

No. 841, A.]

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**CHAPTER 433.**

AN ACT to repeal subsections (3) and (4) of section 6.14, subsection (9) of section 6.16, subsections (8) and (9) of section 6.17, subsection (3) of section 6.35, subsection (2) of section 6.44 and section 10.34; to renumber subsection (6) of section 6.14 to be subsection (3) of said section and sections 6.33, 6.76, 10.32, 10.33 and 10.39 to be respectively sections 6.08, 6.325, 10.39, 63.02 and 6.045; to amend paragraph (c) of subsection (6) of section 5.05, section 5.06, paragraph (a) of subsection (8) of section 5.26, subsection (1) of section 6.02, subsection (1) of section 6.04, the introductory paragraph and subsections (1) and (2) of section 6.045, subsections (2) and (3) of section 6.14, subsection (1) of section 6.32, subsection (1) of section 6.35, subsection (1) of section 6.44, section 10.15, subsection (1) of section 10.39, section 10.50 and subsection (1) of section 12.09; and to create section 5.025, subsection (9) of section 5.26, subsection (4) of section 6.04, subsection (8) of section 6.17, subsection (1a) of section 6.32, subsections (2), (3), (4) and (5) of section 6.44 and section 10.33 of the statutes, relating to municipal election administration, so as to clarify election procedure, eliminate inconsistencies and improve election practice, and providing a penalty.

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

SECTION 1. Subsections (3) and (4) of section 6.14, subsection (9) of section 6.16, subsections (8) and (9) of section 6.17, subsection (3) of section 6.35, subsection (2) of section 6.44 and section 10.34 of the statutes are repealed.

SECTION 2. Subsection (6) of section 6.14 is renumbered to be subsection (3) of said section and sections 6.33, 6.76, 10.32, 10.33 and 10.39 are renumbered to be respectively sections 6.08, 6.325, 10.39, 63.02 and 6.045.

SECTION 3. Paragraph (c) of subsection (6) of section 5.05, section 5.06, paragraph (a) of subsection (8) of section 5.26, subsection (1) of section 6.02, subsection (1) of section 6.04, the introductory paragraph and subsections (1) and (2) of section 6.045, subsections (2) and (3) of section 6.14, subsection (1) of section 6.32, subsection (1) of section 6.35, subsection (1) of section 6.44, section 10.15, subsection (1) of section 10.39,

section 10.50 and subsection (1) of section 12.09 of the statutes are amended to read: (5.05) (6) (c) If for an office representing less than a congressional district in area, or a \* \* \* county office, by at least three per cent of the party vote in at least one-sixth of the election precincts of such district and in the aggregate not less than three per cent nor more than ten per cent of the total vote of his party in such district.

5.06 Papers for the nomination of any candidate for any city office *at a city primary* shall be signed by voters equal in number to not less than two per cent of those who voted for the candidate receiving the highest number of votes for such office at the last preceding city election, and shall be filed not less than twenty days before the primary. No elector shall sign such papers for more candidates for each office than there are persons to be elected to such office.

(5.26) (8) (a) Whenever such nomination papers propose three or more candidates for members of the county board of supervisors in counties having a population of two hundred fifty thousand or more, for any judicial office, except the office of police justice or justice of the peace *and constable*, in any county having a population of three hundred thousand or more and containing an entire judicial circuit for which more than one circuit judge is provided by law, or propose more than twice as many candidates for members of the board of school directors or the board of education as are to be elected in any city, neither of the persons whose name is so presented shall become nominated as a candidate until nominated at a primary election held three weeks prior to the first Tuesday in April in the year in which such office is required to be filled by election *except as provided by section 5.025*.

(6.02) (1) No elector shall vote except in the town, ward, village or election district in which he actually resides *except as provided in section 6.045 relating to polling places in fourth class cities*; provided, that all persons residing upon Indian lands within any county of the state, not embraced in any organized election district, and qualified to exercise the right of suffrage, shall be entitled to vote at the polls which may be held nearest their residence for state, United States or county officers; but no person shall vote for county officers out of the county in which he resides.

(6.04) (1) In cities \* \* \* at the place or places to be ordered by the common councils thereof, respectively, at least

four months before such election, unless otherwise provided by law.

(6.045) (Introductory paragraph) (as renumbered) (1) The common council of any city of the fourth class \* \* \* may provide a polling place or polling places for the entire city at its city hall or in some other building centrally located. \* \* \*

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\* \* \*

One *set* of ballot boxes for each ward shall be provided, but *one or more sets* \* \* \* of election \* \* \* *officials may serve for the whole city as determined by the governing body.* 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.

