



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1583/2
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2007 ASSEMBLY BILL 126

March 5, 2007 - Introduced by Representatives SHERMAN, BIES and SHERIDAN.
Referred to Committee on Elections and Constitutional Law.

1 **AN ACT** *to repeal* 15.617 (title); *to renumber* 20.510 (1) (b), 20.510 (1) (bm),
2 20.510 (1) (c), 20.510 (1) (d), 20.510 (1) (g), 20.510 (1) (t) and 20.510 (1) (x); *to*
3 *renumber and amend* 15.617 (1); *to amend* 5.05 (title), (1) (intro.), (a) and
4 (b), 5.05 (3) (b) and (c), (4), (5), (6), (7), (9), (10), (11), (12), (13), (14) and (15),
5 5.055, 5.056, 5.06 (1), 5.06 (2), 5.06 (4), 5.06 (5), 5.06 (6), 5.06 (7), 5.06 (8), 5.06
6 (9), 5.061, 5.09, 5.25 (4), 5.35 (6) (a) 2m., 5.35 (6) (a) 4a., 5.35 (6) (a) 4b., 5.35 (6)
7 (a) 5., 5.35 (6) (b), 5.40 (5m) and (7), 5.51 (6) and (8), 5.58 (1b) (bm), 5.58 (1b)
8 (cm), 5.58 (2), (2m) and (2r) (am), 5.60 (1) (b), (3) (ag), (5) (ar) and (6) (a), 5.62
9 (1) (a) and (b) 1., (2) (a), (3) and (4) (ar) and (b), 5.64 (1) (ag), (b), (e) 1. and (es)
10 and (2) (am) and (c), 5.655 (3), 5.68 (7), 5.72, 5.83, 5.87 (2), 5.905 (2), (3) and (4),
11 5.91 (intro.), 5.93, 5.95, 6.06, 6.22 (4) (d), 6.24 (3), 6.24 (4) (d), 6.24 (5), 6.24 (6),
12 6.26 (2) (am), 6.26 (2) (b), 6.26 (2) (c) and (cm), 6.26 (3), 6.275 (2), 6.276 (2) and
13 (3), 6.29 (2) (am), 6.30 (4), 6.33 (1), 6.33 (5) (a), 6.33 (5) (b), 6.36 (1) (a), 6.36 (1)
14 (b) 1. a. and b., 6.36 (1) (d), 6.36 (1) (e), 6.36 (1) (f), 6.36 (2) (a), 6.36 (5), 6.36 (6),

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1 6.47 (1) (ag), 6.47 (1) (am) 2., 6.47 (1) (dm), 6.47 (2), 6.47 (3), 6.55 (2) (a) 1., 6.55
2 (2) (cs), 6.55 (3) (b), 6.56 (3), 6.56 (3m), 6.56 (7), 6.57, 6.79 (1m), 6.86 (2) (a), 6.86
3 (2m), 6.86 (3) (a) 1., 6.869, 6.87 (3) (d), 6.875 (5), 6.92 (1), 6.925, 6.95, 6.96, 6.97
4 (1), 7.03 (1) (a), 7.03 (1) (b), 7.03 (2), 7.08 (intro.), 7.08 (1) (a), 7.08 (1) (b), 7.08
5 (1) (c), 7.08 (1) (d), 7.08 (2) (a), 7.08 (3) (intro.), 7.08 (3) (a), 7.08 (4), 7.08 (6), 7.08
6 (7), 7.10 (1) (a), 7.10 (2), 7.10 (3) (a), 7.10 (4), 7.10 (7), 7.10 (8), 7.10 (9), 7.10 (10),
7 7.15 (1) (e), 7.15 (1) (L), 7.15 (1m), 7.15 (8), 7.15 (9), 7.15 (10), 7.15 (13), 7.30 (2)
8 (c), 7.30 (4) (e), 7.30 (6) (b), 7.31 (1), 7.31 (2), 7.31 (3), 7.31 (4), 7.31 (5), 7.315 (1)
9 (a), 7.315 (2), 7.315 (3), 7.38 (5), 7.41 (5), 7.52 (1) (a), 7.60 (4) (a) and (5) (a) and
10 (b), 7.70 (1) (a) and (b), (3) (a), (b), (c), (d), (e) (intro.), (g), (h) and (i) and (5) (a)
11 and (b), 8.07, 8.10 (6) (a), 8.12 (1) (a), 8.12 (1) (b), 8.12 (1) (c), 8.12 (1) (d), 8.12
12 (2), 8.12 (3), 8.15 (8) (a), 8.16 (2) (b), 8.16 (7), 8.17 (9) (a), 8.17 (12), 8.18 (2), 8.185
13 (1), 8.185 (2), 8.185 (3), 8.19 (1), 8.19 (3), 8.20 (7), 8.40 (3), 8.50 (1) (a), 8.50 (1)
14 (b), 8.50 (1) (d), 8.50 (3) (e), 9.01 (1) (a) 1., 9.01 (1) (a) 4., 9.01 (1) (ag) 4., 9.01 (1)
15 (ar) 2., 9.01 (1) (ar) 3., 9.01 (5) (a), 9.01 (5) (bm), 9.01 (5) (c), 9.01 (6) (a), 9.01 (8)
16 (a), 9.01 (8) (d), 9.01 (10), 10.01 (1), 10.01 (2) (intro.), 10.02 (1), 10.02 (2) (c), 10.02
17 (3) (intro.), 10.06 (1) (title), 10.06 (1) (a), 10.06 (1) (c), 10.06 (1) (e), 10.06 (1) (f),
18 10.06 (1) (h), 10.06 (1) (i), 10.06 (2) (a), 10.06 (2) (b), 10.06 (2) (e), 10.06 (2) (h),
19 10.06 (2) (k), 13.123 (3) (b) 2., 13.23, 16.79 (2), 16.96 (3) (b), 17.17 (1), 17.17 (4),
20 19.43 (4), 20.510 (1) (a), 46.95 (4), 59.605 (3) (a) 3., 66.0602 (4) (c), 67.05 (3) (b),
21 67.05 (6), 85.61 (1), 117.20 (2), 117.27 (2) (b) (intro.), 121.91 (3) (c), 125.05 (1) (b)
22 10., 165.93 (4), 198.08 (10), 200.09 (11) (am) 2., 200.09 (11) (am) 3., 227.03 (6),
23 227.52 (6), 301.03 (20m), 343.11 (2m) and 560.04 (2m); and **to create** 5.02 (1b),
24 5.02 (2m), 14.37, 14.375 (title), 14.38 (10m), 20.575 (2) and 230.08 (2) (e) 8d. of
25 the statutes; **relating to:** creating an Elections Division in the Office of the

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1 Secretary of State and transferring the functions of the Elections Board to the
2 division, other than functions relating to campaign financing.

Analysis by the Legislative Reference Bureau

Under current law, the Elections Board consists of eight or nine members, depending on election results. One member is appointed by the governor, and the other members are appointed by the governor from designations made by the chief justice of the supreme court, the speaker of the assembly, the senate majority leader, the minority leader in each house of the legislature, and the chief officer of each political party qualifying for a separate ballot at the September primary whose candidate for governor at the most recent gubernatorial election received at least 10 percent of the vote. The Elections Board administers state laws relating to elections and election campaigns, including campaign financing. In exercising its administrative and regulatory powers, the Elections Board may investigate violations of the elections law; file civil actions to collect forfeitures for violations of the elections law; issue formal opinions regarding a person's duties under the elections laws; oversee the elections process relating to ballots, forms, machines, and voting systems; and generally enforce the elections laws.

This bill transfers all of the Elections Board's powers and duties to a new Elections Division, which is attached to the Office of the Secretary of State, other than powers and duties relating to campaign financing. Under the bill, the Elections Division is placed under the supervision of a division administrator, who is appointed by the secretary of state outside of the classified service. The administrator is responsible for carrying out all duties and exercising all powers of the Elections Division. All current employees of the Elections Board, other than the current executive director, are transferred to the Elections Division except those employees whose responsibilities relate primarily to campaign financing, as determined by the secretary of administration. The bill further requires the secretary of state to provide all necessary assistance for the Elections Division to perform its duties. Finally, the bill places the Election Administration Council, which is currently in the Elections Board, in the Office of the Secretary of State.

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

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

3 **SECTION 1.** 5.02 (1b) of the statutes is created to read:

4 5.02 (1b) "Administrator" means the administrator of the division.

5 **SECTION 2.** 5.02 (2m) of the statutes is created to read:

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1 5.02 (2m) "Division" means the elections division attached to the office of the
2 secretary of state under s. 14.37.

3 **SECTION 3.** 5.05 (title), (1) (intro.), (a) and (b) of the statutes are amended to
4 read:

5 **5.05 (title) Elections board and division; powers and duties. (1) GENERAL**
6 **AUTHORITY.** (intro.) The elections board division shall have the responsibility for the
7 administration of chs. 5 to 10 and 12 and other laws relating to elections and election
8 campaigns. The board shall have the responsibility for the administration of ch. 11
9 and other laws relating to campaign financing. Pursuant to such responsibility, the
10 board or division may:

11 (a) Employ an executive director outside the classified service, in the case of the
12 board, or employ a division administrator outside the classified service, in the case
13 of the division, and employ legal counsel. ~~The executive director shall serve as the~~
14 ~~chief election officer for this state.~~

15 (b) In the discharge of its duties and upon notice to the party or parties being
16 investigated, subpoena and bring before it any person in the state and require the
17 production of any papers, books or other records relevant to an investigation. A
18 circuit court may by order permit the inspection and copying of the accounts and the
19 depositor's and loan records at any financial institution as defined in s. 705.01 (3)
20 doing business in the state to obtain evidence of any violation of ch. 11 upon showing
21 by the board and division of probable cause to believe there is a violation and that
22 such accounts and records may have a substantial relation to the violation. In the
23 discharge of its duties, the board and division may cause the deposition of witnesses
24 to be taken in the manner prescribed for taking depositions in civil actions in circuit
25 court.

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1 **SECTION 4.** 5.05 (3) (b) and (c), (4), (5), (6), (7), (9), (10), (11), (12), (13), (14) and
2 (15) of the statutes are amended to read:

3 5.05 **(3)** (b) In any case in which the board or division refers information
4 relating to an apparent violation of this section, the district attorney, attorney
5 general, or any special counsel appointed under s. 14.11 (2) shall respond by report
6 to the board or division with respect to any action taken regarding such apparent
7 violation. The report shall be transmitted no later than 40 days after the date of the
8 referral. If the matter is not disposed of during such period, the board or division
9 shall receive a further report at the close of every 30-day period until the time of final
10 disposition.

11 (c) No investigation is required of any petition or complaint which is not
12 verified. The board or division may summarily dismiss any complaint which it finds
13 to be without merit.

14 **(4)** EMPLOYEES. All employees of the board and the division shall be
15 nonpartisan.

16 **(5)** BIENNIAL REPORT. Notwithstanding s. 15.04 (1) (d), the board and the
17 division shall each file its biennial report required by that paragraph on or before
18 June 30 of each odd-numbered year, covering the biennium ending on the previous
19 December 31. The board may include any information compiled under s. 11.21 (7)
20 in such report.

21 **(6)** FORMAL OPINIONS. Any interested person may make written request to the
22 board or the division, as appropriate, to issue a formal opinion with respect to the
23 person's authority or responsibilities under chs. 5 to 12. The board or division shall
24 within 15 days advise the person requesting an opinion whether or not a formal
25 opinion will be issued. If a formal opinion will be issued, it shall be issued within 30

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1 days of the request. No person acting in good faith upon a formal opinion issued to
2 the person by the board or the division shall be subject to civil or criminal prosecution
3 for so acting, if the material facts are as stated in the opinion request. Nothing in
4 this subsection requires the issuance of an opinion by the board or division, nor
5 precludes it from issuing an opinion or ruling in any other manner.

6 (7) ADMINISTRATIVE MEETINGS AND CONFERENCES. The board and the division
7 shall conduct regular information and training meetings at various locations in the
8 state for county and municipal clerks and other election officials. Administrative
9 meetings shall be designed to explain the election laws and the forms and rules of
10 the board and the division, to promote uniform procedures and to assure that clerks
11 and other officials are made aware of the integrity and importance of the vote of each
12 citizen. The board or the division may conduct conferences relating to election laws,
13 practice and procedure. The board or the division may charge persons attending the
14 administrative meetings and conferences for its costs incurred in conducting the
15 meetings and conferences at a rate not exceeding the per capita cost incurred by the
16 board or the division.

17 (9) STANDING. The board ~~has~~ and the division have standing to commence or
18 intervene in an action or proceeding for the purpose of enforcing the laws regulating
19 the conduct of elections or election campaigns, as appropriate, or ensuring their
20 proper administration. If the board delegates authority to the executive director
21 under sub. (1) (e) to act in its stead, the executive director has standing to commence
22 or intervene in such an action or proceeding.

23 (10) STATE ELECTION ADMINISTRATION PLAN. With the assistance of the election
24 administration council and approval of the joint committee on finance as provided
25 in this subsection, the ~~board~~ division shall adopt and modify as necessary a state plan

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1 that meets the requirements of P.L. 107-252 to enable participation by this state in
2 federal financial assistance programs authorized under that law. The ~~board~~ division
3 shall adopt the plan and any modifications only after publishing a class I notice
4 under ch. 985 or posting on the Internet a statement describing the proposed plan
5 or modification and receiving public comment thereon. After approval of the
6 proposed plan or any modification of the plan by the ~~board~~ division, the ~~board~~
7 division shall submit the proposed plan or modification to the joint committee on
8 finance for the approval of the committee. The ~~board~~ division may adopt the
9 proposed plan or modification only if the committee approves the proposed plan or
10 modification.

11 (11) AIDS TO COUNTIES AND MUNICIPALITIES. From the appropriations under s.
12 ~~20.510 (1)~~ 20.575 (2) (t) and (x), the ~~board~~ division may provide financial assistance
13 to eligible counties and municipalities for election administration costs in
14 accordance with the plan adopted under sub. (10). As a condition precedent to receipt
15 of assistance under this subsection, the ~~board~~ division shall enter into an agreement
16 with the county or municipality receiving the assistance specifying the intended use
17 of the assistance and shall ensure compliance with the terms of the agreement. Each
18 agreement shall provide that if the federal government objects to the use of any
19 assistance moneys provided to the county or municipality under the agreement, the
20 county or municipality shall repay the amount of the assistance provided to the ~~board~~
21 division.

22 (12) VOTER EDUCATION. The ~~board~~ division may conduct or prescribe
23 requirements for educational programs to inform electors about voting procedures,
24 voting rights, and voting technology. The ~~board~~ division shall conduct an educational
25 program for the purpose of educating electors who cast paper ballots, ballots that are

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1 counted at a central counting location, and absentee ballots of the effect of casting
2 excess votes for a single office.

3 **(13) TOLL-FREE ELECTION INFORMATION EXCHANGE.** (a) The ~~board~~ division shall
4 maintain one or more toll-free telephone lines for electors to report possible voting
5 fraud and voting rights violations, to obtain general election information, and to
6 access information concerning their registration status, current polling place
7 locations, and other information relevant to voting in elections.

8 (b) The ~~board~~ division may maintain a free access system under which an
9 elector who votes under s. 6.96 or 6.97 may ascertain current information concerning
10 whether the elector's vote has been counted, and, if the vote will not be counted, the
11 reason that it will not be counted.

12 **(14) INFORMATION FROM COUNTY AND MUNICIPAL CLERKS.** The ~~board~~ division may
13 request information from county and municipal clerks relating to election
14 administration, performance of electronic voting systems and voting machines, and
15 use of paper ballots in elections.

16 **(15) REGISTRATION LIST.** The ~~board~~ division is responsible for the design and
17 maintenance of the official registration list under s. 6.36. The ~~board~~ division shall
18 require all municipalities to use the list in every election and may require any
19 municipality to adhere to procedures established by the ~~board~~ division for proper
20 maintenance of the list.

21 **SECTION 5.** 5.055 of the statutes is amended to read:

22 **5.055 Election assistance commission standards board.** The executive
23 ~~director of the board~~ administrator shall, ~~in consultation with the board,~~ appoint an
24 individual to represent this state as a member of the federal election assistance
25 commission standards board. The ~~executive director~~ administrator shall also

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1 conduct and supervise a process for the selection of an election official by county and
2 municipal clerks and boards of election commissioners to represent local election
3 officials of this state as a member of the federal election assistance commission
4 standards board. The ~~executive director~~ administrator shall ensure that the
5 members of the federal election assistance commission standards board
6 representing this state shall at no time be members of the same political party. Upon
7 appointment or election of any new member of the federal election assistance
8 commission standards board representing this state, the ~~executive director~~
9 administrator shall transmit a notice of that member's appointment or election to the
10 officer or agency designated by federal law.

11 **SECTION 6.** 5.056 of the statutes is amended to read:

12 **5.056 Matching program with secretary of transportation.** The
13 ~~executive director of the board~~ administrator shall enter into the agreement with the
14 secretary of transportation specified under s. 85.61 (1) to match personally
15 identifiable information on the official registration list maintained by the ~~board~~
16 division under s. 6.36 (1) with personally identifiable information maintained by the
17 department of transportation.

18 **SECTION 7.** 5.06 (1) of the statutes is amended to read:

19 5.06 (1) Whenever any elector of a jurisdiction or district served by an election
20 official believes that a decision or action of the official or the failure of the official to
21 act with respect to any matter concerning nominations, qualifications of candidates,
22 voting qualifications, including residence, ward division and numbering, recall,
23 ballot preparation, election administration or conduct of elections is contrary to law,
24 or the official has abused the discretion vested in him or her by law with respect to
25 any such matter, the elector may file a written sworn complaint with the ~~board~~

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1 division requesting that the official be required to conform his or her conduct to the
2 law, be restrained from taking any action inconsistent with the law or be required
3 to correct any action or decision inconsistent with the law or any abuse of the
4 discretion vested in him or her by law. The complaint shall set forth such facts as are
5 within the knowledge of the complainant to show probable cause to believe that a
6 violation of law or abuse of discretion has occurred or will occur. The complaint may
7 be accompanied by relevant supporting documents. The ~~board~~ division may conduct
8 a hearing on the matter in the manner prescribed for treatment of contested cases
9 under ch. 227 if it believes such action to be appropriate.

10 **SECTION 8.** 5.06 (2) of the statutes is amended to read:

11 5.06 (2) No person who is authorized to file a complaint under sub. (1), other
12 than the attorney general or a district attorney, may commence an action or
13 proceeding to test the validity of any decision, action or failure to act on the part of
14 any election official with respect to any matter specified in sub. (1) without first filing
15 a complaint under sub. (1), nor prior to disposition of the complaint by the ~~board~~
16 division. A complaint is deemed disposed of if the ~~board~~ division fails to transmit an
17 acknowledgment of receipt of the complaint within 5 business days from the date of
18 its receipt or if the ~~board~~ division concludes its investigation without a formal
19 decision.

20 **SECTION 9.** 5.06 (4) of the statutes is amended to read:

21 5.06 (4) The ~~board~~ division may, on its own motion, investigate and determine
22 whether any election official, with respect to any matter concerning nominations,
23 qualifications of candidates, voting qualifications, including residence, ward
24 division and numbering, recall, ballot preparation, election administration or

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1 conduct of elections, has failed to comply with the law or abused the discretion vested
2 in him or her by law or proposes to do so.

3 **SECTION 10.** 5.06 (5) of the statutes is amended to read:

4 5.06 (5) Upon receipt of a complaint under sub. (1), or upon its own motion, the
5 board division may order any election official to immediately transfer to its
6 possession any original documents in the custody of the official which the board
7 division finds to be necessary and relevant to permit review of compliance with the
8 laws concerning nominations, qualifications of candidates, ward division and
9 numbering, recall or ballot preparation or the proper administration of such laws.

10 **SECTION 11.** 5.06 (6) of the statutes is amended to read:

11 5.06 (6) The board division may, after such investigation as it deems
12 appropriate, summarily decide the matter before it and, by order, require any
13 election official to conform his or her conduct to the law, restrain an official from
14 taking any action inconsistent with the law or require an official to correct any action
15 or decision inconsistent with the law. The board division shall immediately transmit
16 a copy of the order to the official. An order issued under this subsection is effective
17 immediately or at such later time as may be specified in the order.

18 **SECTION 12.** 5.06 (7) of the statutes is amended to read:

19 5.06 (7) The board division may withdraw, modify or correct an order issued
20 under sub. (6) within a timely period if it finds such action to be appropriate.

