation
20 referenda. If the referendum election is opposed to detachment from the
21 municipality, all proceedings under this section are void. For the purposes of this
22 section "municipalities" includes cities, villages and towns.

23 **SECTION 156.** 66.028 (6) (a) and (b) of the statutes are amended to read:

24 66.028 (6) (a) Within 30 days after the hearing under sub. (3), the governing
25 body of a participating municipality may adopt a resolution calling for an advisory

ASSEMBLY BILL 959**SECTION 156**

1 referendum on the agreement. An advisory referendum shall be held if, within 30
2 days after the hearing under sub. (3), a petition, signed by a number of qualified
3 electors equal to at least 10% of the votes cast for governor in the municipality at the
4 last gubernatorial election, is filed with the clerk of a participating municipality,
5 requesting an advisory referendum on the revenue sharing plan. The petition shall
6 conform to the requirements of s. 8.40 and shall be filed as provided in s. 8.37. If an
7 advisory referendum is held, the municipality's governing body may not vote to
8 approve the agreement under sub. (2) until the report under par. (d) is filed.

9 (b) The advisory referendum shall be held ~~within 30~~ not less than 42 days nor
10 more than 72 days after adoption of the resolution under par. (a) calling for the
11 referendum or ~~within 30~~ not less than 42 days nor more than 72 days after receipt
12 of the petition under par. (a) by the municipal clerk. The municipal clerk shall give
13 notice of the referendum by publishing a notice in a newspaper of general circulation
14 in the municipality, both on the publication day next preceding the advisory
15 referendum election and one week prior to that publication date.

16 **SECTION 157.** 66.059 (2m) (b) of the statutes is amended to read:

17 66.059 (2m) (b) If a referendum is to be held on a resolution, the municipal
18 governing body shall file the resolution as provided in s. 8.37 and shall direct the
19 municipal clerk to call a special election for the purpose of submitting the resolution
20 to the electors for a referendum on approval or rejection. In lieu of a special election,
21 the municipal governing body may specify that the election be held at the next
22 succeeding spring primary or election or September primary or general election.

23 **SECTION 158.** 66.061 (1) (c) of the statutes is amended to read:

24 66.061 (1) (c) No such ordinance shall be operative until 60 days after passage
25 and publication unless sooner approved by a referendum. Within that time electors

ASSEMBLY BILL 959**SECTION 158**

1 equal in number to ~~20 per cent~~ 20% of those voting at the last regular municipal
2 election, may demand a referendum. The demand shall be in writing and filed with
3 the clerk and as provided in s. 8.37. Each signer shall state his or her occupation and
4 residence and signatures shall be verified by the affidavit of an elector. The
5 referendum shall be held at the next regular municipal election, or at a special
6 election within 90 days of the filing of the demand, and the ordinance shall not be
7 effective unless approved by a majority of the votes cast thereon. This paragraph
8 shall not apply to extensions by a utility previously franchised by the village or city.

9 **SECTION 159.** 66.075 (5) of the statutes is amended to read:

10 66.075 (5) The provisions of this section shall apply only to such counties, cities,
11 villages and towns as shall have adopted the same at any general or municipal
12 election at which the question of the establishment of such county or municipal
13 slaughterhouse shall have been submitted to the voters of such county, city, village
14 or town. Such question shall, upon the filing of a petition conforming to the
15 requirements of s. 8.40 by electors of such county, city, village or town equal in
16 number to at least 10% of all the votes cast in such county, city, village or town for
17 governor at the last preceding general election, be submitted to the electors of such
18 county, city, village or town at the next ensuing election, ~~and if.~~ The petition shall
19 be filed as provided in s. 8.37. If a majority of votes cast shall be in favor of the
20 establishment of such slaughterhouse, the provisions of this section shall apply to
21 such county, city, village or town.

22 **SECTION 160.** 66.521 (10) (d) of the statutes is amended to read:

23 66.521 (10) (d) The governing body may issue bonds under this section without
24 submitting the proposition to the electors of the municipality for approval unless
25 within 30 days from the date of publication of notice of adoption of the initial

ASSEMBLY BILL 959**SECTION 160**

1 resolution for such bonds, a petition conforming to the requirements of s. 8.40, signed
2 by not less than 5% of the registered electors of the municipality, or, if there is no
3 registration of electors in the municipality, by 10% of the number of electors of the
4 municipality voting for the office of governor at the last general election as
5 determined under s. 115.01 (13), is filed with the clerk of the municipality and as
6 provided in s. 8.37 requesting a referendum upon the question of the issuance of the
7 bonds. If such a petition is filed, the bonds shall not be issued until approved by a
8 majority of the electors of the municipality voting thereon at a general or special
9 election.