(6.14) (2) In any city, village or town having a population of less than five thousand, according to the last United States census, the common council, board of trustees, or board of supervisors, as the case may be, may, by ordinance \* \* \* authorize and require registration for \* \* \* *all* elections in such city, village or town, and may rescind its own action in like manner.

(3) (as renumbered) Whenever registration is established or abolished under subsection (2) \* \* \* of this section the city, village or town clerk shall forthwith certify such action to the county clerk and to the secretary of state. A list of all such cities, towns and villages, of less than five thousand population, shall be printed in the election pamphlet.

(6.32) (1) Except as otherwise provided, there shall be three inspectors, two clerks of election and two ballot clerks at each poll at every election held under the provisions of this title, each of whom shall be a qualified elector in the election district, *except for election boards serving more than one precinct pursuant to section 6.045, and said electors shall be able to read and write the English language understandingly and not a candidate to be voted for at such election.* Provided, however, that at polls where voting machines are used ballot clerks shall not be employed. Not more than two of such inspectors, nor one of said clerks of election, nor one of said ballot clerks, shall be members of the same political party, but each one of said officers shall be a member of one of the two political parties which cast the largest vote in the district at the last preceding general election, the party which

cast the largest vote being entitled to two inspectors, one clerk and one ballot clerk, and the party receiving the next largest vote being entitled to the remainder of said officers. The basis for such division shall be the vote of each party for its presidential elector receiving the largest vote, or for its candidate for governor, at the last preceding general election. \* \* \*

(6.35) (1) In all cities of \* \* \* *ten* thousand inhabitants and over, not counting inmates of any state penal institution or insane hospital therein situated, the polls at \* \* \* *each* election shall be opened at six o'clock in the morning and closed at eight o'clock in the evening. In all other cities and in towns and villages the polls at said election shall be opened at nine o'clock in the forenoon and closed at five thirty o'clock in the evening. Any voter awaiting his turn to vote, whether within the polling booth or in the line outside the booth at the time of the closing of the polls, shall be permitted to vote.

(6.44) (1) *In precincts where registration is required, on \* \* \* any election or primary day, the inspectors shall designate \* \* \* one or more election officials, at the opening of the polls, who shall check the name of every elector voting in such district whose name is on the registry and enter thereafter his voting number. Any person whose name is not on the registry, but who is \* \* \* an eligible voter therein shall, nevertheless, be entitled to vote at such election upon compliance with the following provisions, and not otherwise, namely:*

(a) He shall at the time he \* \* \* *requests his ballot, deliver to the inspectors a certificate that he has filed an affidavit as provided in subsection (2) of this section.*

(b) *The inspectors shall keep a list of the names and residences of the electors voting whose names are not on said completed registry attach such list to the registry, and return it, together with all such certificates, to the proper town, city or village clerk, or the election commission in cities of the first class.*

10.15 The board of election commissioners shall revise and correct, prior to each primary and election, the registry as prepared by them; first, by striking therefrom the name of any person who shall have died or removed from the precinct where he is registered, *or any voter who has adopted a new name, or who shall be proved, by the oath of two electors of the district, to be not entitled to vote in such precinct at the next ensuing election or primary election, unless such person after being notified by the*

board shall appear and make affidavit stating his name and the period of his continuous residence in the election district, and that he resides in such precinct, giving the number and the street of the affiant; and in case he is of foreign birth stating when he came to the United States and to this state, and the time and place when he became a citizen of the United States, and that he is entitled to vote at the election; second, by entering on the proper list for any precinct the name of every elector entitled to vote in that precinct at the next election or primary, who shall file a registration card such as is hereinbefore provided for, properly filled in and sworn to before said secretary, or such other party or parties duly authorized by said board at the office of the board or at such temporary offices thereof as the board may designate, with the approval of the common council. In every case of a name stricken from the registry, the reason therefor shall be stated in writing on the list opposite the name so stricken. Not later than ten days preceding a primary or an election, applications for corrections of said registry lists, or for adding thereto the names of voters, may be made at the office of the board of election commissioners, or at such temporary offices thereof as may be designated by the board, during the hours such offices shall be open for business. The board shall certify to the election inspectors in the proper precincts the names of all voters duly registered. All applications for registration made to said board shall be submitted by them to the chief of police for verification of the statements contained therein, and the police department shall also report to the board the names of such registered voters as shall be found to have died or removed from the precinct.

(10.39) (1) (as renumbered) *In cities operating pursuant to sections 63.01 to 63.14 of the statutes* candidates for mayor and councilmen shall be nominated at large by a primary election three 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.

