

upon conviction thereof be fined not less than twenty-five dollars \* \* \* or \* \* \* *be imprisoned* in the county jail not less than thirty days, nor more than sixty days.

(Am. 1911, ch. 664, s. 94.)

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 28, 1911.

No. 3, A.]

[Published June 30, 1911.

## CHAPTER 476.

AN ACT to create sections 959s—1 to 959s—20, inclusive, of the statutes, conferring powers of self-government on cities, and providing for charter conventions.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. There are added to the statutes twenty new sections to read: Section 959s—1. Every city, in addition to the powers now possessed, is hereby given authority to alter or amend its charter, or to adopt a new charter by convention, in the manner provided in this act, and for that purpose is hereby granted and declared to have all powers in relation to the form of its government, and to the conduct of its municipal affairs not in contravention of or withheld by the constitution or laws, operative generally throughout the state.

(Am. 1911, ch. (64, s. 95.)

Section 959s—2. When a new charter shall have been adopted, or the old charter altered or amended, by any city, in the manner provided by this act, such new charter or alterations or amendments shall supersede any existing charter or statutory provision inconsistent therewith, and the same is in that event hereby repealed; two copies of such new charter or alterations or amendments, duly certified by the city clerk, shall be filed in the office of the secretary of state.

(Am. 1911, ch. 664, s. 95.)

Section 959s—3. The common council may, by resolution, by a majority vote and the approval of the mayor, or by a two-thirds vote without the approval of the mayor, propose alterations or amendments to the charter and submit the same to a vote of the people at the next ensuing municipal, school board or judicial election, occurring not less than thirty days after such resolution is passed, or may, by a resolution passed by a two-thirds vote of all the members of the council, and approved by the mayor, submit the same to a vote of the people at a special election at any time, not less than four months prior to a municipal, school board or judicial election.

Section 959s—4. Not less than twenty-five qualified electors of the city may propose alterations or amendments to the charter by filing the same with the city clerk, whose duty it shall be to submit such proposed alterations or amendments to the common council at its next regular meeting, and such alterations or amendments shall then be considered to be introduced in such common council.

Section 959s—5. 1. Any proposed alteration or amendment to the charter, introduced as provided in section 959s—3, which fails of passage, and any such alteration or amendment introduced as provided in section 959s—4, which fails of passage in the form in which it was introduced, within sixty days of the date of its introduction, shall be submitted to a vote of the qualified electors of the city upon the filing with the city clerk of a petition signed by qualified electors of the city asking for such submission.

2. If such petition shall contain the signatures of a number of electors, equal to not less than ten per cent of the number of electors, who voted at the last regular municipal election, not less than two months before any municipal, school board or judicial election, it shall be the duty of the city clerk to submit such proposed alteration or amendment to a vote of the people at such ensuing election; and if it shall be approved by a majority of those voting thereon it shall take effect and be in force from and after twenty days from the date of such election.

3. If such petition shall contain the signatures of a number of electors equal to not less than fifteen per cent of the number of electors who voted at the last regular municipal election, and shall be filed with the city clerk, not less than four months prior to a municipal, school board or judicial election, it shall be the duty of the city clerk to submit such proposed alteration or amendment to a vote of the people at a special election to be ordered by such city clerk.

Section 959s—6. The special elections, herein authorized, shall be held not less than twenty nor more than thirty days from the date of filing the petition herein mentioned in the office of the city clerk, or, when ordered by the common council, not less than twenty nor more than thirty days from the date of the approval by the mayor of the resolution ordering such special election. Such special election shall be conducted by the inspectors and clerks of election of the several election precincts in the same manner, and the returns thereof shall be made in the same form and manner as of the general municipal election, and within such time as is prescribed by law. If any such proposed alteration or amendment shall be approved by a majority of

those voting thereon, it shall take effect and be in force from and after twenty days from the date of such election.

(Am. 1911, ch. 664, s. 85.)

Section 959s—7. The petitions herein provided for need not be on one paper and may be printed or written, but shall contain the autograph signatures of the persons whose names purport to be signed thereto, together with the house address of each signer. To each sheet of such petition there shall be attached an affidavit, sworn to by some qualified elector, to the effect that he is personally acquainted with all the persons who have signed such sheet. Not more than one such proposed alteration or amendment shall be embraced in the same petition.

(Am. 1911, ch. 664, s. 85.)

