



## 1999 ASSEMBLY BILL 434

August 19, 1999 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to  
Committee on Campaigns and Elections.

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), 10.66 (3) (b), 10.76 (1r)  
4            (a) and 10.76 (3) (a); **to renumber** 5.64 (2) (c); **to renumber and amend** 5.55  
5            (intro.), 5.58 (2) (a), 5.62 (1) (b), 5.62 (2), 5.64 (1) (e), 5.64 (3) (a), 5.64 (3) (b), 6.92  
6            (intro.), 6.925 (intro.) and 8.17 (4) (c); **to consolidate, renumber and amend**  
7            6.865 (intro.) and (1); **to amend** 5.01 (4) (a), 5.05 (1) (e), 5.15 (6) (b), 5.25 (1), 5.37  
8            (3), 5.58 (1c), 5.58 (1r), 5.58 (2m), 5.60 (1) (intro.), 5.60 (1) (b), 5.60 (8) (a), 5.62  
9            (1) (a), 5.62 (5), 5.64 (1) (intro.), 5.64 (1) (a), 5.64 (1) (b), 5.64 (1) (d), 5.64 (1) (f),  
10           5.65, 5.81 (2), 6.15 (3) (b), 6.24 (1), (2) and (3), 6.24 (5), 6.275 (1) (c), 6.28 (1), 6.29  
11           (1), 6.30 (3) (c), 6.77 (2), 6.79 (intro.), 6.79 (1), 6.79 (2), 6.79 (5), 6.80 (2) (e) and  
12           (f), 6.85, 6.86 (1) (b), 6.86 (3) (a), 6.87 (2), 6.88 (1), 7.30 (2) (a), 7.51 (2) (e), 7.51  
13           (2) (g), 7.51 (4) (a), 7.53 (1), 7.53 (2) (d), 7.53 (3) (a), 7.60 (2), 7.60 (4) (a), 7.60 (4)  
14           (b), 7.60 (4) (c), 7.60 (5), 7.60 (6), 7.70 (3) (d), 7.70 (3) (f), 8.05 (1) (j), 8.05 (3) (d)

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1 and (e), 8.05 (5), 8.10 (3) (intro.), 8.10 (6) (a), 8.11 (1) (d), (2) and (2m), 8.12 (2),  
2 8.15 (4) (a), 8.17 (1) (a), 8.17 (5) (b), 8.20 (3), 8.20 (9), 8.21, 8.35 (2) (a), 8.40 (2),  
3 8.50 (1) (a), 8.50 (1) (b), 8.50 (2) (a), 8.50 (4) (fm), 9.01 (1) (ag) 1. and 2., 9.01 (2),  
4 9.01 (5) (a), 9.01 (7) (a), 10.02 (3) (b) 1., 10.02 (3) (b) 2., 10.02 (3) (b) 2m., 10.02  
5 (3) (b) 3. and 4., (c) and (d), 10.82 (1) (e), 10.82 (2) (d), 10.82 (3) (d), 10.82 (4) (d),  
6 10.82 (5) (c), 11.02 (3), 11.03 (1), 11.60 (4) and (5), 24.66 (4), 32.72 (1), 38.08 (1)  
7 (a) 1., 59.05 (2), 59.08 (7) (b), 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) (b),  
13 197.10 (2), 755.01 (4) and 778.135; and **to create** 5.02 (26), 5.25 (4) (d), 5.51 (8),  
14 5.62 (1) (b) 2., 5.62 (2) (b), 5.64 (1) (e) 2., 5.64 (1) (eg), 5.655, 6.77 (3), 7.08 (5),  
15 7.10 (5), 7.10 (6), 7.15 (1) (L), 7.21 (2m), 8.10 (6) (bm), 8.17 (5) (bm), 8.37, 9.01  
16 (1) (ag) 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 procedure for challenging electors; terms of  
9 office of town officers; requiring a referendum and granting rule-making  
10 authority.

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***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.

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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**

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

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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, an election inspector 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 inspector must administer an oath to the challenged elector and must ask 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?

(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?

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(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 two 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 2000.

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

III. ROLE OF POLITICAL PARTIES AND CANDIDATES

•Election of Committeemen or Committeewomen

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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 three 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 five 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".

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

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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 two 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 two 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 two-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 two 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 two 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 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 two qualified electors of the county appointed by the clerk. If the county clerk's office

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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 to 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.

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 referendum 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.



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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 official or agency responsible for the preparation of the ballots no later than six weeks prior to the election at which the question will appear. If, under current law, a referendum may be held sooner than six 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 six 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 that 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 accept a copy of the petition personally.

**•Minutes of Recount Proceedings**

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

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time prescribed by the statutes in which the hearing must be held appears to conflict in two different statutory provisions. One provision requires the hearing to be held within five 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.

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

1           **SECTION 1.** 5.01 (4) (a) of the statutes is amended to read:

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

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

10          5.02 (26) “Write-in candidate” means a candidate who seeks or receives votes  
11 at an election for an office without qualifying to have his or her name appear on the  
12 ballot at that election for the office for which the candidate seeks or receives votes.

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

14          5.05 (1) (e) Delegate to its executive director the authority to issue a subpoena  
15 under par. (b), apply for a search warrant under par. (b), commence an action under  
16 par. (d), intervene in an action or proceeding under sub. (9), issue an order under s.  
17 5.06, exempt a polling place from accessibility requirements under s. 5.25 (4) (a),  
18 exempt a municipality from the requirement to use voting machines or an electronic  
19 voting system under s. 5.40 (5m), approve an electronic data recording system for

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1 maintaining poll lists under s. 6.79, or authorize nonappointment of an individual  
2 who is nominated to serve as an election official under s. 7.30 (4) (e), subject to such  
3 limitations as the board deems appropriate.

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

5 5.15 **(6)** (b) No later than 60 days before each September primary and general  
6 election, and no later than 30 days before each other election the governing body of  
7 any municipality may by resolution combine 2 or more wards for voting purposes to  
8 facilitate using a common polling place. Whenever wards are so combined, the  
9 original ward numbers shall continue to be utilized for all official purposes. Except  
10 as otherwise authorized under this paragraph, every municipality having a  
11 population of 50,000 or more, ~~or 35,000 or more after June 1, 1996~~, shall maintain  
12 separate returns for each ward so combined. In municipalities having a population  
13 of less than 50,000, ~~or less than 35,000 after June 1, 1996~~, the governing body may  
14 provide in the resolution that returns shall be maintained only for each group of  
15 combined wards at any election. ~~In municipalities having a population as shown in~~  
16 ~~the 1990 federal decennial census of at least 87,000 but not more than 150,000, the~~  
17 ~~governing body may provide in a resolution adopted prior to June 1, 1996 that groups~~  
18 ~~of not more than 2 wards shall use common ballot boxes and ballots or voting~~  
19 ~~machines and that returns shall be maintained only for each group of combined~~  
20 ~~wards at any election held prior to June 1, 1996.~~ Whenever a governing body  
21 provides for common ballot boxes and ballots or voting machines, separate returns  
22 shall be maintained for each separate ballot required under ss. 5.62 and 5.64 at the  
23 September primary and general election. The municipal clerk shall transmit a copy  
24 of the resolution to the county clerk of each county in which the municipality is  
25 contained. In municipalities having a population of less than 50,000, ~~or less than~~

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1 35,000 after June 1, 1996, the resolution shall remain in effect for each election until  
2 modified or rescinded, or until a new division is made under this section.

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

4 5.25 (1) All elections under chs. 5 to 12 shall be held at the polling places  
5 provided in this section. ~~So far as practicable, the~~ The places chosen shall be public  
6 buildings, ~~unless the use of a public building for this purpose is impracticable or a~~  
7 ~~nonpublic building better serves the needs of the electorate, as determined by the~~  
8 ~~authority charged with the responsibility for establishing polling places under sub.~~  
9 (2).

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

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

12 5.25 (4) (d) No later than June 30, 2001, and every 2 years thereafter, the board  
13 shall submit a report on impediments to voting faced by elderly and handicapped  
14 individuals to the appropriate standing committees of the legislature under s. 13.172  
15 (3). In preparing its report under this paragraph, the board shall consult with  
16 appropriate advocacy groups representing the elderly and handicapped populations.

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

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

19 5.37 (3) For presidential electors one device shall be provided to vote for all of  
20 one party's electoral candidates at the same time. The device shall be opposite or  
21 adjacent to the ballot ~~containing the names of the party's candidates for president~~  
22 and vice president.

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

24 5.51 (8) Unless otherwise specifically provided, the form of all ballots shall  
25 conform to the ballot forms prescribed by the board under s. 7.08 (1) (a).

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

3           **5.55 Ballot identification.** On every ballot, except a ballot label or voting  
4 machine ballot, shall be printed “Official .... Ballot” or “Official .... Ballot for ....”  
5 followed by the designation of the polling place for which the ballot has been  
6 prepared, the date of the election, and the official endorsement and blank  
7 certificates. The number of the ward or wards or aldermanic district, if any, and the  
8 name of the municipality may be omitted in printing and stamped or written on the  
9 ballots at any location which is clearly visible at the option of the county clerk.  
10 Printed information and initials shall appear on the back and outside of the ballot.  
11 When a ballot card is employed with an electronic voting system, the date of the  
12 election may be printed or stamped on the back of the ballot card in such a manner  
13 that the card is not reusable, at the option of the county clerk. ~~Each ballot shall be~~  
14 ~~prepared in substantially the following form:~~

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

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

17           **5.58 (1c) MUNICIPAL JUDGE.** There shall be a separate ballot for municipal  
18 judges if they are elected under s. 755.01 (4). Arrangement of the names on the ballot  
19 shall be determined by the board. ~~The ballot shall be entitled “Official Primary~~  
20 ~~Ballot for Municipal Judge”~~ county clerk or the executive director of the county board  
21 of election commissioners of the county having the largest portion of the population  
22 in the jurisdiction served by the judge.

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

24           **5.58 (1r) TOWN SANITARY DISTRICT COMMISSION.** There shall be a separate ballot  
25 for members of the town sanitary district commission if commissioners are elected

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

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

9 **5.58 (2)** STATE SUPERINTENDENT OF PUBLIC INSTRUCTION; JUDICIARY; COUNTY  
10 EXECUTIVE; AND COUNTY SUPERVISORS. There shall be one separate ballot for state  
11 superintendent, judicial officers, county executive under s. 59.17 and county  
12 supervisor. In counties having a population of 500,000 or more, the ballot also shall  
13 include those offices under s. 8.11 (2) and (2m). The arrangement of names of  
14 candidates for state superintendent, justice, court of appeals judge and circuit court  
15 judge shall be determined by the board in the manner specified in s. 5.60 (1) (b).  
16 Arrangement of the names of candidates for county executive and county supervisor  
17 shall be determined by the county clerk or by the executive director of the county  
18 board of election commissioners in the manner specified in s. 5.60 (1) (b). ~~The ballot~~  
19 ~~shall be titled “Official Ballot for State Superintendent of Public Instruction,~~  
20 ~~Judicial, County Executive and County Supervisor Primary”.~~

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

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

23 **5.58 (2m)** METROPOLITAN SEWERAGE COMMISSION. There shall be a separate  
24 ballot for members of the metropolitan sewerage commission if commissioners are  
25 elected under s. 66.23 (11) (am), with candidates for different seats listed in separate

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1 columns or rows if more than one seat is contested at any election. Arrangement of  
2 the names on the ballot shall be determined by the board. ~~The ballot shall be titled~~  
3 ~~“Official Primary Ballot for Metropolitan Sewerage Commission”.~~

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

5 5.60 (1) STATE SUPERINTENDENT; JUDICIARY; COUNTY EXECUTIVE AND COUNTY  
6 SUPERVISORS. (intro.) There shall be one separate ballot for state superintendent,  
7 judicial officers, county executive and county supervisor. For county supervisor, the  
8 ballot shall be prepared in accordance with ss. 5.58 (2) and 59.10 (3). Arrangement  
9 of the names of candidates for county executive ~~and~~, county supervisor and  
10 municipal judge, if the judge is elected under s. 755.01 (4), shall be determined by  
11 the county clerk or the executive director of the county board of election  
12 commissioners determining ballot arrangement under s. 5.58 (1c), in the manner  
13 prescribed in par. (b).

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

15 5.60 (1) (b) The board shall certify the candidates' names and designate the  
16 official ballot arrangement for candidates for state superintendent, justice, court of  
17 appeals judge, circuit judge, ~~municipal judge elected under s. 755.01 (4)~~ and, if  
18 commissioners are elected under s. 66.23 (11) (am), the metropolitan sewerage  
19 commission. The arrangement of names of all candidates on the ballot whose  
20 nomination papers are filed with the board shall be determined by the board by the  
21 drawing of lots not later than the 2nd Tuesday in January, or the next day if the first  
22 Tuesday is a holiday. Whenever a primary is held for an office, a 2nd drawing of all  
23 candidates for that office shall be held by or under the supervision of the board not  
24 later than the 3rd day following the completion of the primary canvass to determine  
25 the arrangement of candidates on the election ballot.





