

SECTION 12. Section 94t of the statutes is renumbered to be section 8.05 and is amended by striking therefrom the figures 38 and by inserting in place thereof the figures 6.23. Said section is further amended by inserting in the last sentence thereof, immediately after the words "general elections" the following words: "except as otherwise herein provided."

SECTION 13. Section 94w of the statutes is renumbered to be section 9.01.

SECTION 14. Section 94w—1 of the statutes is renumbered to be section 9.02, and is amended by striking therefrom the figures "38" wherever they appear in the section, and by substituting in each place thereof the figures "6.23."

SECTION 15. Section 94x of the statutes is renumbered and amended to read: 9.03 If a senator or a representative in congress shall resign, he shall forthwith transmit a notice of his resignation to the secretary of state; and if a vacancy shall occur *in his office* by death or otherwise \* \* \* the county clerk of the county in which such United States senator or representative shall have resided at the time of his election shall, without delay, transmit a notice of such vacancy to the secretary of state.

SECTION 16. Section 94y of the statutes is renumbered to be section 9.04.

SECTION 17. Section 94aa of the statutes is renumbered to be section 9.05.

SECTION 18. Section 94z of the statutes is renumbered to be section 9.06.

SECTION 19. This act shall take effect upon passage and publication.

Approved July 8, 1915.

No. 81, S.]

[Published July 13, 1915.

## CHAPTER 385.

AN ACT to revise those sections of the statutes and session laws relating to city, village and town elections and to embody them all in a single new chapter.

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

SECTION 1. A new chapter is added to the statutes to be numbered and entitled as follows:

## CHAPTER 10.

## OF THE CONDUCT OF LOCAL ELECTIONS.

## In Cities of One Hundred Thousand or More Inhabitants.

SECTION 2. Chapter 391 of the session laws of 1911, as amended by chapter 16 of the special session laws of 1912, and as further amended by chapter 5 of the session laws of 1913, except sections 32 and 33 thereof, is made a part of said new chapter 10 of the statutes and the several sections thereof, namely: Section 1 to section 31, both inclusive, are renumbered to be respectively section 10.01 to section 10.31, both inclusive. Said section 32 is repealed and said section 33 is renumbered and amended to read: Section 4543p. Any public officer who shall wilfully fail or neglect to perform any duty imposed upon him by the provisions of \* \* \* *sections 10.01 to 10.31 both inclusive*, or knowingly make any false certificate in respect to such duty, or to any matter to which he may be required by law to officially certify, shall be punished by imprisonment in the county jail not exceeding nine months, or by fine of not more than five hundred dollars and the costs of the prosecution.

Other sections of said act are amended as follows:

By enclosing in a parenthesis each of the numbers "1", "2", "3" and "4" used to designate subsections of section 2.

By striking from subsection 4 of section 2 the words "under this act" and by inserting in lieu thereof the words "according to law".

By enclosing in a parenthesis each of the numbers "1", "2", "3", "4", "5", "6" and "7" used to designate subsections of section 4.

By striking from subsection 4 of section 4 the words "as provided in the preceding sections".

By striking from subsection 5 of section 4 the words "as herein provided".

By striking from subsection 7 of section 4 the words "as herein" immediately preceding the last word of the subsection and by adding immediately following said last word the words "by law".

By enclosing in a parenthesis each of the numbers "1", "2" and "3" used to designate subsections of section 5.

By striking from subsection 1 of section 5 the words "this act" and by inserting in place thereof the word "law."

By striking out the last two words of subsection 3 of section 5 and by inserting in place thereof the words and figures "section 10.04".

By enclosing in a parenthesis each of the numbers "1", "2", "3" and "4" used to designate subsections of section 6.

By striking from subsection 1 of section 6 the words "in their discretion".

By striking from subsection 3 of section 6 the words "be liable to a fine" and by inserting in place thereof the word "forfeit".

By striking from section 7 the paragraph designations therein (a) and (b), and by renumbering said paragraph (b) to be section 4543q.

By enclosing in parentheses each of the numbers "1" and "2" used to designate subsections of section 9, and by amending subsection 1 to read: (10.09) (1) The secretary of the board of election commissioners shall, ninety days prior to the first election to be held after the \* \* \* *first organization of said board*, prepare a supply of registration cards, and have them distributed through the agency of the police department to every known male voter, whose name appears on the last printed list of the registry in such cities; also to every presumptive male voter or known prospective male voter of such cities; and ninety days prior to all subsequent elections to be held, like cards shall be \* \* \* *furnished upon request* to voters not on the \* \* \* *last preceding* registry list, and shall be \* \* \* listed, and registry lists shall be printed and posted in the manner hereinafter provided.