21 **SECTION 13.** 5.06 (8) of the statutes is amended to read:

22 5.06 (8) Any election official or complainant who is aggrieved by an order issued
23 under sub. (6) may appeal the decision of the board division to circuit court for the
24 county where the official conducts business or the complainant resides no later than

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1 30 days after issuance of the order. Pendency of an appeal does not stay the effect
2 of an order unless the court so orders.

3 **SECTION 14.** 5.06 (9) of the statutes is amended to read:

4 5.06 (9) The court may not conduct a de novo proceeding with respect to any
5 findings of fact or factual matters upon which the board division has made a
6 determination, or could have made a determination if the parties had properly
7 presented the disputed matters to the board division for its consideration. The court
8 shall summarily hear and determine all contested issues of law and shall affirm,
9 reverse or modify the determination of the board division, according due weight to
10 the experience, technical competence and specialized knowledge of the board
11 division, pursuant to the applicable standards for review of agency decisions under
12 s. 227.57.

13 **SECTION 15.** 5.061 of the statutes is amended to read:

14 **5.061 Compliance with federal Help America Vote Act.** (1) Whenever
15 any person believes that a violation of Title III of P.L. 107-252 has occurred, is
16 occurring, or is proposed to occur with respect to an election for national office in this
17 state, that person may file a written, verified complaint with the board division.

18 (2) If the board division receives more than one complaint under sub. (1)
19 relating to the same subject matter, the board division may consolidate the
20 complaints for purposes of this section.

21 (3) A complainant under sub. (1) or any of the complainants in a consolidated
22 complaint under sub. (2) may request a hearing and the matter shall then be treated
23 as a contested case under ch. 227, except that the board division shall make a final
24 determination with respect to the merits of the complaint and issue a decision within
25 89 days of the time that the complaint or the earliest of any complaints was filed,

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1 unless the complainant, or each of any complainants whose complaints are
2 consolidated, consents to a specified longer period.

3 (4) If the ~~board~~ division finds the complaint to be without merit, it shall issue
4 a decision dismissing the complaint. If the ~~board~~ division finds that the violation
5 alleged in the complaint has occurred, is occurring, or is proposed to occur, the ~~board~~
6 division shall order appropriate relief, except that the ~~board~~ division shall not issue
7 any order under this subsection affecting the right of any person to hold an elective
8 office or affecting the canvass of an election on or after the date of that election.

9 **SECTION 16.** 5.09 of the statutes is amended to read:

10 **5.09 Certification of documents.** Whenever the ~~board~~ division is authorized
11 or required to make a certification of any document in ~~the its~~ custody ~~of the board,~~
12 ~~and the authority to make the certification is lawfully delegated to the executive~~
13 ~~director,~~ the ~~executive director~~ administrator may, personally or through an
14 employee authorized by the ~~director~~ administrator, affix his or her signature by
15 means of a stamp, machine impression, reproduction print or similar process. This
16 section does not apply to certificates of election.

17 **SECTION 17.** 5.25 (4) of the statutes is amended to read:

18 5.25 (4) (a) Each polling place shall be accessible to all individuals with
19 disabilities. The ~~board~~ division shall ensure that the voting system used at each
20 polling place will permit all individuals with disabilities to vote without the need for
21 assistance and with the same degree of privacy that is accorded to nondisabled
22 electors voting at the same polling place. This paragraph does not apply to any
23 individual who is disqualified from voting under s. 6.03 (1) (a).

24 (b) In any jurisdiction that is subject to the requirement under 42 USC
25 1973aa-1a to provide voting materials in any language other than English, the ~~board~~

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1 division shall ensure that the voting system used at each polling place in that
2 jurisdiction is in compliance with 42 USC 1973aa-1a.

3 (d) No later than June 30 of each odd-numbered year, the board division shall
4 submit a report on impediments to voting faced by elderly and handicapped
5 individuals to the appropriate standing committees of the legislature under s. 13.172
6 (3). In preparing its report under this paragraph, the board division shall consult
7 with appropriate advocacy groups representing the elderly and handicapped
8 populations.

9 **SECTION 18.** 5.35 (6) (a) 2m. of the statutes is amended to read:

10 5.35 (6) (a) 2m. General information prescribed by the board division on federal
11 laws relating to election fraud and misrepresentation in federal elections.

12 **SECTION 19.** 5.35 (6) (a) 4a. of the statutes is amended to read:

13 5.35 (6) (a) 4a. Instructions prescribed by the board division for electors for
14 whom proof of residence under s. 6.34 is required under s. 6.55 (2).

15 **SECTION 20.** 5.35 (6) (a) 4b. of the statutes is amended to read:

16 5.35 (6) (a) 4b. General information prescribed by the board division
17 concerning voting rights under applicable state and federal laws, including the
18 method of redress for any alleged violations of those rights.

19 **SECTION 21.** 5.35 (6) (a) 5. of the statutes is amended to read:

20 5.35 (6) (a) 5. Any other voting information directed to be posted by the board
21 division.

22 **SECTION 22.** 5.35 (6) (b) of the statutes is amended to read:

23 5.35 (6) (b) At each polling place in the state where a consolidated ballot under
24 s. 5.655 is used or an electronic voting system is utilized at a partisan primary
25 election incorporating a ballot upon which electors may mark votes for candidates

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1 of more than one recognized political party or for candidates of a recognized political
2 party and independent candidates, the municipal clerk or board of election
3 commissioners shall prominently post a sign in the form prescribed by the ~~board~~
4 division warning electors in substance that on any ballot with votes cast for
5 candidates of more than one recognized political party or any ballot with votes cast
6 for candidates of a recognized political party and independent candidates, no votes
7 cast for any candidates for partisan office will be counted unless a preference for a
8 party or for the independent candidates is made. If the elector designates a
9 preference, only votes cast for candidates of that preference will be counted.

10 **SECTION 23.** 5.40 (5m) and (7) of the statutes are amended to read:

11 5.40 **(5m)** Notwithstanding sub. (1), the governing body of a municipality
12 which uses voting machines or an electronic voting system may petition the ~~board~~
13 division for permission to use paper ballots and voting booths for a specific election,
14 and the ~~board~~ division may grant such a request.

15 **(7)** Whenever a municipality adopts and purchases voting machines or an
16 electronic voting system, or adopts and purchases a different type of voting machine
17 or electronic voting system from the type it was previously using, the municipal clerk
18 or executive director of the municipal board of election commissioners shall promptly
19 notify the county clerk or executive director of the county board of election
20 commissioners and the ~~executive director of the elections board~~ division in writing.

21 **SECTION 24.** 5.51 (6) and (8) of the statutes are amended to read:

22 5.51 **(6)** All candidates' names for the same office shall be placed, projected or
23 composed on the ballot in the same size, style and color of type. The style and size
24 of type shall conform substantially to the official ballot forms prescribed by the ~~board~~
25 division under s. 7.08 (1) (a).

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

3 **SECTION 25.** 5.58 (1b) (bm) of the statutes is amended to read:

4 **5.58 (1b)** (bm) For all cities the official spring primary ballot shall be arranged
5 by the municipal clerk, using the same method as that used by the board division
6 under s. 5.60 (1) (b).

7 **SECTION 26.** 5.58 (1b) (cm) of the statutes is amended to read:

8 **5.58 (1b)** (cm) Towns and villages holding a primary under s. 8.05 shall arrange
9 the ballot in accordance with the form prescribed by the board division under s. 7.08
10 (1) (a), which shall be the same form as provided in s. 5.60 (5) and (6), insofar as
11 possible.

12 **SECTION 27.** 5.58 (2), (2m) and (2r) (am) of the statutes are amended to read:

13 **5.58 (2)** STATE SUPERINTENDENT OF PUBLIC INSTRUCTION; JUDICIARY; COUNTY
14 EXECUTIVE; AND COUNTY SUPERVISORS. There shall be one separate ballot for state
15 superintendent, judicial officers, county executive under s. 59.17 and county
16 supervisor, except as authorized in s. 5.655. In counties having a population of
17 500,000 or more, the ballot also shall include those offices under s. 8.11 (2) and (2m).
18 The arrangement of names of candidates for state superintendent, justice, court of
19 appeals judge and circuit court judge shall be determined by the board division in the
20 manner specified in s. 5.60 (1) (b). Arrangement of the names of candidates for
21 county executive and county supervisor shall be determined by the county clerk or
22 by the executive director of the county board of election commissioners in the manner
23 specified in s. 5.60 (1) (b).

24 **(2m)** METROPOLITAN SEWERAGE COMMISSION. Except as authorized in s. 5.655,
25 there shall be a separate ballot for members of the metropolitan sewerage

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1 commission if commissioners are elected under s. 200.09 (11) (am), with candidates
2 for different seats listed in separate columns or rows if more than one seat is
3 contested at any election. Arrangement of the names on the ballot shall be
4 determined by the board division.

5 **(2r)** (am) Except as authorized in s. 5.655, there shall be a separate ballot for
6 each recognized political party filing a certification under s. 8.12 (1), listing the
7 names of all potential candidates of that party determined under s. 8.12 and
8 affording, in addition, an opportunity to the voter to nominate another potential
9 candidate by write-in vote or to vote for an uninstructed delegation to the party
10 convention. The order of presidential candidates on the ballot shall be determined
11 by lot by or under the supervision of the board division. Each voter shall be given
12 the ballots of all the parties participating in the presidential preference vote, but may
13 vote on one ballot only.

14 **SECTION 28.** 5.60 (1) (b), (3) (ag), (5) (ar) and (6) (a) of the statutes are amended
15 to read:

16 5.60 **(1)** (b) The board division shall certify the candidates' names and
17 designate the official ballot arrangement for candidates for state superintendent,
18 justice, court of appeals judge, circuit judge and, if commissioners are elected under
19 s. 200.09 (11) (am), the metropolitan sewerage commission. The arrangement of
20 names of all candidates on the ballot whose nomination papers are filed with the
21 board division shall be determined by the board division by the drawing of lots not
22 later than the 2nd Tuesday in January, or the next day if the first Tuesday is a
23 holiday. Whenever a primary is held for an office, a 2nd drawing of all candidates
24 for that office shall be held by or under the supervision of the board division not later

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1 than the 3rd day following the completion of the primary canvass to determine the
2 arrangement of candidates on the election ballot.

3 (3) (ag) Except as authorized in s. 5.655, there shall be a separate ballot giving
4 the names of all candidates for city offices, printed in the same form as prescribed
5 by the ~~board~~ division under s. 7.08 (1) (a). City election ballots may vary in form to
6 conform to the law under which an election is held.

7 (5) (ar) The offices to be filled shall be arranged on the official ballot in the order
8 they are named in the statutes creating them. The names of the candidates shall be
9 arranged by using the same method as that used by the ~~board~~ division under sub. (1)
10 (b). Sufficient space shall be left under each office for write-in candidates.

11 (6) (a) Except as authorized in s. 5.655, there shall be a separate ballot giving
12 the names of all candidates for elective town offices in the form prescribed by the
13 ~~board~~ division under s. 7.08 (1) (a). There shall be 2 ballot forms. One ballot form
14 shall be used for the election of supervisors to numbered seats and one ballot form
15 shall be used for the election of supervisors to unnumbered seats. On the ballot used
16 for the election of supervisors to unnumbered seats, all supervisor candidates shall
17 be listed together and the voting instructions shall state “Vote for not more than....
18 [insert number of supervisors to be elected] candidates”. All towns shall elect their
19 supervisors to unnumbered seats unless the annual town meeting adopts a plan to
20 elect supervisors to numbered seats. The names of candidates for town office shall
21 be arranged by using the same method as that used by the ~~board~~ division under sub.
22 (1) (b). A space shall be provided under each office on the ballot for a write-in
23 candidate.

24 **SECTION 29.** 5.62 (1) (a) and (b) 1., (2) (a), (3) and (4) (ar) and (b) of the statutes
25 are amended to read:

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1 5.62 (1) (a) At September primaries, the following ballot shall be provided for
2 the nomination of candidates of recognized political parties for national, state and
3 county offices and independent candidates for state office in each ward, in the same
4 form as prescribed by the ~~board~~ division under s. 7.08 (1) (a), except as authorized
5 in s. 5.655. The ballots shall be made up of the several party tickets with each party
6 entitled to participate in the primary under par. (b) or sub. (2) having its own ballot,
7 except as authorized in s. 5.655. The independent candidates for state office other
8 than district attorney shall have a separate ballot for all such candidates as under
9 s. 5.64 (1) (e), except as authorized in s. 5.655. The ballots shall be secured together
10 at the bottom. The party ballot of the party receiving the most votes for president
11 or governor at the last general election shall be on top with the other parties arranged
12 in descending order based on their vote for president or governor at the last general
13 election. The ballots of parties qualifying under sub. (2) shall be placed after the
14 parties qualifying under par. (b), in the same order in which the parties filed petitions
15 with the ~~board~~ division. Any ballot required under par. (b) 2. shall be placed next in
16 order. The ballot listing the independent candidates shall be placed at the bottom.
17 At polling places where voting machines are used, each party and the independent
18 candidates shall be represented in one or more separate columns or rows on the
19 ballot. At polling places where an electronic voting system is used other than an
20 electronic voting machine, each party and the independent candidates may be
21 represented in separate columns or rows on the ballot.

22 (b) 1. Except as provided in subd. 2. and s. 5.64 (1) (e) 2., every recognized
23 political party listed on the official ballot at the last gubernatorial election whose
24 candidate for any statewide office received at least 1% of the total votes cast for that
25 office and, if the last general election was also a presidential election, every

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1 recognized political party listed on the ballot at that election whose candidate for
2 president received at least 1% of the total vote cast for that office shall have a
3 separate primary ballot or one or more separate columns or rows on the primary
4 ballot as prescribed in par. (a) and a separate column on the general election ballot
5 in every ward and election district. An organization which was listed as
6 “independent” at the last general election and whose candidate meets the same
7 qualification shall receive the same ballot status upon petition of the chairperson
8 and secretary of the organization to the ~~board~~ division requesting such status and
9 specifying their party name, which may not duplicate the name of an existing party.
10 A petition under this subdivision may be filed no later than 5 p.m. on June 1 in the
11 year of each general election.

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

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1 **(3)** The ~~board~~ division shall designate the official primary ballot arrangement
2 for statewide offices and district attorney within each prosecutorial district by using
3 the same procedure as provided in s. 5.60 (1) (b). On each ballot and on each separate
4 column or row on the ballot, the candidates for office shall be listed together with the
5 offices which they seek in the following order whenever these offices appear on the
6 September primary ballot: governor, lieutenant governor, attorney general,
7 secretary of state, state treasurer, U.S. senator, U.S. representative in congress,
8 state senator, representative to the assembly, district attorney and the county offices.
9 Below the names of the independent candidates shall appear the party or principle
10 of the candidates, if any, in 5 words or less, as shown on their nomination papers.

11 **(4)** (ar) Within a county the county clerk shall arrange the names of all
12 candidates filing nomination papers with the clerk's office using the same method as
13 that used by the ~~board~~ division under s. 5.60 (1) (b).

14 (b) The county board of election commissioners in counties having a population
15 of more than 500,000 shall prepare the official primary ballot. The commissioners
16 shall arrange the names of all candidates for each office whose nomination papers
17 are filed at the county level, using the same method as that used by the elections
18 ~~board~~ division under s. 5.60 (1) (b).

19 **SECTION 30.** 5.64 (1) (ag), (b), (e) 1. and (es) and (2) (am) and (c) of the statutes
20 are amended to read:

21 5.64 **(1)** (ag) Except as authorized in s. 5.655, there shall be a separate ballot
22 giving the 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~~ division under s. 7.08 (1) (a).

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1 (b) The names of the candidates on the regular party tickets nominated at the
2 primary or replacements appointed under s. 8.35 (2) shall appear in a separate
3 column under the party designation. The columns shall be arranged from left to right
4 according to rank, based on the number of votes received by each party's candidate
5 for president or governor at the last general election beginning with the party that
6 received the most votes. To the right of the columns for parties qualifying under s.
7 5.62 (1) (b) shall be placed the columns for parties qualifying under s. 5.62 (2) in the
8 same order in which the parties filed petitions with the ~~board~~ division. Any column
9 required under par. (e) 2. shall be placed next in order. To the right of the party
10 columns shall be a column for the names of independent candidates for each office,
11 or more than one column if the first column does not provide sufficient space for the
12 names of all such candidates.

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

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1 independent candidates for state office who appeared on the primary ballot in the
2 manner provided in s. 5.60 (1) (b).

3 (es) The party candidates shall be arranged consecutively from top to bottom
4 based on the number of votes received by their party's candidate for governor at the
5 last election beginning with the party that received the most votes. The independent
6 president-vice president candidates shall be listed together in an order drawn by lot
7 by or under supervision of the ~~board~~ division, following under the party candidates.
8 Along with the names of the independent candidates shall appear the party or
9 principle of the candidates, if any, in 5 words or less, as shown on their nomination
10 papers. Following under the independent candidates, a space shall be left for writing
11 in the names of a candidate for president and vice president.

12 (2) (am) There shall be a separate ballot when any proposed constitutional
13 amendment or any other measure or question is submitted to a vote of the people,
14 except as authorized in s. 5.655. The ballot shall give a concise statement of each
15 question in accordance with the act or resolution directing submission in the same
16 form as prescribed by the ~~board~~ division under s. 7.08 (1) (a). The question may not
17 be worded in such a manner as to require a negative vote to approve a proposition
18 or an affirmative vote to disapprove a proposition. Unless otherwise expressly
19 provided, this ballot form shall be used at all elections when questions are submitted
20 to a vote of the people.

21 (c) The official referendum ballot prescribed under this subsection shall be
22 utilized at every election, except that the format shall be altered to the extent
23 provided or required by other laws establishing or authorizing referenda to be
24 conducted. Except as authorized in s. 5.655, all referenda shall appear on a separate
25 ballot, but more than one referendum question may appear on the same referendum

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1 ballot whenever the questions are numbered and all electors voting the ballot are
2 entitled to vote upon all questions appearing thereon. When more than one state
3 referendum is placed on the same ballot, the board division shall number the
4 questions in chronological sequence. If the legislature submits questions on different
5 dates, the board division shall number the questions sequentially based on the date
6 on which the questions are submitted by the legislature. Except as authorized in s.
7 5.655, state and county referenda shall appear on a separate ballot from municipal
8 or special district referenda. The form of all referendum ballots shall be
9 substantially the same as that prescribed by the board division under s. 7.08 (1) (a).

10 **SECTION 31.** 5.655 (3) of the statutes is amended to read:

11 5.655 (3) The board division shall prescribe notices and instructions to be given
12 to electors who use a ballot that is authorized under sub. (2) in lieu of any notices and
13 instructions that are applicable only to municipalities employing separate paper
14 ballots.

15 **SECTION 32.** 5.68 (7) of the statutes is amended to read:

16 5.68 (7) Any municipality that maintained polling hours beginning later than
17 7 a.m. prior to April 29, 2006, and that incurs additional costs to adjust its polling
18 hours to begin at 7 a.m. at any election held after April 29, 2006, may file a claim with
19 the board division for reimbursement of those costs. The claim shall be accompanied
20 by appropriate substantiation of all costs incurred. The board division shall audit
21 the claim and, if the board division finds that the costs have been incurred by the
22 municipality, and the costs would not have been incurred but for the requirement to
23 open polling places at 7 a.m., the board division shall reimburse the municipality for
24 those costs. No claim is payable under this subsection unless the claim is filed with

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1 the ~~board~~ division, together with appropriate substantiation, within 60 days
2 following the date on which the costs are incurred.

3 **SECTION 33.** 5.72 of the statutes is amended to read:

4 **5.72 Correcting ballot errors. (1)** As soon as possible after ballots are
5 delivered to the county clerk or to the municipal clerk if the municipality is preparing
6 ballots under s. 7.15 (2), but not later than 3 weeks before any election relating to a
7 state or national office or statewide referendum, the county or municipal clerk
8 preparing the ballots shall submit one copy of each ballot to the ~~board~~ division for
9 review of possible errors. If the contractor preparing the ballots supplies proofs in
10 advance of ballot preparation, the clerk shall submit one copy of the proofs in lieu of
11 actual ballots. If a voting machine ballot or other ballot combining local candidates
12 or referenda with state or national candidates or referenda is used, the entire ballot
13 shall be submitted, but if ballots intended for distribution to electors are used, only
14 those ballots relating to state or national offices and statewide referenda need be
15 submitted. This subsection does not require delay of ballot distribution or mailing
16 of absentee ballots.