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

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

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

7           ~~Write in the name of another person to become the presidential candidate of the~~  
8           ~~.... party (in that case, write that person’s name into the space following “Write in~~  
9           ~~candidate”).~~

10           ~~JOHN DOE .....~~ ( )

11           ~~Uninstructed delegation .....~~ ( )

12           ~~Write-in candidate .....~~

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

**OFFICIAL BALLOT**

**PRESIDENTIAL PREFERENCE VOTE**

**.... Party**

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

21           ~~Express your preference for an uninstructed delegation from Wisconsin to the~~  
22           ~~national convention of the .... party (in that case, make a cross (X) in the square~~  
23           ~~following “Uninstructed delegation”); or~~

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**SECTION 20**

1 ~~Write in the name of a person to become the presidential candidate of the ...~~  
2 ~~party (in that case, write that person's name into the space following "Write in~~  
3 ~~candidate").~~

4 Uninstructed delegation ..... ( )

5 ~~Write-in candidate~~ .....

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

7 5.62 (1) (a) At September primaries, the following ballot shall be provided for  
8 the nomination of candidates of recognized political parties for national, state and  
9 county offices and independent candidates for state office in each ward, in the same  
10 form as prescribed by the board under s. 7.08 (1) (a). The ballots shall be made up  
11 of the several party tickets with each party entitled to participate in the primary  
12 under par. (b) or sub. (2) having its own ballot. The independent candidates for state  
13 office other than district attorney shall have a separate ballot for all such candidates  
14 as under s. 5.64 (1) (e). The ballots shall be secured together at the bottom. The party  
15 ballot of the party receiving the most votes for president or governor at the last  
16 general election shall be on top with the other parties arranged in descending order  
17 based on their vote for president or governor at the last general election. The ballots  
18 of parties qualifying under sub. (2) shall be placed after the parties qualifying under  
19 par. (b), in the same order in which the parties filed petitions with the board. The  
20 ballot listing the independent candidates shall be placed at the bottom. On that  
21 ballot, if a place is designated to write in the names of any party candidates under  
22 par. (b) 2. or sub. (2) (b), the places shall appear before the names of the independent  
23 candidates in the same order in which the ballots of their parties would appear under  
24 this paragraph. At polling places where voting machines are used, each party and  
25 the independent candidates shall be represented in one or more separate columns

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1 or rows on the ballot. At polling places where an electronic voting system is used  
2 other than an electronic voting machine, each party and the independent candidates  
3 may be represented in separate columns or rows on the ballot.

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

6 5.62 (1) (b) 1. ~~Every~~ Except as provided in subd. 2. and s. 5.64 (1) (e) 2., every  
7 recognized political party listed on the official ballot at the last gubernatorial election  
8 whose candidate for any statewide office received at least ~~one percent~~ 1% of the total  
9 votes cast for that office and, if the last general election was also a presidential  
10 election, every recognized political party listed on the ballot at that election whose  
11 candidate for president received at least ~~one percent~~ 1% of the total vote cast for that  
12 office shall have a separate primary ballot or one or more separate columns or rows  
13 on the primary ballot as prescribed in par. (a) and a separate column on the general  
14 election ballot in every ward and election district. An organization which was listed  
15 as “independent” at the last general election and whose candidate meets the same  
16 qualification shall receive the same ballot status upon petition of the chairperson  
17 and secretary of the organization to the board requesting such status and specifying  
18 their party name, which may not duplicate the name of an existing party. A petition  
19 under this ~~paragraph~~ subdivision may be filed no later than 5 p.m. on June 1 in the  
20 year of each general election. ~~This paragraph applies to a party only if at least one~~  
21 ~~candidate of the party for a state office qualifies to have his or her name appear on~~  
22 ~~the ballot under the name of the party at the last gubernatorial election.~~

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

24 5.62 (1) (b) 2. Subdivision 1. applies to a party within any assembly district or  
25 county at any September primary election only if at least one candidate of the party

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

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

11 5.62 (2) (a) Any Except as provided in par. (b) and s. 5.64 (1) (e) 2., any political  
12 organization may be represented on a separate primary ballot or in one or more  
13 separate columns or rows on the primary ballot as prescribed in sub. (1) (a) and in  
14 a separate column on the general election ballot in every ward and election district  
15 if, not later than 5 p.m. on June 1 in the year of a September primary, it files with  
16 the board a petition so requesting. To qualify for a separate ballot, the petition shall  
17 be signed by at least 10,000 electors, including at least 1,000 electors residing in each  
18 of at least 3 separate congressional districts. The petition shall conform to the  
19 requirements of s. 8.40. No signature obtained before January 1 in the year of filing  
20 is valid. When the candidates of a political organization filing a valid petition fulfill  
21 the requirements prescribed by law, they shall appear on a separate ballot or one or  
22 more separate columns or rows on the ballot for the period ending with the following  
23 general election.

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

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

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

12           5.62 (5) At the September primary, an elector may vote for the candidates of  
13 only one party, or the elector may vote for any of the independent candidates ~~for state~~  
14 ~~office~~ listed; but the elector may not vote for more than one candidate for a single  
15 office. A space shall be provided on the ballot for an elector to write in the name of  
16 his or her choice as a party candidate for any office, including a party candidate of  
17 a party whose name appears on the ballot, column or row designated for independent  
18 candidates, as provided in sub. (1) (b) or (2) (b), but no space shall be provided to write  
19 in the names of independent candidates.

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

21           5.64 (1) OFFICIAL BALLOT. (intro.) There shall be a separate ballot giving the  
22 names of all candidates for president and vice president and for statewide,  
23 congressional, legislative and county offices in the same form as prescribed by the  
24 board under s. 7.08 (1) (a).

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

**ASSEMBLY BILL 434****SECTION 28**

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

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

16           5.64 (1) (b) ~~Below the voting instructions the ballot shall be divided into~~  
17 ~~vertical columns.~~ The names of the candidates on the regular party tickets  
18 nominated at the primary or replacements appointed under s. 8.35 (2) shall be  
19 ~~printed each in~~ appear in a separate column under the party designation. The  
20 columns shall be arranged from left to right according to rank, based on the number  
21 of votes received by the each party's candidate for president or governor at the last  
22 general election beginning with the party that received the most votes. To the right  
23 of the columns for parties qualifying under s. 5.62 (1) (b) shall be placed the columns  
24 for parties qualifying under s. 5.62 (2) in the same order in which the parties filed  
25 petitions with the board. To the right of the party columns shall be a column for the

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1 names of independent candidates for each office, or more than one column if the first  
2 column does not provide sufficient space for the names of all such candidates.

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

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

5 5.64 (1) (d) The offices shall be arranged beginning with president and vice  
6 president or governor and lieutenant governor, whenever these offices are filled, and  
7 then the remaining offices in the order designated under s. 5.62 (3).

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

10 5.64 (1) (e) 1. ~~Within each column, each space shall state the office to be voted~~  
11 ~~for directly above the candidate's first and last name. The~~ Except as provided in  
12 subd. 2., each candidate's name shall be placed in the ~~party~~ column of the party by  
13 which nominated or if independent, in a column designated independent and all  
14 candidates for the same office shall appear within the same rows on the ballot. ~~Below~~  
15 If a place is designated to write in the names of any party candidates in the column  
16 for independent candidates under subd. 2., the places shall appear before the name  
17 of the independent candidates in the same order in which the columns of their parties  
18 would appear under par. (b). Along with the names of the independent candidates  
19 shall appear the party or principle of the candidates, if any, in 5 words or less, as  
20 shown on their nomination papers. Independent candidates for the same county  
21 office shall be listed in the same manner in an order drawn by lot by or under  
22 supervision of the county clerk or board of election commissioners. The board shall  
23 conduct a redrawing for purposes of determining the arrangement of independent  
24 candidates for state office who appeared on the primary ballot in the manner

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1 provided in s. 5.60 (1) (b). ~~To the right of each candidate's name, in each column, shall~~  
2 ~~be a square for the elector to make his or her cross (X).~~

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

4 5.64 (1) (e) 2. There shall be a separate column for the candidates of each party  
5 qualifying for that column under s. 5.62 (1) (b) or (2), except that if, within any  
6 assembly district or county, there are no candidates for any national, state or county  
7 office representing such a party who qualify to have their names appear on the ballot  
8 under the name of that party within that assembly district, the county clerk or board  
9 of election commissioners shall provide a space within the column for the  
10 independent candidates that will permit an elector to cast a vote for a write-in  
11 candidate of that party for each national, state and county office.

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

13 5.64 (1) (eg) In the case of balloting for the offices of president and vice  
14 president, the names of the candidates shall be placed in the column of the party that  
15 nominated them or if independent, in a column designated independent. In each  
16 column there shall be one choice for the elector to cast a ballot jointly for both offices.

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

18 5.64 (1) (f) In the case of balloting for the office of governor and lieutenant  
19 governor, the names of the candidates shall be placed in the party column by which  
20 nominated or if independent, in a column designated independent. ~~To the right of~~  
21 ~~the names of the set of candidates for governor and lieutenant governor, in In each~~  
22 ~~column there shall be one square choice for the elector to cast a ballot jointly for both~~  
23 ~~offices.~~

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

25 **SECTION 37.** 5.64 (2) (c) of the statutes is renumbered 5.64 (2).



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1           **SECTION 38.** 5.64 (3) (intro.) of the statutes is repealed.

2           **SECTION 39.** 5.64 (3) (a) of the statutes is renumbered 5.64 (1) (em) and  
3 amended to read:

4           5.64 (1) (em) ~~The ballot shall be titled "Official Presidential Ballot" in lettering~~  
5 ~~at least three-eighths inch high. Directly underneath in plain, legible type shall be~~  
6 ~~the following voting instructions: "Make a cross (X) in the square opposite the names~~  
7 ~~of the candidates for whose electors you desire to vote or write in the names of~~  
8 ~~candidates for president and vice president in the space provided for the purpose.~~  
9 ~~Vote in ONE square only."~~ The names of the candidates for the offices of president  
10 and vice president certified under s. 8.16 (7) or filed under s. 8.20 shall appear on the  
11 ballot in the form prescribed in s. 7.08 (2) (a). The names of the presidential electors  
12 for the candidates supplied under ss. 8.18 (2) and 8.20 (2) (d) are not listed on the  
13 ballot but a vote for the candidates for president and vice president is a vote for them  
14 through their named presidential electors.

15           **SECTION 40.** 5.64 (3) (b) of the statutes is renumbered 5.64 (1) (es) and amended  
16 to read:

17           5.64 (1) (es) The party candidates shall be arranged consecutively from top to  
18 bottom based on the number of votes received by their party's candidate for governor  
19 at the last election beginning with the party that received the most votes. The  
20 independent president-vice president candidates shall be listed together in an order  
21 drawn by lot by or under supervision of the board, following under the party  
22 candidates. ~~Below~~ Along with the names of the independent candidates shall appear  
23 the party or principle of the candidates, if any, in 5 words or less, as shown on their  
24 nomination papers. Following under the independent candidates, a space shall be  
25 left for writing in the names of a candidate for president and vice president.

**ASSEMBLY BILL 434****SECTION 41**

1           **SECTION 41.** 5.65 of the statutes is amended to read:

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

5           **SECTION 42.** 5.655 of the statutes is created to read:

6           **5.655 Special consolidated paper ballot.** (1) Whenever a municipality  
7 employing paper ballots is required to utilize separate ballots for certain offices or  
8 referenda at an election, the municipality may, with the approval of the county clerk  
9 or board of election commissioners of each county in which there is located any  
10 portion of the municipality where one or more electors reside, substitute a ballot that  
11 is utilized with an electronic voting system by any municipality that is located in any  
12 such county, if the ballot contains all of the applicable information required to be  
13 provided for paper ballots at that election. On such a ballot, there shall appear all  
14 offices and referenda on which votes are to be cast at the election. Such a ballot may  
15 only be distributed to electors who are eligible to vote for all of the offices and in all  
16 of the referenda appearing on the ballot. The municipality shall utilize separate  
17 ballots to the extent required to permit participation in an election by those electors  
18 of the municipality who are not authorized to vote for all offices and in all referenda.

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

22           **SECTION 43.** 5.81 (2) of the statutes is amended to read:

23           5.81 (2) When an electronic voting system utilizes a ballot label booklet and  
24 ballot card, ballots for candidates and ballots on referenda may be placed on the  
25 voting device by providing in the ballot booklet separate ballot label pages or series

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

12 **SECTION 44.** 6.15 (3) (b) of the statutes is amended to read:

13 6.15 (3) (b) *Election day.* An eligible elector may appear at the polling place for  
14 the ward or election district where he or she resides and make application for a ballot  
15 under sub. (2). In such case, the inspector or special registration deputy shall  
16 perform the duties of the municipal clerk. The elector shall provide identification.  
17 If the elector is qualified, he or she shall be permitted to vote. The elector shall mark  
18 or punch the ballot and, unless the ballot is utilized with an electronic voting system,  
19 the elector shall fold the ballot, and shall deposit the ballot in the ballot box or give  
20 it to the inspector. The inspector shall deposit it directly in the ballot box. Voting  
21 machines or ballots utilized with electronic voting systems may only be used by  
22 electors voting under this section if they permit voting for president and vice  
23 president only.

