

No. 464, A.]

[Published June 2, 1927.]

CHAPTER 175.

AN ACT to create subsection (9) of section 67.04 of the statutes, relating to the issuance of bonds by municipalities.

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

SECTION 1. A new subsection is added to section 67.04 of the statutes to read: (67.04) (9) By any municipality to provide a sum not exceeding the amount of all funds belonging to such municipality which have lawfully been deposited in a bank and which are not available to such municipality because such bank has been placed in the hands of the commissioner of banking as provided in section 221.26 of the statutes.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 31, 1927.

No. 418, S.]

[Published June 2, 1927.]

CHAPTER 176.

AN ACT to amend subsection (1) of section 5.08, subsections (4) and (5) of section 5.11, subsection (6) of section 5.26, subsections (1) and (2) of section 5.27, section 5.28, subsection (1) of section 6.19, subsection (5) of section 6.23, subsection (4) of section 6.25 and subsection (1) of section 6.29 of the statutes, relating to electic ns.

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

SECTION 1. Subsection (1) of section 5.08, subsections (4) and (5) of section 5.11, subsection (6) of section 5.26, subsections (1) and (2) of section 5.27, section 5.28, subsection (1) of section 6.19, subsection (5) of section 6.23, subsection (4) of section 6.25 and subsection (1) of section 6.29 of the statutes are amended to read: (5.08) (1) After the filing of nomination papers as provided in section 5.05, the secretary of state shall transmit to each county clerk not later than * * * *twenty-eight* days before any September primary a certified list containing the

name, residence and post-office address of each person for whom nomination papers have been filed in his office, and entitled to be voted for at such primary, together with a designation of the office for which he is a candidate, and the party or principle he represents; such lists shall designate the order in which the names of the candidates shall be printed upon the primary ballot in each assembly district.

(5.11) (4) Such clerk shall * * * *not later than twenty-one days before such primary* submit the ticket of each party to the county chairman thereof, and mail a copy to each candidate for whom nomination papers have been filed with him as required by this act, to his post-office address as given in such nomination paper, and he shall post a copy of each sample ballot in a conspicuous place in his office.

(5) Not later than * * * *seventeen days before such primary* the county clerk shall correct any errors or omissions in the ballot, cause the same to be printed, and, *ten days prior to the primary to be distributed* as required by law in the case of ballots for the general election, except that the number of ballots to be furnished to each precinct shall not exceed twice the number of votes cast thereat in the last preceding general election. At the same time the county clerk shall cause to be printed and distributed unofficial sample ballots. The form, printing, distribution, number and payment of such unofficial sample ballots shall be governed so far as applicable, by the provisions of this chapter, concerning sample ballots at general election.

(5.26) (6) Such nomination papers shall be filed as follows: For candidates to be voted for throughout the state or any division or district embracing more than one county, in the office of the secretary of state, not more than forty nor less than * * * *thirty-two days before the election for which the nominations are made*; for candidates to be voted for wholly within one county, in the office of the county clerk, not more than forty nor less than * * * *twenty-five days before such election*, * * * for candidates to be voted for wholly within one city in the office of the city clerk, not more than * * * *twenty* nor less than * * * *fifteen days before such election*. Provided that nomination papers proposing candidates for judicial offices, members of the board of supervisors or for school board directors in the cases provided for in subsection (8), shall be filed not more than

forty nor less than twenty days before the primary therein provided for.

(5.27) (1) At least * * * *seventeen* days before each first Tuesday of April, the electors of any town or village may assemble in caucus and by ballot select a caucus committee of three and nominate candidates for the different town and village offices. Each caucus committee shall give at least five days' written notice of the time and place of holding the caucus next following their election, such notice to be given either by publishing a copy thereof in some newspaper published in such village or town or by posting copies of such notice in at least five public places. The two candidates for each office at such caucus who receive the highest number of votes shall be certified by the caucus officers to the town or village clerk together with the number of votes cast for each and the names of such candidates shall be placed on the official ballot. Provided, that if the vote of the candidate receiving the second highest vote for any office at such caucus is not at least one-fifth as great as that of the candidate for the same office receiving the highest vote, or if the candidate receiving the second highest vote for any office at such caucus files with the town or village clerk within five days of the holding of the caucus a request that his name be not printed on the ballot, then only the name of the candidate receiving the highest number of votes shall appear thereon. A tie vote shall be determined by lot.