17 **(2)** The ~~board~~ division shall review ballots and proof copies submitted under
18 sub. (1) and shall notify the county and municipal clerk of any error as soon as
19 possible but in no event later than 7 days after submission. The clerk is not required
20 to correct a ballot error upon receipt of notice of the error, unless ordered to do so
21 under sub. (3) or s. 5.06 (6).

22 **(3)** Whenever an affidavit is filed by the ~~board~~ division or any elector alleging
23 an error or omission in the preparation of a ballot, the circuit court for the county
24 where the ballot is proposed to be used or its presiding judge, by order, may

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1 summarily require a county or municipal clerk to correct the error, or show cause why
2 it should not be corrected and, by order, after the hearing, have the correction made.

3 **SECTION 34.** 5.83 of the statutes is amended to read:

4 **5.83 Preparation for use of voting devices; comparison of ballots.**

5 Where voting devices are used at a polling place, the municipal clerk shall cause the
6 voting devices to be put in order, set, adjusted and made ready for voting when
7 delivered to the polling place. Before the opening of the polls the inspectors shall
8 compare the ballots used in the voting devices with the sample ballots furnished and
9 see that the names, numbers and letters thereon agree and shall certify thereto on
10 forms provided by the ~~board~~ division.

11 **SECTION 35.** 5.87 (2) of the statutes is amended to read:

12 5.87 (2) The ~~board~~ division shall, by rule, prescribe uniform standards for
13 determining the validity of votes cast or attempted to be cast with each electronic
14 voting system approved for use in this state under s. 5.91. The rules shall apply only
15 to situations that may arise in which the validity of a vote or attempted vote cast by
16 an elector utilizing a particular system cannot be determined under s. 7.50.

17 **SECTION 36.** 5.905 (2), (3) and (4) of the statutes are amended to read:

18 5.905 (2) The ~~board~~ division shall determine which software components of an
19 electronic voting system it considers to be necessary to enable review and verification
20 of the accuracy of the automatic tabulating equipment used to record and tally the
21 votes cast with the system. The ~~board~~ division shall require each vendor of an
22 electronic voting system that is approved under s. 5.91 to place those software
23 components in escrow with the ~~board~~ division within 90 days of the date of approval
24 of the system and within 10 days of the date of any subsequent change in the
25 components. The ~~board~~ division shall secure and maintain those software

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1 components in strict confidence except as authorized in this section. Unless
2 authorized under this section, the board division shall withhold access to those
3 software components from any person who requests access under s. 19.35 (1).

4 (3) The board division shall promulgate rules to ensure the security, review and
5 verification of software components used with each electronic voting system
6 approved by the board division. The verification procedure shall include a
7 determination that the software components correspond to the instructions actually
8 used by the system to count votes.

9 (4) If a valid petition for a recount is filed under s. 9.01 in an election at which
10 an electronic voting system was used to record and tally the votes cast, each party
11 to the recount may designate one or more persons who are authorized to receive
12 access to the software components that were used to record and tally the votes in the
13 election. The board division shall grant access to the software components to each
14 designated person if, before receiving access, the person enters into a written
15 agreement with the board division that obligates the person to exercise the highest
16 degree of reasonable care to maintain the confidentiality of all proprietary
17 information to which the person is provided access, unless otherwise permitted in a
18 contract entered into under sub. (5).

19 **SECTION 37.** 5.91 (intro.) of the statutes is amended to read:

20 **5.91 Requisites for approval of ballots, devices and equipment.** (intro.)

21 No ballot, voting device, automatic tabulating equipment or related equipment and
22 materials to be used in an electronic voting system may be utilized in this state
23 unless it is approved by the board division. The board division may revoke its
24 approval of any ballot, device, equipment or materials at any time for cause. No such

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1 ballot, voting device, automatic tabulating equipment or related equipment or
2 material may be approved unless it fulfills the following requirements:

3 **SECTION 38.** 5.93 of the statutes is amended to read:

4 **5.93 Administration.** The board division may promulgate reasonable rules
5 for the administration of this subchapter.

6 **SECTION 39.** 5.95 of the statutes is amended to read:

7 **5.95 Elector information.** The board division shall prescribe information to
8 electors in municipalities and counties using various types of electronic voting
9 systems to be published in lieu of the information specified in s. 10.02 (3) in type B
10 notices whenever the type B notice information is inapplicable.

11 **SECTION 40.** 6.06 of the statutes is amended to read:

12 **6.06 Information for uniformed service members.** The board division is
13 the agency designated by this state under 42 USC 1973ff-1 to provide information
14 regarding voter registration and absentee balloting procedures to absent members
15 of the uniformed services and overseas voters with respect to elections for national
16 office.

17 **SECTION 41.** 6.22 (4) (d) of the statutes is amended to read:

18 **6.22 (4) (d)** The board division shall prescribe the instructions for marking and
19 returning ballots and the municipal clerk shall enclose instructions with each ballot
20 and shall also enclose supplemental instructions for local elections. The envelope,
21 return envelope and instructions may not contain the name of any candidate
22 appearing on the enclosed ballots other than that of the municipal clerk affixed in
23 the fulfillment of his or her duties.

24 **SECTION 42.** 6.24 (3) of the statutes is amended to read:

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1 6.24 (3) REGISTRATION. The overseas elector shall register in the municipality
2 where he or she was last domiciled or where the overseas elector's parent was last
3 domiciled on a form prescribed by the ~~board~~ division designed to ascertain the
4 elector's qualifications under this section. The form shall be substantially similar
5 to the original form under s. 6.33 (1), insofar as applicable. Registration shall be
6 accomplished in accordance with s. 6.30 (4).

7 **SECTION 43.** 6.24 (4) (d) of the statutes is amended to read:

8 6.24 (4) (d) An overseas elector who is not registered may request both a
9 registration form and an absentee ballot at the same time, and the municipal clerk
10 shall send the ballot automatically if the registration form is received within the time
11 prescribed in s. 6.28 (1). The ~~board~~ division shall prescribe a special certificate form
12 for the envelope in which the absentee ballot for overseas electors is contained, which
13 shall be substantially similar to that provided under s. 6.87 (2). An overseas elector
14 shall make and subscribe to the special certificate form before a witness who is an
15 adult U.S. citizen.

16 **SECTION 44.** 6.24 (5) of the statutes is amended to read:

17 6.24 (5) BALLOTS. The ~~board~~ division shall prescribe a special ballot for use
18 under this section whenever necessary. Official ballots prescribed for use in the
19 presidential preference primary may also be used. The ballot shall be designed to
20 comply with the requirements prescribed under ss. 5.58 (2r), 5.62, and 5.64 (1)
21 insofar as applicable. All ballots shall be limited to national offices only.

22 **SECTION 45.** 6.24 (6) of the statutes is amended to read:

23 6.24 (6) INSTRUCTIONS AND HANDLING. The municipal clerk shall send a ballot,
24 as soon as available, to each overseas elector by whom a request has been made. The
25 ~~board~~ division shall prescribe the instructions for marking and returning ballots and

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1 the municipal clerk shall enclose such instructions with each ballot. The envelope,
2 return envelope and instructions may not contain the name of any candidate
3 appearing on the enclosed ballots other than that of the municipal clerk affixed in
4 the fulfillment of his or her duties. Except as authorized in s. 6.87 (3), the municipal
5 clerk shall mail the material, with sufficient postage to ensure that the elector
6 receives the ballot, unless the material qualifies for mailing free of postage under
7 federal free postage laws. If the return envelope qualifies for mailing free of postage
8 under federal free postage laws, the clerk shall affix the appropriate legend required
9 by U.S. postal regulations. Otherwise, the municipal clerk shall pay the postage
10 required for return when the ballot is mailed from within the United States. If the
11 ballot is not mailed by the overseas elector from within the United States, the
12 overseas elector shall provide return postage.

13 **SECTION 46.** 6.26 (2) (am) of the statutes is amended to read:

14 6.26 (2) (am) A qualified elector of this state may apply to the ~~board~~ division
15 to be appointed as a special registration deputy for the purpose of registering electors
16 of any municipality prior to the close of registration.

17 **SECTION 47.** 6.26 (2) (b) of the statutes is amended to read:

18 6.26 (2) (b) The municipal clerk, board of election commissioners, or ~~elections~~
19 ~~board~~ division may appoint any applicant who qualifies under this subsection, unless
20 the applicant's appointment has been revoked by a municipality or by the ~~board~~
21 division for cause. The municipal clerk, board of election commissioners, or ~~elections~~
22 ~~board~~ division may revoke an appointment made by the clerk, board of election
23 commissioners, or ~~elections~~ board division for cause at any time.

24 **SECTION 48.** 6.26 (2) (c) and (cm) of the statutes are amended to read:

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1 6.26 (2) (c) No individual may serve as a special registration deputy in a
2 municipality unless the individual is appointed by the municipal clerk or board of
3 election commissioners of the municipality or the individual is appointed by the
4 elections ~~board~~ division to serve all municipalities and the individual completes
5 training required under s. 7.315.

6 (cm) The ~~board~~ division and each municipal clerk shall maintain a record of the
7 names and addresses of each individual who is appointed by the ~~board~~ division or the
8 clerk to serve as a special registration deputy under this section and who has
9 complied with the training requirements for service as a special registration deputy
10 under s. 7.315 (1) (b) 1.

11 **SECTION 49.** 6.26 (3) of the statutes is amended to read:

12 6.26 (3) The ~~board~~ division shall, by rule, prescribe procedures for appointment
13 of special registration deputies, for revocation of appointments of special registration
14 deputies, and for training of special registration deputies by municipal clerks and
15 boards of election commissioners. The procedures shall be coordinated with training
16 programs for special registration deputies conducted by municipal clerks under s.
17 7.315 and shall be formulated to promote increased registration of electors consistent
18 with the needs of municipal clerks and boards of election commissioners to efficiently
19 administer the registration process.

20 **SECTION 50.** 6.275 (2) of the statutes is amended to read:

21 6.275 (2) Upon receipt of each report filed under this section, the county clerk
22 or board of election commissioners shall forward one copy to the ~~board~~ division
23 within 7 days.

24 **SECTION 51.** 6.276 (2) and (3) of the statutes are amended to read:

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1 6.276 (2) Within 30 days after each general election, each municipal clerk shall
2 transmit to the ~~board~~ division a report of the number of absentee ballots transmitted
3 by the clerk to absent military electors and overseas electors for that election and the
4 combined number of those ballots that were cast by those electors in that election.

5 (3) Within 90 days after each general election, the ~~board~~ division shall compile
6 the information contained in the reports received from municipal clerks under sub.
7 (2) and transmit the information to the federal Election Assistance Commission.

8 **SECTION 52.** 6.29 (2) (am) of the statutes is amended to read:

9 6.29 (2) (am) The ~~board~~ division shall provide to each municipal clerk a list
10 prepared for use at each municipal clerk's office showing the name and address of
11 each person whose name appears on the list provided by the department of
12 corrections under ~~s. 301.03 (20)~~ s. 301.03 (20m) as ineligible to vote on the date of the
13 election, whose address is located in the municipality, and whose name does not
14 appear on the registration list for that municipality. Prior to permitting an elector
15 to register to vote under this subsection, the municipal clerk shall review the list.
16 If the name of an elector who wishes to register to vote appears on the list, the
17 municipal clerk shall inform the elector that the elector is ineligible to register to
18 vote. If the elector maintains that he or she is eligible to vote in the election, the
19 municipal clerk shall permit the elector to register to vote but shall mark the elector's
20 registration form as "ineligible to vote per Department of Corrections." If the elector
21 wishes to vote, the municipal clerk shall challenge the elector's ballot in the same
22 manner as provided for inspectors who challenge ballots under s. 6.79 (2) (dm).

23 **SECTION 53.** 6.30 (4) of the statutes is amended to read:

24 6.30 (4) BY MAIL. Any eligible elector may register by mail on a form prescribed
25 by the ~~board~~ division and provided by each municipality. The form shall be designed

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1 to obtain the information required in ss. 6.33 (1) and to provide for changes
2 authorized under s. 6.40 (1) (a). The form shall contain a certification by the elector
3 that all statements are true and correct. The form shall be prepostpaid for return
4 when mailed at any point within the United States. The form shall be available in
5 the municipal clerk's office and may be distributed by any elector of the municipality.
6 The clerk shall mail a registration form to any elector upon written or oral request.

7 **SECTION 54.** 6.33 (1) of the statutes is amended to read:

8 6.33 (1) The ~~board~~ division shall prescribe the format, size, and shape of
9 registration forms. All forms shall be printed on cards and each item of information
10 shall be of uniform font size, as prescribed by the ~~board~~ division. The municipal clerk
11 shall supply sufficient form to meet voter registration needs. The forms shall be
12 designed to obtain from each applicant information as to name; date; residence
13 location; citizenship; date of birth; age; the number of a valid operator's license
14 issued to the elector under ch. 343 or the last 4 digits of the elector's social security
15 account number; whether the applicant has resided within the ward or election
16 district for at least 10 days; whether the applicant has been convicted of a felony for
17 which he or she has not been pardoned, and if so, whether the applicant is
18 incarcerated, or on parole, probation, or extended supervision; whether the applicant
19 is disqualified on any other ground from voting; and whether the applicant is
20 currently registered to vote at any other location. The form shall include a space for
21 the applicant's signature and the signature of any corroborating elector. The form
22 shall include a space to enter the name of any special registration deputy under s.
23 6.26 or 6.55 (6) or inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who
24 obtains the form and a space for the deputy, inspector, clerk, or deputy clerk to sign
25 his or her name, affirming that the deputy, inspector, clerk, or deputy clerk has

ASSEMBLY BILL 126**SECTION 54**

1 accepted the form. The form shall include a space for entry of the ward and
2 aldermanic district, if any, where the elector resides and any other information
3 required to determine the offices and referenda for which the elector is certified to
4 vote. The form shall also include a space where the clerk may record an indication
5 of whether the form is received by mail, a space where the clerk may record an
6 indication of the type of identifying document submitted by the elector as proof of
7 residence under s. 6.34, whenever required, and a space where the clerk, for any
8 applicant who possesses a valid voting identification card issued to the person under
9 s. 6.47 (3), may record the identification serial number appearing on the voting
10 identification card. Each county clerk shall obtain sufficient registration forms for
11 completion by an elector who desires to register to vote at the office of the county clerk
12 under s. 6.28 (4).

13 **SECTION 55.** 6.33 (5) (a) of the statutes is amended to read:

14 6.33 (5) (a) Except as provided in par. (b), whenever a municipal clerk receives
15 a valid registration or valid change of a name or address under an existing
16 registration and whenever a municipal clerk changes a registration from eligible to
17 ineligible status, the municipal clerk shall promptly enter electronically on the list
18 maintained by the board division under s. 6.36 (1) the information required under
19 that subsection, except that the municipal clerk may update any entries that change
20 on the date of an election in the municipality within 30 days after that date, and the
21 municipal clerk shall provide to the board division information that is confidential
22 under s. 6.47 (2) in such manner as the board division prescribes.

23 **SECTION 56.** 6.33 (5) (b) of the statutes is amended to read:

24 6.33 (5) (b) The municipal clerk of any municipality may, by mutual consent,
25 designate any other municipal clerk or any county clerk as the clerk's agent to carry

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1 out the functions of the municipal clerk under this section for that municipality. The
2 municipal clerk shall notify the county clerk of each county in which the municipality
3 is located and the ~~board~~ division of any such designation in writing. The municipal
4 clerk may, by similar notice to the clerk's agent at least 14 days prior to the effective
5 date of any change, discontinue the designation. If the municipal clerk designates
6 another municipal clerk or a county clerk as his or her agent, the municipal clerk
7 shall immediately forward all registration changes filed with the clerk and voting
8 record information obtained by the clerk to the clerk's agent for electronic entry on
9 the registration list.

10 **SECTION 57.** 6.36 (1) (a) of the statutes is amended to read:

11 6.36 (1) (a) The ~~board~~ division shall compile and maintain electronically an
12 official registration list. The list shall contain the name and address of each
13 registered elector in the state, the date of birth of the elector, the ward and
14 aldermanic district of the elector, if any, and, for each elector, a unique registration
15 identification number assigned by the ~~board~~ division, the number of a valid
16 operator's license issued to the elector under ch. 343, if any, or the last 4 digits of the
17 elector's social security account number, if any, any identification serial number
18 issued to the elector under s. 6.47 (3), the date of any election in which the elector
19 votes, an indication of whether the elector is a military elector, as defined in sub. (2)
20 (c), who has so certified under s. 6.865 (3m), an indication of whether the elector is
21 an overseas elector, as defined in s. 6.24 (1), any information relating to the elector
22 that appears on the current list transmitted to the ~~board~~ division by the department
23 of corrections under ~~s. 301.03 (20)~~ s. 301.03 (20m), an indication of any
24 accommodation required under s. 5.25 (4) (a) to permit voting by the elector, an
25 indication of the method by which the elector's registration form was received, and

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1 such other information as may be determined by the ~~board~~ division to facilitate
2 administration of elector registration requirements.

3 **SECTION 58.** 6.36 (1) (b) 1. a. and b. of the statutes are amended to read:

4 6.36 (1) (b) 1. a. No person other than an employee of the ~~board~~ division, a
5 municipal clerk, a deputy clerk, an executive director of a city board of election
6 commissioners, or a deputy designated by the executive director may view the date
7 of birth, registration identification number, operator's license number, or social
8 security account number of an elector, the address of an elector to whom an
9 identification serial number is issued under s. 6.47 (3), or any indication of an
10 accommodation required under s. 5.25 (4) (a) to permit voting by an elector.

11 b. No person other than an employee of the ~~board~~ division, a municipal clerk,
12 or an election official who is authorized by a municipal clerk may make a change in
13 the list.

14 **SECTION 59.** 6.36 (1) (d) of the statutes is amended to read:

15 6.36 (1) (d) Upon receipt of official notification by the appropriate election
16 administrative authority of another state, territory, or possession that an elector
17 whose name appears on the list has registered to vote in that state, territory, or
18 possession, the ~~board~~ division or the municipal clerk of the municipality where the
19 elector formerly resided shall change the elector's registration from eligible to
20 ineligible status.

21 **SECTION 60.** 6.36 (1) (e) of the statutes is amended to read:

22 6.36 (1) (e) If the ~~board~~ division adds the name of any elector to the list, the
23 ~~board~~ division shall promptly notify the municipal clerk of the municipality where
24 the elector resides. If the ~~board~~ division changes the registration of any elector from
25 eligible to ineligible status, the ~~board~~ division shall promptly notify the municipal

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1 clerk of the municipality where the elector resides or, if the elector has changed his
2 or her residence from one municipality to another municipality in this state, shall
3 promptly notify the municipal clerk of the municipality where the elector resided
4 prior to the change. Notification shall be made in writing or by electronic
5 transmission. If the ~~board~~ division changes the registration of any elector from
6 eligible to ineligible status, the ~~board~~ division shall make an entry on the list giving
7 the date of and the reason for the change.

8 **SECTION 61.** 6.36 (1) (f) of the statutes is amended to read:

9 6.36 (1) (f) The ~~board~~ division shall make all reasonable efforts to ensure that
10 the list is maintained in a manner that precludes unauthorized persons from making
11 alterations to the list.

12 **SECTION 62.** 6.36 (2) (a) of the statutes is amended to read:

13 6.36 (2) (a) Except as provided in par. (b), each registration list prepared for use
14 as a poll list at a polling place or for purposes of canvassing absentee ballots at an
15 election shall contain the full name and address of each registered elector; a blank
16 column for the entry of the serial number of the electors when they vote or the poll
17 list number used by the municipal board of absentee ballot canvassers in canvassing
18 absentee ballots; an indication next to the name of each elector for whom proof of
19 residence under s. 6.34 is required; and a form of certificate bearing the certification
20 of the ~~executive director of the board~~ administrator stating that the list is a true and
21 complete registration list of the municipality or the ward or wards for which the list
22 is prepared.

23 **SECTION 63.** 6.36 (5) of the statutes is amended to read:

24 6.36 (5) After each general election, the ~~board~~ division shall contact the chief
25 election official of each state from which an elector who voted in that election

ASSEMBLY BILL 126**SECTION 63**

1 presented a valid driver’s license under s. 6.29 (2) (a), 6.55 (2) (b) or (c) 1., or 6.86 (3)
2 (a) 2. for so long as the license remains valid. The ~~board~~ division shall inquire
3 whether the holder of the driver’s license voted in that election in that state.