24 **SECTION 45.** 6.24 (1), (2) and (3) of the statutes are amended to read:

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

8           (2) ELIGIBILITY. An overseas elector under sub. (1) may vote in any election for  
9 national office, including the September primary and presidential preference  
10 primary and any special primary or election. Such elector may not vote in an election  
11 for state or local office. An overseas elector shall vote in the ward or election district  
12 in which he or she the elector was last domiciled or in which the elector’s parent was  
13 last domiciled prior to departure from the United States.

14           (3) REGISTRATION. If registration is required in the municipality where the  
15 overseas elector resides resided or where the elector’s parent resided, the elector  
16 shall register on a form prescribed by the board designed to ascertain the elector’s  
17 qualifications under this section. The form shall be substantially similar to the  
18 original form under s. 6.33 (1), insofar as applicable. Registration shall be  
19 accomplished in accordance with s. 6.30 (3).

20           **SECTION 46.** 6.24 (5) of the statutes is amended to read:

21           6.24 (5) BALLOTS. The board shall prescribe a special ballot for use under this  
22 section whenever necessary. Official ballots ~~under ss. 5.60 (8) and 5.64 (3)~~ prescribed  
23 for use in the presidential preference primary may also be used. The ballot shall be  
24 designed to comply with the requirements of prescribed under ss. 5.60 (8), 5.62 and  
25 5.64 (1) insofar as applicable. All ballots shall be limited to national offices only.

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1           **SECTION 47.** 6.275 (1) (c) of the statutes is amended to read:

2           6.275 (1) (c) Where registration applies, the total number of electors of the  
3           municipality residing in that county who registered after the close of registration and  
4           prior to the day of the primary or election under s. ss. 6.28 (1) and 6.29.

5           **SECTION 48.** 6.28 (1) of the statutes is amended to read:

6           6.28 (1) REGISTRATION LOCATIONS; DEADLINE. ~~Registration~~ Except as authorized  
7           in ss. 6.29 and 6.55 (2), registration in person for any election shall close at 5 p.m.  
8           on the 2nd Wednesday preceding the election. Registrations made by mail under s.  
9           6.30 (4) must be delivered to the office of the municipal clerk or postmarked no later  
10           than the 2nd Wednesday preceding the election. An application for registration in  
11           person or by mail may be accepted for placement on the registration list after the  
12           specified deadline, if the municipal clerk determines that the registration list can be  
13           revised to incorporate the registration in time for the election. All applications for  
14           registration corrections and additions may be made throughout the year at the office  
15           of the city board of election commissioners, at the office of the municipal clerk, at the  
16           office of any register of deeds or at other locations provided by the board of election  
17           commissioners or the common council in cities over 500,000 population or by either  
18           or both the municipal clerk, or the common council, village or town board in all other  
19           municipalities and may also be made during the school year at any high school by  
20           qualified persons under sub. (2) (a). Other registration locations may include but are  
21           not limited to fire houses, police stations, public libraries, institutions of higher  
22           education, supermarkets, community centers, plants and factories, banks, savings  
23           and loan associations and savings banks. Special registration deputies shall be  
24           appointed for all locations.

25           **SECTION 49.** 6.29 (1) of the statutes is amended to read:

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

5           **SECTION 50.** 6.30 (3) (c) of the statutes is amended to read:

6           6.30 (3) (c) The elector shall return the registration form to the clerk of the  
7 municipality where the elector resides. The form shall be prepostpaid for return  
8 when mailed at any point within the United States. To be eligible to vote in an  
9 election the form shall be received by the clerk prior to the close of the clerk's office  
10 on the registration deadline date for that election, unless the clerk accepts the form  
11 for placement on the registration list after the deadline date as provided in s. 6.28  
12 (1).

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

14           6.77 (2) ~~Whenever~~ Except as provided in sub. (3), whenever territory which was  
15 formerly a part of one municipality becomes a part of another municipality, an elector  
16 of the territory shall vote in the municipality in which the territory is included on the  
17 day of the election.

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

19           6.77 (3) Whenever territory which was formerly a part of one municipality  
20 becomes a part of another municipality less than 10 days prior to the election, an  
21 elector of the territory shall vote in the municipality in which the territory was  
22 formerly included.

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

24           **6.79 Recording electors.** (intro.) Two election officials at each election ward  
25 shall be in charge of and shall maintain 2 separate lists of all persons voting. The

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1 municipal clerk may elect to maintain the information on the poll list manually or  
2 electronically. If the list is maintained electronically, the officials shall enter the  
3 information into an electronic data recording system that enables retrieval of a  
4 printed copy of the poll list at the polling place. The system employed is subject to  
5 the approval of the board.

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

7 6.79 (1) MUNICIPALITIES WITHOUT REGISTRATION. Where there is no registration,  
8 before being permitted to vote, each person shall state his or her full name and  
9 address. The officials shall ~~record~~ enter each name and address on a poll list in the  
10 same order as the votes are cast. If the residence of the elector does not have a  
11 number, the election officials shall, in the appropriate space, write enter "none".  
12 Alternatively, the municipal clerk may maintain a poll list consisting of the full name  
13 and address of electors compiled from previous elections. Whenever an elector  
14 appears to vote, the officials shall verify the correctness of the elector's name and  
15 address, and shall enter a serial number next to the name of the elector in the order  
16 that the votes are cast, beginning with the number one. If the name and address of  
17 an elector do not appear on the prepared poll list, the officials shall ~~record~~ enter the  
18 name, address and serial number of the elector at the bottom of the list. The officials  
19 may require any elector to provide identification, including acceptable proof of  
20 residence, or to have another elector corroborate his or her information in accordance  
21 with the procedure specified in s. 6.55 (2) (b) before permitting the elector to vote.  
22 The officials shall maintain a separate list of those persons voting under ss. 6.15 and  
23 6.24.

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

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1           6.79 (2) MUNICIPALITIES WITH REGISTRATION. Where there is registration, each  
2 person, before receiving a voting number, shall state his or her full name and  
3 address. Upon the prepared registration list, after the name of each elector, the  
4 officials shall enter the serial number of the vote as it is polled, beginning with  
5 number one. Each elector shall receive a slip bearing the same serial number. A  
6 separate list shall be maintained for electors who are voting under s. 6.15, 6.29 or  
7 6.55 (2) or (3) and electors who are reassigned from another polling place under s.  
8 5.25 (5) (b). Each such elector shall have his or her full name, address and serial  
9 number likewise recorded entered and shall be given a slip bearing such number.

10           **SECTION 56.** 6.79 (5) of the statutes is amended to read:

11           6.79 (5) POLL LIST FORMS FORMAT. Poll lists shall be kept on forms designed or  
12 in an electronic format prescribed by the board to be substantially similar to the  
13 standard registration list forms used in municipalities where registration is required  
14 and shall require, for each person offering to vote, the entry of the person's full name  
15 and address.

16           **SECTION 57.** 6.80 (2) (e) and (f) of the statutes are amended to read:

17           6.80 (2) (e) Upon voting his or her ballot, the elector shall publicly and in person  
18 deposit it in into the ballot box or deliver it to an inspector for, who shall deposit the  
19 ballot in into the ballot box.

20           (f) In the presidential preference primary and other partisan primary elections  
21 at polling places where ballots are distributed to electors, unless the ballots are  
22 utilized with an electronic voting system in which all candidates appear on the same  
23 ballot, after the elector prepares his or her ballot the elector shall detach the  
24 remaining ballots, fold the ballots to be discarded, and fold the completed ballot  
25 unless the ballot is intended for counting with automatic tabulating equipment, The



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1 elector shall then either personally deposit the ballots to be discarded in into the  
2 separate ballot box marked "blank ballot box", and deposit the completed ballot in  
3 into the ballot box indicated by the inspectors, or give the ballots to an inspector who  
4 shall deposit the ballots directly into the appropriate ballot boxes. The inspectors  
5 shall keep the blank ballot box locked until the canvass is completed and shall  
6 dispose of the blank ballots as prescribed by the municipal clerk.

7 **SECTION 58.** 6.85 of the statutes is amended to read:

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

20 **SECTION 59.** 6.86 (1) (b) of the statutes is amended to read:

21 6.86 (1) (b) Except as provided in this section, if application is made in writing,  
22 the application, signed by the elector, shall be received no later than 5 p.m. on the  
23 Friday immediately preceding the election. If application is made in person, the  
24 application shall be made no later than 5 p.m. on the day preceding the election. If  
25 the elector is making written application and the application indicates that the

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1 reason for requesting an absentee ballot is that the elector is a sequestered juror, the  
2 application shall be received no later than 5 p.m. on election day. If the application  
3 is received after 5 p.m. on the Friday immediately preceding the election, the  
4 municipal clerk or the clerk's agent shall immediately take the ballot to the court in  
5 which the elector is serving as a juror and deposit it with the judge. The judge shall  
6 recess court, as soon as convenient, and give the elector the ballot. The judge shall  
7 then notarize the affidavit as provided in s. 6.87 and shall deliver the ballot to the  
8 clerk or agent of the clerk who shall deliver it to the polling place as required in s.  
9 6.88. If application is made under sub. (2), the application may be received no later  
10 than 5 p.m. on the Friday immediately preceding the election.

11 **SECTION 60.** 6.86 (3) (a) of the statutes is amended to read:

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

21 **SECTION 61.** 6.865 (intro.) and (1) of the statutes are consolidated, renumbered  
22 6.865 and amended to read:

23 **6.865 Federal postcard request form.** A federal postcard registration and  
24 absentee ballot request form may be used to apply for an absentee ballot under s. 6.86  
25 (1) if the form is completed in such manner that the municipal clerk or board of

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1 election commissioners with whom it is filed is able to determine all of the following:

2 ~~(1) That that the applicant is an elector of this state and of the ward or election~~  
3 ~~district where the elector seeks to vote.~~

4 **SECTION 62.** 6.865 (2) of the statutes is repealed.

5 **SECTION 63.** 6.87 (2) of the statutes is amended to read:

6 6.87 (2) The municipal clerk shall place the ballot in an unsealed envelope  
7 furnished by the clerk. The envelope shall have the name, official title and  
8 post-office address of the clerk upon its face. The other side of the envelope shall  
9 have a printed certificate-affidavit in substantially the following form:

10 [STATE OF ...

11 County of ...]

12 or

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

14 I, ..., (certify) (do solemnly swear) subject to the penalties of s. 12.60 (1) (b), Wis.  
15 Stats., for false statements, that I am a resident of the [... ward of the] (town) (village)  
16 of ..., or of the ... aldermanic district in the city of ..., residing at ... in said city, the  
17 county of ..., state of Wisconsin, and am entitled to vote in the (ward) (election  
18 district) at the election to be held on ...; that I am not voting at any other location  
19 in this election; that I ~~cannot~~ am unable or unwilling to appear at the polling place  
20 in the (ward) (election district) on election day because I expect to be absent from the  
21 municipality or because of age, sickness, handicap, physical disability, religious  
22 reasons, jury duty, service as an election official, or because I have changed my  
23 residence within the state from one ward or election district to another within 10  
24 days before the election. I (certify) (swear) that I exhibited the enclosed ballot  
25 unmarked to the (2 witnesses) (person administering the oath), that I then in (their)

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1 (his) (her) presence and in the presence of no other person marked the ballot and  
2 enclosed and sealed the same in this envelope in such a manner that no one but  
3 myself and any person rendering assistance under s. 6.87 (5), Wis. Stats., if I  
4 requested assistance, could know how I voted.

5 Signed ....

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

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

14 ....(Name)

15 ....(Address)

16 ....(Name)

17 ....(Address)

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

23 ....(Name)

24 ....(Title)

25 ....(State or nation)

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

2           6.88 (1) When an absentee ballot arrives at the office of the municipal clerk,  
3 the clerk shall enclose it, unopened, in a carrier envelope which shall be securely  
4 sealed and endorsed with the name and official title of the clerk, ~~and the words "This~~  
5 ~~envelope contains the ballot of an absent, aged, sick, handicapped or disabled elector~~  
6 ~~or the ballot of an election official and must be opened at the polls during polling~~  
7 ~~hours on election day"~~. The clerk shall keep the ballot in the clerk's office until  
8 delivered, as required in sub. (2).

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

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

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

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

22           **6.925 Elector making challenge in person.** Any elector may challenge for  
23 cause any person offering to vote whom the elector knows or suspects is not a  
24 qualified elector. If a person is challenged as unqualified by an elector, one of the  
25 inspectors may administer the oath or affirmation to the challenged elector under s.

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1 6.92 and ask the challenged elector the questions under that section which are  
2 appropriate to test the elector’s qualifications. In addition, one of the inspectors shall  
3 administer the following oath or affirmation to the challenging elector: “You do  
4 solemnly swear (or affirm) that you will fully and truly answer all questions put to  
5 you regarding the challenged person’s place of residence and qualifications as an  
6 elector of this election”; and shall then ask ~~those of the following~~ questions which are  
7 appropriate as determined by the board, by rule, to test the qualifications of the  
8 challenged elector.