(2) Or such candidate may be nominated by nomination papers signed by electors of such town or village equal in number to ten per cent of all the votes cast in such town or village for all candidates for governor at the last preceding general election. Such nomination papers shall conform to the provisions of subsections (2) and (5) of section 5.26 and shall be filed in the office of the town or village clerk at least * * * *fifteen* days before the election.

5.28 Any person nominated to office may decline and annul the same by delivering to the officer with whom his certificate of nomination or nomination paper is filed, not less than * * * *twelve* days before election in case of town, village or city officers, and * * * *twenty* days in other cases, a declination in writing signed by him and acknowledged before some officer authorized to take acknowledgments. Upon such declination or the death of a nominee the vacancy or any vacancy caused by the insufficiency of certificates of nomination or nomination papers,

may be filled in case the candidate is the nominee of a political party, by the committee representing the party, the chairman and secretary of which in such case shall make and deliver to the proper officer for filing a certificate, duly signed, certified and sworn to, as required in case of original certificates, setting forth the cause of the vacancy, name of new nominee, office for which nominated, and such other information as is required in case of original certificates. This certificate must be filed * * * *ten* days before election in case of town, village or city offices, and * * * *eighteen* days in other cases, and when so filed shall have the effect of an original certificate. In case the candidate is a nonpartisan nominee, the vacancy shall be filled by the personal campaign committee of the candidate, who shall make and file a certificate in the manner above prescribed. If the candidate had no personal campaign committee, such vacancy shall be filled by the supervisors of the town, trustees of the village, council of the city, or board of supervisors of the county, as the case may be, and such board shall make and file a certificate as herein provided. If such declination, death or the permanent removal of a nominee take place after the ballots are printed and before election, the proper chairman of the committee above authorized to fill vacancies may make a nomination to fill the vacancy and provide the election boards with pasters containing the name of such nominee only, which shall be pasted upon each of the official ballots by the ballot clerks, before signing their initials thereon and delivering them to voters. If the nominee die after the ballots are printed, and no nomination shall be made as herein provided, the votes cast for him shall be counted and returned, and if he shall receive a plurality the vacancy shall be filled as in case of vacancies occurring by death after election.

(6.19) (1) Not less than * * * *twenty-eight* days before any April or November election the secretary of state shall transmit to each county clerk a certified list containing the name, description and post-office address of each person nominated for any office for whom any of the electors of such county are entitled to vote at such election, together with a designation of the office for which each is a candidate, and the party or principle each represents, if any, whose nominations are on file in his office. Names of candidates nominated pursuant to section 5.28 shall be certified forthwith upon the filing of nominations with the secretary of state.

(6.23) (5) In no case shall a county clerk place the name of any person upon such ballot as a candidate for the office of county superintendent of schools unless such person shall have filed in such clerk's office at least * * * *twenty-five* days before the day of election at which such superintendent is to be elected, proof of having successfully taught in one or more of the public schools of this state, for a period of eight months, and a copy of a certificate entitling him to teach in any such school, or of a certificate known as a county superintendent's certificate.

(6.25) (4) Ballots shall be * * * *set up* and *proof* be in possession of the county clerk at least * * * *eighteen* days before any judicial or general election, and subject to inspection by the candidates and their agents. If any mistake be discovered in printing or arrangement, it shall be the duty of the clerk to correct the same * * * *before ballots are printed*.

(6.29) (1) Each county clerk shall send the ballots printed pursuant to his order as provided by law to the proper town, village and city clerks in his county, so as to be received by them at least * * * *seven* days previous to the opening of the polls on the day of election. Five per cent of the ballots for each precinct shall be retained by the county clerk and another five per cent shall be sent to the clerk in separate packages to enable him to meet applications for ballots from absent voters, pursuant to sections 11.54 and 11.68, and the remainder in separate sealed packages with marks on the outside of each clearly designating the polling place for which they are intended and the number of ballots of each kind inclosed.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 1, 1927.