4 **SECTION 64.** 6.36 (6) of the statutes is amended to read:

5 6.36 (6) The ~~board~~ division shall establish by rule the fee for obtaining a copy
6 of the official registration list, or a portion of the list. The amount of the fee shall be
7 set, after consultation with county and municipal election officials, at an amount
8 estimated to cover both the cost of reproduction and the cost of maintaining the list
9 at the state and local level. The rules shall require that revenues from fees received
10 be shared between the state and municipalities or their designees under s. 6.33 (5)
11 (b), and shall specify a method for such allocation.

12 **SECTION 65.** 6.47 (1) (ag) of the statutes is amended to read:

13 6.47 (1) (ag) “Domestic abuse victim service provider” means an organization
14 that is certified by the department of health and family services as eligible to receive
15 grants under s. 46.95 (2) and whose name is included on the list provided by the ~~board~~
16 division under s. 7.08 (10).

17 **SECTION 66.** 6.47 (1) (am) 2. of the statutes is amended to read:

18 6.47 (1) (am) 2. An individual who files an affidavit with the municipal clerk
19 of the municipality where the individual resides, on a form prescribed by the ~~board~~
20 division, that is signed by a sheriff, the chief of a police department, or a district
21 attorney or the authorized representative of a sheriff, chief, or district attorney and
22 directed to the municipal clerk, and that verifies that a person has been charged with
23 or convicted of an offense relating to domestic abuse, sexual assault, or stalking in
24 which the individual was a victim and reasonably continues to be threatened by that
25 person.

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1 **SECTION 67.** 6.47 (1) (dm) of the statutes is amended to read:

2 6.47 (1) (dm) “Sexual assault victim service provider” means an organization
3 that is certified by the department of justice as eligible to receive grants under s.
4 165.93 (2) and whose name is included on the list provided by the ~~board~~ division
5 under s. 7.08 (10).

6 **SECTION 68.** 6.47 (2) of the statutes is amended to read:

7 6.47 (2) Except as authorized in sub. (8), the ~~board~~ division, each municipal
8 clerk, each agent designated under s. 6.33 (5) (b), and each election official shall
9 withhold from public inspection under s. 19.35 (1) the name and address of any
10 eligible individual whose name appears on a poll list or registration list if the
11 individual provides the municipal clerk with a valid written request to protect the
12 individual’s confidentiality. To be valid, a request under this subsection must be
13 accompanied by a copy of a protective order that is in effect, an affidavit under sub.
14 (1) (am) 2. that is dated within 30 days of the date of the request, a statement signed
15 by the operator or an authorized agent of the operator of a shelter that is dated within
16 30 days of the date of the request and that indicates that the operator operates the
17 shelter and that the individual making the request resides in the shelter, or a
18 statement signed by an authorized representative of a domestic abuse victim service
19 provider or a sexual assault victim service provider under sub. (1) (am) 4. that is
20 dated within 30 days of the date of the request. A physically disabled individual who
21 appears personally at the office of the municipal clerk accompanied by another
22 elector of this state may designate that elector to make a request under this
23 subsection on his or her behalf.

24 **SECTION 69.** 6.47 (3) of the statutes is amended to read:

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1 6.47 (3) Upon receiving a valid written request from an elector under sub. (2),
2 the municipal clerk shall issue to the elector a voting identification card on a form
3 prescribed by the ~~board~~ division that shall contain the name of the elector's
4 municipality of residence and, in the case of a town, the county in which the town is
5 located, the elector's name, the ward in which the elector resides, if any, and a unique
6 identification serial number issued by the ~~board~~ division. The number issued to an
7 elector under this subsection shall not be changed for so long as the elector continues
8 to qualify for a listing under sub. (2).

9 **SECTION 70.** 6.55 (2) (a) 1. of the statutes is amended to read:

10 6.55 (2) (a) 1. Except where the procedure under par. (c) or (cm) is employed,
11 any person who qualifies as an elector in the ward or election district where he or she
12 desires to vote, but has not previously filed a registration form, or was registered at
13 another location, may request permission to vote at the polling place for that ward
14 or election district, or at an alternate polling place assigned under s. 5.25 (5) (b).
15 When a proper request is made, the inspector shall require the person to execute a
16 registration form prescribed by the ~~board~~ division. The registration form shall be
17 completed in the manner provided under s. 6.33 (2) and shall contain all information
18 required under s. 6.33 (1), together with the following certification:

19 “I,, hereby certify that, to the best of my knowledge, I am a qualified elector,
20 having resided at for at least 10 days immediately preceding this election, and I
21 have not voted at this election.”

22 **SECTION 71.** 6.55 (2) (cs) of the statutes is amended to read:

23 6.55 (2) (cs) The ~~board~~ division shall provide to each municipal clerk a list
24 prepared for use at each polling place showing the name and address of each person
25 whose name appears on the list provided by the department of corrections under s.

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1 ~~301.03 (20)~~ s. 301.03 (20m) as ineligible to vote on the date of the election, whose
2 address is located in the area served by that polling place, and whose name does not
3 appear on the poll list for that polling place. Prior to permitting an elector to register
4 to vote under this subsection or s. 6.86 (3) (a) 2., the inspectors or special registration
5 deputies shall review the list. If the name of an elector who wishes to register to vote
6 appears on the list, the inspectors or special registration deputies shall inform the
7 elector or the elector's agent that the elector is ineligible to register to vote. If the
8 elector or the elector's agent maintains that the elector is eligible to vote in the
9 election, the inspectors or special registration deputies shall permit the elector to
10 register but shall mark the elector's registration form as "ineligible to vote per
11 Department of Corrections." If the elector wishes to vote, the inspectors shall require
12 the elector to vote by ballot and shall challenge the ballot as provided in s. 6.79 (2)
13 (dm).

14 **SECTION 72.** 6.55 (3) (b) of the statutes is amended to read:

15 6.55 (3) (b) Prior to permitting an elector to vote under this subsection, the
16 inspectors shall review the list provided by the ~~board~~ division under sub. (2) (cs). If
17 the name of the elector appears on the list, the inspectors shall inform the elector that
18 he or she is ineligible to vote at the election. If the elector maintains that he or she
19 is eligible to vote in the election, the inspectors shall permit the elector to vote, but
20 shall require the elector to vote by ballot, and shall challenge the ballot as provided
21 in s. 6.79 (2) (dm).

22 **SECTION 73.** 6.56 (3) of the statutes is amended to read:

23 6.56 (3) Upon receipt of the list under sub. (1), the municipal clerk or board of
24 election commissioners shall make an audit of all electors registering to vote at the
25 polling place or other registration location under s. 6.55 (2) and all electors

ASSEMBLY BILL 126**SECTION 73**

1 registering by agent on election day under s. 6.86 (3) (a) 2. unless the clerk or board
2 of election commissioners receives notice from the ~~board~~ division under sub. (7) that
3 the ~~board~~ division will perform the audit. The audit shall be made by 1st class
4 postcard. The postcard shall be marked in accordance with postal regulations to
5 ensure that it will be returned to the clerk, board of election commissioners, or
6 elections ~~board~~ division if the elector does not reside at the address given on the
7 postcard. If any postcard is returned undelivered, or if the clerk, board of election
8 commissioners, or ~~elections board~~ division is informed of a different address than the
9 one specified by the elector which was apparently improper on the day of the election,
10 the clerk, board of election commissioners, or ~~elections board~~ division shall change
11 the status of the elector from eligible to ineligible on the registration list, mail the
12 elector a notice of the change in status, and provide the name of the elector to the
13 district attorney for the county where the polling place is located.

14 **SECTION 74.** 6.56 (3m) of the statutes is amended to read:

15 6.56 (3m) As soon as possible after all information relating to registrations
16 after the close of registration for an election is entered on the registration list
17 following the election under s. 6.33 (5) (a), the ~~board~~ division shall compare the list
18 of new registrants whose names do not appear on the poll lists for the election
19 because the names were added after the ~~board~~ division certified the poll lists for use
20 at the election with the list containing the names transmitted to the ~~board~~ division
21 by the department of corrections under ~~s. 301.03 (20)~~ s. 301.03 (20m) as of election
22 day. If the ~~board~~ division finds that the name of any person whose name appears on
23 the list transmitted under ~~s. 301.03 (20)~~ s. 301.03 (20m) has been added to the
24 registration list, the ~~board~~ division shall enter on the list the information

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1 transmitted to the ~~board~~ division under s. ~~301.03 (20)~~ s. 301.03 (20m) and shall notify
2 the district attorney that the person appears to have voted illegally at the election.

3 **SECTION 75.** 6.56 (7) of the statutes is amended to read:

4 6.56 (7) The ~~board~~ division may elect to perform the duties of municipal clerks
5 to conduct the audits required under subs. (3) and (4) for any election on behalf of all
6 municipalities in the state. If the ~~board~~ division so elects, the ~~board~~ division shall,
7 no later than the date of the election for which the audits will be performed, notify
8 the municipal clerk of each municipality that the ~~board~~ division will perform the
9 audits.

10 **SECTION 76.** 6.57 of the statutes is amended to read:

11 **6.57 Registration list for special elections.** The municipal clerk of each
12 municipality where a special election is held nonconcurrently with a regularly
13 scheduled election shall obtain a copies of the current registration list from the ~~board~~
14 division for use in the special election.

15 **SECTION 77.** 6.79 (1m) of the statutes is amended to read:

16 6.79 (1m) SEPARATE POLL LISTS. Two election officials at each election ward shall
17 be in charge of and shall maintain 2 separate poll lists containing information
18 relating to all persons voting. The municipal clerk may elect to maintain the
19 information on the lists manually or electronically. If the lists are maintained
20 electronically, the officials shall enter the information into an electronic data
21 recording system that enables retrieval of printed copies of the lists at the polling
22 place. The system employed is subject to the approval of the ~~board~~ division.

23 **SECTION 78.** 6.86 (2) (a) of the statutes is amended to read:

24 6.86 (2) (a) An elector who is indefinitely confined because of age, physical
25 illness or infirmity or is disabled for an indefinite period may by signing a statement

ASSEMBLY BILL 126**SECTION 78**

1 to that effect require that an absentee ballot be sent to the elector automatically for
2 every election. The application form and instructions shall be prescribed by the
3 ~~board~~ division, and furnished upon request to any elector by each municipality. The
4 envelope containing the absentee ballot shall be clearly marked as not forwardable.
5 If any elector is no longer indefinitely confined, the elector shall so notify the
6 municipal clerk.

7 **SECTION 79.** 6.86 (2m) of the statutes is amended to read:

8 6.86 (2m) An elector other than an elector who is eligible to receive absentee
9 ballots under sub. (2) may by written application filed with the municipal clerk of the
10 municipality where the elector resides require that an absentee ballot be sent to the
11 elector automatically for every election that is held within the same calendar year
12 in which the application is filed. The application form and instructions shall be
13 prescribed by the ~~board~~ division, and furnished upon request to any elector by each
14 municipal clerk. The municipal clerk shall thereupon mail an absentee ballot to the
15 elector for all elections that are held in the municipality during the same calendar
16 year that the application is filed, except that the clerk shall not send an absentee
17 ballot for an election if the elector's name appeared on the registration list in eligible
18 status for a previous election following the date of the application but no longer
19 appears on the list in eligible status. The municipal clerk shall ensure that the
20 envelope containing the absentee ballot is clearly marked as not forwardable. If an
21 elector who files an application under this subsection no longer resides at the same
22 address that is indicated on the application form, the elector shall so notify the
23 municipal clerk. The municipal clerk shall discontinue mailing absentee ballots to
24 an elector under this subsection upon receipt of reliable information that the elector
25 no longer qualifies for the service. The clerk shall notify the elector of any such action

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1 not taken at the elector's request within 5 days, if possible. If a municipal clerk is
2 notified by an elector that the elector's residence is changed to another municipality
3 within this state, the municipal clerk shall forward the request to the municipal clerk
4 of that municipality and that municipal clerk shall honor the request, except as
5 provided in this subsection.

6 **SECTION 80.** 6.86 (3) (a) 1. of the statutes is amended to read:

7 6.86 (3) (a) 1. Any elector who is registered and who is hospitalized, may apply
8 for and obtain an official ballot by agent. The agent may apply for and obtain a ballot
9 for the hospitalized absent elector by presenting a form prescribed by the board
10 division and containing the required information supplied by the hospitalized elector
11 and signed by that elector and any other elector residing in the same municipality
12 as the hospitalized elector, corroborating the information contained therein. The
13 corroborating elector shall state on the form his or her full name and address.

14 **SECTION 81.** 6.869 of the statutes is amended to read:

15 **6.869 Uniform instructions.** The board division shall prescribe uniform
16 instructions for absentee voters. The instructions shall include information
17 concerning the procedure for correcting errors in marking a ballot and obtaining a
18 replacement for a spoiled ballot. The procedure shall, to the extent possible, respect
19 the privacy of each elector and preserve the confidentiality of each elector's vote.

20 **SECTION 82.** 6.87 (3) (d) of the statutes is amended to read:

21 6.87 (3) (d) A municipal clerk may, if the clerk is reliably informed by an absent
22 elector of a facsimile transmission number or electronic mail address where the
23 elector can receive an absentee ballot, transmit a facsimile or electronic copy of the
24 absent elector's ballot to that elector in lieu of mailing under this subsection if, in the
25 judgment of the clerk, the time required to send the ballot through the mail may not

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1 be sufficient to enable return of the ballot by the time provided under sub. (6). An
2 elector may receive an absentee ballot under this subsection only if the elector has
3 filed a valid application for the ballot under s. 6.86 (1). If the clerk transmits an
4 absentee ballot under this paragraph, the clerk shall also transmit a facsimile or
5 electronic copy of the text of the material that appears on the certificate envelope
6 prescribed in sub. (2), together with instructions prescribed by the board division.
7 The instructions shall require the absent elector to make and subscribe to the
8 certification as required under sub. (4) and to enclose the absentee ballot in a
9 separate envelope contained within a larger envelope, that shall include the
10 completed certificate. The elector shall then affix sufficient postage unless the
11 absentee ballot qualifies for mailing free of postage under federal free postage laws
12 and shall mail the absentee ballot to the municipal clerk. Except as authorized in
13 s. 6.97 (2), an absentee ballot received under this paragraph shall not be counted
14 unless it is cast in the manner prescribed in this paragraph and in accordance with
15 the instructions provided by the board division.

16 **SECTION 83.** 6.875 (5) of the statutes is amended to read:

17 6.875 (5) Prior to entering upon his or her duties, each individual appointed
18 to serve as a deputy under this section shall file the oath required by s. 7.30 (5). In
19 the oath, the individual shall swear that he or she is qualified to act as a deputy under
20 this section, that he or she has read the statutes governing absentee voting, that he
21 or she understands the proper absentee voting procedure, that he or she understands
22 the penalties for noncompliance with the procedure under s. 12.13, that his or her
23 sacred obligation will be to fully and fairly implement the absentee voting law and
24 seek to have the intent of the electors ascertained. In addition, the oath shall state
25 that the individual realizes that any error in conducting the voting procedure may

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1 result in invalidation of an elector's vote under s. 7.51 (2) (e) and that the individual
2 realizes that absentee voting is a privilege and not a constitutional right. The form
3 of the oath shall be prescribed by the ~~board~~ division.

4 **SECTION 84.** 6.92 (1) of the statutes is amended to read:

5 6.92 (1) Except as provided in sub. (2), each inspector shall challenge for cause
6 any person offering to vote whom the inspector knows or suspects is not a qualified
7 elector. If a person is challenged as unqualified by an inspector, one of the inspectors
8 shall administer the following oath or affirmation to the person: "You do solemnly
9 swear (or affirm) that you will fully and truly answer all questions put to you
10 regarding your place of residence and qualifications as an elector of this election";
11 and shall then ask questions which are appropriate as determined by the ~~board~~
12 division, by rule, to test the person's qualifications.

13 **SECTION 85.** 6.925 of the statutes is amended to read:

14 **6.925 Elector making challenge in person.** Any elector may challenge for
15 cause any person offering to vote whom the elector knows or suspects is not a
16 qualified elector. If a person is challenged as unqualified by an elector, one of the
17 inspectors may administer the oath or affirmation to the challenged elector under s.
18 6.92 and ask the challenged elector the questions under that section which are
19 appropriate to test the elector's qualifications. In addition, one of the inspectors shall
20 administer the following oath or affirmation to the challenging elector: "You do
21 solemnly swear (or affirm) that you will fully and truly answer all questions put to
22 you regarding the challenged person's place of residence and qualifications as an
23 elector of this election"; and shall then ask questions which are appropriate as
24 determined by the ~~board~~ division, by rule, to test the qualifications of the challenged
25 elector.

ASSEMBLY BILL 126**SECTION 86**

1 **SECTION 86.** 6.95 of the statutes is amended to read:

2 **6.95 Voting procedure for challenged electors.** Whenever the inspectors
3 under ss. 6.92 to 6.94 receive the vote of a person offering to vote who has been
4 challenged, the inspectors shall, before giving the elector a ballot, write on the back
5 of the ballot the serial number of the challenged person corresponding to the number
6 kept at the election on the poll list, or other list maintained under s. 6.79, and the
7 notation “s. 6.95”. If voting machines are used in the municipality where the person
8 is voting, the person’s vote may be received only upon an absentee ballot furnished
9 by the municipal clerk which shall have the corresponding serial number from the
10 poll list or other list maintained under s. 6.79 and the notation “s. 6.95” written on
11 the back of the ballot by the inspectors before the ballot is given to the elector. The
12 inspectors shall indicate on the list the reason for the challenge. The inspectors shall
13 then deposit the ballot. The challenged ballots shall be counted under s. 5.85 or 7.51.
14 The municipal board of canvassers may decide any challenge when making its
15 canvass under s. 7.53. If the returns are reported under s. 7.60, a challenge may be
16 reviewed by the county board of canvassers. If the returns are reported under s. 7.70,
17 a challenge may be reviewed by the ~~chairperson of the board or the chairperson’s~~
18 ~~designee~~ division. The decision of any board of canvassers or of the ~~chairperson or~~
19 ~~chairperson’s designee~~ division may be appealed under s. 9.01. The standard for
20 disqualification specified in s. 6.325 shall be used to determine the validity of
21 challenged ballots.

22 **SECTION 87.** 6.96 of the statutes is amended to read:

23 **6.96 Voting procedure for electors voting pursuant to federal court**
24 **order.** Whenever any elector is allowed to vote at a polling place pursuant to a
25 federal court order after the closing time provided under s. 6.78, the inspectors shall,

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1 before giving the elector a ballot, write on the back of the ballot the notation "s. 6.96".
2 If voting machines are used in the municipality where the elector is voting, the
3 elector's vote may be received only upon an absentee ballot furnished by the
4 municipal clerk which shall have the notation "s. 6.96" written on the back of the
5 ballot by the inspectors before the ballot is given to the elector. When receiving the
6 elector's ballot, the inspectors shall provide the elector with the written voting
7 information prescribed by the ~~board~~ division under s. 7.08 (8). The inspectors shall
8 indicate on the list the fact that the elector is voting pursuant to a federal court order.
9 The inspectors shall then deposit the ballot. The ballot shall be counted under s. 5.85
10 or 7.51 unless the order is vacated. If the order is vacated after the ballot is counted,
11 the appropriate board or boards of canvassers or the ~~chairperson of the board or his~~
12 ~~or her designee~~ division shall reopen the canvass to discount any ballots that were
13 counted pursuant to the vacated order and adjust the statements, certifications, and
14 determinations accordingly.