10 **SECTION 161.** 66.77 (3) (a) 1. of the statutes is amended to read:

11 66.77 (3) (a) 1. If the governing body of a county wishes to exceed the operating
12 levy rate limit otherwise applicable to the county under this section, it shall adopt
13 a resolution to that effect. The resolution shall specify either the operating levy rate
14 or the operating levy that the governing body wishes to impose for either a specified
15 number of years or an indefinite period. The governing body shall call a special
16 referendum for the purpose of submitting the resolution to the electors of the county
17 for approval or rejection. In lieu of a special referendum, the governing body may
18 specify that the referendum be held at the next succeeding spring primary or election
19 or September primary or general election to be held not earlier than ~~30~~ 42 days after
20 the adoption of the resolution of the governing body. The governing body shall file
21 the resolution to be submitted to the electors as provided in s. 8.37.

22 **SECTION 162.** 66.94 (4) of the statutes is amended to read:

23 66.94 (4) MANNER OF ADOPTION. This section may be adopted by any city, village
24 or town within the metropolitan district in the following manner: The governing body
25 of any municipality, by ordinance passed at least ~~30~~ 42 days prior to submission of

ASSEMBLY BILL 959**SECTION 162**

1 the question, may direct that the question of the adoption of this section be submitted
2 to the electors therein at any general, special, judicial or local election. The question
3 shall be filed as provided in s. 8.37. The clerk of such municipality or the election
4 commission of any city of the first class shall thereupon submit the question to
5 popular vote. Public notice of the election shall be given in the same manner as in
6 case of a regular municipal election except that such notice shall be published or
7 posted at least 20 days prior to the election. If a majority of those voting on the
8 question vote in the affirmative thereon, this section shall be adopted in such
9 municipality. The proposition on the ballot to be used at such election shall be in
10 substantially the following form:

11 Shall section 66.94 of the Wisconsin statutes which creates a metropolitan
12 transit authority for ownership and operation of a public mass transportation system
13 in the metropolitan district be adopted?

14 YES NO

15 **SECTION 163.** 67.05 (3) (am) of the statutes is created to read:

16 67.05 (3) (am) The question on which the referendum is held shall be filed as
17 provided in s. 8.37.

18 **SECTION 164.** 67.12 (12) (e) 6. of the statutes is amended to read:

19 67.12 (12) (e) 6. A copy of any resolution of the district board under subd. 5.
20 which requires a referendum shall be promptly transmitted by the secretary of the
21 district board to the county clerk or board of election commissioners of each county
22 any part of which is contained within the district. A copy of the resolution shall be
23 filed as provided in s. 8.37. Costs of the referendum shall be borne as provided in ss.
24 5.68 and 7.03.

25 **SECTION 165.** 81.01 (3) (b) of the statutes is amended to read:

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1 81.01 (3) (b) The town board by resolution submits to the electors of the town
2 as a referendum at a general or special town election the question of exceeding the
3 \$10,000 limit set under this subsection. A copy of the resolution shall be filed as
4 provided in s. 8.37. The board shall abide by the majority vote of the electors of the
5 town on the question. The question shall read as follows:

6 Shall the town of ... spend \$... over the annual limit of \$10,000 for the
7 construction and repair of its highways and bridges?

8 FOR SPENDING AGAINST SPENDING

9 **SECTION 166.** 86.21 (2) (a) of the statutes is amended to read:

10 86.21 (2) (a) Before any such toll bridge is constructed or acquired under this
11 section, a resolution authorizing the construction or acquisition thereof, and
12 specifying the method of payment therefor, shall be adopted by a majority of the
13 members of the governing body of such county, town, village or city at a regular
14 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The
15 resolution shall include a general description of the property it is proposed to acquire
16 or construct. Any county, town, village or city constructing or acquiring a toll bridge
17 under this section may provide for the payment of the same or any part thereof from
18 the general fund, from taxation, or from the proceeds of either municipal bonds,
19 revenue bonds or as otherwise provided by law. Such resolution shall not be effective
20 until 15 days after its passage and publication. If within said 15 days a petition
21 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality,
22 and filed as provided in s. 8.37, signed by at least 20% of the electors thereof
23 requesting that the question of acquiring such toll bridge be submitted to the said
24 electors, such question shall be submitted at any general or regular municipal
25 election that ~~may be~~ is held not less sooner than ~~10 nor more than 40~~ 42 days from

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1 the date of filing such petition. In case no such general or regular municipal election
2 is to be held within such stated period, then the governing body of such municipality
3 shall order a special election to be held within 30 days from the filing of such petition
4 upon the question of whether such toll bridge shall be acquired by said municipality.
5 The question submitted to the electors shall specify the method of payment for such
6 toll bridge as provided in the resolution for the acquisition thereof. If no such petition
7 is filed, or if the majority of votes cast at such referendum election are in favor of the
8 acquisition of such toll bridge, then the resolution of the governing body for the
9 acquisition of such toll bridge shall be in effect.