Section 959s—8. A convention may be held in any city for the purpose of framing a new charter for the city, or to frame alterations or amendments to the existing charter, in the manner herein provided. The convention shall be composed of fifteen delegates elected from the city at large. Any qualified elector of the city who shall have resided therein not less than five years prior to his election, shall be eligible to act as a delegate at such convention. The nomination and election of delegates to such convention shall not be under any party designation, but shall be "for delegates to the charter convention."

(Am. 1911, ch. 664, s. 85.)

Section 959s—9. If the common council shall, by a resolution passed by a majority vote, with the approval of the mayor, or by a resolution passed by a two-thirds vote without the approval of the mayor, propose that a charter convention be held, or if a petition, signed by qualified electors of the city equal to not less than five per cent of the number of electors voting at the last regular municipal election, shall be filed with the city clerk asking for the holding of such convention, the question whether or not such convention shall be held shall be submitted to a vote of the people at the next municipal, school board or judicial election, occurring not less than thirty days after such resolution is passed or petition filed, and if a majority of the people voting thereon shall be in favor of holding such convention, it shall be held as herein provided.

(Am. 1911, ch. 664, s. 85.)

Section 959s—10. Delegates to the charter convention shall be nominated at a primary election to be held two weeks prior to the election at which such delegates are to be elected. Except where inconsistent with the provisions of this act, the law relating to the nomination of candidates at city primary elections, shall apply to and govern said primary election; provided, how-

ever, that the Tuesday next preceding such election shall not be a registration day, unless otherwise required by law. Any person who shall be eligible to act as a delegate at such convention, on whose behalf a petition shall be presented to the city clerk, not less than ten days before the date of such primary election, signed by not less than three hundred qualified electors of the city, shall be entitled to have his name placed upon the ballot. The names of all persons on whose behalf petitions shall have been thus filed shall be placed upon the ballot in the order determined by lot by the city clerk, at which determination all such persons shall be notified by the city clerk to be present. The thirty persons receiving the highest number of votes shall be the nominees at the ensuing election. But if petitions are filed for only thirty persons or less it shall not be necessary to hold such primary election, and the persons on whose behalf such petitions have been filed, shall be the nominees at the ensuing election.

(Am. 1911, ch. 664, § 95.)

Section 959s—11. Delegates for a charter convention shall be elected at the municipal, judicial or school board election, next following the determination to hold a charter convention. The fifteen persons receiving the highest number of votes at such election shall be declared elected delegates to such convention.

Section 959s—12. The convention shall meet four weeks after the date of election of delegates, in some convenient place to be designated by the city clerk and at his call; and shall organize by electing a president and secretary, and such other officers as may be necessary.

Section 959s—13. Such convention shall have power, subject, however, to the ratification by vote of the qualified electors of the city, to alter or amend the city charter or to frame a new charter to take the place of the existing charter. Upon completion of the charter so framed, or of the alterations or amendments so made, the delegates to the convention, or a majority of them, shall sign and deliver the same to the city clerk, who shall publish the same in full with his official certification, in such manner as the convention shall provide, not less than thirty days prior to the election provided for in section 959s—14.

Section 959s—14. The charter or alterations or amendments framed by the convention shall be submitted to vote of the qualified electors of the city at the municipal, judicial or school board election, next after the publication provided for in section 959s—13. The ballots therefor shall read "for charter" or "against charter," and shall cover the entire work of the convention, whether it be a complete new charter or alterations or amendments to the existing charter; provided, however, that not to

exceed five sections of the proposed charter, or alterations or amendments to not exceeding five sections of the existing charter, may be submitted separately or in the alternative.

Section 959s—15. If the proposed charter, alterations or amendments shall be approved by a majority of those voting thereon, the same shall be adopted, and shall take effect and be in force from and after twenty days from the date of such election.

Section 959s—16. If the charter, alterations or amendments framed by a convention for any city shall be adopted, another such convention shall not be held in such city within five years from the date of the adjournment of the convention.

Section 959s—17. Such convention may employ such clerical help and counsel as may be necessary in the performance of its duties.

Section 959s—18. The various departments of the city are ordered and directed to supply to such convention such information and assistance as it may be in their power to give.

Section 959s—19. The city clerk of each city, or other person or persons designated by said convention, shall prepare such blank forms as may be necessary or useful in carrying out the provisions of this act.

(Am. 1911, ch. 664, s. 95.)

Section 959s—20. The common council may provide a compensation for the delegates to the charter convention. All necessary expenses of the convention, including the compensation of the delegates, if any, shall be paid by the city treasurer of the city in which the convention is held, out of any city funds not otherwise appropriated. Accounts of expenditures made by the convention, and per diem of the delegates, shall be approved by the president and secretary of the convention and audited, as may be provided by law.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 28, 1911.