By striking from subsection 2 of section 9 the words "and before".

By striking from the last sentence of subsection 2 of section 9 the words "all the provisions of this act" and by inserting in place thereof the words "the provisions of sections 10.01 to 10.31".

By striking from section 12 the word "commenced" and also by changing the word "street" to "streets" in the last sentence.

By striking out subsection 3 of section 16 and by enclosing the figures "1" and "2" which designate subsections in parentheses.

By adding to section 14 the following sentence: The board shall have authority, in its discretion, to call for proposals and to let contracts for printing said registry lists for one or more elections at any one time, if it is deemed to the advantage of the city.

By striking out the designation of subdivisions in section 17, namely: (a), (b) and (c) and by inserting in place thereof, respectively, the enclosed figures (1), (2) and (3).

By striking from paragraph (a) of section 17 the figures "9" and "15" and by inserting in place thereof, respectively, the figures "10.09" and "10.15".

By striking from paragraph (c) of section 17 the words "in cities governed by the provisions of this act, when registration shall be required as provided in this act".

By inserting in the first line of subsection (c) of section 17 after the word "judicial", the words "and school board."

By enclosing in parentheses each of the figures "1" and "2" which designate the subsections of section 18.

By striking from section 19 the figures "61" and by inserting in place thereof the figures "6.44".

By amending section 23 to read: 10.23 The board of election commissioners shall have power and authority to provide election booths, to fix and determine the places at which all elections within such city shall be held, and to fix and determine the boundaries of election districts or precincts within the limits prescribed by law, and the location of the voting booths therein, and shall have the custody of and control over all voting booths and voting machines, and the common council and the various departments of the city shall cooperate with the board of election commissioners to furnish available space and men and means for the storage of booths and machines, and for setting up and transporting the same; \* \* \* which said board of election commissioners may arrange with any officer, ward or department having charge of any public buildings, for the use of school buildings and other public buildings for voting purposes, and it is hereby made the duty of such officers, ward and departments to permit the use of school buildings and other public buildings under their jurisdiction for voting purposes without any charges therefor at any primary or election. It shall be the duty of the chief of police to station at least one policeman at each voting booth at every primary or election. Said board of election commissioners shall perform such duties and have such authority as have been heretofore required by law to be performed by, or has been vested in the board of canvassers for city primaries, the common council or the city clerk in relation to the conduct of and control over elections within such city, except as otherwise provided in \* \* \* sections 10.01 to 10.31.

By striking from section 27 the section designation "94h" and by inserting in place thereof the figures "6.76".

By striking from section 29 the words "in each city to which this act applies" and also the words "under this act" and by striking out the last sentence thereof.

By striking from section 31 the words "governed by the provisions of this act" and by inserting in place thereof the word "aforesaid".

#### In Cities Under the Commission Form of Government.

SECTION 3. Section 925m—305 and section 925m—306 of the statutes are renumbered and revised to read: 10.32 (1) Candidates for mayor and councilmen shall be nominated at large by a primary election two weeks before the municipal election in the manner provided for the nonpartisan nomination of candidates for elective city offices by chapter 5, so far as such provisions are applicable, and shall be elected by the voters of the city at large.

(2) The ballot used at every such primary and at every such election shall be in substantially the forms prescribed by chapter 5 and chapter 6 for city primaries and city elections and shall plainly indicate for how many candidates each elector may vote, which, in the case of mayor, shall be one candidate; and in the case of councilmen the number shall be the number of candidates to be nominated or elected.

(3) At the first primary after adopting the commission form of government the two candidates for mayor and the four candidates for councilmen receiving the highest number of votes shall be deemed nominated. At subsequent primaries the two candidates for either office receiving the highest number of votes shall be deemed nominated. The names of such nominees and no others shall be placed upon the ballot used at the next succeeding city election.

SECTION 4. Subsection 1 of section 925m—307 of the statutes is repealed; and subsections 2 to 12, both inclusive, of said section are renumbered and revised to read: 10.33 (1) The term of office of the mayor and aldermen of any city so adopting the commission form of government shall end on the third Tuesday in April next succeeding the first municipal election held after such adoption.

(2) The mayor and councilmen shall be subject to removal at any time in the manner provided by section 10.44.