15 **SECTION 88.** 6.97 (1) of the statutes is amended to read:

16 6.97 (1) Whenever any individual who is required to provide proof of residence
17 under s. 6.34 in order to be permitted to vote appears to vote at a polling place and
18 cannot provide the required proof of residence, the inspectors shall offer the
19 opportunity for the individual to vote under this section. If the individual wishes to
20 vote, the inspectors shall provide the elector with an envelope marked "Ballot under
21 s. 6.97, stats." on which the serial number of the elector is entered and shall require
22 the individual to execute on the envelope a written affirmation stating that the
23 individual is a qualified elector of the ward or election district where he or she offers
24 to vote and is eligible to vote in the election. The inspectors shall, before giving the
25 elector a ballot, write on the back of the ballot the serial number of the individual

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1 corresponding to the number kept at the election on the poll list or other list
2 maintained under s. 6.79 and the notation "s. 6.97". If voting machines are used in
3 the municipality where the individual is voting, the individual's vote may be received
4 only upon an absentee ballot furnished by the municipal clerk which shall have the
5 corresponding number from the poll list or other list maintained under s. 6.79 and
6 the notation "s. 6.97" written on the back of the ballot by the inspectors before the
7 ballot is given to the elector. When receiving the individual's ballot, the inspectors
8 shall provide the individual with written voting information prescribed by the ~~board~~
9 division under s. 7.08 (8). The inspectors shall indicate on the list the fact that the
10 individual is required to provide proof of residence but did not do so. The inspectors
11 shall notify the individual that he or she may provide proof of residence to the
12 municipal clerk or executive director of the municipal board of election
13 commissioners. The inspectors shall also promptly notify the municipal clerk or
14 executive director of the name, address, and serial number of the individual. The
15 inspectors shall then place the ballot inside the envelope and place the envelope in
16 a separate carrier envelope.

17 **SECTION 89.** 7.03 (1) (a) of the statutes is amended to read:

18 7.03 (1) (a) Except as authorized under this paragraph, a reasonable daily
19 compensation shall be paid to each inspector, voting machine custodian, automatic
20 tabulating equipment technician, member of a board of canvassers, messenger, and
21 tabulator who is employed and performing duties under chs. 5 to 12. Daily
22 compensation shall also be provided to inspectors and inspector trainees for
23 attendance at training programs conducted by the ~~board~~ division and municipal
24 clerks under ss. 7.31 and 7.315. Alternatively, such election officials and trainees
25 may be paid by the hour at a proportionate rate for each hour actually worked. Any

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1 election official or trainee may choose to volunteer his or her services by filing with
2 the municipal clerk of the municipality in which he or she serves a written
3 declination to accept compensation. The volunteer status of the election official or
4 trainee remains effective until the official or trainee files a written revocation with
5 the municipal clerk.

6 **SECTION 90.** 7.03 (1) (b) of the statutes is amended to read:

7 7.03 (1) (b) Except as provided in par. (bm), any compensation owed shall be
8 paid by the municipality in which the election is held, except that any compensation
9 payable to a technician, messenger, tabulator, or member of the board of canvassers
10 who is employed to perform services for the county shall be paid by the county and
11 compensation payable to any messenger or tabulator who is employed to perform
12 services for the state shall be paid by the board division.

13 **SECTION 91.** 7.03 (2) of the statutes is amended to read:

14 7.03 (2) The amount of compensation of election officials, when authorized or
15 required, shall be fixed by the appropriate county board of supervisors, municipal
16 governing body, or municipal board of election commissioners in cities over 500,000
17 population. The board division shall fix the amount to be paid any person employed
18 to perform duties for the state. If the board division employs an individual to perform
19 duties which are the responsibility of a county or municipality, the board division
20 shall charge the expense to the county or municipality.

21 **SECTION 92.** 7.08 (intro.) of the statutes is amended to read:

22 **7.08 Elections board division.** (intro.) In addition to its duties for ballot
23 arrangement under ch. 5 and date and notice requirements under ch. 10, the board
24 division shall:

25 **SECTION 93.** 7.08 (1) (a) of the statutes is amended to read:

ASSEMBLY BILL 126**SECTION 93**

1 7.08 (1) (a) Prescribe all official ballot forms necessary under chs. 5 to 12 and
2 revise the official ballot forms to harmonize with legislation and the current official
3 status of the political parties whenever necessary. The ~~board~~ division shall provide
4 one copy of each ballot form without charge to each county and municipal clerk and
5 board of election commissioners. The ~~board~~ division shall distribute or arrange for
6 distribution of additional copies. The prescribed forms shall be substantially
7 followed in all elections under chs. 5 to 12.

8 **SECTION 94.** 7.08 (1) (b) of the statutes is amended to read:

9 7.08 (1) (b) Prescribe the necessary standard sample forms and ballot
10 containers to make the canvass, returns, statements and tally sheet statements for
11 all elections the results of which are reportable to the ~~board~~ division under s. 7.60
12 (4) (a), and all other materials as it deems necessary to conduct the elections. The
13 sample forms shall contain the necessary certificates of the inspectors and
14 canvassers with notes explaining their use and statutory basis.

15 **SECTION 95.** 7.08 (1) (c) of the statutes is amended to read:

16 7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1),
17 6.40 (1) (a), 6.47 (1) (am) 2. and (3), 6.55 (2), and 6.86 (2) to (3). All such forms shall
18 contain a statement of the penalty applicable to false or fraudulent registration or
19 voting through use of the form. Forms are not required to be furnished by the ~~board~~
20 division.

21 **SECTION 96.** 7.08 (1) (d) of the statutes is amended to read:

22 7.08 (1) (d) Promulgate rules for the administration of the statutory
23 requirements for voting machines and electronic voting systems and any other
24 voting apparatus which may be introduced in this state for use at elections.
25 Pursuant to such responsibility, the ~~board~~ division may obtain assistance from

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1 competent persons to check the machines, systems and apparatus and approve for
2 use those types meeting the statutory requirements and shall establish reasonable
3 compensation for persons performing duties under this paragraph.

4 **SECTION 97.** 7.08 (2) (a) of the statutes is amended to read:

5 7.08 (2) (a) As soon as possible after the closing date for filing nomination
6 papers or after the canvass of the primary vote, but no later than the deadlines
7 established in s. 10.06, transmit to each county clerk a certified list of all candidates
8 on file in its office for which electors in that county may vote. The list shall designate
9 the order of arrangement and contain each candidate's first name, middle initial or
10 initials and last name, unless the candidate on his or her nomination papers or
11 declaration of candidacy specifies that the middle initial be deleted, that a full middle
12 name or former legal surname be substituted for the middle initial, that an initial
13 be substituted for the candidate's first name or that a nickname be substituted for
14 a first or middle name or for a first initial or middle initial or initials, but no other
15 abbreviations or titles are permitted. The list shall also include each candidate's
16 residence and post-office address; the office for which the person is a candidate; and,
17 the party or principle the candidate represents, if any, in 5 words or less. Names of
18 candidates nominated under s. 7.38 or 8.35 shall be certified by the board division
19 upon filing of the necessary papers with it. At any time prior to an election, the board
20 division may transmit an amended certification if a candidate dies or is determined
21 not to qualify for ballot placement.

22 **SECTION 98.** 7.08 (3) (intro.) of the statutes is amended to read:

23 7.08 (3) ELECTION MANUAL. (intro.) Prepare and publish separate from the
24 election laws an election manual written so as to be easily understood by the general
25 public explaining the duties of the election officials, together with notes and

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1 references to the statutes as the ~~board~~ division considers advisable. The election
2 manual shall:

3 **SECTION 99.** 7.08 (3) (a) of the statutes is amended to read:

4 7.08 (3) (a) Be compiled by the ~~board~~ division.

5 **SECTION 100.** 7.08 (4) of the statutes is amended to read:

6 7.08 (4) ELECTION LAWS. Publish the election laws. The ~~board~~ division shall sell
7 or distribute or arrange for the sale or distribution of copies of the election laws to
8 county and municipal clerks and boards of election commissioners and members of
9 the public.

10 **SECTION 101.** 7.08 (6) of the statutes is amended to read:

11 7.08 (6) ENFORCEMENT OF FEDERAL VOTING SYSTEM STANDARDS. Following each
12 general election, audit the performance of each voting system used in this state to
13 determine the error rate of the system in counting ballots that are validly cast by
14 electors. If the error rate exceeds the rate permitted under standards of the federal
15 election commission in effect on October 29, 2002, the ~~board~~ division shall take
16 remedial action and order remedial action to be taken by affected counties and
17 municipalities to ensure compliance with the standards. Each county and
18 municipality shall comply with any order received under this subsection.

19 **SECTION 102.** 7.08 (7) of the statutes is amended to read:

20 7.08 (7) VOTING SYSTEM TRANSITIONAL ASSISTANCE. From the appropriation under
21 s. ~~20.510 (1)~~ 20.575 (2) (c), provide assistance to municipalities that used punch card
22 electronic voting systems at the 2001 spring election to enable the municipalities to
23 employ another type of electronic voting system, and provide training for election
24 officials in the use of replacement systems.

25 **SECTION 103.** 7.10 (1) (a) of the statutes is amended to read:

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1 7.10 (1) (a) Each county clerk shall provide ballots for every election in the
2 county for all national, state and county offices, including metropolitan sewerage
3 commission elections under s. 200.09 (11) (am), for municipal judges elected under
4 s. 755.01 (4) and for state and county referenda. The official and sample ballots shall
5 be prepared in substantially the same form as those prescribed by the ~~board~~ division
6 under s. 7.08 (1) (a).

7 **SECTION 104.** 7.10 (2) of the statutes is amended to read:

8 7.10 (2) PREPARING BALLOTS. The county clerk shall prepare copy for the official
9 ballots immediately upon receipt of the certified list of candidates' names from the
10 ~~board~~ division. Names certified by the ~~board~~ division shall be arranged in the order
11 certified. The county clerk shall place the names of all candidates filed in the clerk's
12 office or certified to the clerk by the ~~board~~ division on the proper ballot or ballots
13 under the appropriate office and party titles.

14 **SECTION 105.** 7.10 (3) (a) of the statutes is amended to read:

15 7.10 (3) (a) The county clerk shall distribute the ballots to the municipal clerks
16 no later than 31 days before each September primary and general election and no
17 later than 22 days before each other primary and election. Election forms prepared
18 by the ~~board~~ division shall be distributed at the same time. If the ~~board~~ division
19 transmits an amended certification under s. 7.08 (2) (a) or if the ~~board~~ division or a
20 court orders a ballot error to be corrected under s. 5.06 (6) or 5.72 (3) after ballots have
21 been distributed, the county clerk shall distribute corrected ballots to the municipal
22 clerks as soon as possible.

23 **SECTION 106.** 7.10 (4) of the statutes is amended to read:

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1 7.10 (4) RESOLVING NOTICE DOUBTS. When in doubt as to compliance with the
2 statutory requirements for election notices or the correct fees to be paid for them, the
3 county clerk may consult the ~~board~~ division.

4 **SECTION 107.** 7.10 (7) of the statutes is amended to read:

5 7.10 (7) VOTER EDUCATION. Each county clerk shall assist the ~~board~~ division in
6 conducting educational programs under s. 5.05 (12) to inform electors about the
7 voting process.

8 **SECTION 108.** 7.10 (8) of the statutes is amended to read:

9 7.10 (8) FREE ELECTION INFORMATION EXCHANGE. Each county clerk shall assist
10 the ~~board~~ division and municipal clerks in maintaining toll-free telephone lines and
11 other free access systems under s. 5.05 (13) for exchange of voting information.

12 **SECTION 109.** 7.10 (9) of the statutes is amended to read:

13 7.10 (9) TRAINING OF ELECTION OFFICIALS. Each county clerk shall assist the
14 ~~board~~ division in the training of election officials under s. 5.05 (7).

15 **SECTION 110.** 7.10 (10) of the statutes is amended to read:

16 7.10 (10) INFORMATION TO ~~BOARD~~ DIVISION. Each county clerk shall provide to the
17 ~~board~~ division any information requested under s. 5.05 (14).

18 **SECTION 111.** 7.15 (1) (e) of the statutes is amended to read:

19 7.15 (1) (e) Train election officials in their duties, calling them together
20 whenever advisable, advise them of changes in laws, rules and procedures affecting
21 the performance of their duties, and administer examinations as authorized under
22 s. 7.30 (2) (c). The training shall conform with the requirements prescribed in rules
23 promulgated by the ~~board~~ division under ss. 7.31 and 7.315. The clerk shall assure
24 that officials who serve at polling places where an electronic voting system is used
25 are familiar with the system and competent to instruct electors in its proper use. The

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1 clerk shall inspect systematically and thoroughly the conduct of elections in the
2 municipality so that elections are honestly, efficiently and uniformly conducted.

3 **SECTION 112.** 7.15 (1) (L) of the statutes is amended to read:

4 7.15 (1) (L) Compile and, no later than 7 days after each general election,
5 transmit to the ~~board~~ division the lists of electors registering to vote under ss. 6.29
6 (2) (a), 6.55 (2) (b) and (c) 1. and 6.86 (3) (a) 2. who presented valid drivers' licenses
7 issued by other states. The clerk shall withhold access to the lists from inspection or
8 copying under s. 19.35 (1).

9 **SECTION 113.** 7.15 (1m) of the statutes is amended to read:

10 7.15 (1m) ATTEND TRAINING. Each municipal clerk shall, at least once every 2
11 years, attend a training program sponsored by the ~~board~~ division under ss. 7.31 and
12 7.315.

13 **SECTION 114.** 7.15 (8) of the statutes is amended to read:

14 7.15 (8) RESOLVING NOTICE DOUBTS. When in doubt as to compliance with the
15 statutory requirements for election notices or the correct fees to be paid for them, the
16 municipal clerk may consult the ~~board~~ division.

17 **SECTION 115.** 7.15 (9) of the statutes is amended to read:

18 7.15 (9) VOTER EDUCATION. Each municipal clerk shall assist the ~~board~~ division
19 in conducting educational programs under s. 5.05 (12) to inform electors about the
20 voting process.

21 **SECTION 116.** 7.15 (10) of the statutes is amended to read:

22 7.15 (10) FREE ELECTION INFORMATION EXCHANGE. Each municipal clerk shall
23 assist the ~~board~~ division in maintaining toll-free telephone lines and any other free
24 access systems under s. 5.05 (13) for exchange of voting information.

25 **SECTION 117.** 7.15 (13) of the statutes is amended to read:

ASSEMBLY BILL 126**SECTION 117**

1 7.15 (13) ~~INFORMATION TO BOARD~~ DIVISION. Each municipal clerk shall provide
2 to the ~~board~~ division any information requested under s. 5.05 (14).

3 **SECTION 118.** 7.30 (2) (c) of the statutes is amended to read:

4 7.30 (2) (c) The governing body of any municipality may require all persons
5 serving as election officials to prove their ability to read and write English and to
6 have a general knowledge of the election laws. Examinations may be given to prove
7 the qualifications can be met. The municipal clerk shall ensure that all training
8 meets the training requirements prescribed in rules promulgated by the ~~board~~
9 division under ss. 7.31 and 7.315.

10 **SECTION 119.** 7.30 (4) (e) of the statutes is amended to read:

11 7.30 (4) (e) If an appointing authority believes that, for good cause, it should
12 not appoint an individual whose name is submitted as a first choice nominee under
13 par. (b), it may request the ~~board~~ division to authorize nonappointment. The ~~board~~
14 division may permit nonappointment of an individual for cause demonstrated by an
15 appointing authority.

16 **SECTION 120.** 7.30 (6) (b) of the statutes is amended to read:

17 7.30 (6) (b) Prior to the first election following the appointment of the
18 inspectors, the municipal clerk shall appoint one of the inspectors at each polling
19 place, other than an inspector who is appointed under sub. (1) (b), to serve as chief
20 inspector. No person may serve as chief inspector at any election who is not certified
21 by the ~~board~~ division under s. 7.31 at the time of the election. The chief inspector
22 shall hold the position for the remainder of the term unless the inspector is removed
23 by the clerk or the inspector ceases to be certified under s. 7.31, except that whenever
24 wards are combined or separated under s. 5.15 (6) (b), the municipal clerk shall
25 appoint another inspector who is certified under s. 7.31 to serve as chief inspector at

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1 each polling place designated under s. 5.15 (6) (b). If a vacancy occurs in the position
2 of chief inspector at any polling place, the municipal clerk shall appoint one of the
3 other inspectors who is certified under s. 7.31 to fill the vacancy.

4 **SECTION 121.** 7.31 (1) of the statutes is amended to read:

5 7.31 (1) The ~~board~~ division shall, by rule, prescribe requirements for
6 certification of individuals to serve as chief inspectors. The requirements shall
7 include a requirement to attend at least one training session held under sub. (5)
8 before beginning service. The requirements shall not include taking an examination.

9 **SECTION 122.** 7.31 (2) of the statutes is amended to read:

10 7.31 (2) No individual may serve as a chief inspector at a polling place in an
11 election unless the individual is certified by the ~~board~~ division to hold that office on
12 the date of the election at which the individual serves.

13 **SECTION 123.** 7.31 (3) of the statutes is amended to read:

14 7.31 (3) The ~~board~~ division shall, upon application, issue certificates to
15 qualified individuals who meet the requirements to be certified as chief inspectors.
16 Each certificate shall carry an expiration date.

17 **SECTION 124.** 7.31 (4) of the statutes is amended to read:

18 7.31 (4) The ~~board~~ division shall require each individual to whom a certificate
19 is issued under this section to meet requirements to maintain that certification. The
20 requirements shall include a requirement to attend at least one training session held
21 under sub. (5) every 2 years. The ~~board~~ division shall renew the certificate of any
22 individual who requests renewal and who meets the requirements prescribed under
23 this subsection.

24 **SECTION 125.** 7.31 (5) of the statutes is amended to read:

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1 7.31 (5) The ~~board~~ division shall conduct regular training programs to ensure
2 that individuals who are certified by the ~~board~~ division under this section are
3 knowledgeable concerning their authority and responsibilities. The ~~board~~ division
4 shall pay all costs required to conduct the training programs from the appropriation
5 under s. ~~20.510 (1)~~ 20.575 (2) (bm).

6 **SECTION 126.** 7.315 (1) (a) of the statutes is amended to read:

7 7.315 (1) (a) The ~~board~~ division shall, by rule, prescribe the contents of the
8 training that municipal clerks must provide to inspectors, other than chief
9 inspectors, to special voting deputies appointed under s. 6.875, and to special
10 registration deputies appointed under ss. 6.26 and 6.55 (6).

11 **SECTION 127.** 7.315 (2) of the statutes is amended to read:

12 7.315 (2) The ~~board~~ division shall, by rule, prescribe requirements for, and the
13 content of, training required of municipal clerks under s. 7.15 (1m). The ~~board~~
14 division may provide such training directly or arrange for such training to be
15 provided by other organizations. The rules shall provide a method for notifying the
16 relevant municipal governing body if a municipal clerk fails to attend required
17 training.

18 **SECTION 128.** 7.315 (3) of the statutes is amended to read:

19 7.315 (3) The ~~board~~ division may produce and periodically reissue as necessary
20 a video program for the purpose of training election officials, including special voting
21 deputies and special registration deputies. The ~~board~~ division shall make any such
22 program available for viewing electronically through an Internet-based system.

23 **SECTION 129.** 7.38 (5) of the statutes is amended to read:

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1 7.38 (5) In the event of failure to file the name of a current state chairperson,
2 as required under s. 8.17 (12), the board division may not recognize the state
3 committee for the purpose of filling vacancies under sub. (1).

4 **SECTION 130.** 7.41 (5) of the statutes is amended to read:

5 7.41 (5) The board division may promulgate rules that are consistent with the
6 requirements of sub. (2) regarding the proper conduct of individuals exercising the
7 right under sub. (1), including the interaction of those individuals with inspectors
8 and other election officials.

9 **SECTION 131.** 7.52 (1) (a) of the statutes is amended to read:

10 7.52 (1) (a) The governing body of any municipality may provide by ordinance
11 that, in lieu of canvassing absentee ballots at polling places under s. 6.88, the
12 municipal board of absentee ballot canvassers designated under s. 7.53 (2m) shall
13 canvass all absentee ballots at all elections held in the municipality. Prior to
14 enacting an ordinance under this subsection, the municipal clerk or board of election
15 commissioners of the municipality shall notify the board division in writing of the
16 proposed enactment and shall consult with the board division concerning
17 administration of this section. At every election held in the municipality following
18 enactment of an ordinance under this subsection, the board of absentee ballot
19 canvassers shall, any time after the opening of the polls and before 10 p.m. on election
20 day, publicly convene to count the absentee ballots for the municipality. The
21 municipal clerk shall give at least 48 hours' notice of any meeting under this
22 subsection. Any member of the public has the same right of access to a meeting of
23 the municipal board of absentee ballot canvassers under this subsection that the
24 individual would have under s. 7.41 to observe the proceedings at a polling place. The

ASSEMBLY BILL 126**SECTION 131**

1 board of absentee ballot canvassers may order the removal of any individual
2 exercising the right to observe the proceedings if the individual disrupts the meeting.