10 **SECTION 167.** 92.11 (4) (c) of the statutes is amended to read:

11 92.11 (4) (c) *Wording of ballot question; procedure.* The county board shall
12 include the wording of the question to be placed before the electors in the referendum
13 as a part of the ordinance adopted under this section or the revision to an ordinance
14 adopted under this section. Upon the adoption of the ordinance or revision the county
15 board shall forward a copy of the ordinance or revision to the county clerk who shall
16 cause the question to be placed before the voters of the affected area in the next
17 spring or general election occurring not less than 45 days after the adoption of the
18 ordinance or revision. The form of the ballot shall correspond substantially with to
19 the form "D" annexed to prescribed under s. 5.64 (2).

20 **SECTION 168.** 119.48 (4) (c) of the statutes is amended to read:

21 119.48 (4) (c) Upon receipt of the communication, the common council shall file
22 the communication as provided in s. 8.37 and shall cause the question of exceeding
23 the levy rate specified under s. 65.07 (1) (f) to be submitted to the voters of the city
24 at the September election or at a special election. The question of exceeding the levy
25 rate specified under s. 65.07 (1) (f) shall be submitted upon a separate ballot or in

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1 some other manner so that the vote upon exceeding the levy rate specified in s. 65.07
2 (1) (f) is taken separately from any other question submitted to the voters. If a
3 majority of the electors voting on the question favors exceeding the levy rate specified
4 under s. 65.07 (1) (f), the common council shall approve the increase in the levy rate
5 and shall levy and collect a tax equal to the amount of money approved by the
6 electors.

7 **SECTION 169.** 119.49 (2) of the statutes is amended to read:

8 119.49 (2) Upon receipt of the communication, the common council shall file the
9 communication as provided in s. 8.37 and shall cause the question of issuing such
10 school bonds in the stated amount and for the stated school purposes to be submitted
11 to the voters of the city at the next election held in the city. The question of issuing
12 such school bonds shall be submitted upon a separate ballot or in some other manner
13 so that the vote upon issuing such school bonds is taken separately from any other
14 question submitted to the voters. If a majority of the electors voting on the school
15 bond question favors issuing such school bonds, the common council shall cause the
16 school bonds to be issued immediately or within the period permitted by law, in the
17 amount requested by the board and in the manner other bonds are issued.

18 **SECTION 170.** 120.06 (6) (b) of the statutes is amended to read:

19 120.06 (6) (b) No later than the first Tuesday in December prior to the spring
20 election, the school district clerk shall publish a type A notice of the school district
21 election under s. 10.01 (2) (a). Except as authorized in this paragraph, no later than
22 5 p.m. on the first Tuesday in January prior to the spring election, or on the next day
23 if Tuesday is a holiday, any qualified elector of the school district, other than a
24 write-in candidate, as defined in s. 5.02 (26), may file a sworn declaration of
25 candidacy with the school district clerk in the form provided in s. 8.21 at the place

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1 specified in the notice. A write-in candidate may file a declaration of candidacy no
2 later than 5 p.m. before the day of the primary or other election at which the
3 candidate seeks office. If the school district contains territory lying within a 2nd
4 class city, or if the school board or annual meeting requires nomination papers under
5 par. (a), any qualified elector of the school district who desires to be a candidate, other
6 than a write-in candidate, shall in addition file nomination papers in the form
7 prescribed under s. 8.10 (2) and (3) with the school district clerk at the place specified
8 in the notice. If an incumbent fails to file a declaration of candidacy, and nomination
9 papers, where required, within the time prescribed by this paragraph, all candidates
10 for the office held by the incumbent, other than the incumbent, may file a declaration
11 of candidacy and nomination papers, where required, no later than 72 hours after the
12 latest time prescribed in this paragraph. No extension of the time for filing a
13 declaration of candidacy or nomination papers applies if the incumbent files written
14 notification with the school district clerk, no later than 5 p.m. on the 2nd Friday
15 preceding the latest time prescribed in this paragraph for filing declarations of
16 candidacy, that the incumbent is not a candidate for reelection to his or her office, and
17 the incumbent does not file a declaration of candidacy for that office within the time
18 prescribed in this paragraph. In the case of a 3-member school board, the qualified
19 elector shall state in his or her declaration of candidacy and on the face of his or her
20 nomination papers, if any, the office for which the elector is a candidate. In the case
21 of an apportioned or numbered school board, the qualified elector shall state in his
22 or her declaration of candidacy and on the face of his or her nomination papers, if any,
23 the apportioned area or numbered seat for which the elector is a candidate. If a
24 candidate has not filed a registration statement under s. 11.05 by the time he or she
25 files a declaration of candidacy, the candidate shall file the statement with the