SECTION 5. Section 925m—316 of the statutes is renumbered and revised to read: 10.34 Direct legislation may be had in

any commission-governed city in the manner provided in section 10.43.

#### In Cities in General.

SECTION 6. A new section is added to the statutes to read: 10.35 Except as otherwise specially provided the sections under the above subtitle, "In Cities in General," shall be applicable to city elections in all cities, whether operating under special charter or general law or as a commission-governed city. And except as otherwise specially provided and as far as applicable chapters 5 and 6 shall be applicable to all city elections.

SECTION 7. Section 925—24 of the statutes is renumbered to be section 10.36 and is amended by enclosing in a parenthesis each of the numerals "1", "2" and "3" which designate its subsections. Subsection 2 thereof is revised to read: (2) The polls shall be opened and closed at city elections at the times provided by section 6.35.

Subsection 3 of said section is amended by striking therefrom the last sentence.

SECTION 8. Section 925—29 of the statutes is renumbered to be section 10.37 and is amended by adding at the end thereof the first sentence of section 925—29a, namely, "To the person elected to any office the city clerk shall issue a certificate of election". And section 925—29a is amended by striking therefrom the said first sentence thereof.

SECTION 9. A new section is added to the statutes to read: 10.38 The functions and duties prescribed for county clerks by sections 6.25, 6.26, 6.27, 6.28 and 6.29 shall be exercised and performed by the board of election commissioners for city elections in each city having more than one hundred thousand inhabitants, and by the city clerk for city elections in every other city; and the provisions of said sections shall apply to city elections, except that the ballots, official and sample, shall be printed and in the hands of such board or of the city clerk at least two days before the election, and that the expense of printing and distributing them shall be borne by the city.

SECTION 10. Sections 926—132 and 926—133 of the statutes are consolidated, renumbered, and revised to read: 10.39 The common council of any city of the fourth class however organized may provide a polling place or polling places for the entire city at its city hall or in some other building centrally located as follows:

(1) A separate room with an outside entrance shall be provided for each ward and be conspicuously marked and desig-

nated at the entrance as the polling place for such ward. Each such polling place shall be provided with a full complement of election officers and a separate ballot box.

(2) When any such city contains a population not exceeding five thousand according to the last federal census such central polling place may consist of a single room. One ballot box for each ward shall be provided, but three inspectors of election, two clerks of election and two ballot clerks shall serve for the whole city. The ballot boxes shall be numbered according to wards. The ballots of the voters of each ward shall be deposited in the box provided for such ward and the election officials shall make separate returns for each ward.

(3) Such central polling places shall be so provided and designated not later than ten days before the election at which they are to be used, and when so provided all primaries and elections in such city shall be held in the place or places designated.

SECTION 11. Sections 59, 925—32, 936—31 and 957 of the statutes are consolidated, renumbered and revised to read: 10.40 (1) Special elections authorized by law shall be held and conducted and the returns thereof made in the manner and within the time required in the case of regular municipal elections.

(2) Whenever the common council of any city shall, by ordinance or resolution, submit any question, ordinance, or proposed recall from office to a vote of the electors, the city clerk shall issue a call for the election and prepare and distribute ballots as required by the ordinance or resolution or by the statute relating to or authorizing the submission. When no provision to the contrary is made the ballots shall conform to the provisions of section 6.23, except that it may be printed at the foot of the official ballot used at the same time for other purposes. In all other respects the election shall be conducted as other municipal elections are conducted.

SECTION 12. Section 43 of the statutes is reenacted and renumbered to be section 10.41.

SECTION 13. Section 925—268 of the statutes is renumbered and revised to read: 10.42 Except as otherwise provided by law the common council of every city shall canvass the returns and declare the result of every annual, special or referendum election held in and for such city. Such canvass shall proceed with all convenient speed immediately after the returns are received, and in the case of annual elections the result shall be declared on or before the second Tuesday of April in each year.

SECTION 14. Sections 39i, 39k and 39l of the statutes are renumbered to be section 10.43 and section 670m and are revised to read: 10.43 (1) A petition signed by electors of any city equal in number to not less than fifteen per cent of the vote cast therein for governor at the last general election may be filed with the city clerk requesting that a proposed ordinance annexed thereto either be adopted without alteration by the common council of said city or be referred without alteration to a vote of the electors thereof.