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

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

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

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

20 7.10 (5) NOTICE OF WRITE-IN CANDIDATES. Whenever a write-in candidate files  
21 a timely declaration of candidacy with the county clerk or the clerk receives notice  
22 from the board under s. 7.08 (5) that a write-in candidate seeks office in the county,  
23 the clerk shall immediately notify the municipal clerk or board of election  
24 commissioners of each municipality in the county where the write-in candidate  
25 seeks office of the name of the candidate and the office that the candidate seeks. This

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1 subsection does not apply if the write-in candidate seeks an office for which there are  
2 no candidates whose names appear on the ballot or if there appears on the ballot the  
3 name of a deceased candidate for the office that the write-in candidate seeks.

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

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

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

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

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

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

25 7.21 (2m) The county board of election commissioners may:

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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 that 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 (2) (a) of the statutes is amended to read:

10 7.30 (2) (a) Only election officials appointed under this section may conduct an  
11 election. Except as authorized in s. 7.15 (1) (k), each inspector shall be a qualified  
12 elector in the ward for which the polling place is established. Special registration  
13 deputies appointed under s. 6.55 (6) and election officials serving more than one ward  
14 or when necessary to fill a vacancy under par. (b) need not be a resident of that ward,  
15 but shall be a resident of the municipality. Special registration deputies may be  
16 appointed to serve more than one polling place. All officials shall be able to read and  
17 write the English language, be capable, be of good understanding, and may not be  
18 a candidate, ~~other than for party committeeman or committeewoman,~~ for any office  
19 to be voted for at an election at which they serve. In 1st class cities, they may hold  
20 no public office other than notary public. Except as authorized under sub. (4) (c), all  
21 inspectors shall be affiliated with one of the 2 recognized political parties which  
22 received the largest number of votes for president, or governor in nonpresidential  
23 general election years, in the ward or combination of wards served by the polling  
24 place at the last election. The party which received the largest number of votes is  
25 entitled to one more inspector than the party receiving the next largest number of

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1 votes at each polling place. The same election officials may serve the electors of more  
2 than one ward where wards are combined under s. 5.15 (6) (b). If a municipality is  
3 not divided into wards, the ward requirements in this paragraph apply to the  
4 municipality at large.

5 **SECTION 76.** 7.51 (2) (e) of the statutes is amended to read:

6 7.51 (2) (e) If, after any ballots have been laid aside, the number of ballots still  
7 exceeds the total number of electors recorded on the registration or poll list, the  
8 inspectors shall separate the absentee ballots from the other ballots. If there is an  
9 excess number of absentee ballots, the inspectors shall place the absentee ballots in  
10 the ballot box and one of the inspectors shall publicly and without examination draw  
11 therefrom by chance the number of ballots equal to the excess number of absentee  
12 ballots. If there is an excess number of other ballots, the inspectors shall place those  
13 ballots in the ballot box and one of the inspectors shall publicly and without  
14 examination draw therefrom by chance the number of ballots equal to the excess  
15 number of those ballots. All ballots so removed may not be counted but shall be  
16 specially marked as having been removed by the inspectors on original canvass due  
17 to an excess number of ballots, set aside and preserved. When the number of ballots  
18 and total shown on the poll or registration list agree, the inspectors shall return all  
19 ballots to be counted to the ballot box and shall turn the ballot box in such manner  
20 as to thoroughly mix the ballots. The inspectors shall then open, count and record  
21 the number of votes. In recording the votes cast for an office, the inspectors may  
22 indicate votes cast for a write-in candidate who does not file a timely declaration of  
23 candidacy for the office for which the candidate receives votes as scattering votes,  
24 unless there are no candidates whose names appear on the ballot for that office or  
25 unless there appears on the ballot the name of a deceased candidate for that office.

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1 When the ballots are counted, the inspectors shall separate them into piles for ballots  
2 similarly voted. Objections may be made to placement of ballots in the piles at the  
3 time the separation is made.

4 **SECTION 77.** 7.51 (2) (g) of the statutes is amended to read:

5 7.51 (2) (g) Immediately after the polls close, where voting machines are used,  
6 the inspectors shall open the registering or recording compartments or remove the  
7 record of the votes cast and shall canvass, record, announce and return on the tally  
8 sheets and certificates furnished. In recording the votes cast for an office, the  
9 inspectors may indicate votes cast for a write-in candidate who does not file a timely  
10 declaration of candidacy for the office for which the candidate receives votes as  
11 scattering votes, unless there are no candidates whose names appear on the ballot  
12 for that office or unless there appears on the ballot the name of a deceased candidate.  
13 In recording the votes registered on any counter which, before the opening of the  
14 polls, did not register 000, the inspectors shall upon the return sheets subtract the  
15 number registered before the polls opened from the number registered when the  
16 polls closed. The difference between the 2 numbers is the correct vote for the  
17 candidate whose name was represented by the counter, except if the number  
18 registered on the counter when the polls closed is smaller than the number registered  
19 thereon when the polls opened, the number 1,000 shall be added to the number  
20 registered when the polls closed, before the subtraction is made.

21 **SECTION 78.** 7.51 (4) (a) of the statutes is amended to read:

22 7.51 (4) (a) The tally sheets shall state the total number of votes cast for each  
23 office and for each individual receiving votes for that office, ~~whether or not the~~  
24 ~~individual's name appears on the ballot, and shall~~ except a write-in candidate who  
25 has not filed a timely declaration of candidacy for the office for which the candidate

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1 receives a vote, unless there are no candidates whose names appear on the ballot for  
2 that office or unless there appears on the ballot the name of a deceased candidate for  
3 that office. The tally sheets shall also state the vote for and against each proposition  
4 voted on. Upon completion of the tally sheets, the inspectors shall immediately  
5 complete inspectors' statements in duplicate. The inspectors shall state the excess  
6 by which the number of ballots exceeds the number of electors voting as shown by  
7 the poll or registration list, if any, and shall state the number of the last elector as  
8 shown by the registration or poll lists. At least 3 inspectors, including the chief  
9 inspector and, unless election officials are appointed under s. 7.30 (4) (c) without  
10 regard to party affiliation, at least one inspector representing each political party,  
11 shall then certify to the correctness of the statements and tally sheets and sign their  
12 names. All other election officials assisting with the tally shall also certify to the  
13 correctness of the tally sheets. When the tally is complete, the inspectors shall  
14 publicly announce the results from the statements.

15 **SECTION 79.** 7.53 (1) of the statutes is amended to read:

16 7.53 (1) MUNICIPALITIES WITH ONE POLLING PLACE. Where the municipality  
17 constitutes one ward or combines all wards to utilize a single polling place under s.  
18 5.15 (6) (b), the canvass shall be conducted publicly under s. 7.51 and the inspectors  
19 shall act as the municipal board of canvassers. Upon completion of the canvass and  
20 ascertainment of the results by the inspectors, the clerk shall publicly read the  
21 names of the persons voted for and the number of votes for each person for each  
22 municipal office, except a write-in candidate who has not filed a timely declaration  
23 of candidacy for the office for which the candidate receives a vote, unless there are  
24 no candidates whose names appear on the ballot for that office or unless there  
25 appears on the ballot the name of a deceased candidate for that office. The clerk shall

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1 also publicly read the names of the persons declared by the inspectors to have won  
2 nomination or election to each municipal office and the number of votes cast for and  
3 against each municipal referendum question.

4 **SECTION 80.** 7.53 (2) (d) of the statutes is amended to read:

5 7.53 (2) (d) The municipal board of canvassers shall publicly canvass the  
6 returns of every municipal election. The canvass shall begin within 24 hours after  
7 the polls close. At the spring election, the board of canvassers shall publicly declare  
8 the results on or before the 2nd Tuesday in April. The board of canvassers shall  
9 prepare a statement showing the results of each election for any municipal office and  
10 each municipal referendum. After each primary for municipal offices, the board of  
11 canvassers shall prepare a statement certifying the names of those persons who have  
12 won nomination to office. After each other election for a municipal office and each  
13 municipal referendum, the board of canvassers shall prepare a determination  
14 showing the names of the persons who are elected to each municipal office and the  
15 results of each municipal referendum. The statement shall include the number of  
16 votes cast for each person for each municipal office, except a write-in candidate who  
17 has not filed a timely declaration of candidacy for the office for which the candidate  
18 receives a vote, unless there are no candidates whose names appear on the ballot for  
19 that office or unless there appears on the ballot the name of a deceased candidate for  
20 that office. The statement shall also include the number of votes cast for and against  
21 each question submitted by the municipality. The board of canvassers shall file each  
22 statement and determination in the office of the municipal clerk or board of election  
23 commissioners.

24 **SECTION 81.** 7.53 (3) (a) of the statutes is amended to read:

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1           7.53 (3) (a) In a common, union high or unified school district, the school district  
2 clerk shall appoint 2 qualified electors of the school district prior to the date of the  
3 election being canvassed who shall, with the school district clerk, constitute the  
4 school district board of canvassers. If the school district clerk is a candidate at the  
5 election being canvassed, the other 2 members of the board of canvassers shall  
6 designate a 3rd member to serve in lieu of the clerk for that election. The canvass  
7 shall begin as soon as possible after receipt of the returns, and shall continue,  
8 without adjournment, until completed. The board of canvassers may return  
9 defective returns to the municipal board of canvassers in the manner provided in s.  
10 7.60 (3). The board of canvassers shall prepare a written statement showing the  
11 numbers of votes cast for each person for each office and, except a write-in candidate  
12 who has not filed a timely declaration of candidacy for the office for which the  
13 candidate receives a vote, unless there are no candidates whose names appear on the  
14 ballot for that office or unless there appears on the ballot for that office the name of  
15 a deceased candidate. The statement shall also show the numbers of votes cast for  
16 and against each question and, The board of canvassers shall also prepare a  
17 determination showing the names of the persons who are elected to the school board  
18 and the results of any school district referendum. Following each primary election,  
19 the board of canvassers shall prepare a statement certifying the names of the persons  
20 who have won nomination to the school board. Each statement and determination  
21 shall be attested by each of the canvassers. The board of canvassers shall file each  
22 statement and determination in the school district office. The school district clerk  
23 shall certify nominations after each primary and issue certificates of election to  
24 persons who are elected to the school board after each election in the manner  
25 provided in sub. (4).

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1           **SECTION 82.** 7.60 (2) of the statutes is amended to read:

2           7.60 (2) COUNTY BOARD OF CANVASSERS. The county clerk and 2 qualified electors  
3 of the county appointed by the clerk constitute the county board of canvassers. The  
4 members of the board of canvassers shall serve for 2-year terms commencing on  
5 January 1 of each odd-numbered year, except that any member who is appointed to  
6 fill a permanent vacancy shall serve for the unexpired term of the original appointee.  
7 One member of the board of canvassers shall belong to a political party other than  
8 the clerk's. If the county clerk's office is vacant, or if the clerk cannot perform his or  
9 her duties or if the clerk is a candidate at an election being canvassed, the county  
10 clerk shall designate a deputy clerk to perform the clerk's duties. If the county clerk  
11 and designated deputy clerk are both unable to perform their duties, the county  
12 executive or, if there is no county executive, the chairperson of the county board of  
13 supervisors shall designate another qualified elector of the county to perform the  
14 clerk's duties. If a member other than the clerk cannot perform his or her duties, the  
15 clerk shall appoint another member to serve. No person may serve on the county  
16 board of canvassers if the person is a candidate for an office to be canvassed by that  
17 board. If lists of candidates for the county board of canvassers are submitted to the  
18 county clerk by political party county committees, the lists shall consist of at least  
19 3 names and the clerk shall choose the board members from the lists. Where there  
20 is a county board of election commissioners, it shall serve as the board of canvassers.

21           **SECTION 83.** 7.60 (4) (a) of the statutes is amended to read:

22           7.60 (4) (a) The board of canvassers shall make separate duplicate statements  
23 showing the numbers of votes cast for the offices of president and vice president; state  
24 officials; U.S. senators and representatives in congress; state legislators; justice;  
25 court of appeals judge; circuit judges; district attorneys; ~~municipal judges, if they are~~

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1 elected under s. 755.01 (4); and metropolitan sewerage commissioners, if the  
2 commissioners are elected under s. 66.23 (11) (am). If a municipal judge elected  
3 under s. 755.01 (4) serves a municipality that is located partially within the county  
4 and candidates for that judgeship file nomination papers in another county, the  
5 board of canvassers shall prepare a duplicate statement showing the numbers of  
6 votes cast for that judgeship in that county for transmittal to the other county. For  
7 partisan candidates, the statements shall include the political party or principle  
8 designation, if any, next to the name of each candidate. The board of canvassers shall  
9 also prepare a statement showing the results of any county, technical college district  
10 or statewide referendum. Each statement shall state show the total number of votes  
11 cast in the county for each office; the names of all persons for whom the votes were  
12 cast, as returned; and the number of votes cast for each person; and, except a write-in  
13 candidate who has not filed a timely declaration of candidacy for the office for which  
14 the candidate receives a vote, unless there are no candidates whose names appear  
15 on the ballot for that office or unless there appears on the ballot for that office the  
16 name of a deceased candidate. The statement shall also show the number of votes  
17 cast for and against any question submitted at a referendum. The board of  
18 canvassers shall use one copy of the each duplicate statement to report to the  
19 elections board ~~or~~, technical college district board or board of canvassers of any other  
20 county and shall file the other statement in the office of the county clerk or board of  
21 election commissioners.