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1 declaration. A candidate shall file an amended declaration under oath with the
2 school district clerk in the event of a change in any information provided in the
3 declaration as provided in s. 8.21.

4 **SECTION 171.** 120.06 (7) (a) of the statutes is amended to read:

5 120.06 (7) (a) No later than 5 p.m. on the 2nd Tuesday in January, the school
6 district clerk shall verify the declarations of candidacy and certify the names of
7 candidates who have filed valid nomination papers, where required, and who qualify
8 for office. In making verifications or certifications, the school district clerk shall
9 designate the form of each candidate's name to appear on the ballot in the manner
10 prescribed in s. 7.08 (2) (a). Once filed, a declaration of candidacy or nomination
11 papers may not be withdrawn. This paragraph does not apply to write-in
12 candidates, as defined in s. 5.02 (26).

13 **SECTION 172.** 120.06 (7) (b) of the statutes is amended to read:

14 120.06 (7) (b) The school board shall require a primary election if there are
15 more than 2 candidates, other than write-in candidates, as defined in s. 5.02 (26),
16 for any seat on a 3-member board or more than twice as many candidates as there
17 are members to be elected to an unnumbered school board of more than 3 members.
18 In school districts in which a plan of apportionment of school board members under
19 s. 120.02 (2) or a plan for election of school board members to numbered seats has
20 been adopted, the school board shall require a primary election for particular
21 apportioned areas for which there are more than twice as many candidates, other
22 than write-in candidates, as there are members to be elected and for any numbered
23 seat for which there are more than 2 candidates. When there is a primary election
24 it shall be held in conjunction with the spring primary.

25 **SECTION 173.** 120.06 (8) (dm) of the statutes is created to read:

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1 120.06 (8) (dm) Whenever a write-in candidate, as defined in s. 5.02 (26), files
2 a timely declaration of candidacy with the clerk, immediately notify the municipal
3 clerk or board of election commissioners of each municipality in the school district
4 of the name of the candidate and the office which the candidate seeks, unless there
5 are no candidates whose names appear on the ballot for that office or unless there
6 appears on the ballot the name of a deceased candidate for that office.

7 **SECTION 174.** 121.91 (3) (a) of the statutes is amended to read:

8 121.91 (3) (a) If a school board wishes to exceed the limit under sub. (1), (2) or
9 (2m) otherwise applicable to the school district in any school year, it shall promptly
10 adopt a resolution supporting inclusion in the final school district budget of an
11 amount equal to the proposed excess revenue. The resolution shall specify whether
12 the proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
13 proposed excess revenue is for both recurring and nonrecurring purposes, the
14 amount of the proposed excess revenue for each purpose. The resolution shall be filed
15 as provided in s. 8.37. The school board shall call a special referendum for the
16 purpose of submitting the resolution to the electors of the school district for approval
17 or rejection. In lieu of a special referendum, the school board may specify that the
18 referendum be held at the next succeeding spring primary or election or September
19 primary or general election, if such election is to be held not earlier sooner than ~~35~~
20 42 days after the ~~adoption~~ filing of the resolution of the school board.

21 **SECTION 175.** 125.05 (1) (b) 5. of the statutes is amended to read:

22 125.05 (1) (b) 5. The petition shall be filed with the clerk of the municipality
23 affected by the question at least ~~30~~ 42 days prior to the first Tuesday of April.