(2) Said petition shall not be circulated by any member of the common council nor by any other city officer; and the office of any officer violating this provision shall thereby be made vacant. The preparation of such petition shall be governed as to the use of more than a single piece of paper, the dates of signatures, the places of residence and business of signers, and the verification thereof, by the provisions of section 5.26 so far as applicable.

(3) Within ten days next following such filing the city clerk shall determine by careful examination the sufficiency or insufficiency of such petition and state his finding in a signed certificate dated and attached thereto. If the petition be found insufficient, the particulars of such insufficiency shall be set forth in the certificate, and the petition may thereupon be amended within ten days next following the date of said certificate, by the addition of signatures or otherwise. If originally, or after amendment, such petition be found sufficient the city clerk shall so state in his attached certificate and submit the same to the council immediately.

(4) Such proposed ordinance shall thereupon either be passed without alteration by said common council within the thirty days next following the date of the clerk's final certificate, or it shall be submitted without alteration by said council to the electors of the city at the next regular election, if one be held within ninety days after such date; otherwise at a special election to be called by the council and held within said ninety days. But not more than one such special election shall be called in any period of six months.

(5) Not more than twenty nor less than five days before the election, the city clerk shall cause the ordinance submitted to the voters to be printed in at least two, but not to exceed four, daily newspapers published in the city, or, if there shall be no daily newspapers published in such city, then in one or more weekly newspapers of general circulation therein.



(6) Such proposed ordinance shall take effect immediately after such election if a majority of the qualified electors voting thereon shall vote in favor thereof; and it shall be neither repealed nor amended within two years after its adoption, except by vote of the people. But the council may submit at any regular or special election for determination by a majority of the electors voting thereon a proposition to repeal or amend such ordinance. Every such ordinance shall be published by the city or county clerk within ten days after the election in at least two, but not to exceed four, newspapers published in said city or in said county. City ordinances adopted pursuant to this section shall not be subject to the veto power of the mayor.

Section 670m. Ordinances and resolutions may be adopted by any county board by a majority vote when a quorum is present, or by such larger vote as may be required by law in special cases; also in the special manner provided for cities by section 10.43, which section shall be applicable to counties.

SECTION 15. Section 94j—1 of the statutes is renumbered and revised to read: 10.44 (1) A petition addressed to the common council of any city demanding the election of a successor to the incumbent of any elective office of such city, containing a general statement of the grounds upon which the removal is sought and signed by electors entitled to vote for such successor equal in number, in cities of the second, third, or fourth class to at least one-third, and in cities of the first class to at least one-fourth, of the entire vote cast in such city at the last preceding election for all candidates for the office in question may be filed with the city clerk at any time after the incumbent has held the office six months. But if at the last preceding election any group of candidates were voted for in common to fill two or more offices of the same designation the proportion of signers of such petition shall be computed upon the entire vote cast for all such candidates, divided by the number of such offices filled at said election.

(2) The preparation of such petition shall be governed as to the use of more than a single piece of paper, the dates of signatures, the places of residence and business of signers and the verification thereof, by the provisions of section 5.26 relating to nomination papers, so far as applicable. After the petition has been filed, no name shall be erased or removed therefrom; and no signature shall be valid or be counted unless its date is less than one month preceding the date of such filing.

(3) Within ten days next following such filing the city clerk shall determine by careful examination the sufficiency or insufficiency of such petition.

iciency of such petition and state his finding in a certificate attached thereto. If the petition be found insufficient, the particulars of such insufficiency shall be set forth in the certificate; and the petition may thereupon be amended within ten days next following the making of such certificate, by the addition of signatures or otherwise. If originally, or after amendment, such petition be found sufficient the city clerk shall so state in his attached certificate and submit the same to the council immediately.

(4) Thereupon the council shall order and fix a date for holding an election not less than forty nor more than fifty days from the date of the clerk's final certificate attached to the petition.

(5) Any person qualified for such office other than the incumbent may become a candidate at such election in the manner prescribed by section 5.26, by filing his nomination papers not less than thirty days before the election. If more than two candidates, including the incumbent, be thus provided a primary shall be held two weeks before the election, except as provided in subsection (5) of section 5.02.

(6) A request in writing by the incumbent that his name be not placed on the ballot shall constitute a resignation of his office. Unless he shall so request, the name of the incumbent shall be placed upon the official ballot for such election without nomination, and also the name of such person as may be nominated in the manner provided by section 5.26 when there is no primary. If a primary be held the name of the person receiving the highest number of votes thereat shall be placed on the ballot with the name of the incumbent when the latter is a candidate; and when the incumbent is not a candidate, the names of the two persons receiving the highest number of votes at the primary shall be placed upon the ballot for such election.