3 **SECTION 132.** 7.60 (4) (a) and (5) (a) and (b) of the statutes are amended to read:

4 7.60 (4) (a) The board of canvassers shall make separate duplicate statements
5 showing the numbers of votes cast for the offices of president and vice president; state
6 officials; U.S. senators and representatives in congress; state legislators; justice;
7 court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage
8 commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a
9 municipal judge elected under s. 755.01 (4) serves a municipality that is located
10 partially within the county and candidates for that judgeship file nomination papers
11 in another county, the board of canvassers shall prepare a duplicate statement
12 showing the numbers of votes cast for that judgeship in that county for transmittal
13 to the other county. For partisan candidates, the statements shall include the
14 political party or principle designation, if any, next to the name of each candidate.
15 The board of canvassers shall also prepare a statement showing the results of any
16 county, technical college district or statewide referendum. Each statement shall
17 state the total number of votes cast in the county for each office; the names of all
18 persons for whom the votes were cast, as returned; the number of votes cast for each
19 person; and the number of votes cast for and against any question submitted at a
20 referendum. The board of canvassers shall use one copy of each duplicate statement
21 to report to the elections board division, technical college district board or board of
22 canvassers of any other county and shall file the other statement in the office of the
23 county clerk or board of election commissioners.

24 (5) (a) Immediately following the canvass, the county clerk shall deliver or send
25 to the elections board division, by 1st class mail, a certified copy of each statement

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1 of the county board of canvassers for president and vice president, state officials,
2 senators and representatives in congress, state legislators, justice, court of appeals
3 judge, circuit judge, district attorney, and metropolitan sewerage commissioners, if
4 the commissioners are elected under s. 200.09 (11) (am). The statement shall record
5 the returns for each office or referendum by ward, unless combined returns are
6 authorized under s. 5.15 (6) (b) in which case the statement shall record the returns
7 for each group of combined wards. Following primaries the county clerk shall enclose
8 on forms prescribed by the ~~elections board~~ division the names, party or principle
9 designation, if any, and number of votes received by each candidate recorded in the
10 same manner. The county clerk shall deliver or transmit the certified statement to
11 the ~~elections board~~ division no later than 7 days after each primary except the
12 September primary, no later than 10 days after the September primary and any other
13 election except the general election, and no later than 14 days after the general
14 election. The board of canvassers shall deliver or transmit a certified copy of each
15 statement for any technical college district referendum to the secretary of the
16 technical college district board.

17 (b) If the board of canvassers becomes aware of a material mistake in the
18 canvass of an election for state or national office or a statewide or technical college
19 district referendum prior to the close of business on the day the ~~elections board~~
20 division receives returns from the last county board of canvassers with respect to
21 that canvass, the board of canvassers may petition the ~~elections board~~ division to
22 reopen and correct the canvass. The ~~elections board~~ division shall direct the canvass
23 to be reopened and corrected if it determines that the public interest so requires. If
24 the ~~elections board~~ division directs the canvass to be reopened, the board of
25 canvassers shall reconvene and transmit a certified corrected copy of the canvass

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1 statement to the ~~elections board~~ division or secretary of the technical college district
2 board.

3 **SECTION 133.** 7.70 (1) (a) and (b), (3) (a), (b), (c), (d), (e) (intro.), (g), (h) and (i)
4 and (5) (a) and (b) of the statutes are amended to read:

5 7.70 (1) (a) Upon receipt of the certified statements from the county clerks, the
6 ~~elections board~~ division shall record the election results by counties and file and
7 carefully preserve the statements.

8 (b) If any county clerk fails or neglects to forward any statements, the ~~elections~~
9 ~~board~~ division may require the clerk to do so immediately and if not received by the
10 8th day after a primary, or by the 11th day after any other election, the ~~elections~~
11 ~~board~~ division may dispatch a special messenger to obtain them. Whenever it
12 appears upon the face of any statement that an error has been made in reporting or
13 computing, the ~~elections board~~ division may return it to the county clerk for
14 correction.

15 (3) (a) The chairperson of the board or a designee of the chairperson appointed
16 ~~by the chairperson to canvass a specific election~~ division shall publicly canvass the
17 returns and make his or her its certifications and determinations on or before the 2nd
18 Tuesday following a spring primary, the 15th day of May following a spring election,
19 the 3rd Wednesday following a September primary, the first day of December
20 following a general election, the 2nd Thursday following a special primary, or within
21 18 days after any special election.

22 (b) The ~~chairperson of the board or the chairperson's designee~~ division shall
23 examine the certified statements of the county boards of canvassers. If it appears
24 that any material mistake has been made in the computation of votes, or any county
25 board of canvassers failed to canvass the votes or omitted votes from any ward or

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1 election district in the county, the ~~chairperson of the board or the chairperson's~~
2 ~~designee~~ division may dispatch a messenger to the county clerk with written
3 instructions to certify the facts concerning the mistake or the reason why the votes
4 were not canvassed. A clerk to whom such instructions are delivered shall
5 immediately make a true and full answer, sign it, affix the county seal and deliver
6 it to the messenger. The messenger shall deliver it with all possible dispatch to the
7 ~~board~~ division.

8 (c) The ~~chairperson of the board or the chairperson's designee~~ division shall
9 conclude the state canvass within 10 days after its commencement.

10 (d) When the certified statements and returns are received, the ~~chairperson of~~
11 ~~the board or the chairperson's designee~~ division shall proceed to examine and make
12 a statement of the total number of votes cast at any election for the offices involved
13 in the election for president and vice president; a statement for each of the offices of
14 governor, lieutenant governor, if a primary, and a joint statement for the offices of
15 governor and lieutenant governor, if a general election; a statement for each of the
16 offices of secretary of state, state treasurer, attorney general, and state
17 superintendent; for U.S. senator; representative in congress for each congressional
18 district; the state legislature; justice; court of appeals judge; circuit judge; district
19 attorney; metropolitan sewerage commission, if the commissioners are elected under
20 s. 200.09 (11) (am); and for any referenda questions submitted by the legislature.

21 (e) (intro.) The ~~chairperson of the board~~ administrator or the chairperson's
22 administrator's designee shall make a special statement to the ~~board~~ division as soon
23 as possible after the canvass certifying:

24 (g) Following each primary election, the ~~chairperson of the board or the~~
25 ~~chairperson's designee~~ administrator shall prepare a statement certifying the

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1 results of the primary, which shall indicate the names of the persons who have won
2 nomination to any state or national office. Following each other election, the
3 ~~chairperson of the board or the chairperson's designee~~ administrator shall prepare
4 a statement certifying the results of the election and shall attach to the statement
5 a certificate of determination which shall indicate the names of persons who have
6 been elected to any state or national office. The ~~chairperson of the board or the~~
7 ~~chairperson's designee~~ administrator shall likewise prepare a statement and
8 certificate for any statewide referendum. The ~~chairperson of the board~~
9 administrator or the ~~chairperson's~~ administrator's designee shall deliver each
10 statement and determination to the ~~board~~ division .

11 (h) Whenever a referendum question submitted to a vote of the people is
12 approved, the ~~board~~ division shall record it and the secretary of state shall have the
13 record bound in the volume containing the original enrolled laws passed at the next
14 succeeding session of the legislature and have the record published with the laws
15 thereof. Whenever a constitutional amendment or other statewide validating or
16 ratifying referendum question which is approved by the people does not expressly
17 state the date of effectiveness, it shall become effective at the time the ~~chairperson~~
18 ~~of the board or the chairperson's designee~~ administrator certifies that the
19 amendment or referendum question is approved.

20 (i) The ~~chairperson of the board or the chairperson's designee~~ division shall
21 canvass only regular returns made by the county board of canvassers and shall not
22 count or canvass any additional or supplemental returns or statements made by the
23 county board or any other board or person. The ~~chairperson of the board or the~~
24 ~~chairperson's designee~~ division shall not count or canvass any statement or return
25 which has been made by the county board of canvassers at any other time than that

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1 provided in s. 7.60. This provision does not apply to any return made subsequent to
2 a recount under s. 9.01, when the return is accepted in lieu of any prior return from
3 the same county for the same office; or to a statement given to the ~~chairperson of the~~
4 ~~board or chairperson's designee~~ division or a messenger sent by the ~~chairperson or~~
5 ~~designee~~ division to obtain a correction.

6 (5) (a) The ~~board~~ division shall record in its office each certified statement and
7 determination made by the ~~chairperson of the board or the chairperson's designee~~
8 division. Immediately after the expiration of the time allowed to file a petition for
9 recount, the ~~board~~ division shall make and transmit to each person declared elected
10 a certificate of election under the seal of the ~~board~~ division. It shall also prepare
11 similar certificates, attested by the ~~executive director of the board~~ administrator,
12 addressed to the U.S. house of representatives, stating the names of those persons
13 elected as representatives to the congress from this state. In the case of U.S.
14 senators, the ~~board~~ division shall prepare a certificate of election for the governor's
15 signature, and the governor shall sign and affix the great seal of the state and
16 transmit the certificate to the president of the U.S. senate. The certificate shall be
17 countersigned by the secretary of state. If a person elected was elected to fill a
18 vacancy, the certificate shall so state. When a valid petition for recount is filed, the
19 ~~chairperson of the board or the chairperson's designee~~ administrator may not certify
20 a nomination, and the governor or ~~board~~ division may not issue a certificate of
21 election until the recount has been completed and the time allowed for filing an
22 appeal has passed, or if appealed until the appeal is decided.

23 (b) For presidential electors, the ~~elections board~~ division shall prepare a
24 certificate showing the determination of the results of the canvass and the names of
25 the persons elected, and the governor shall sign, affix the great seal of the state and

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1 transmit the certificate by registered mail to the U.S. administrator of general
2 services. The governor shall also prepare 6 duplicate originals of such certificate and
3 deliver them to one of the presidential electors on or before the first Monday after the
4 2nd Wednesday in December.

5 **SECTION 134.** 8.07 of the statutes is amended to read:

6 **8.07 Validity of nomination papers.** The ~~board~~ division shall promulgate
7 rules under this chapter for use by election officials in determining the validity of
8 nomination papers and signatures thereon.

9 **SECTION 135.** 8.10 (6) (a) of the statutes is amended to read:

10 8.10 (6) (a) For state offices or seats on a metropolitan sewerage commission,
11 if the commissioners are elected under s. 200.09 (11) (am), in the office of the ~~board~~
12 division.

13 **SECTION 136.** 8.12 (1) (a) of the statutes is amended to read:

14 8.12 (1) (a) No later than 5 p.m. on the 3rd Tuesday in November, or the next
15 day if Tuesday is a holiday, of the year before each year in which electors for president
16 and vice president are to be elected, the state chairperson of each recognized political
17 party listed on the official ballot at the last gubernatorial election whose candidate
18 for governor received at least 10% of the total votes cast for that office may certify
19 to the ~~board~~ division that the party will participate in the presidential preference
20 primary. For each party filing such a certification, the voters of this state shall at the
21 spring primary be given an opportunity to express their preference for the person to
22 be the presidential candidate of that party.

23 **SECTION 137.** 8.12 (1) (b) of the statutes is amended to read:

24 8.12 (1) (b) On the 2nd Tuesday in December of the year before each year in
25 which electors for president and vice president are to be elected, there shall be

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1 convened in the capitol a committee consisting of, for each party filing a certification
2 under this subsection, the state chairperson of that state party organization or the
3 chairperson's designee, one national committeeman and one national
4 committeewoman designated by the state chairperson; the speaker and the minority
5 leader of the assembly or their designees, and the president and the minority leader
6 of the senate or their designees. All designations shall be made in writing to the
7 ~~board~~ division. This committee shall organize by selecting an additional member
8 who shall be the chairperson and shall determine, and certify to the ~~board~~ division,
9 no later than on the Friday following the date on which the committee convenes
10 under this paragraph, the names of all candidates of the political parties represented
11 on the committee for the office of president of the United States. The committee shall
12 place the names of all candidates whose candidacy is generally advocated or
13 recognized in the national news media throughout the United States on the ballot,
14 and may, in addition, place the names of other candidates on the ballot. The
15 committee shall have sole discretion to determine that a candidacy is generally
16 advocated or recognized in the national news media throughout the United States.

17 **SECTION 138.** 8.12 (1) (c) of the statutes is amended to read:

18 8.12 (1) (c) No later than 5 p.m. on the first Tuesday in January of each
19 presidential election year, any person seeking the nomination by the national
20 convention of a political party filing a certification under this subsection for the office
21 of president of the United States, or any committee organized in this state on behalf
22 of and with the consent of such person, may submit to the ~~board~~ division a petition
23 to have the person's name appear on the presidential preference ballot. The petition
24 may be circulated no sooner than the 2nd Tuesday in December preceding such year
25 and shall be signed by a number of qualified electors equal in each congressional

ASSEMBLY BILL 126**SECTION 138**

1 district to not less than 1,000 signatures nor more than 1,500 signatures. The form
2 of the petition shall conform to the requirements of s. 8.40. All signers on each
3 separate petition paper shall reside in the same congressional district.

4 **SECTION 139.** 8.12 (1) (d) of the statutes is amended to read:

5 8.12 (1) (d) The ~~board~~ division shall forthwith contact each person whose name
6 has been placed in nomination under par. (b) and notify him or her that his or her
7 name will appear on the Wisconsin presidential preference ballot unless he or she
8 files, no later than 5 p.m. on the first Tuesday in January of such year, with the ~~board~~
9 division, a disclaimer stating without qualification that he or she is not and does not
10 intend to become a candidate for the office of president of the United States at the
11 forthcoming presidential election. The disclaimer may be filed with the ~~board~~
12 division by certified mail, telegram, or in person.

13 **SECTION 140.** 8.12 (2) of the statutes is amended to read:

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

19 **SECTION 141.** 8.12 (3) of the statutes is amended to read:

20 8.12 (3) **REPORTING OF RESULTS.** No later than the 2nd Tuesday following the
21 presidential preference primary, the ~~board~~ division shall notify each state party
22 organization chairperson under sub. (1) (b) of the results of the presidential
23 preference primary within the state and within each congressional district.

24 **SECTION 142.** 8.15 (8) (a) of the statutes is amended to read:

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1 8.15 (8) (a) For state offices and the offices of U.S. senator and representative
2 in congress, in the office of the board division.

3 **SECTION 143.** 8.16 (2) (b) of the statutes is amended to read:

4 8.16 (2) (b) If the person is a candidate for state office, the person files a
5 statement of economic interests under s. 19.43 (4), no later than 4:30 p.m. on the 3rd
6 day after notification of nomination is mailed or personally delivered to the person
7 by the board division; and

8 **SECTION 144.** 8.16 (7) of the statutes is amended to read:

9 8.16 (7) Nominees chosen at a national convention and under s. 8.18 (2) by each
10 party entitled to a September primary ballot shall be the party's candidates for
11 president, vice president and presidential electors. The state or national chairperson
12 of each such party shall certify the names of the party's nominees for president and
13 vice president to the board division no later than 5 p.m. on the first Tuesday in
14 September preceding a presidential election. Each name shall be in one of the
15 formats authorized in s. 7.08 (2) (a).

16 **SECTION 145.** 8.17 (9) (a) of the statutes is amended to read:

17 8.17 (9) (a) If a county has no committee as provided by sub. (5) (a), residents
18 of that county may voluntarily form a committee, which, upon approval of the state
19 committee and certification by the secretary of the state committee to the board
20 division and the county clerk or board of election commissioners, shall then become
21 the county committee with equal standing as if it had been organized under sub. (5)
22 (a). This standing shall remain unless and until a committee is organized under sub.
23 (5) (a).

24 **SECTION 146.** 8.17 (12) of the statutes is amended to read:

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1 8.17 (12) The secretary of the state committee of each recognized political party
2 under s. 5.62 (1) (b) or (2) shall notify the ~~board~~ division in writing of the name and
3 address of the elected state committee chairperson within 10 days of his or her
4 election.

5 **SECTION 147.** 8.18 (2) of the statutes is amended to read:

6 8.18 (2) The purpose of the convention is to nominate one presidential elector
7 from each congressional district and 2 electors from the state at large. The names
8 of the nominees shall be certified immediately by the chairperson of the state
9 committee of each party to the ~~chairperson of the elections board~~ administrator.

10 **SECTION 148.** 8.185 (1) of the statutes is amended to read:

11 8.185 (1) The names of candidates for president and vice president may be
12 written in, in the place provided, on the general ballot at the general election for
13 choosing the president and vice president of the United States. Write-in votes shall
14 be listed as scattering unless the person whose name is written in has a list of
15 presidential electors on file with the ~~board~~ division in accordance with this section
16 or unless the person whose name is written in has received more than 10% of the total
17 vote cast in the ward, or in the municipality if not divided into wards.

18 **SECTION 149.** 8.185 (2) of the statutes is amended to read:

19 8.185 (2) Any candidates for the office of president and vice president of the
20 United States as write-in candidates shall file a list of presidential electors and a
21 declaration of candidacy in the manner prescribed in s. 8.21 with the ~~board~~ division
22 no later than 4:30 p.m. on the 2nd Tuesday preceding the day of the general election
23 to choose the president and vice president of the United States. The list shall contain
24 one presidential elector from each congressional district and 2 electors from the state
25 at large and the names of the candidates for president and vice president for whom

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1 they intend to vote, if elected. Compliance with this subsection may be waived by the
2 board division but only if the results of the general election indicate that a write-in
3 candidate for the office of president is eligible to receive the electoral votes of this
4 state except for noncompliance with this subsection. In such event, the write-in
5 candidate shall have until 4:30 p.m. on the Friday following the general election to
6 comply with the filing requirements of this subsection.

7 **SECTION 150.** 8.185 (3) of the statutes is amended to read:

8 8.185 (3) If more than one list of presidential electors is filed with the board
9 division by any write-in candidates for the offices of president and vice president of
10 the United States, the first list filed shall be considered the valid list, provided that
11 this list meets the additional requirements of this section.

12 **SECTION 151.** 8.19 (1) of the statutes is amended to read:

13 8.19 (1) The state committee of any party polling less than 75,000 presidential
14 votes in this state in the last election may change the name of the party. The new
15 name may not duplicate that of an existing national party. A certificate of approval
16 by the party's national committee which has been certified by the national committee
17 secretary, the state committee chairperson and the state committee secretary shall
18 be filed with the board division.

19 **SECTION 152.** 8.19 (3) of the statutes is amended to read:

20 8.19 (3) Every political party entitled, under s. 5.62, to have its candidates on
21 the September primary and general election ballots has exclusive right to the use of
22 the name designating it at any election involving political parties. The board division
23 shall not certify nor the county clerk print the name of any person whose nomination
24 papers indicate a party name comprising a combination of existing party names,

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1 qualifying words, phrases, prefixes or suffixes in connection with any existing party
2 name.

3 **SECTION 153.** 8.20 (7) of the statutes is amended to read:

4 8.20 (7) Nomination papers shall be filed in the office of the ~~board~~ division for
5 all state offices and the offices of U.S. senator and representative in congress, and
6 in the office of county clerk or board of election commissioners for all county offices.

7 **SECTION 154.** 8.40 (3) of the statutes is amended to read:

8 8.40 (3) The ~~board~~ division shall, by rule, prescribe standards consistent with
9 this chapter and s. 9.10 (2) to be used by all election officials and governing bodies
10 in determining the validity of petitions for elections and signatures thereon.

11 **SECTION 155.** 8.50 (1) (a) of the statutes is amended to read:

12 8.50 (1) (a) When there is to be a special election, the special election for county
13 office shall be ordered by the county board of supervisors except as provided in s.
14 17.21 (5); the special election for city office shall be ordered by the common council;
15 the special election for village office shall be ordered by the board of trustees; the
16 special election for town office shall be ordered by the town board of supervisors; the
17 special election for school board member in a school district organized under ch. 119
18 shall be ordered by the school board; the special election for municipal judge shall
19 be ordered by the governing body of the municipality, except in 1st class cities, or if
20 the judge is elected under s. 755.01 (4) jointly by the governing bodies of all
21 municipalities served by the judge; and all other special elections shall be ordered
22 by the governor. When the governor or attorney general issues the order, it shall be
23 filed and recorded in the office of the ~~board~~ division. When the county board of
24 supervisors issues the order, it shall be filed and recorded in the office of the county
25 clerk. When the county executive issues the order, it shall be filed in the office of the

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

10 **SECTION 156.** 8.50 (1) (b) of the statutes is amended to read:

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

21 **SECTION 157.** 8.50 (1) (d) of the statutes is amended to read:

22 8.50 (1) (d) When the election concerns a national or state office, the ~~board~~
23 division shall transmit to each county clerk at least 22 days before the special
24 primary a certified list of all persons for whom nomination papers have been filed in
25 its office. If no primary is required, the list shall be transmitted at least 42 days prior

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1 to the day of the election. Immediately upon receipt of the certified list, the county
2 clerk shall prepare his or her ballots. For a county special election, the county clerk
3 shall certify the candidates and prepare the ballots. If there is a primary, the county
4 clerk shall publish one type B notice in a newspaper under ch. 10. When a primary
5 is held, as soon as possible after the primary, the county clerk shall certify the
6 candidates and prepare the ballots for the following special election. The clerk shall
7 publish one type B notice in a newspaper under ch. 10 for the election.