22 **SECTION 84.** 7.60 (4) (b) of the statutes is amended to read:

23 7.60 (4) (b) The board of canvassers shall then prepare a written  
24 determination, in duplicate where necessary, giving the names of the persons elected  
25 to any county office and to any municipal judgeship if the judge is elected under s.



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1 755.01 (4) and candidates for that judgeship file nomination papers in that county.  
2 The board of canvassers shall likewise prepare a written determination showing the  
3 results of any county referendum. Following any primary election, the board of  
4 canvassers shall prepare a statement certifying the names of all persons who have  
5 won nomination to any county office or any municipal judgeship, if the judge is  
6 elected under s. 755.01 (4) and candidates for that judgeship file nomination papers  
7 in that county. The board of canvassers shall file all statements and determinations  
8 in the office of the county clerk or board of election commissioners.

9 **SECTION 85.** 7.60 (4) (c) of the statutes is amended to read:

10 7.60 (4) (c) In preparing the statements and determinations, the board of  
11 canvassers shall carefully review the tally sheets and inspectors' statement. The  
12 board of canvassers may omit the names of individuals whose names do not appear  
13 on the ballot and who receive a comparatively small number of votes. The board of  
14 canvassers shall name of any write-in candidate who has not filed a timely  
15 declaration of candidacy for the office for which the candidate receives votes, and  
16 designate votes received by such individuals the candidate as scattering votes,  
17 unless there are no candidates whose names appear on the ballot for that office or  
18 unless there appears on the ballot for that office the name of a deceased candidate.  
19 The board of canvassers shall append to each statement and determination a  
20 tabulation of the votes cast at each election district, ward or combination of wards  
21 authorized under s. 5.15 (6) (b) in the county for each office and each individual,  
22 whether the votes are canvassed or not, as well as the total canvassed votes cast for  
23 each individual and each office, except where scattering votes are designated. If any  
24 votes are rejected, the board of canvassers shall specify the reasons therefor.

25 **SECTION 86.** 7.60 (5) of the statutes is amended to read:

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1           7.60 (5) REPORTING. Immediately following the canvass the county clerk shall  
2 deliver or send to the elections board, by 1st class mail, a certified copy of each  
3 statement of the county board of canvassers for president and vice president; state  
4 officials; senators and representatives in congress; state legislators; justice; court of  
5 appeals judge; circuit judge; district attorney; ~~municipal judge, if elected under s.~~  
6 ~~755.01(4);~~ and metropolitan sewerage commissioners, if the commissioners are  
7 elected under s. 66.23 (11) (am). The statement shall record the returns for each  
8 office or referendum by ward, unless combined returns are authorized under s. 5.15  
9 (6) (b) in which case the statement shall record the returns for each group of  
10 combined wards. Following primaries the county clerk shall enclose on blanks  
11 prescribed by the elections board the names, party or principle designation, if any,  
12 and number of votes received by each candidate recorded in the same manner. The  
13 county clerk shall deliver or transmit the certified statement to the elections board  
14 no later than 7 days after each primary and no later than 10 days after any other  
15 election. The board of canvassers shall deliver or transmit a certified copy of each  
16 statement for any technical college district referendum to the secretary of the  
17 technical college district board. If the board of canvassers becomes aware of a  
18 material mistake in the canvass of an election for state or national office or a  
19 statewide or technical college district referendum prior to the close of business on the  
20 day the elections board receives returns from the last county board of canvassers  
21 with respect to that canvass, the board of canvassers may petition the elections board  
22 to reopen and correct the canvass. The elections board shall direct the canvass to be  
23 reopened and corrected if it determines that the public interest so requires. If the  
24 elections board directs the canvass to be reopened, the board of canvassers shall

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1 reconvene and transmit a certified corrected copy of the canvass statement to the  
2 elections board or secretary of the technical college district board.

3 **SECTION 87.** 7.60 (6) of the statutes is amended to read:

4 7.60 (6) CERTIFICATE OF ELECTION. Immediately after expiration of the time  
5 allowed to file a petition for a recount the county clerk shall issue a certificate of  
6 election to each person who is elected to any county office ~~and to each person who is~~  
7 ~~elected to the office of party committeeman or committeewoman.~~ The certificate  
8 notice shall state the amount of the required official bond, if any. When a petition  
9 for a recount is filed, the county clerk shall not issue the certificate of election for the  
10 office in question until the recount has been completed and the time allowed for filing  
11 an appeal has passed, or if appealed until the appeal is decided.

12 **SECTION 88.** 7.70 (3) (d) of the statutes is amended to read:

13 7.70 (3) (d) When the certified statements and returns are received, the  
14 chairperson of the board shall proceed to examine and make a statement of the total  
15 number of votes cast at any election for the offices involved in the election for  
16 president and vice president; a statement for each of the offices of governor,  
17 lieutenant governor, if a primary, and a joint statement for the offices of governor and  
18 lieutenant governor, if a general election; a statement for each of the offices of  
19 secretary of state, state treasurer, attorney general, and state superintendent; for  
20 U.S. senator; representative in congress for each congressional district; the state  
21 legislature; justice; court of appeals judge; circuit judge; district attorney; ~~municipal~~  
22 ~~judge, if he or she is elected under s. 755.01 (4);~~ metropolitan sewerage commission,  
23 if the commissioners are elected under s. 66.23 (11) (am); and for any referenda  
24 questions submitted by the legislature.

25 **SECTION 89.** 7.70 (3) (f) of the statutes is amended to read:

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1           7.70 (3) (f) The statements shall show the persons' names receiving votes, and  
2 any referenda questions; the whole number of votes given to each; and an individual  
3 listing by the districts or counties in which they were given. ~~The names of persons~~  
4 ~~not regularly nominated who received only a comparatively small number of votes~~  
5 ~~name of any write-in candidate who has not filed a timely declaration of candidacy~~  
6 ~~for the office for which the candidate receives votes~~ may be omitted and ~~their the~~  
7 votes cast for that candidate may be designated as scattering votes.

8           **SECTION 90.** 8.05 (1) (j) of the statutes is amended to read:

9           8.05 (1) (j) The municipal clerk shall notify in writing each candidate whose  
10 name is certified as a nominee under par. (h) of his or her nomination. If a municipal  
11 judge is elected under s. 755.01 (4), the county clerk of the county having the largest  
12 portion of the population in the jurisdiction served by the judge shall make the  
13 notification. Upon receipt of the notice, each candidate shall file a declaration of  
14 candidacy in the manner prescribed by s. 8.21 with the municipal clerk making the  
15 notification no later than 5 p.m. on the 5th day after the notification is mailed or  
16 personally delivered to the candidate by the municipal clerk, except as authorized  
17 in this paragraph. If an incumbent whose name is certified as a nominee fails to file  
18 a declaration of candidacy within the time prescribed by this paragraph, each  
19 certified candidate for the office held by the incumbent, other than the incumbent,  
20 may file a declaration of candidacy no later than 72 hours after the latest time  
21 prescribed in this paragraph. If the candidate has not filed a registration statement  
22 under s. 11.05 at the time of the notification, the candidate shall file the statement  
23 with the declaration. A candidate for municipal judge shall also file a statement of  
24 economic interests with the ethics board under s. 19.43 (4) no later than 4:30 p.m.  
25 on the 5th day after notification of nomination is mailed or personally delivered to

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1 the candidate ~~by the municipal clerk~~, or no later than 4:30 p.m. on the next business  
2 day after the last day for filing a declaration of candidacy whenever that candidate  
3 is granted an extension of time for filing a declaration of candidacy under this  
4 paragraph. Upon receipt of the declaration of candidacy and registration statement  
5 of each qualified candidate, and upon filing of a statement of economic interests by  
6 each candidate for municipal judge, the municipal clerk, or the county clerk if the  
7 judge is elected under s. 755.01 (4), shall place the name of the candidate on the  
8 ballot. No later than the end of the 3rd day following qualification by all candidates,  
9 the municipal clerk, or the county clerk if the judge is elected under s. 755.01 (4),  
10 shall draw lots to determine the arrangement of candidates' names on the spring  
11 election ballot.

12 **SECTION 91.** 8.05 (3) (d) and (e) of the statutes are amended to read:

13 8.05 (3) (d) The question of adoption of the nonpartisan primary under this  
14 subsection may be submitted to the electors at any regular election held in the town  
15 or at a special election called for the purpose. When a petition requesting adoption  
16 of the nonpartisan primary conforming to the requirements of s. 8.40 signed by at  
17 least 20 electors of the town is filed with the town clerk ~~so requesting~~ as provided in  
18 s. 8.37, the question shall be submitted to a vote.

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

24 **SECTION 92.** 8.05 (5) of the statutes is amended to read:

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1           8.05 (5) WHEN PRIMARY IS HELD. Towns and villages adopting the nonpartisan  
2 primary to nominate candidates, under subs. (3) and (4), shall hold a primary only  
3 when the number of candidates for an elective office in the municipality exceeds  
4 twice the number to be elected to the office. A primary for the office of municipal  
5 judge under s. 755.01 (4) shall be held whenever there are more than 2 candidates  
6 for that office. Those offices for which a primary has been held shall have only the  
7 names of candidates nominated at the primary appear on the official spring election  
8 ballot. When the number of candidates for an office does not exceed twice the number  
9 to be elected, their names shall appear on the official ballot for the election without  
10 a primary.

11           **SECTION 93.** 8.10 (3) (intro.) of the statutes is amended to read:

12           8.10 (3) (intro.) The affidavit certification of a qualified elector under s. 8.15  
13 (4) (a) shall be appended to each nomination paper. The number of required  
14 signatures on nomination papers filed under this section is:

15           **SECTION 94.** 8.10 (6) (a) of the statutes is amended to read:

16           8.10 (6) (a) For state offices; ~~municipal judges, if they are elected under s.~~  
17 ~~755.01 (4);~~ or seats on a metropolitan sewerage commission, if the commissioners are  
18 elected under s. 66.23 (11) (am), in the office of the board.

19           **SECTION 95.** 8.10 (6) (bm) of the statutes is created to read:

20           8.10 (6) (bm) For municipal judge, if the judge is elected under s. 755.01 (4), in  
21 the office of the county clerk or board of election commissioners of the county having  
22 the largest portion of the population in the jurisdiction served by the judge.

23           **SECTION 96.** 8.11 (1) (d), (2) and (2m) of the statutes are amended to read:

24           8.11 (1) (d) When the number of candidates, other than write-in candidates,  
25 for any city office does not exceed twice the number to be elected to the office, no

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1 primary may be held for the office and the candidates' names shall appear on the  
2 ballot for the ensuing election.

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

7 (2m) FIRST CLASS CITY SCHOOL BOARD. A primary shall be held in 1st class cities  
8 whenever there are more than 2 candidates, other than write-in candidates, for  
9 member of the board of school directors at-large or from any election district in any  
10 year.

11 SECTION 97. 8.12 (2) of the statutes is amended to read:

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

17 SECTION 98. 8.15 (4) (a) of the statutes is amended to read:

18 8.15 (4) (a) The affidavit certification of a qualified elector stating his or her  
19 residence with street and number, if any, shall appear at the bottom of each  
20 nomination paper, stating he or she personally circulated the nomination paper and  
21 personally obtained each of the signatures; he or she knows they are electors of the  
22 ward, aldermanic district, municipality or county, as the nomination papers require;  
23 he or she knows they signed the paper with full knowledge of its content; he or she  
24 knows their respective residences given; he or she knows each signer signed on the  
25 date stated opposite his or her name; and, that he or she, the affiant circulator,

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1 resides within the district which the candidate named therein will represent, if  
2 elected; that he or she intends to support the candidate; and that he or she is aware  
3 that falsifying the affidavit certification is punishable under ss. s. 12.13 (3) (a) and  
4 946.32 (1) (a), Wis. stats. The affidavit certification may be made by the candidate  
5 or any qualified elector. ~~The nomination papers are valid with or without the seal~~  
6 ~~of the officer who administers the oath.~~

7 **SECTION 99.** 8.17 (1) (a) of the statutes is amended to read:

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

25 **SECTION 100.** 8.17 (2), (3) and (4) (a) and (b) of the statutes are repealed.



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1           **SECTION 101.** 8.17 (4) (c) of the statutes is renumbered 8.17 (4) and amended  
2 to read:

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

6           **SECTION 102.** 8.17 (5) (b) of the statutes is amended to read:

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

23           **SECTION 103.** 8.17 (5) (bm) of the statutes is created to read:

24           8.17 (5) (bm) A county committee may require that candidates for party  
25 committeemen and committeewomen file nomination papers with the county

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1 committee prior to the combined meeting under par. (b). The form, content and  
2 circulation and filing deadlines of the nomination papers shall be established by the  
3 county committee.