(7) If the incumbent receives the highest number of votes he shall continue in office. If another receives the highest number of votes he shall, upon qualifying, become the successor of the incumbent who shall thereby be removed from the office. Such successor shall qualify within ten days after receiving notification of his election and shall hold office during the unexpired term of the officer removed.

SECTION 16. Section 926--129 of the statutes is amended by striking out the words "ballot, which shall be substantially" and also all that part of the section following said words; and by inserting in place of the matter stricken out the following words

“referendum ballot which shall be in the form and be marked as provided in sections 6.22 and 6.23.”

SECTION 17. Sections 926—139, 926—140, 926—141, 926—142 and 926—143 of the statutes are consolidated and revised to read: Section 926—139. (1) No ordinance for granting either a street railroad, electric lighting, gas, water or telephone franchise, or for the extension of the life of any such franchise, shall be operative in any city during the sixty days immediately following its adoption, and if, during that period a number of its qualified voters, equal to twenty per centum of the total number of votes cast at the last preceding city election shall file with the city clerk a written demand that the ordinance be submitted to a direct vote of the electors of such city, such ordinance shall not be valid or operative until it shall have been so submitted and approved by a majority of those voting upon it.

(2) Each signer of said demand shall write his occupation and residence after his signature, the genuineness of which shall be proved by the affidavit of a qualified voter.

(3) Such submission shall be made at the next municipal election, or at a special election to be held within ninety days after the filing of the aforesaid demand, as the common council may determine and the conduct of the election and the form of the ballot shall conform to the provisions of chapter 6 so far as applicable.

(4) This section shall not apply to the extension of any existing line or system upon any street or highway if the term of such extension expires at the same time as the franchise of which it is a part.

SECTION 18. Sections 927—15 and 927—16 of the statutes are consolidated and revised to read: Section 927—15. Such special election shall be held and conducted, the votes canvassed and the result declared in the manner provided by law for regular town, village or city elections, and the form of ballot used and the marking thereof shall conform to the provisions of sections 6.22 and 6.23, except that it may be printed upon the official ballot when such election is held at the same time as a regular town, village or city election.

SECTION 19. Subsections 4 and 5 of section 943 of the statutes are revised to read: 4. Such special election shall be held and conducted, the votes canvassed and the result declared in the manner provided by law for regular town, village or city elections.

5. The form of ballot used and the marking thereof shall conform to the provisions of sections 6.22 and 6.23, except that it

may be printed upon the official ballot when such election is held at the same time as a regular town, village or city election.

SECTION 20. Subsection 4 of section 959—40m is revised to read: 4. The ballots used and the marking thereof shall conform to the provisions of section 6.22 and 6.23 and shall contain, as the question to be voted upon, the following: "Shall section 959—40m of the statutes be adopted?"

#### In Villages.

SECTION 21. Section 871 of the statutes is renumbered and amended to read: 10.45 The annual charter election of *every village* shall be held on the first Tuesday of April in each year. Ten days' notice thereof shall be given by the clerk by publication in any newspaper regularly published in such village, and if there be no such newspaper, then by posting three printed or written notices thereof in three public places therein; but the omission \* \* \* of such notice shall not \* \* \* *invalidate* \* \* \* such election. Special elections may be held when ordered by a majority of the village board specifying the objects thereof, provided ten days' notice, specifying the time and place for holding the same and the objects thereof, be given as above provided. Such notice may, in either case, be given by any five electors if there be no officer to give the same; \* \* \*.

SECTION 22. Section 872 of the statutes is renumbered and amended to read: 10.46 Every village election shall be held at a place designated by the village board, \* \* \* *The opening and closing of the polls shall be governed by the provisions of section 6.35.*

SECTION 23. Section 873 of the statutes is renumbered to be section 10.47.

SECTION 24. Subsections 2, 3 and 4 of section 35—30 of the statutes are renumbered and amended to read: 10.48 (1) The \* \* \* village clerk shall cause to be printed *at the expense of the village* a sufficient number of sample and official ballots for every village election. Such sample ballots shall be printed upon tinted paper and the official ballots upon white paper, and both shall be of sufficient length and width to afford space for the names of all candidates. The offices to be \* \* \* filled shall be arranged *on the ballot in the order in which they are named in the statutes creating them,* \* \* \* and the names of the candidates shall be arranged in alphabetical order under their respective office designations. Sufficient space shall be left under each office to write a name in lieu of any name

printed therein. Such official ballots shall be indorsed as provided by subsection 14 of section \* \* \* 6.23 of the statutes, except that the indorsement of one clerk shall be sufficient when only one clerk is required, by law, to be present.