8 **SECTION 158.** 8.50 (3) (e) of the statutes is amended to read:

9 8.50 (3) (e) In a special election for a state or national office, the county clerk
10 or board of election commissioners shall transmit the statement of the county board
11 of canvassers to the ~~elections board~~ division no later than 7 days after the special
12 primary and 13 days after the special election.

13 **SECTION 159.** 9.01 (1) (a) 1. of the statutes is amended to read:

14 9.01 (1) (a) 1. Any candidate voted for at any election or any elector who voted
15 upon any referendum question at any election may petition for a recount. The
16 petitioner shall file a verified petition or petitions with the proper clerk or body under
17 par. (ar) not earlier than the time of completion of the canvass and not later than 5
18 p.m. on the 3rd business day following the last meeting day of the municipal or
19 county board of canvassers determining the election for that office or on that
20 referendum question prior to issuance of any amended return under s. 6.221 (6) (b)
21 or, if more than one board of canvassers makes the determination, not later than 5
22 p.m. on the 3rd business day following the last meeting day of the last board of
23 canvassers which makes a determination prior to issuance of any amended return
24 under s. 6.221 (6) (b). If the ~~chairperson of the board or chairperson's designee~~
25 division makes the determination for the office or the referendum question, the

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1 petitioner shall file the petition not earlier than the last meeting day of the last
2 county board of canvassers to make a statement in the election or referendum and
3 not later than 5 p.m. on the 3rd business day following the day on which the ~~elections~~
4 ~~board~~ division receives the last statement from a county board of canvassers for the
5 election or referendum.

6 **SECTION 160.** 9.01 (1) (a) 4. of the statutes is amended to read:

7 9.01 (1) (a) 4. The petition under subd. 1. may be amended to include
8 information discovered as a result of the investigation of the board of canvassers or
9 the chairperson of the board or chairperson's designee, division after the filing of the
10 petition if the petitioner moves to amend the petition as soon as possible after the
11 petitioner discovers, or reasonably should have discovered, the information that is
12 the subject of the amendment and if the petitioner was unable to include the
13 information in the original petition.

14 **SECTION 161.** 9.01 (1) (ag) 4. of the statutes is amended to read:

15 9.01 (1) (ag) 4. The board division shall deposit all moneys received by it into
16 the account under s. ~~20.510 (1)~~ 20.575 (2) (g), and shall pay the fees required for each
17 recount to the county clerks of the counties in which the recount is to be held. The
18 county clerk shall deposit fees received by him or her with the county treasurer. The
19 municipal clerk shall deposit fees received by him or her with the municipal
20 treasurer.

21 **SECTION 162.** 9.01 (1) (ar) 2. of the statutes is amended to read:

22 9.01 (1) (ar) 2. In the event of a recount for a referendum, the petition shall be
23 filed with the clerk of the jurisdiction in which the referendum is called, and in the
24 case of the state with the ~~elections board~~ division.

25 **SECTION 163.** 9.01 (1) (ar) 3. of the statutes is amended to read:

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1 9.01 (1) (ar) 3. Whenever a clerk receives a valid petition and any payment
2 under par. (ag) 3., the clerk shall thereupon notify the proper board of canvassers.
3 Whenever the ~~board~~ division receives a valid petition and any payment under par.
4 (ag) 3., the ~~board~~ division shall promptly by certified mail or other expeditious means
5 order the proper county boards of canvassers to commence the recount. County
6 boards of canvassers shall convene no later than 9 a.m. on the second day after
7 receipt of an order and may adjourn for not more than one day at a time until the
8 recount is completed in the county, except that the ~~board~~ division may permit
9 extension of the time for adjournment. Returns from a recount ordered by the ~~board~~
10 division shall be transmitted to the office of the ~~board~~ division as soon as possible,
11 but in no case later than 13 days from the date of the order of the ~~board~~ division
12 directing the recount. The ~~chairperson of the board or the chairperson's designee~~
13 division may not make a determination in any election if a recount is pending before
14 any county board of canvassers in that election. The ~~chairperson of the board or the~~
15 ~~chairperson's designee~~ division need not recount actual ballots, but shall verify the
16 returns of the county boards of canvassers in making his or her determinations.

17 **SECTION 164.** 9.01 (5) (a) of the statutes is amended to read:

18 9.01 (5) (a) The board of canvassers or the ~~chairperson of the board or the~~
19 ~~chairperson's designee~~ division shall keep complete minutes of all proceedings before
20 the board of canvassers or the ~~chairperson or designee~~ division. The minutes shall
21 include a record of objections and offers of evidence. If the board of canvassers or the
22 ~~chairperson or chairperson's designee~~ division receives exhibits from any party, the
23 board of canvassers or the ~~chairperson or designee~~ division shall number and
24 preserve the exhibits. The board of canvassers or the ~~chairperson or chairperson's~~
25 ~~designee~~ division shall make specific findings of fact with respect to any irregularity

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1 raised in the petition or discovered during the recount. Any member of the board of
2 canvassers or ~~the chairperson or chairperson's designee~~ any employee of the division
3 may administer oaths, certify official acts and issue subpoenas for purposes of this
4 section. Witness fees shall be paid by the county. In the case of proceedings before
5 the ~~chairperson of the board or chairperson's designee~~ division, witness fees shall be
6 paid by the ~~board~~ division.

7 **SECTION 165.** 9.01 (5) (bm) of the statutes is amended to read:

8 9.01 (5) (bm) Upon the completion of its proceedings, a board of canvassers
9 shall deliver to the ~~board~~ division one copy of the minutes of the proceedings kept
10 under par. (a). In addition, in the case of a recount of an election for state or national
11 office, for each candidate whose name appears on the ballot for that office under the
12 name of a political party, the board of canvassers shall deliver one copy of the minutes
13 to the chief officer, if any, who is named in any registration statement filed under s.
14 11.05 (1) by the state committee of that political party, and in the case of a recount
15 of an election for county office, for each candidate whose name appears on the ballot
16 for that office under the name of a political party, the board of canvassers shall
17 deliver one copy of the minutes to the chief officer, if any, who is named in any
18 registration statement filed under s. 11.05 (1) by the county committee of that
19 political party.

20 **SECTION 166.** 9.01 (5) (c) of the statutes is amended to read:

21 9.01 (5) (c) If the recount is made by a municipal or county board of canvassers
22 and the result is required to be reported to a county board of canvassers or to the
23 ~~chairperson of the board or the chairperson's designee~~ division, the board of
24 canvassers making the initial recount shall immediately certify the results to the
25 county board of canvassers or to the ~~chairperson of the board or designee~~ division.

ASSEMBLY BILL 126**SECTION 166**

1 If a county board of canvassers receives such results, it shall then convene not later
2 than 9 a.m. on the next business day following receipt to examine the returns and
3 determine the results. If the ~~chairperson of the board or the chairperson's designee~~
4 division receives such results, the ~~chairperson or designee~~ division shall publicly
5 examine the returns and determine the results not later than 9 a.m. on the 3rd
6 business day following receipt, but if that day is earlier than the latest day permitted
7 for that election under s. 7.70 (3) (a), the ~~chairperson of the board or designee~~ division
8 may examine the returns and determine the results not later than the day specified
9 in s. 7.70 (3) (a).

10 **SECTION 167.** 9.01 (6) (a) of the statutes is amended to read:

11 9.01 **(6)** (a) Within 5 business days after completion of the recount
12 determination by the board of canvassers in all counties concerned, or within 5
13 business days after completion of the recount determination by the ~~chairperson of~~
14 ~~the board or the chairperson's designee~~ division whenever a determination is made
15 by the ~~chairperson or designee~~ division, any candidate, or any elector when for a
16 referendum, aggrieved by the recount may appeal to circuit court. The appeal shall
17 commence by serving a written notice of appeal on the other candidates and persons
18 who filed a written notice of appearance before each board of canvassers whose
19 decision is appealed, or in the case of a statewide recount, before the ~~chairperson of~~
20 ~~the board or the chairperson's designee~~ division. The appellant shall also serve
21 notice on the ~~board~~ division if the ~~chairperson of the board or the chairperson's~~
22 ~~designee~~ division is responsible for determining the election. The appellant shall
23 serve the notice by certified mail or in person. The appellant shall file the notice with
24 the clerk of circuit court together with an undertaking and surety in the amount

ASSEMBLY BILL 126

1 approved by the court, conditioned upon the payment of all costs taxed against the
2 appellant.

3 **SECTION 168.** 9.01 (8) (a) of the statutes is amended to read:

4 9.01 (8) (a) Unless the court finds a ground for setting aside or modifying the
5 determination of the board of canvassers or the ~~chairperson of the board or~~
6 ~~chairperson's designee~~ division, it shall affirm the determination.

7 **SECTION 169.** 9.01 (8) (d) of the statutes is amended to read:

8 9.01 (8) (d) The court shall set aside or modify the determination of the board
9 of canvassers or the ~~chairperson of the board or chairperson's designee~~ division if it
10 finds that the board of canvassers or the ~~chairperson or chairperson's designee~~
11 division has erroneously interpreted a provision of law and a correct interpretation
12 compels a particular action. If the determination depends on any fact found by the
13 board of canvassers or the ~~chairperson or chairperson's designee~~ division, the court
14 may not substitute its judgment for that of the board of canvassers or the ~~chairperson~~
15 ~~or designee~~ division as to the weight of the evidence on any disputed finding of fact.
16 The court shall set aside the determination if it finds that the determination depends
17 on any finding of fact that is not supported by substantial evidence.

18 **SECTION 170.** 9.01 (10) of the statutes is amended to read:

19 9.01 (10) STANDARD FORMS AND METHODS. The ~~elections board~~ division shall
20 prescribe standard forms and procedures for the making of recounts under this
21 section. The procedures prescribed by the ~~elections board~~ division shall require the
22 boards of canvassers in recounts involving more than one board of canvassers to
23 consult with the ~~elections board~~ division staff prior to beginning any recount in order
24 to ensure that uniform procedures are used, to the extent practicable, in such
25 recounts.

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1 **SECTION 171.** 10.01 (1) of the statutes is amended to read:

2 10.01 (1) The form of the various election notices shall be prescribed by the
3 ~~board~~ division to standardize election notices. To accomplish this purpose, the ~~board~~
4 division shall make rules and draft whatever forms it considers necessary.
5 Notification or certification lists of candidates or referenda questions sent to the
6 county clerks shall prescribe the form in which the county clerks shall publish the
7 relevant portions of the notice and any additional county offices and referenda
8 questions. The ~~board~~ division shall also prescribe the provisions for municipal
9 notices which shall be sent to each county clerk who shall immediately forward them
10 to each municipal clerk.

11 **SECTION 172.** 10.01 (2) (intro.) of the statutes is amended to read:

12 10.01 (2) (intro.) For election purposes there shall be 5 basic types of notices,
13 modified as necessary to apply to the various elections, which shall be published in
14 substantially the same form as prescribed by the ~~board~~ division. The 5 types of
15 notices are:

16 **SECTION 173.** 10.02 (1) of the statutes is amended to read:

17 10.02 (1) Before any election an appropriate type B notice shall be published
18 in substantially the form prescribed by the ~~board~~ division at the times prescribed in
19 s. 10.06. The type B notice shall include the following relevant sections and be within
20 the guidelines established in this section.

21 **SECTION 174.** 10.02 (2) (c) of the statutes is amended to read:

22 10.02 (2) (c) The facsimile ballots shall follow the voting instructions. The size
23 and style of type and the general display of the facsimile ballots shall be prescribed
24 by the ~~board~~ division and shall conform to the form prescribed by the ~~board~~ division
25 under s. 7.08 (1) (a). The party columns shall not exceed 2-1/6 inches in width and

ASSEMBLY BILL 126

1 the ballot size may be reduced. Voting machine facsimile ballots shall show a reduced
2 diagram of the front of the voting machine and instructions to electors on how to vote
3 on the machine. If the ballots in the wards or election districts within a county or
4 municipality are identical but for the names of different candidates, districts or
5 seats, the facsimile ballot may show the ballot for one ward or election district,
6 accompanied by a list of candidates, districts and seats to be voted upon in the other
7 wards or election districts.

8 **SECTION 175.** 10.02 (3) (intro.) of the statutes is amended to read:

9 10.02 (3) (intro.) The notice shall contain the following:

10 FACSIMILE BALLOT NOTICE

11 OF ELECTION

12 Office of [County] [Municipal] Clerk.

13 To the Electors of [County] [Municipality]:

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

20 INFORMATION TO ELECTORS

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

24 **SECTION 176.** 10.06 (1) (title) of the statutes is amended to read:

25 10.06 (1) (title) ELECTIONS BOARD AND DIVISION.

ASSEMBLY BILL 126

1 **SECTION 177.** 10.06 (1) (a) of the statutes is amended to read:

2 10.06 (1) (a) On or before November 15 preceding a spring election the board
3 division shall send a type A notice to each county clerk.

4 **SECTION 178.** 10.06 (1) (c) of the statutes is amended to read:

5 10.06 (1) (c) As soon as possible after the deadline for filing nomination papers
6 for the spring election, but no later than the 2nd Tuesday in January, the board
7 division shall send a type B notice certifying the list of candidates to each county
8 clerk if a primary is required.

9 **SECTION 179.** 10.06 (1) (e) of the statutes is amended to read:

10 10.06 (1) (e) As soon as possible following the state canvass of the spring
11 primary vote, but no later than the first Tuesday in March, the board division shall
12 send a type B notice certifying to each county clerk the list of candidates for the
13 spring election. When no state spring primary is held or when the only primary held
14 is the presidential preference primary, this notice shall be sent under par. (c). The
15 board shall also in any case send a certified list of candidates under s. 11.50 to the
16 state treasurer pursuant to s. 7.08 (2) (c). When there is a referendum, the board
17 division shall send type A and C notices certifying each question to the county clerks
18 as soon as possible, but no later than the first Tuesday in March.

19 **SECTION 180.** 10.06 (1) (f) of the statutes is amended to read:

20 10.06 (1) (f) On or before the 2nd Tuesday in May preceding a September
21 primary and general election the board division shall send a type A notice to each
22 county clerk.

23 **SECTION 181.** 10.06 (1) (h) of the statutes is amended to read:

24 10.06 (1) (h) As soon as possible after the deadline for determining ballot
25 arrangement for the September primary on the 3rd Tuesday in July, the board

ASSEMBLY BILL 126

1 division shall send a type B notice to each county clerk certifying the list of
2 candidates for the September primary.

3 **SECTION 182.** 10.06 (1) (i) of the statutes is amended to read:

4 10.06 (1) (i) As soon as possible after the state canvass, but no later than the
5 4th Tuesday in September, the ~~board~~ division shall send a type B notice certifying
6 the list of candidates and type A and C notices certifying each question for any
7 referendum to each county clerk for the general election and the board shall send a
8 certified list of candidates under s. 11.50 to the state treasurer pursuant to s. 7.08
9 (2) (c).

10 **SECTION 183.** 10.06 (2) (a) of the statutes is amended to read:

11 10.06 (2) (a) On the 4th Tuesday in November preceding a spring election each
12 county clerk shall publish a type A notice based on the notice received from the ~~board~~
13 division for all state offices to be filled at the election by any electors voting in the
14 county and a similar notice incorporating any county offices.

15 **SECTION 184.** 10.06 (2) (b) of the statutes is amended to read:

16 10.06 (2) (b) Upon receipt of the type B notice from the ~~board~~ division preceding
17 the spring election each county clerk shall add any county offices, prepare the ballots,
18 and send notice to each municipal clerk of the spring primary. When there is no state
19 spring primary within the county and there is no presidential preference primary
20 scheduled for the date of the spring primary, but there is to be a county spring
21 primary, the county clerk shall prepare the ballots and send notice to each municipal
22 clerk.

23 **SECTION 185.** 10.06 (2) (e) of the statutes is amended to read:

ASSEMBLY BILL 126**SECTION 185**

1 10.06 (2) (e) Upon receipt of the type B notice from the ~~board~~ division each
2 county clerk shall add any county offices and referenda, prepare the ballots and send
3 notice to each municipal clerk of the coming spring election.

4 **SECTION 186.** 10.06 (2) (h) of the statutes is amended to read:

5 10.06 (2) (h) On the last Tuesday in May preceding a September primary and
6 general election, the county clerk shall publish a type A notice based on the notice
7 received from the ~~board~~ division for all national and state offices to be filled at the
8 election by any electors voting in the county and incorporating county offices.

9 **SECTION 187.** 10.06 (2) (k) of the statutes is amended to read:

10 10.06 (2) (k) Upon receipt of the type B notice from the ~~board~~ division preceding
11 the general election, the county clerk shall add county offices and referenda, if any,
12 and send notice to each municipal clerk of the coming general election and prepare
13 the ballots.

14 **SECTION 188.** 13.123 (3) (b) 2. of the statutes is amended to read:

15 13.123 (3) (b) 2. In making the determination under subd. 1., the chief clerk is
16 bound by the determination of the ~~chairperson of the elections board~~ administrator
17 of the elections division or the ~~chairperson's~~ administrator's designee if such
18 determination has been issued.

19 **SECTION 189.** 13.23 of the statutes is amended to read:

20 **13.23 Election contests; notice.** Any person wishing to contest the election
21 of any senator or member of the assembly shall, within 30 days after the decision of
22 the board of canvassers, serve a notice in writing on the person whose election the
23 contestant intends to contest, stating briefly that the election will be contested and
24 the cause of such contest, and shall file a copy thereof in the office of the elections
25 ~~board~~ division at least 10 days before the day fixed by law for the meeting of the

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1 legislature. The elections ~~board~~ division shall then send a copy of s. 13.24 to both
2 contestants. If any contestant fails to so file a copy of such notice, the contestant shall
3 not be entitled to any mileage or salary in case payment has been made therefor to
4 the sitting member.

5 **SECTION 190.** 14.37 of the statutes is created to read:

6 **14.37 Same; attached divisions.** There is created an elections division that
7 is attached to the office of the the secretary of state under s. 15.03. The administrator
8 of the division shall be appointed outside the classified service by the secretary of
9 state and shall serve at the pleasure of the secretary. Any duty assigned to or any
10 power exercised by the division shall be performed by the administrator or the
11 administrator's designee. The administrator shall serve as the chief election officer
12 for this state.

13 **SECTION 191.** 14.375 (title) of the statutes is created to read:

14 **14.375 (title) Same; councils.**

15 **SECTION 192.** 14.38 (10m) of the statutes is created to read:

16 **14.38 (10m) ELECTIONS DIVISION.** Provide any necessary assistance for the
17 elections division to perform its duties and exercise its powers.

18 **SECTION 193.** 15.617 (title) of the statutes is repealed.

19 **SECTION 194.** 15.617 (1) of the statutes is renumbered 14.375 (1) and amended
20 to read:

21 **14.375 (1) ELECTION ADMINISTRATION COUNCIL.** There is created in the elections
22 ~~board~~ office of the secretary of state an election administration council consisting of
23 members appointed by the ~~executive director of the elections board~~ administrator of
24 the elections division, including the clerk or executive director of the board of election
25 commissioners of the 2 counties or municipalities in this state having the largest

ASSEMBLY BILL 126**SECTION 194**

1 population, one or more election officials of other counties or municipalities,
2 representatives of organizations that advocate for the interests of individuals with
3 disabilities and organizations that advocate for the interests of the voting public, and
4 other electors of this state.