4 **SECTION 104.** 8.20 (3) of the statutes is amended to read:

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

7 **SECTION 105.** 8.20 (9) of the statutes is amended to read:

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

17 **SECTION 106.** 8.21 of the statutes is amended to read:

18 **8.21 Declaration of candidacy.** Each candidate, except a write-in candidate  
19 or a candidate for presidential elector under s. 8.20 (2) (d), shall file a declaration of  
20 candidacy, no later than the latest time provided for filing nomination papers under  
21 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  
22 s. 8.16 (2) or 8.35 (2) (c). A write-in candidate may file a declaration of candidacy no  
23 later than 5 p.m. before the day of the primary or other election at which the  
24 candidate seeks office. A candidate shall file the declaration with the officer or  
25 agency with which nomination papers are filed for the office which the candidate

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

24 **SECTION 107.** 8.35 (2) (a) of the statutes is amended to read:

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1           8.35 (2) (a) If a vacancy occurs after nomination due to the death of a candidate  
2 of a recognized political party for a partisan office, ~~other than party committeeman~~  
3 ~~or committeewoman~~, the vacancy may be filled by the chairperson of the committee  
4 of the proper political party under s. 7.38 (3), or the personal campaign committee,  
5 if any, in the case of independent candidates. Similar vacancies in nominations of  
6 candidates for nonpartisan local offices may be filled by the candidate's personal  
7 campaign committee or, if the candidate had none, by the body which governs the  
8 local governmental unit in which the deceased person was a candidate for office. The  
9 chairperson, chief officer of the committee, or clerk of the body making an  
10 appointment shall file a certificate of appointment with the official or agency with  
11 whom declarations of candidacy for the office are filed. For purposes of this  
12 paragraph, the official or agency need not recognize members of a personal campaign  
13 committee whose names were not filed under s. 11.05 prior to the death of the  
14 candidate.

15           **SECTION 108.** 8.37 of the statutes is created to read:

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

23           **SECTION 109.** 8.40 (2) of the statutes is amended to read:

24           8.40 (2) The affidavit certification of a qualified elector stating his or her  
25 residence with street and number, if any, shall appear at the bottom of each separate

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

12 **SECTION 110.** 8.50 (1) (a) of the statutes is amended to read:

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

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1 school district organized under ch. 119 issues the order, it shall be filed and recorded  
2 in the office of the city board of election commissioners. When the mayor, president  
3 or chairperson issues the order, it shall be filed in the office of the municipal clerk or  
4 city board of election commissioners. If a municipal judge is elected under s. 755.01  
5 (4), the order shall be filed in the office of the county clerk or board of election  
6 commissioners of the county having the largest portion of the population of the  
7 jurisdiction served by the judge.

8 **SECTION 111.** 8.50 (1) (b) of the statutes is amended to read:

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

18 **SECTION 112.** 8.50 (2) (a) of the statutes is amended to read:

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

25 **SECTION 113.** 8.50 (4) (fm) of the statutes is amended to read:

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1           8.50 (4) (fm) A permanent vacancy in the office of municipal judge may be filled  
2           by temporary appointment of the municipal governing body, or, if the judge is elected  
3           under s. 755.01 (4), jointly by the governing bodies of all municipalities served by the  
4           judge. The office shall then be permanently filled by special election, held  
5           concurrently with the next spring election following the occurrence of the vacancy,  
6           except that a vacancy occurring during the period after December 1 and on or before  
7           the date of the spring election shall be filled at the 2nd succeeding spring election,  
8           and no such election may be held after the expiration of the term of office nor at the  
9           time of holding the regular election for the office.

10           **SECTION 114.** 9.01 (1) (ag) 1. and 2. of the statutes are amended to read:

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

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

25           **SECTION 115.** 9.01 (1) (ag) 2g. and 2r. of the statutes are created to read:

**ASSEMBLY BILL 434****SECTION 115**

1           9.01 (1) (ag) 2g. If the difference between the votes cast for the leading  
2 candidate and those cast for the petitioner or the difference between the affirmative  
3 and negative votes cast upon any referendum question is at least 3% but less than  
4 5%, the petitioner shall pay 50% of the actual cost of conducting the recount.

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

9           **SECTION 116.** 9.01 (2) of the statutes is amended to read:

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

25           **SECTION 117.** 9.01 (5) (a) of the statutes is amended to read:



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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 its proceedings, a board of canvassers shall deliver one copy of  
4 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 118.** 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 119.** 10.02 (3) (b) 1. of the statutes is amended to read:

**ASSEMBLY BILL 434****SECTION 119**

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 cross (X) ~~in the circle~~ or depress the lever or button  
3 ~~under~~ next to the party designation printed shown at the top of the ballot, ~~except that~~  
4 at 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 120.** 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 121.** 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

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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 122.** 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 123.** 10.66 (1m) (a) of the statutes is repealed.

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1           **SECTION 124.** 10.66 (3) (b) of the statutes is repealed.

2           **SECTION 125.** 10.76 (1r) (a) of the statutes is repealed.

3           **SECTION 126.** 10.76 (3) (a) of the statutes is repealed.

4           **SECTION 127.** 10.82 (1) (e) of the statutes is amended to read:

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

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

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

14           **SECTION 129.** 10.82 (3) (d) of the statutes is amended to read:

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

19           **SECTION 130.** 10.82 (4) (d) of the statutes is amended to read:

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

24           **SECTION 131.** 10.82 (5) (c) of the statutes is amended to read:

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

5           **SECTION 132.** 11.02 (3) of the statutes is amended to read:

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

11           **SECTION 133.** 11.02 (3e) of the statutes is created to read:

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

17           **SECTION 134.** 11.03 (1) of the statutes is amended to read:

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

21           **SECTION 135.** 11.60 (4) and (5) of the statutes are amended to read:

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

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

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

16 **SECTION 136.** 24.66 (4) of the statutes is amended to read:

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

25 **SECTION 137.** 32.72 (1) of the statutes is amended to read:

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1           32.72 (1) Sections 32.50 to 32.71 do not take effect in any city until the following  
2 question is submitted to the electors of the city at a special election and adopted by  
3 a majority vote of the electors voting: “Shall subchapter II of chapter 32, Wisconsin  
4 Statutes, be effective in the city of ....., thus allowing the city to acquire and  
5 condemn property for street widening and similar purposes, financed through  
6 assessments of benefits and damages?”. The question shall be filed as provided in  
7 s. 8.37.

8           **SECTION 138.** 38.08 (1) (a) 1. of the statutes is amended to read:

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

16           **SECTION 139.** 59.05 (2) of the statutes is amended to read:

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

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1 officers on that day, and the votes shall be canvassed, certified and returned in the  
2 same manner as other votes at that election. The question to be submitted shall be  
3 “Shall the county seat of .... county be removed to ....?”.

4 **SECTION 140.** 59.08 (7) (b) of the statutes is amended to read:

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

14 **SECTION 141.** 60.30 (4) (b) of the statutes is amended to read:

15 60.30 (4) (b) The regular term of elected town officers, other than the town  
16 assessor, commences on the ~~2nd~~ 3rd Tuesday of April in the year of their election.  
17 The regular term of an elected assessor commences on June 1 in the year of the  
18 assessor’s election.

19 **SECTION 142.** 60.62 (2) of the statutes is amended to read:

20 60.62 (2) If the county in which the town is located has enacted a zoning  
21 ordinance under s. 59.69, the exercise of the authority under sub. (1) is subject to  
22 approval by the town meeting or by a referendum vote of the electors of the town held  
23 at the time of any regular or special election. The question for the referendum vote  
24 shall be filed as provided in s. 8.37.

25 **SECTION 143.** 60.74 (5) (b) of the statutes is amended to read:



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1           60.74 (5) (b) A petition conforming to the requirements of s. 8.40 signed by  
2 qualified electors of the district equal to at least 20% of the vote cast for governor in  
3 the district at the last gubernatorial election, requesting a change to appointment  
4 of commissioners, may be submitted to the town board, subject to sub. (5m) (a). The  
5 petition shall be filed as provided in s. 8.37. Upon receipt of the petition, the town  
6 board shall submit the question to a referendum at the next regular spring election  
7 or general election, or shall call a special election for that purpose. The inspectors  
8 shall count the votes and submit a statement of the results to the commission. The  
9 commission shall canvass the results of the election and certify the results to the  
10 town board which has authority to appoint commissioners.

11           **SECTION 144.** 60.785 (2) (a) of the statutes is amended to read:

12           60.785 (2) (a) Any town sanitary district may be consolidated with a contiguous  
13 town sanitary district by resolution passed by a two-thirds vote of all of the  
14 commissioners of each district, fixing the terms of the consolidation and ratified by  
15 the qualified electors of each district at a referendum held in each district. The  
16 resolution shall be filed as provided in s. 8.37. The ballots shall contain the words  
17 “for consolidation”, and “against consolidation”. If a majority of the votes cast on the  
18 referendum in each town sanitary district are for consolidation, the resolutions are  
19 effective and have the force of a contract. Certified copies of the resolutions and the  
20 results of the referendum shall be filed with the secretary of natural resources and  
21 the original documents shall be recorded with the register of deeds in each county  
22 in which the consolidated district is situated.

23           **SECTION 145.** 61.187 (1) of the statutes is amended to read:

24           61.187 (1) PROCEDURE. Whenever a petition conforming to the requirements  
25 of s. 8.40, signed by at least one-third as many electors of any village as voted for

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1 village officers at the next preceding election therefor, shall be presented to the  
2 village board, and filed as provided in s. 8.37, praying for dissolution of the village  
3 corporation, such board shall submit to the electors of such village, for determination  
4 by ballot in substantially the manner provided by ss. 5.64 (2) and 10.02, at a general  
5 election or at a special election called by them for that purpose, the question whether  
6 or not such village corporation shall be dissolved.

7 **SECTION 146.** 61.46 (1) of the statutes is amended to read:

8 61.46 (1) GENERAL; LIMITATION. The village board shall, on or before December  
9 15 in each year, by resolution to be entered of record, determine the amount of  
10 corporation taxes to be levied and assessed on the taxable property in such village  
11 for the current year. Before levying any tax for any specified purpose, exceeding one  
12 percent of the assessed valuation aforesaid, the village board shall, and in all other  
13 cases may in its discretion, submit the question of levying the same to the village  
14 electors at any general or special election by giving 10 days' notice thereof prior to  
15 such election by publication in a newspaper published in the village, if any, and if  
16 there is none, then by posting notices in 3 public places in said village, setting forth  
17 in such notices the object and purposes for which such taxes are to be raised and the  
18 amount of the proposed tax. The village board shall file the question as provided in  
19 s. 8.37.

20 **SECTION 147.** 62.13 (6) (b) of the statutes is amended to read:

21 62.13 (6) (b) The provisions of this subsection shall apply only if adopted by the  
22 electors. Whenever not less than ~~30~~ 42 days prior to a regular city election a petition  
23 therefor, conforming to the requirements of s. 8.40 and signed by electors equal in  
24 number to not less than 20% of the total vote cast in the city for governor at the last  
25 general election, shall be filed with the clerk as provided in s. 8.37, the clerk shall give

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1 notice in the manner of notice of the regular city election of a referendum on the  
2 adoption of this subsection. Such referendum election shall be held with the regular  
3 city election, and the ballots shall conform with the provisions of ss. 5.64 (2) and  
4 10.02, and the question shall be "Shall s. 62.13 (6) of the statutes be adopted?"

5 **SECTION 148.** 64.39 (2) of the statutes is amended to read:

6 64.39 (2) Such petition shall conform to the requirements of s. 8.40 and shall  
7 be signed by qualified electors of such city at least equal in number to 25% of the total  
8 number of votes cast in such city for all candidates for governor at the last preceding  
9 general election. Such petition shall be filed with the city clerk as provided in s. 8.37  
10 and after being so filed, no name shall be erased or removed therefrom and no  
11 signature shall be valid or be counted unless its date is less than one month preceding  
12 the date of such filing.