24 **SECTION 176.** 197.04 (1) of the statutes is amended to read:

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1 197.04 (1) Any municipality having determined to acquire an existing plant or
2 any part of the equipment of a public utility may discontinue all proceedings to that
3 end at any time within 90 days after the final determination of compensation by the
4 commission, by a vote of the electors as herein provided, or by a resolution to that
5 effect by its municipal council, provided that such resolution shall not be of force and
6 effect until 90 days after its passage and publication. If within either of said 90-day
7 periods a petition conforming to the requirements of s. 8.40 shall be filed with the
8 clerk of such municipality as provided in s. 8.37, in a city of the first class signed by
9 5% and in all other municipalities by 10% of the electors thereof, requesting that the
10 question of discontinuing said proceeding to acquire such plant or equipment be
11 submitted to the electors, such question shall be submitted to the said electors at any
12 general or regular municipal election that ~~may be~~ is held not less than 30, ~~and not~~
13 ~~more than 35,~~ 42 days from the date of the filing of the petition; and if no general
14 election or regular municipal election is to be held within the stated periods, then the
15 governing body of the municipality shall order the holding of a special election for the
16 purpose of submitting to the electors in case the petition is filed before the adoption
17 of such resolution the question whether said proceedings shall be discontinued, and
18 in case the petition is filed after the adoption of said resolution the question whether
19 the aforesaid resolution shall remain in effect and its adoption be ratified, and such
20 resolution shall not have force or effect unless a majority of the electors voting on
21 such question shall be in favor thereof.

22 **SECTION 177.** 197.10 (2) of the statutes is amended to read:

23 197.10 (2) Such contract when adopted by the common council of said city and
24 accepted by the owner or owners of such public utility shall be submitted to the public
25 service commission for its approval and upon such approval the same shall be filed

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1 as provided in s. 8.37 and submitted in such manner as the common council shall
2 determine to a vote of the electors of such city at the next regular municipal election
3 or at a special election called for that purpose, and such contract shall not become
4 binding upon such city until approved by a majority vote of the qualified electors of
5 such city voting thereon. No bonds shall in any case be issued by said city under the
6 contract or contracts mentioned in sub. (1), until the proposition of their issue shall
7 have been submitted to the people of such city and adopted by a majority of the
8 electors voting thereon.

9 **SECTION 178.** 755.01 (4) of the statutes, as affected by 1997 Wisconsin Act ...
10 (Assembly Bill 396), is amended to read:

11 755.01 (4) Two or more cities, towns or villages of this state may enter into an
12 agreement under s. 66.30 for the joint exercise of the power granted under sub. (1),
13 except that for purposes of this subsection, any agreement under s. 66.30 shall be
14 effected by the enactment of identical ordinances by each affected city, town or
15 village. Electors of each municipality entering into the agreement shall be eligible
16 to vote for the judge of the municipal court so established. If a municipality enters
17 into an agreement with a municipality that already has a municipal court, the
18 municipalities may provide by ordinance or resolution that the judge for the existing
19 municipal court shall serve as the judge for the joint court until the end of the term
20 or until a special election is held under s. 8.50 (4) (fm). Each municipality shall adopt
21 an ordinance or bylaw under sub. (1) prior to entering into the agreement. The
22 contracting municipalities need not be contiguous and need not all be in the same
23 county. ~~Upon entering into or discontinuing such an agreement, the contracting~~
24 ~~municipalities shall each transmit a certified copy of the ordinance effecting or~~
25 ~~discontinuing the agreement to the elections board. The elections board shall serve~~

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1 as filing officer for candidates for the office of municipal judge in any municipality
2 where an agreement is in effect. The contracting municipalities shall notify the
3 appropriate filing officer under s. 11.02 (3e) when the joint court is created. When
4 a municipal judge is elected under this subsection, candidates shall be nominated by
5 filing nomination papers under s. 8.10 (6) (bm), and shall register with the filing
6 officer specified in s. 11.02 (3e).

7 **SECTION 179.** 778.135 of the statutes is amended to read:

8 **778.135** (title) **~~Elections board~~ campaign finance forfeitures; how**
9 **recovered.** Notwithstanding s. 778.13, whenever any action or proposed action by
10 the elections board under s. 5.05 (1) (c) is settled as a result of agreement between
11 the parties without approval of the court, the moneys accruing to the state on account
12 of such settlement shall be paid to the board and deposited with the state treasurer.
13 Whenever any proposed action by a county board of election commissioners under s.
14 7.21 (2m) (a) is settled as a result of agreement between the parties, the moneys
15 accruing to the county on account of such settlement shall be paid to the board of
16 election commissioners and deposited with the county treasurer in the same manner
17 as provided for forfeitures under s. 778.13.

18 **SECTION 180. Nonstatutory provisions.**

19 (1) REFERENDUM. There shall be submitted to the vote of the electors in
20 November 1998 the following question: "Shall section 47 of 1997 Wisconsin Act ...
21 (this act), which extends the right to vote in federal elections in this state to the adult
22 children of U.S. citizens who resided in this state prior to establishing residency
23 abroad, become effective on January 1, 1999?" If the question is approved by a
24 majority of all votes cast on the question at the election, SECTION 47 of this act shall
25 become law; otherwise, it shall not take effect.