(2) The names of the persons nominated in the manner provided in \* \* \* section 5.27 and none other shall be placed upon the official ballots; provided, that in case no nominations are made, the spaces in which names of candidates may be printed or written shall be left blank. \* \* \*

SECTION 25. Section 874 of the statutes is renumbered and revised to read: 10.49 All village elections shall be conducted and the result canvassed and certified as in the case of general elections, except as otherwise provided, and shall be governed by the provisions of chapter 6, so far as applicable. Election returns shall be made to and filed with the village clerk.

SECTION 26. Section 890 (889) of the statutes is amended by striking out the following words: "Upon the ballot or in the voting machine shall be printed: 'Shall the president of the village board be paid \$. . . . . and shall the trustees of the village board be paid \$. . . . . salary per annum'. (The blank spaces to contain the appropriate figures taken from the resolution.) Space shall be provided upon the ballot or voting machine to vote yes or no upon such question." Also by striking out the period immediately preceding said words; also by inserting a comma in place of said period and by inserting in place of said words the following words: "to be voted upon by ballot in substantially the manner provided by sections 6.22 and 6.23."

SECTION 27. Section 920 of the statutes is amended to read: Section 920. The village board may by ordinance submit to the electors of any village *for determination by ballot in substantially the manner provided by sections 6.22 and 6.23, at any annual or special election*, the question whether they will discontinue either the office of police justice, marshal or constable in such village. \* \* \* If a majority be for such discontinuance the village board shall cause the vote to be recorded accordingly; and thereupon all parts of this chapter \* \* \* relating to such officer shall be inoperative in such village.

SECTION 28. Section 924 of the statutes is amended to read: Section 924. Whenever an application in writing, signed by one-third as many electors of any village incorporated by special act or under the general statutes as voted for village officers at the next preceding election therefor, shall be presented

to the village board praying for dissolution of the village corporation, such board shall submit to the electors of such village, *for determination by ballot in substantially the manner provided by sections 6.22 and 6.23*, at a general election or at a special election called by them for that purpose, the question whether or not such village corporation shall be dissolved.

\* \* \* *If a majority of the votes be in favor of dissolution the village shall cease to exist as a separate public corporation or organization and its property shall revert to, and its territory shall become a part of, the town or towns in which such village may be located.*

SECTION 29. Section 925g of the statutes is amended to read: Section 925g. Whenever the population of any village shall exceed fifteen hundred as shown by the last national or state census such village shall become a city of the fourth class, and the trustees of such village shall at a regular meeting, by ordinance or resolution, make publication thereof, and shall in such resolution fix the number and boundary of the wards into which such city shall be divided and fix the time for holding the first city election, which shall not be less than twenty days from the date of such resolution, and shall therein name three inspectors and one clerk of election for each ward. \* \* \*

The election shall be *noticed and* conducted and the result canvassed and certified as in the case of \* \* \* *regular village elections* \* \* \* and \* \* \* *the village* clerk shall immediately certify the fact of holding such election *and the result thereof* to the secretary of state; and thereupon a patent shall be issued to such city as provided in sections 925—5, 925—12 and 925—13. Thereafter such city shall in all things be governed by the general city charter law. All debts, obligations and liabilities existing against such village at the time of such change shall continue and become like debts, obligations and liabilities against such city, and such city may carry out and complete all proceedings then pending for the issue of bonds for improvements therein.

SECTION 30. Section 925h of the statutes is amended by striking therefrom the following words: "and shall constitute separate election districts within the meaning of the statutes relating to election districts." and the words so stricken out are renumbered and revised to read: 10.50 Every village shall constitute a separate election district. Except as otherwise provided the sections under the above subtitle "In Villages," shall be applicable to village elections in all villages, whether operating under special charter or general law.

SECTION 31. A new section is added to the statutes to read: 10.51 The provisions of section 10.40 respecting special and referendum elections, and the functions and duties of common councils of cities and city clerks, shall apply to the conduct of similar village elections and to the functions and duties of village boards and village clerks.