13 **SECTION 149.** 66.021 (5) (a) of the statutes is amended to read:

14 66.021 (5) (a) *Notice.* Within 60 days after the filing of the petition, the common  
15 council or village board may accept or reject the petition and if rejected no further  
16 action shall be taken thereon. Acceptance may consist of adoption of an annexation  
17 ordinance. Failure to reject the petition shall obligate the city or village to pay the  
18 cost of any referendum favorable to annexation. If the petition is not rejected the  
19 clerk of the city or village with whom the annexation petition is filed shall give  
20 written notice thereof by personal service or registered mail with return receipt  
21 requested to the clerk of any town from which territory is proposed to be detached  
22 and shall give like notice to any person who files a written request therefor with the  
23 clerk. Such notice shall indicate whether the petition is for direct annexation or  
24 whether it requests a referendum on the question of annexation. If the notice  
25 indicates that the petition is for a referendum on the question of annexation, the

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

17 **SECTION 150.** 66.022 (3) of the statutes is amended to read:

18 66.022 (3) The governing body of any city, village or town involved may, or if  
19 a petition conforming to the requirements of s. 8.40 signed by a number of qualified  
20 electors thereof equal to at least 5% of the votes cast for governor in the city, village  
21 or town at the last gubernatorial election, demanding a referendum thereon, is  
22 presented to it within 30 days after the passage of either of the ordinances herein  
23 provided for shall, cause the question to be submitted to the electors of the city,  
24 village or town whose electors petitioned therefor, at a referendum election called for  
25 such purpose ~~within 30~~ not less than 42 days nor more than 72 days after the filing

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

12 **SECTION 151.** 66.023 (4) (e) 1. and 2. of the statutes are amended to read:

13 66.023 (4) (e) 1. Within 30 days after adoption of a final plan under par. (d), the  
14 governing body of a participating municipality may adopt a resolution calling for an  
15 advisory referendum on the plan. An advisory referendum shall be held if, within  
16 30 days after adoption of the final plan under par. (d), a petition, signed by a number  
17 of qualified electors equal to at least 10% of the votes cast for governor in the  
18 municipality at the last gubernatorial election, is filed with the clerk of a  
19 participating municipality and as provided in s. 8.37, requesting an advisory  
20 referendum on the cooperative plan. The petition shall conform to the requirements  
21 of s. 8.40.

22 2. The advisory referendum shall be held ~~within 30~~ not less than 42 days nor  
23 more than 72 days after adoption of the resolution under subd. 1. calling for the  
24 referendum or ~~within 30~~ not less than 42 days nor more than 72 days after receipt  
25 of the petition by the municipal clerk. The municipal clerk shall give notice of the

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1 referendum by publishing a notice in a newspaper of general circulation in the  
2 municipality, both on the publication day next preceding the advisory referendum  
3 election and one week prior to that publication date.

4 **SECTION 152.** 66.024 (4) (a) and (b) of the statutes are amended to read:

5 66.024 (4) (a) If the court, after such hearing, is satisfied as to the correctness  
6 of the description of the territory or any survey and that the provisions of this section  
7 have been complied with, it shall make an order so declaring and shall direct a  
8 referendum election within the territory which shall be described in the order, on the  
9 question, whether such area should be annexed. Such order shall be filed as provided  
10 in s. 8.37. Such order shall direct 3 electors named therein residing in the town in  
11 which the territory proposed to be annexed lies, to perform the duties of inspectors  
12 of election.

13 (b) The referendum election shall be held ~~within 30~~ not less than 42 days nor  
14 more than 72 days after the ~~entry~~ filing of the order as provided in s. 8.37, in the  
15 territory proposed for annexation, by the electors of such territory as provided in s.  
16 66.021 (5), so far as applicable. The ballots shall contain the words “For Annexation”  
17 and “Against Annexation”. The certification of the election inspectors shall be filed  
18 with the clerk of the court, and the clerk of any municipality involved, but need not  
19 be filed or recorded with the register of deeds.

20 **SECTION 153.** 66.027 of the statutes is amended to read:

21 **66.027 Municipal boundaries, fixed by judgment.** Any 2 municipalities  
22 whose boundaries are immediately adjacent at any point and who are parties to any  
23 action, proceeding or appeal in court for the purpose of testing the validity or  
24 invalidity of any annexation, incorporation, consolidation or detachment, may enter  
25 into a written stipulation, compromising and settling any such litigation and

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

18 **SECTION 154.** 66.028 (6) (a) and (b) of the statutes are amended to read:

19 66.028 (6) (a) Within 30 days after the hearing under sub. (3), the governing  
20 body of a participating municipality may adopt a resolution calling for an advisory  
21 referendum on the agreement. An advisory referendum shall be held if, within 30  
22 days after the hearing under sub. (3), a petition, signed by a number of qualified  
23 electors equal to at least 10% of the votes cast for governor in the municipality at the  
24 last gubernatorial election, is filed with the clerk of a participating municipality,  
25 requesting an advisory referendum on the revenue sharing plan. The petition shall

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1 conform to the requirements of s. 8.40 and shall be filed as provided in s. 8.37. If an  
2 advisory referendum is held, the municipality's governing body may not vote to  
3 approve the agreement under sub. (2) until the report under par. (d) is filed.

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

11 **SECTION 155.** 66.059 (2m) (b) of the statutes is amended to read:

12 66.059 (2m) (b) If a referendum is to be held on a resolution, the municipal  
13 governing body shall file the resolution as provided in s. 8.37 and shall direct the  
14 municipal clerk to call a special election for the purpose of submitting the resolution  
15 to the electors for a referendum on approval or rejection. In lieu of a special election,  
16 the municipal governing body may specify that the election be held at the next  
17 succeeding spring primary or election or September primary or general election.

18 **SECTION 156.** 66.061 (1) (c) of the statutes is amended to read:

19 66.061 (1) (c) No such ordinance shall be operative until 60 days after passage  
20 and publication unless sooner approved by a referendum. Within that time electors  
21 equal in number to ~~20 per cent~~ 20% of those voting at the last regular municipal  
22 election, may demand a referendum. The demand shall be in writing and filed with  
23 the clerk and as provided in s. 8.37. Each signer shall state his or her occupation and  
24 residence and signatures shall be verified by the affidavit of an elector. The  
25 referendum shall be held at the next regular municipal election, or at a special



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1 election within 90 days of the filing of the demand, and the ordinance shall not be  
2 effective unless approved by a majority of the votes cast thereon. This paragraph  
3 shall not apply to extensions by a utility previously franchised by the village or city.

4 **SECTION 157.** 66.075 (5) of the statutes is amended to read:

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

17 **SECTION 158.** 66.521 (10) (d) of the statutes is amended to read:

18 66.521 (10) (d) The governing body may issue bonds under this section without  
19 submitting the proposition to the electors of the municipality for approval unless  
20 within 30 days from the date of publication of notice of adoption of the initial  
21 resolution for such bonds, a petition conforming to the requirements of s. 8.40, signed  
22 by not less than 5% of the registered electors of the municipality, or, if there is no  
23 registration of electors in the municipality, by 10% of the number of electors of the  
24 municipality voting for the office of governor at the last general election as  
25 determined under s. 115.01 (13), is filed with the clerk of the municipality and as

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1 provided in s. 8.37 requesting a referendum upon the question of the issuance of the  
2 bonds. If such a petition is filed, the bonds shall not be issued until approved by a  
3 majority of the electors of the municipality voting thereon at a general or special  
4 election.

5 **SECTION 159.** 66.77 (3) (a) 1. of the statutes is amended to read:

6 66.77 (3) (a) 1. If the governing body of a county wishes to exceed the operating  
7 levy rate limit otherwise applicable to the county under this section, it shall adopt  
8 a resolution to that effect. The resolution shall specify either the operating levy rate  
9 or the operating levy that the governing body wishes to impose for either a specified  
10 number of years or an indefinite period. The governing body shall call a special  
11 referendum for the purpose of submitting the resolution to the electors of the county  
12 for approval or rejection. In lieu of a special referendum, the governing body may  
13 specify that the referendum be held at the next succeeding spring primary or election  
14 or September primary or general election to be held not earlier than ~~30~~ 42 days after  
15 the adoption of the resolution of the governing body. The governing body shall file  
16 the resolution to be submitted to the electors as provided in s. 8.37.

17 **SECTION 160.** 66.94 (4) of the statutes is amended to read:

18 66.94 (4) MANNER OF ADOPTION. This section may be adopted by any city, village  
19 or town within the metropolitan district in the following manner: The governing  
20 body of any municipality, by ordinance passed at least ~~30~~ 42 days prior to submission  
21 of the question, may direct that the question of the adoption of this section be  
22 submitted to the electors therein at any general, special, judicial or local election.  
23 The question shall be filed as provided in s. 8.37. The clerk of such municipality or  
24 the election commission of any city of the first class shall thereupon submit the  
25 question to popular vote. Public notice of the election shall be given in the same

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1 manner as in case of a regular municipal election except that such notice shall be  
2 published or posted at least 20 days prior to the election. If a majority of those voting  
3 on the question vote in the affirmative thereon, this section shall be adopted in such  
4 municipality. The proposition on the ballot to be used at such election shall be in  
5 substantially the following form:

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

9 YES  NO

10 **SECTION 161.** 67.05 (3) (am) of the statutes is created to read:

11 67.05 (3) (am) The question on which the referendum is held shall be filed as  
12 provided in s. 8.37.

13 **SECTION 162.** 67.12 (12) (e) 6. of the statutes is amended to read:

14 67.12 (12) (e) 6. A copy of any resolution of the district board under subd. 5.  
15 which requires a referendum shall be promptly transmitted by the secretary of the  
16 district board to the county clerk or board of election commissioners of each county  
17 any part of which is contained within the district. A copy of the resolution shall be  
18 filed as provided in s. 8.37. Costs of the referendum shall be borne as provided in ss.  
19 5.68 and 7.03.

20 **SECTION 163.** 81.01 (3) (b) of the statutes is amended to read:

21 81.01 (3) (b) The town board by resolution submits to the electors of the town  
22 as a referendum at a general or special town election the question of exceeding the  
23 \$10,000 limit set under this subsection. A copy of the resolution shall be filed as  
24 provided in s. 8.37. The board shall abide by the majority vote of the electors of the  
25 town on the question. The question shall read as follows:

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

3                            FOR SPENDING     AGAINST SPENDING

4            **SECTION 164.** 86.21 (2) (a) of the statutes is amended to read:

5            86.21 (2) (a) Before any such toll bridge is constructed or acquired under this  
6 section, a resolution authorizing the construction or acquisition thereof, and  
7 specifying the method of payment therefor, shall be adopted by a majority of the  
8 members of the governing body of such county, town, village or city at a regular  
9 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The  
10 resolution shall include a general description of the property it is proposed to acquire  
11 or construct. Any county, town, village or city constructing or acquiring a toll bridge  
12 under this section may provide for the payment of the same or any part thereof from  
13 the general fund, from taxation, or from the proceeds of either municipal bonds,  
14 revenue bonds or as otherwise provided by law. Such resolution shall not be effective  
15 until 15 days after its passage and publication. If within said 15 days a petition  
16 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality,  
17 and filed as provided in s. 8.37, signed by at least 20% of the electors thereof  
18 requesting that the question of acquiring such toll bridge be submitted to the said  
19 electors, such question shall be submitted at any general or regular municipal  
20 election that ~~may be~~ is held not less sooner than ~~10~~ 42 nor more than ~~40~~ 42 days from  
21 the date of filing such petition. In case no such general or regular municipal election  
22 is to be held within such stated period, then the governing body of such municipality  
23 shall order a special election to be held within 30 days from the filing of such petition  
24 upon the question of whether such toll bridge shall be acquired by said municipality.  
25 The question submitted to the electors shall specify the method of payment for such

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1 toll bridge as provided in the resolution for the acquisition thereof. If no such petition  
2 is filed, or if the majority of votes cast at such referendum election are in favor of the  
3 acquisition of such toll bridge, then the resolution of the governing body for the  
4 acquisition of such toll bridge shall be in effect.

5 **SECTION 165.** 92.11 (4) (c) of the statutes is amended to read:

6 92.11 (4) (c) *Wording of ballot question; procedure.* The county board shall  
7 include the wording of the question to be placed before the electors in the referendum  
8 as a part of the ordinance adopted under this section or the revision to an ordinance  
9 adopted under this section. Upon the adoption of the ordinance or revision the county  
10 board shall forward a copy of the ordinance or revision to the county clerk who shall  
11 cause the question to be placed before the voters of the affected area in the next  
12 spring or general election occurring not less than 45 days after the adoption of the  
13 ordinance or revision. The form of the ballot shall correspond substantially ~~with~~ to  
14 the form "D" annexed to prescribed under s. 5.64 (2).

15 **SECTION 166.** 119.48 (4) (c) of the statutes is amended to read:

16 119.48 (4) (c) Upon receipt of the communication, the common council shall file  
17 the communication as provided in s. 8.37 and shall cause the question of exceeding  
18 the levy rate specified under s. 65.07 (1) (f) to be submitted to the voters of the city  
19 at the September election or at a special election. The question of exceeding the levy  
20 rate specified under s. 65.07 (1) (f) shall be submitted upon a separate ballot or in  
21 some other manner so that the vote upon exceeding the levy rate specified in s. 65.07  
22 (1) (f) is taken separately from any other question submitted to the voters. If a  
23 majority of the electors voting on the question favors exceeding the levy rate specified  
24 under s. 65.07 (1) (f), the common council shall approve the increase in the levy rate

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1 and shall levy and collect a tax equal to the amount of money approved by the  
2 electors.