5 **SECTION 195.** 16.79 (2) of the statutes is amended to read:

6 16.79 (2) The department shall distribute in pamphlet form copies of the
7 constitution and such laws as may be required to meet the public demand, including
8 the election laws. The department shall distribute election manuals, forms and
9 supplies specified by the elections board and elections division. The laws, manuals,
10 forms and supplies shall be sold by the department at cost, including distribution
11 cost as determined under s. 35.80. The elections board and elections division shall
12 inform the department in writing as to which election manuals, forms and supplies
13 shall be offered for distribution under this subsection.

14 **SECTION 196.** 16.96 (3) (b) of the statutes is amended to read:

15 16.96 (3) (b) Maintain and keep current throughout the decade the maps of
16 congressional and legislative district boundaries received from the legislative
17 reference bureau under s. 13.92 (1) (a) 6. and provide copies thereof to the elections
18 board division.

19 **SECTION 197.** 17.17 (1) of the statutes is amended to read:

20 17.17 (1) SENATORS AND MEMBERS OF CONGRESS. In the office of United States
21 senator or member of congress from this state, by the county clerk of the county
22 wherein such officer resided at the time of election, to the elections board division.

23 **SECTION 198.** 17.17 (4) of the statutes is amended to read:

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1 17.17 (4) JUSTICES AND JUDGES. In the office of justice of the supreme court, court
2 of appeals judge or judge of a circuit court, by the director of state courts to the
3 governor and the elections board division.

4 **SECTION 199.** 19.43 (4) of the statutes is amended to read:

5 19.43 (4) A candidate for state public office shall file with the board a statement
6 of economic interests meeting each of the requirements of s. 19.44 (1) no later than
7 4:30 p.m. on the 3rd day following the last day for filing nomination papers for the
8 office which the candidate seeks, or no later than 4:30 p.m. on the next business day
9 after the last day whenever that candidate is granted an extension of time for filing
10 nomination papers or a declaration of candidacy under s. 8.05 (1) (j), 8.10 (2) (a), 8.15
11 (1) or 8.20 (8) (a), no later than 4:30 p.m. on the 5th day after notification of
12 nomination is mailed or personally delivered to the candidate by the municipal clerk
13 in the case of a candidate who is nominated at a caucus, or no later than 4:30 p.m.
14 on the 3rd day after notification of nomination is mailed or personally delivered to
15 the candidate by the appropriate official or agency in the case of a write-in candidate
16 or candidate who is appointed to fill a vacancy in nomination under s. 8.35 (2) (a).
17 The information contained on the statement shall be current as of December 31 of
18 the year preceding the filing deadline. Before certifying the name of any candidate
19 for state public office under s. 7.08 (2) (a), the elections board division, municipal
20 clerk or board of election commissioners shall ascertain whether that candidate has
21 complied with this subsection. If not, the elections board division, municipal clerk
22 or board of election commissioners may not certify the candidate's name for ballot
23 placement.

24 **SECTION 200.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
25 insert the following amounts for the purposes indicated:

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SECTION 200

2007-08 2008-09

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20.575 Secretary of state

(2) ADMINISTRATION OF ELECTION LAWS

| | | | | | |
|------|----------------------------|-----|---|-----|-----|
| (a) | General program operations | GPR | B | -0- | -0- |
| (gm) | Gifts and grants | PR | C | -0- | -0- |
| (h) | Materials and services | PR | A | -0- | -0- |

SECTION 201. 20.510 (1) (a) of the statutes is amended to read:

20.510 (1) (a) *General program operations; general purpose revenue.*

Biennially, the amounts in the schedule for general program operations, ~~including the printing of forms, materials, manuals and election laws under ss. 7.08 (1) (b), (3) and (4) and 11.21 (3) and (14), and including the training of election officials under s. 5.05 (7).~~

SECTION 202. 20.510 (1) (b) of the statutes is renumbered 20.575 (2) (b).

SECTION 203. 20.510 (1) (bm) of the statutes is renumbered 20.575 (2) (bm).

SECTION 204. 20.510 (1) (c) of the statutes is renumbered 20.575 (2) (c).

SECTION 205. 20.510 (1) (d) of the statutes is renumbered 20.575 (2) (d).

SECTION 206. 20.510 (1) (g) of the statutes is renumbered 20.575 (2) (g).

SECTION 207. 20.510 (1) (t) of the statutes is renumbered 20.575 (2) (t).

SECTION 208. 20.510 (1) (x) of the statutes is renumbered 20.575 (2) (x).

SECTION 209. 20.575 (2) of the statutes is created to read:

20.575 (2) ADMINISTRATION OF ELECTION LAWS. (a) *General program operations.*

Biennially, the amounts in the schedule for general program operations of the elections division.

ASSEMBLY BILL 126

1 (gm) *Gifts and grants.* All moneys received from gifts and grants, to be used
2 for the purposes for which made and received.

3 (h) *Materials and services.* The amounts in the schedule for the cost of
4 publishing documents, locating and copying records, and conducting administrative
5 meetings and conferences and for supplies, postage and shipping. All moneys
6 received by the elections division from collections for sales of publications, copies of
7 records and supplies, for postage, for shipping and records location fees and for
8 charges assessed to participants in administrative meetings and conferences shall
9 be credited to this appropriation.

10 **SECTION 210.** 46.95 (4) of the statutes is amended to read:

11 46.95 (4) LIST OF ELIGIBLE ORGANIZATIONS. The department shall certify to the
12 elections board division, on a continuous basis, a list containing the name and
13 address of each organization that is eligible to receive grants under sub. (2).

14 **SECTION 211.** 59.605 (3) (a) 3. of the statutes is amended to read:

15 59.605 (3) (a) 3. The referendum shall be held in accordance with chs. 5 to 12.
16 The governing body shall provide the election officials with all necessary election
17 supplies. The form of the ballot shall correspond substantially with the standard
18 form for referendum ballots prescribed by the elections board division under ss. 5.64
19 (2) and 7.08 (1) (a). If the resolution under subd. 1. specifies the operating levy rate,
20 the question shall be submitted as follows: "Under state law, the operating levy rate
21 for the (name of county), for the tax to be imposed for the year (year), is limited
22 to \$.... per \$1,000 of equalized value. Shall the (name of county) be allowed to
23 exceed this rate limit for (a specified number of years) (an indefinite period) by \$....
24 per \$1,000 of equalized value that results in an operating levy rate of \$.... per \$1,000
25 of equalized value?" If the resolution under subd. 1. specifies the operating levy, the

ASSEMBLY BILL 126**SECTION 211**

1 question shall be submitted as follows: “Under state law, the operating levy rate for
2 the (name of county), for the tax to be imposed for the year (year), is limited
3 to \$.... per \$1,000 of equalized value. Notwithstanding the operating levy rate limit,
4 shall the (name of county) be allowed to levy an amount not to exceed \$....
5 (operating levy) for operating purposes for the year (year), which may increase the
6 operating levy rate for (a specified number of years) (an indefinite period)? This
7 would allow a% increase above the levy of \$.... (preceding year operating levy) for
8 the year (preceding year).”

9 **SECTION 212.** 66.0602 (4) (c) of the statutes is amended to read:

10 66.0602 (4) (c) The referendum shall be held in accordance with chs. 5 to 12.
11 The political subdivision shall provide the election officials with all necessary
12 election supplies. The form of the ballot shall correspond substantially with the
13 standard form for referendum ballots prescribed by the elections ~~board~~ division
14 under ss. 5.64 (2) and 7.08 (1) (a). The question shall be submitted as follows: “Under
15 state law, the increase in the levy of the (name of political subdivision) for the tax
16 to be imposed for the next fiscal year, (year), is limited to%, which results in
17 a levy of \$.... Shall the (name of political subdivision) be allowed to exceed this
18 limit and increase the levy for the next fiscal year, (year), by a total of%, which
19 results in a levy of \$....?”

20 **SECTION 213.** 67.05 (3) (b) of the statutes is amended to read:

21 67.05 (3) (b) The clerk of the jurisdiction in which the referendum is held shall
22 prepare or arrange for the preparation of the ballots. If the jurisdiction in which the
23 referendum is held is not a city, village or town, and the clerk of the jurisdiction in
24 which the referendum is held prepares the ballots, the clerk shall deliver the ballots
25 to the municipal clerk of each city, village or town which is wholly or partly contained

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1 within the jurisdiction in which the referendum is held. The form of the ballot shall
2 correspond with the form prescribed by the elections board division under ss. 5.64
3 (2) and 7.08 (1) (a).

4 **SECTION 214.** 67.05 (6) of the statutes is amended to read:

5 67.05 (6) REFERENDUM IN OTHER CASES. Whenever an initial resolution has been
6 adopted by the governing body of any municipality other than a county, a town, a city,
7 a village, a technical college district, a metropolitan sewerage district created under
8 ss. 200.01 to 200.15 or 200.21 to 200.65, a town sanitary district, a public inland lake
9 protection and rehabilitation district or a board of park commissioners, the clerk of
10 such municipality shall immediately record the resolution and call a special meeting
11 for the purpose of submitting it to the electors of the municipality for ratification or
12 rejection. The calling and conduct of the meeting shall be governed by those statutes,
13 so far as applicable, which govern the calling and conduct of special meetings in
14 general. The notice of the meeting, which shall be publicly read before the balloting
15 shall commence, and the ballot used, shall embody a copy of the resolution; the form
16 of the ballot shall correspond with the form prescribed by the elections board division
17 under ss. 5.64 (2) and 7.08 (1) (a); and the question submitted shall be whether the
18 resolution shall be approved.

19 **SECTION 215.** 85.61 (1) of the statutes is amended to read:

20 85.61 (1) The secretary of transportation and the ~~executive director of the~~
21 ~~elections board~~ administrator of the elections division shall enter into an agreement
22 to match personally identifiable information on the official registration list
23 maintained by the elections board division under s. 6.36 (1) with personally
24 identifiable information in the operating record file database under ch. 343 and
25 vehicle registration records under ch. 341 to the extent required to enable the

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1 secretary of transportation and the ~~executive director of the elections board~~
2 administrator of the elections division to verify the accuracy of the information
3 provided for the purpose of voter registration.

4 **SECTION 216.** 117.20 (2) of the statutes is amended to read:

5 117.20 (2) The clerk of each affected school district shall publish notice, as
6 required under s. 8.55, in the territory of that school district. The procedures for
7 school board elections under s. 120.06 (9), (11), (13) and (14) apply to a referendum
8 held under this section. The school board and school district clerk of each affected
9 school district shall each perform, for that school district, the functions assigned to
10 the school board and the school district clerk, respectively, under those subsections.
11 The form of the ballot shall correspond to the form prescribed by the elections ~~board~~
12 division under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school district
13 shall file with the secretary of the board a certified statement prepared by the school
14 district board of canvassers of the results of the referendum in that school district.

15 **SECTION 217.** 117.27 (2) (b) (intro.) of the statutes is amended to read:

16 117.27 (2) (b) (intro.) The school district clerk shall include in the notice of the
17 spring election a statement that the election ballot will include a question on the
18 change requested by the petition. The form of the ballot shall correspond to the form
19 prescribed by the elections ~~board~~ division under ss. 5.64 (2) and 7.08 (1) (a) and the
20 question on the ballot shall be:

21 **SECTION 218.** 121.91 (3) (c) of the statutes is amended to read:

22 121.91 (3) (c) The referendum shall be held in accordance with chs. 5 to 12. The
23 school district clerk shall provide the election officials with all necessary election
24 supplies. The form of the ballot shall correspond substantially with the standard
25 form for referendum ballots prescribed by the elections ~~board~~ division under ss. 5.64

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1 (2) and 7.08 (1) (a). The question submitted shall be whether the limit under sub.
2 (2m) may be exceeded by a specified amount. If the resolution provides that any of
3 the excess revenue will be used for a nonrecurring purpose, the ballot in the election
4 shall so state and shall specify the amount that will be used for a nonrecurring
5 purpose. The limit otherwise applicable to the school district under sub. (2m) is
6 increased by the amount approved by a majority of those voting on the question.

7 **SECTION 219.** 125.05 (1) (b) 10. of the statutes is amended to read:

8 125.05 (1) (b) 10. Each question submitted to the electors shall conform to the
9 form prescribed by the elections ~~board~~ division under ss. 5.64 (2) and 7.08 (1) (a).

10 **SECTION 220.** 165.93 (4) of the statutes is amended to read:

11 165.93 (4) LIST OF ELIGIBLE ORGANIZATIONS. The department shall certify to the
12 elections ~~board~~ division, on a continuous basis, a list containing the name and
13 address of each organization that is eligible to receive grants under sub. (2).

14 **SECTION 221.** 198.08 (10) of the statutes is amended to read:

15 198.08 (10) ELECTION STATISTICS. The clerk of the district shall seasonably
16 obtain, compile and file in his or her office, for the information of the public, a
17 statement showing the total number of votes cast for the office of governor in the last
18 preceding general election in each subdistrict of the district. The clerk of every
19 municipality and the elections ~~board~~ division shall furnish such information so far
20 as obtainable from their records, duly certified, to the clerk of the district upon
21 request therefor by the clerk of the district. If the total number of votes cast in any
22 subdistrict for the office of governor in the last preceding election cannot, because of
23 an intervening change of boundaries of election wards or for any reason, be
24 ascertained from any official record the clerk of the district shall fairly estimate such
25 number for the purposes of such statement to be filed in his or her office.

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1 **SECTION 222.** 200.09 (11) (am) 2. of the statutes is amended to read:

2 200.09 (11) (am) 2. No resolution passed under subd. 1. may authorize election
3 of commissioners sooner than 6 months after the date of passage. The commission
4 shall immediately notify the elections board division under s. 5.05 upon passage of
5 a resolution under subd. 1.

6 **SECTION 223.** 200.09 (11) (am) 3. of the statutes is amended to read:

7 200.09 (11) (am) 3. If the governing bodies of each city, town and village
8 comprising the district pass a resolution to discontinue election of commissioners,
9 each commissioner may hold office until a successor is appointed and qualified. The
10 commission shall immediately notify the elections board division under s. 5.05 upon
11 passage of a resolution under this subdivision.

12 **SECTION 224.** 227.03 (6) of the statutes is amended to read:

13 227.03 (6) Orders of the elections board division under s. 5.06 (6) are not subject
14 to this chapter.

15 **SECTION 225.** 227.52 (6) of the statutes is amended to read:

16 227.52 (6) Decisions of the chairperson of the elections board or the
17 administrator of the elections division or the chairperson's or the administrator's
18 designee.

19 **SECTION 226.** 230.08 (2) (e) 8d. of the statutes is created to read:

20 230.08 (2) (e) 8d. Office of the secretary of state — 1.

21 **SECTION 227.** 301.03 (20m) of the statutes is amended to read:

22 301.03 (20m) Transmit to the elections board division, on a continuous basis,
23 a list containing the name of each living person who has been convicted of a felony
24 under the laws of this state and whose civil rights have not been restored, together

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1 with his or her residential address and the date on which the department expects his
2 or her civil rights to be restored.

3 **SECTION 228.** 343.11 (2m) of the statutes is amended to read:

4 343.11 (2m) Within 30 days following surrender of a license under sub. (1), the
5 department shall provide notice to the elections ~~board~~ division of the person's name
6 and address, the name of the jurisdiction issuing the surrendered license, and the
7 date on which the license was surrendered.

8 **SECTION 229.** 560.04 (2m) of the statutes is amended to read:

9 560.04 (2m) DUTIES. The department may assign one or more full-time
10 equivalent positions to the functions of coordinating the development and scheduling
11 of training programs for local government officials by the University of
12 Wisconsin-Extension, technical college system, department of revenue, elections
13 ~~board~~ division, and other state agencies in order to assure the effective delivery of
14 training programs and to prevent duplication of effort and of coordinating requests
15 for management or personnel consultative services from government units other
16 than the state and directing those requests to the appropriate division of the
17 department of administration.

18 **SECTION 230. Nonstatutory provisions.**

19 (1) TRANSFER OF CERTAIN ELECTIONS BOARD FUNCTIONS.

20 (a) *Definitions.* In this subsection, "elections division" means the elections
21 division attached to the office of the secretary of state under section 14.37 of the
22 statutes, as created by this act.

23 (b) *Assets and liabilities.* On the effective date of this paragraph, the assets and
24 liabilities of the elections board, other than those relating to the administration and

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1 enforcement of chapter 11 of the statutes, as determined by the secretary of
2 administration, shall become the assets and liabilities of the elections division.

3 (c) *Positions and employees.*

4 1. On the effective date of this subdivision, all full-time equivalent positions
5 in the elections board, other than those relating to the administration and
6 enforcement of chapter 11 of the statutes, as determined by the secretary of
7 administration, are transferred to the elections division.

8 2. All incumbent employees holding positions in the elections board on the
9 effective date of this subdivision, except the incumbent employee holding the
10 position of executive director, other than those relating to the administration and
11 enforcement of chapter 11 of the statutes, as determined by the secretary of
12 administration, are transferred on the effective date of this subdivision to the
13 elections division.

14 3. Employees transferred under subdivision 2. have all the rights and the same
15 status under subchapter V of chapter 111 and chapter 230 of the statutes in the in
16 the elections division that they enjoyed in the elections board immediately before the
17 transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so
18 transferred who has attained permanent status in class is required to serve a
19 probationary period.

20 (d) *Tangible personal property; records.* On the effective date of this paragraph,
21 all tangible personal property, including records, of the elections board, other than
22 tangible personal property relating to the administration and enforcement of
23 chapter 11 of the statutes, as determined by the secretary of administration, is
24 transferred to the elections division.

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1 (e) *Contracts.* All contracts entered into by the elections board in effect on the
2 effective date of this paragraph that relate to the administration and enforcement
3 of chapters 5 to 10 and 12 of the statutes, remain in effect and are transferred to the
4 elections division. The elections division shall carry out any contractual obligations
5 under any such contract until the contract is modified or rescinded by the elections
6 division to the extent allowed under the contract.

7 (f) *Rules, orders, and opinions.* All rules promulgated by the elections board
8 that relate to the administration and enforcement of chapters 5 to 10 and 12 of the
9 statutes, and that are in effect on the effective date of this paragraph remain in effect
10 until their specified expiration date or until amended or repealed by the elections
11 division. All orders issued by the elections board that relate to the administration
12 and enforcement of chapters 5 to 10 and 12 of the statutes, and that are in effect on
13 the effective date of this paragraph remain in effect until their specified expiration
14 date or until modified or rescinded by the elections division. All opinions issued by
15 the elections board that relate to the administration and enforcement of chapters 5
16 to 10 and 12 of the statutes, and that are in effect on the effective date of this
17 paragraph remain in effect until withdrawn or modified by the elections division.

18 (g) *Pending matters.* Any matter pending with the elections board on the
19 effective date of this paragraph that relates to the administration and enforcement
20 of chapters 5 to 10 or 12 of the statutes is transferred to the elections division, and
21 all materials submitted to or actions taken by the elections board with respect to the
22 pending matter are considered as having been submitted to or taken by the elections
23 division.

24 (2) RECONCILIATION.

ASSEMBLY BILL 126**SECTION 230**

1 (a) If 2007 Wisconsin Act (January 2007 Special Session Assembly Bill 1)
2 or 2007 Wisconsin Act (January 2007 Special Session Senate Bill 1), relating to
3 creation of a Government Accountability Board, enforcement of elections, ethics, and
4 lobbying regulation laws, venue for prosecution of certain offenses, granting
5 rule-making authority, making appropriations, and providing penalties, is enacted
6 into law, notwithstanding any provision of that act to the contrary, that act is
7 superceded by this act to the extent required, and only to the extent required, to effect
8 the transfer of state elections administration functions to the elections division of the
9 office of the secretary of state, as created by this act. The elections division may
10 exercise all of the powers and shall carry out all of the duties of the government
11 accountability board under that act with respect to state elections administration.

12 (b) No later than the 61st day beginning after the date of publication of this act
13 or the date of publication of the act resulting from enactment of January 2007 Special
14 Session Assembly Bill 1 or January 2007 Special Session Senate Bill 1, whichever
15 is later, the elections division of the office of secretary of state, as created by this act,
16 shall submit to the appropriate standing committees of the legislature, in the same
17 manner as provided in section 13.172 (3) of the statutes, a proposal to amend the
18 statutes to make all changes that may be required to give full effect to paragraph (a).

19 **SECTION 231. Effective dates.** This act takes effect on the first day of the 7th
20 month beginning after publication, except as follows:

21 (1) SECTION 230 (2) of this act takes effect on the day after publication.

22 (END)