#### In Towns.

SECTION 32. Section 782 and section 797 of the statutes are divided so as to constitute three sections, 782, 797 and 10.52, and are revised to read: Section 782. There shall be an annual town meeting in each town on the first Tuesday of April at which all business shall be transacted which is by law required or permitted to be transacted at such meeting; and no notice of holding any annual town meeting need be given.

Section 797. The superintendent or superintendents of highways shall be appointed by the town board.

10.52 At every annual town meeting there shall be an election by ballot of all town officers except the superintendent or superintendents of highways.

SECTION 33. Section 783 of the statutes is amended by striking therefrom all of said section except the last sentence thereof which commences with the words: "The meeting of the town board" etc.; and the matter so stricken from said section 783, together with sections 783a and 783b of the statutes are consolidated and revised to read: 10.53 (1) The annual town meetings in each town shall be held at the place where the last town meeting was held, or at such other place therein, or in a city or incorporated village within or adjoining the town, as shall have been ordered at a previous meeting; or when there has been no such previous meeting, at such place as shall be directed in the act or proceedings by which the town was organized.

(2) Not less than four nor more than six weeks before any annual town meeting the town board by recorded resolution may direct, and any twelve electors of the town may file with the town clerk a petition praying, that the question of changing the place of holding town meetings in such town be submitted to a vote of the electors at any regular town meeting. Every such resolution or petition shall designate and describe with reasonable certainty the place to which the change is desired, which shall be a place within the town or within a city or incorporated village within or adjoining the town.

(3) Within one week after the recording of such resolution or the filing of such petition the town clerk shall post notices containing the substance of such resolution or petition and stating that the place of holding the annual town meeting will be decided by ballot at the town meeting then next to be held, in not less than four public places in said town.

(4) The town board shall provide at the expense of the town a suitable number of printed ballots in the form prescribed by section 6.23 for referendum voting and deliver the same to the town clerk before the opening of the election at which they are to be used and the clerk shall keep them in a convenient and conspicuous place in the building where the election is held, for the use of the electors.

(5) If a majority of the votes cast upon the question be in favor of changing the place of holding town meetings, then, and not otherwise, all general and judicial elections and town meetings thereafter held, shall be held at the place designated in said resolution or petition and approved by the electors.

(6) In towns which are divided into election districts the annual meeting shall be held, until the electors otherwise determine, in the districts designated as the first election district; provided, that in counties having a population of two hundred thousand inhabitants or over, according to the last census, votes for town and judicial officers shall be cast at the polling booths in the election district where the voter resides in the manner provided for general elections.

SECTION 34. Section 788 and section 789 of the statutes are divided into three sections and revised to read: 10.54 Special town elections may be called for the purpose of choosing town officers to fill vacancies in the same manner that such meetings are called for other purposes. The notice of every such election shall specify in what offices there are vacancies to be filled, how they occurred and who were the last incumbents; and if it be in the office of a justice of the peace, at what time the legal term of office will expire.

Section 788. Special town meetings may be held for the purpose of transacting any lawful business which might be done at the annual meeting, on a request being made to the town clerk in writing signed by twelve qualified voters of such town specifying in such request the purposes for which such meeting is to be held. No matter voted upon or decided at any such special town meeting shall be acted upon in any subsequent special town meeting held in such town prior to the time for holding the next annual town meeting.



Section 789. The town clerk with whom any such request shall be left shall record the same and immediately cause notices to be posted up in three of the most public places in the town, giving at least three weeks' and not more than four weeks' notice of such meeting. Such notices shall specify particularly the purposes for which such meeting is to be held and if there be a newspaper printed in such town he shall publish a copy of such notice therein at least five days before the time appointed for such meeting.

SECTION 35. Section 791, section 794, section 796, section 798, section 801 and section 803 of the statutes are consolidated, renumbered and revised to read: 10.55 The qualification of electors, the creation and qualification of inspectors and clerks of election, their oath of office, the opening and closing of the polls, the challenging of voters, the determination of such challenges, the opening of ballot boxes, the counting of the ballots before unfolding them, the keeping of tally sheets, the counting of the votes, the determination of the result and all other election procedure at and for town elections shall be governed by the provisions of chapter 6 of the statutes, so far as applicable and not otherwise provided in this chapter.

SECTION 36. Section 799, section 800 and section 807a of the statutes are renumbered and revised to read: 10.56 (1) The functions and duties prescribed for village clerks in respect to village elections by section 10.48 shall be exercised and performed by town clerks for town elections; and the provisions of said section shall apply to every town election except as otherwise specially provided.