3 **SECTION 167.** 119.49 (2) of the statutes is amended to read:

4 119.49 (2) Upon receipt of the communication, the common council shall file the  
5 communication as provided in s. 8.37 and shall cause the question of issuing such  
6 school bonds in the stated amount and for the stated school purposes to be submitted  
7 to the voters of the city at the next election held in the city. The question of issuing  
8 such school bonds shall be submitted upon a separate ballot or in some other manner  
9 so that the vote upon issuing such school bonds is taken separately from any other  
10 question submitted to the voters. If a majority of the electors voting on the school  
11 bond question favors issuing such school bonds, the common council shall cause the  
12 school bonds to be issued immediately or within the period permitted by law, in the  
13 amount requested by the board and in the manner other bonds are issued.

14 **SECTION 168.** 120.06 (6) (b) of the statutes is amended to read:

15 120.06 (6) (b) No later than the first Tuesday in December prior to the spring  
16 election, the school district clerk shall publish a type A notice of the school district  
17 election under s. 10.01 (2) (a). Except as authorized in this paragraph, no later than  
18 5 p.m. on the first Tuesday in January prior to the spring election, or on the next day  
19 if Tuesday is a holiday, any qualified elector of the school district, other than a  
20 write-in candidate, as defined in s. 5.02 (26), may file a sworn declaration of  
21 candidacy with the school district clerk in the form provided in s. 8.21 at the place  
22 specified in the notice. A write-in candidate may file a declaration of candidacy no  
23 later than 5 p.m. before the day of the primary or other election at which the  
24 candidate seeks office. If the school district contains territory lying within a 2nd  
25 class city, or if the school board or annual meeting requires nomination papers under

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1 par. (a), any qualified elector of the school district who desires to be a candidate, other  
2 than a write-in candidate, shall in addition file nomination papers in the form  
3 prescribed under s. 8.10 (2) and (3) with the school district clerk at the place specified  
4 in the notice. If an incumbent fails to file a declaration of candidacy, and nomination  
5 papers, where required, within the time prescribed by this paragraph, all candidates  
6 for the office held by the incumbent, other than the incumbent, may file a declaration  
7 of candidacy and nomination papers, where required, no later than 72 hours after the  
8 latest time prescribed in this paragraph. No extension of the time for filing a  
9 declaration of candidacy or nomination papers applies if the incumbent files written  
10 notification with the school district clerk, no later than 5 p.m. on the 2nd Friday  
11 preceding the latest time prescribed in this paragraph for filing declarations of  
12 candidacy, that the incumbent is not a candidate for reelection to his or her office, and  
13 the incumbent does not file a declaration of candidacy for that office within the time  
14 prescribed in this paragraph. In the case of a 3-member school board, the qualified  
15 elector shall state in his or her declaration of candidacy and on the face of his or her  
16 nomination papers, if any, the office for which the elector is a candidate. In the case  
17 of an apportioned or numbered school board, the qualified elector shall state in his  
18 or her declaration of candidacy and on the face of his or her nomination papers, if any,  
19 the apportioned area or numbered seat for which the elector is a candidate. If a  
20 candidate has not filed a registration statement under s. 11.05 by the time he or she  
21 files a declaration of candidacy, the candidate shall file the statement with the  
22 declaration. A candidate shall file an amended declaration under oath with the  
23 school district clerk in the event of a change in any information provided in the  
24 declaration as provided in s. 8.21.

25 **SECTION 169.** 120.06 (7) (a) of the statutes is amended to read:

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1           120.06 (7) (a) No later than 5 p.m. on the 2nd Tuesday in January, the school  
2 district clerk shall verify the declarations of candidacy and certify the names of  
3 candidates who have filed valid nomination papers, where required, and who qualify  
4 for office. In making verifications or certifications, the school district clerk shall  
5 designate the form of each candidate's name to appear on the ballot in the manner  
6 prescribed in s. 7.08 (2) (a). Once filed, a declaration of candidacy or nomination  
7 papers may not be withdrawn. This paragraph does not apply to write-in  
8 candidates, as defined in s. 5.02 (26).

9           **SECTION 170.** 120.06 (7) (b) of the statutes is amended to read:

10           120.06 (7) (b) The school board shall require a primary election if there are  
11 more than 2 candidates, other than write-in candidates, as defined in s. 5.02 (26),  
12 for any seat on a 3-member board or more than twice as many candidates as there  
13 are members to be elected to an unnumbered school board of more than 3 members.  
14 In school districts in which a plan of apportionment of school board members under  
15 s. 120.02 (2) or a plan for election of school board members to numbered seats has  
16 been adopted, the school board shall require a primary election for particular  
17 apportioned areas for which there are more than twice as many candidates, other  
18 than write-in candidates, as there are members to be elected and for any numbered  
19 seat for which there are more than 2 candidates. When there is a primary election  
20 it shall be held in conjunction with the spring primary.

21           **SECTION 171.** 120.06 (8) (dm) of the statutes is created to read:

22           120.06 (8) (dm) Whenever a write-in candidate, as defined in s. 5.02 (26), files  
23 a timely declaration of candidacy with the clerk, immediately notify the municipal  
24 clerk or board of election commissioners of each municipality in the school district  
25 of the name of the candidate and the office which the candidate seeks, unless there



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1 are no candidates whose names appear on the ballot for that office or unless there  
2 appears on the ballot the name of a deceased candidate for that office.

3 **SECTION 172.** 121.91 (3) (a) of the statutes is amended to read:

4 121.91 (3) (a) If a school board wishes to exceed the limit under sub. (2m)  
5 otherwise applicable to the school district in any school year, it shall promptly adopt  
6 a resolution supporting inclusion in the final school district budget of an amount  
7 equal to the proposed excess revenue. The resolution shall specify whether the  
8 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the  
9 proposed excess revenue is for both recurring and nonrecurring purposes, the  
10 amount of the proposed excess revenue for each purpose. The resolution shall be filed  
11 as provided in s. 8.37. Within 10 days after adopting the resolution, the school board  
12 shall notify the department of the scheduled date of the referendum and submit a  
13 copy of the resolution to the department. The school board shall call a special  
14 referendum for the purpose of submitting the resolution to the electors of the school  
15 district for approval or rejection. In lieu of a special referendum, the school board  
16 may specify that the referendum be held at the next succeeding spring primary or  
17 election or September primary or general election, if such election is to be held not  
18 earlier sooner than ~~35~~ 42 days after the ~~adoption~~ filing of the resolution of the school  
19 board. The school district clerk shall certify the results of the referendum to the  
20 department within 10 days after the referendum is held.

21 **SECTION 173.** 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 174.** 197.04 (1) (b) of the statutes is amended to read:

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1           197.04 (1) (b) If within either of the 90-day periods described in par. (a) a  
2 petition conforming to the requirements of s. 8.40 is filed with the clerk of the  
3 municipality as provided in s. 8.37 and the petition has been signed by 5% of the  
4 electors of a 1st class city or by 10% of the electors of all other municipalities  
5 requesting that the question of discontinuing the proceeding to acquire the plant or  
6 equipment of the public utility be submitted to the electors of the municipality, the  
7 applicable question under par. (c) shall be submitted to the electors at any general  
8 or regular municipal election that ~~may be~~ is held not less than ~~30,~~ 42 and not more  
9 than ~~35,~~ 47 days from the date of the filing of the petition. If no general election or  
10 regular municipal election is to be held within the stated periods, the governing body  
11 of the municipality shall order the holding of a special election, to be held not less  
12 than 42 days from the date of filing of the petition, for the purpose of submitting the  
13 question to the electors.

14           **SECTION 175.** 197.10 (2) of the statutes is amended to read:

15           197.10 (2) Such contract when adopted by the common council of said city and  
16 accepted by the owner or owners of such public utility shall be submitted to the public  
17 service commission for its approval and upon such approval the same shall be filed  
18 as provided in s. 8.37 and submitted in such manner as the common council shall  
19 determine to a vote of the electors of such city at the next regular municipal election  
20 or at a special election called for that purpose, and such contract shall not become  
21 binding upon such city until approved by a majority vote of the qualified electors of  
22 such city voting thereon. No bonds shall in any case be issued by said city under the  
23 contract or contracts mentioned in sub. (1), until the proposition of their issue shall  
24 have been submitted to the people of such city and adopted by a majority of the  
25 electors voting thereon.

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1           **SECTION 176.** 755.01 (4) of the statutes is amended to read:

2           755.01 (4) Two or more cities, towns or villages of this state may enter into an  
3 agreement under s. 66.30 for the joint exercise of the power granted under sub. (1),  
4 except that for purposes of this subsection, any agreement under s. 66.30 shall be  
5 effected by the enactment of identical ordinances by each affected city, town or  
6 village. Electors of each municipality entering into the agreement shall be eligible  
7 to vote for the judge of the municipal court so established. If a municipality enters  
8 into an agreement with a municipality that already has a municipal court, the  
9 municipalities may provide by ordinance or resolution that the judge for the existing  
10 municipal court shall serve as the judge for the joint court until the end of the term  
11 or until a special election is held under s. 8.50 (4) (fm). Each municipality shall adopt  
12 an ordinance or bylaw under sub. (1) prior to entering into the agreement. The  
13 contracting municipalities need not be contiguous and need not all be in the same  
14 county. ~~Upon entering into or discontinuing such an agreement, the contracting~~  
15 ~~municipalities shall each transmit a certified copy of the ordinance effecting or~~  
16 ~~discontinuing the agreement to the elections board. The elections board shall serve~~  
17 ~~as filing officer for candidates for the office of municipal judge in any municipality~~  
18 ~~where an agreement is in effect. The contracting municipalities shall notify the~~  
19 ~~appropriate filing officer under s. 11.02 (3e) when the joint court is created. When~~  
20 ~~a municipal judge is elected under this subsection, candidates shall be nominated by~~  
21 ~~filing nomination papers under s. 8.10 (6) (bm), and shall register with the filing~~  
22 ~~officer specified in s. 11.02 (3e).~~

23           **SECTION 177.** 778.135 of the statutes is amended to read:

24           **778.135 Elections board Campaign finance forfeitures; how recovered.**

25           Notwithstanding s. 778.13, whenever any action or proposed action by the elections

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1 board under s. 5.05 (1) (c) is settled as a result of agreement between the parties  
2 without approval of the court, the moneys accruing to the state on account of such  
3 settlement shall be paid to the board and deposited with the state treasurer.  
4 Whenever any proposed action by a county board of election commissioners under s.  
5 7.21 (2m) (a) is settled as a result of agreement between the parties, the moneys  
6 accruing to the county on account of such settlement shall be paid to the board of  
7 election commissioners and deposited with the county treasurer in the same manner  
8 as provided for forfeitures under s. 778.13.

**SECTION 178. Nonstatutory provisions.**

9  
10 (1) REFERENDUM. There shall be submitted to the vote of the electors at the  
11 general election to be held in November 2000 the following question: “Shall section  
12 45 of 1999 Wisconsin Act .... (this act), which extends the right to vote in federal  
13 elections in this state to the adult children of U.S. citizens who resided in this state  
14 prior to establishing residency abroad, become effective on January 1, 2001?”. If the  
15 question is approved by a majority of all votes cast on the question at the election,  
16 SECTION 45 of this act shall become law; otherwise, it shall not take effect.

17 (2) TERMS OF TOWN OFFICIALS ELECTED IN 2001 AND 2002. Notwithstanding section  
18 60.30 (4) of the statutes, the terms of office of town officers who are elected in 2001  
19 and 2002 shall commence on the 2nd Tuesday of April of the year of election and these  
20 officers shall serve for terms of 2 years and 7 days.

**SECTION 179. Initial applicability.**

21  
22 (1) The treatment of sections 8.37, 24.66 (4), 32.72 (1), 59.05 (2), 59.08 (7) (b),  
23 60.62 (2), 60.74 (5) (b), 60.785 (2) (a), 61.187 (1), 61.46 (1), 62.13 (6) (b), 64.39 (2),  
24 66.021 (5) (a), 66.022 (3), 66.023 (4) (e) 1. and 2., 66.024 (4) (a) and (b), 66.027, 66.028  
25 (6) (a) and (b), 66.059 (2m) (b), 66.061 (1) (c), 66.075 (5), 66.521 (10) (d), 66.77 (3) (a)

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1 1., 66.94 (4), 67.05 (3) (am), 67.12 (12) (e) 6., 81.01 (3) (b), 86.21 (2) (a), 119.48 (4) (c),  
2 119.49 (2), 121.91 (3) (a), 125.05 (1) (b) 5., 197.04 (1) (b) and 197.10 (2) of the statutes  
3 first applies with respect to referenda called on the effective date of this subsection.

4 **SECTION 180. Effective dates.** This act takes effect on the day after  
5 publication, except as follows:

6 (1) The treatment of section 6.24 (1), (2) and (3) of the statutes takes effect on  
7 January 1, 2001, if the condition set forth in SECTION 178 (1) of this act is satisfied.

8 (2) The treatment of sections 6.92 (intro.) and (1) to (6) and 6.925 (intro.) and  
9 (1) to (6) of the statutes takes effect on the first day of the 6th month beginning after  
10 publication.

11 (3) The treatment of section 60.30 (4) (b) of the statutes takes effect on July 1,  
12 2000.

13 (4) The treatment of section 121.91 (3) (a) of the statutes takes effect on July  
14 1, 2000.

15 (END)