(2) Whenever a justice of the peace is to be elected to fill a vacancy, and also one or more such justices are to be elected for full terms, the ballot shall be made to distinguish the person or persons voted for to fill the vacancy.

(3) In towns containing two or more election districts the ballots provided by the town clerk shall be delivered to the inspectors of election at each polling place prior to the opening of the polls at the election for which they have been prepared.

SECTION 37. Section 802 of the statutes is renumbered to be section 10.57.

SECTION 38. Section 804 of the statutes is renumbered to be section 10.58.

SECTION 39. Section 805 of the statutes is renumbered to be section 10.59.

SECTION 40. Section 806 of the statutes is renumbered to be section 10.60.

SECTION 41. Section 807 of the statutes is renumbered and amended to read: 10.61 If any proposition other than the election of officers be voted upon by ballot at any town meeting the ballots cast upon such proposition shall be *provided by the town clerk and be deposited in a separate ballot box in the form and manner provided by section 6.23* and a separate poll list kept of the electors voting upon such proposition. The ballots so cast shall be counted and canvassed and the result ascertained, declared and certified in like manner as in the case of ballots cast for officers.

SECTION 42. Section 807b of the statutes is renumbered and amended to read: 10.62 \* \* \* The town board of any town divided into *two or more* election districts \* \* \* or a majority of them, together with the town clerk of such town, shall constitute the canvassing board of such town. \* \* \* Such board shall meet at the town hall within twenty-four hours after the closing of the polls at every town election in such town and then and there publicly canvass all \* \* \* statements theretofore delivered to said \* \* \* clerk by the inspectors of election as provided in section \* \* \* 10.59, \* \* \* and *ascertain, determine and declare the result of such election*; and it shall be the duty of said town clerk to forthwith read publicly the names of the persons for whom votes for each office were given, the number of votes so given for each person, and the name of the person declared to be duly elected to each office respectively. \* \* \* Such reading shall be deemed sufficient notice to every person elected to any office at such meeting of his election.

SECTION 43. Paragraph (4) of section 776 of the statutes is amended to read: (Section 776) (4) To vote by ballot \* \* \* *for or against the establishment of a town library for the use of the people thereof; \* \* \* if the majority of the votes be in favor of such establishment*, to make all by-laws, rules and regulations for the management thereof, and raise a sum not exceeding one hundred and fifty dollars in any one year for the purpose of purchasing books, furnishing a place to keep such library and paying the librarian for his services, to be expended under the direction of the town board.

SECTION 44. Paragraph (8) of section 776 of the statutes is amended by striking therefrom all of said paragraph except the first sentence.

SECTION 45. Paragraph (10) of section 776 of the statutes is amended by striking therefrom the following sentence thereof: In taking such vote the electors voting therefor shall vote a sep-

arate ballot containing the words "for raising money to build a town hall," and those voting against a ballot containing the words "against raising money to build a town hall."

SECTION 46. Subsection 2 of section 927—5 of the statutes is amended by striking out all of the subsection following the subsection number and by inserting in place of the matter stricken out the following words: "The vote upon such question shall be taken as directed by section 10.61."

SECTION 47. This act shall take effect upon passage and publication.

Approved July 8, 1915.

No. 82; S.]

[Published July 13, 1915.

## CHAPTER 386.

AN ACT to embody the present sections of the statutes relating to voting machines in a new chapter and to renumber and amend or revise such sections.

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

SECTION 1. A new chapter is added to the statutes to be numbered and entitled as follows:

### CHAPTER 11.

#### VOTING MACHINES AND THE COUPON BALLOT.

##### *Voting Machines at Elections.*

SECTION 2. Section 44—1 of the statutes is renumbered to be section 11.01; and is amended by striking therefrom the first four words thereof, namely: "Be it enacted that" also by striking therefrom the sentence: "The first commissioners shall be appointed within thirty days after the taking effect of this act."

SECTION 3. Section 44—2 of the statutes is renumbered to be section 11.02 and is amended by striking therefrom the word "act" wherever it appears and by inserting in place thereof the word "chapter."

SECTION 4. Section 44—3 of the statutes is renumbered to be section 11.03.

SECTION 5. Section 44—4 of the statutes is renumbered to be section 11.04 and is amended by striking therefrom the word "act" and by inserting in place thereof the word "chapter."