10.50 Every village shall constitute a separate election district *except as otherwise provided by the village board.*

(12.09) (1) Every candidate, the secretary of every personal campaign committee and the secretary of every party committee shall \* \* \* *before five o'clock in the afternoon of the Tuesday preceding any primary or election and on the Saturday fol-*

lowing any election or primary, file a financial statement verified upon the oath of such candidate or upon the oath of the secretary of such committee, as the case may be, which statement shall cover all transactions not accounted for and reported upon in statements theretofore filed. Each statement after the first shall contain a summary of all preceding statements, and summarize all items theretofore reported under the provisions of each subdivision of subsection (3) of this section. The mailing of such statement within the required time, under registered mail addressed to the proper filing office, shall be sufficient proof of filing of such statement.

SECTION 4. Two new sections are added to the statutes, a new subsection is added respectively to sections 5.26, 6.04, 6.17 and 6.32 and four new subsections are added to section 6.44 of the statutes to be numbered and to read: 5.025 NO PRIMARIES IN CITIES UNLESS PROVIDED FOR. Except in cities of the first class, no primary election shall be held in any city for the nomination of candidates for city office, including city supervisor, unless ninety days prior to the city election such city either by a three-fourths votes of its governing body shall provide for, or by a petition signed by electors of said city equal in number to not less than fifteen per cent of the vote cast therein for governor at the last preceding general election and filed with the city clerk shall require, a primary for any specific election. When no primary election is held, the candidates for such offices shall be nominated in the manner provided in section 5.26.

(5.26) (9) When candidates shall have been nominated by primary election in any city for any city office, including supervisor, no additional candidates may be nominated for such offices by the method herein provided.

(6.04) (4) Each governing body shall divide the municipality into voting precincts, where such division is necessary, with due regard to the election requirements. Precincts shall be compact and contiguous, and shall be arranged, if practicable, so that some public building may be conveniently used as a polling place for the voters. The governing body, except in cities having a board of election commissioners, shall fix the places for the conduct of elections, which shall be located, so far as practicable, in public buildings.

(6.17) (8) A registration card shall be delivered to each elector making application to vote by affidavit, who shall properly

fill out such card and submit the same to the clerk before a certificate is supplied pursuant to subsection (3) of section 6.44. Each clerk shall include in subsequent registry lists the names of persons who file such cards, provided such persons are then entitled to be placed on the registry list.

(6.32) (1a) The governing body of any city, village or town may, not less than sixty days prior to any election, reduce the number of election officials for any election, and may provide for a redistribution of the duties among the remaining officials.

(6.44) (2) Every qualified elector who has failed to register as provided by law may at any time after the close of registration deliver to the clerk of the municipality, or his authorized deputy, his affidavit in which he shall state that he is a resident of the election precinct in which he offers to vote, naming the same, that he is entitled to vote therein, that he has resided in said election precinct ten days next preceding said election, giving the street and number of his residence, that he is a citizen of the United States, that he is twenty-one years of age, and that he has resided in the state one year next preceding said election. In cities of the first class said affidavit shall be delivered to the duly authorized representative of the election commission. Said affidavit shall be substantiated by the affidavit of two freeholders, electors in such precinct, corroborating all the material statements therein, and such affidavit shall be signed in the presence of the city clerk or election commission or duly authorized representative thereof. No compensation shall be paid or received for taking or certifying any such affidavit. No one freeholder shall be competent to make at any one election, corroborating affidavits for more than five voters. All such affidavits shall be sworn to before some officer authorized by the laws of this state to administer oaths.

(3) Upon the filing of the affidavits required by this section, the election official shall issue a certificate addressed to the inspectors of the proper precinct directing that such elector be permitted to cast his ballot. Such certificate shall be numbered serially, made in duplicate and one copy preserved in the office of the clerk of the municipality, or the election commission in cities of the first class.

(4) Upon his own initiative the clerk of the municipality, or the secretary of the election commission in cities of the first class, may, or, upon petition of five qualified electors, shall refer any

affidavits filed under this section to the chief of police, or corresponding peace officer, for verification.

(5) Any person who shall violate any of the provisions of this section, or who shall falsify any affidavit filed pursuant to this section, shall, upon conviction thereof, be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. Each violation of this section shall constitute a separate and distinct offense.

10.33 Except as otherwise provided, the clerk of every city, village or town, other than cities having more than one hundred thousand inhabitants, shall have general charge and supervision of the conduct of elections and registrations within said municipality. He shall perform the following duties, and such other duties as may be imposed upon him by law, or as may be necessary for the proper conduct of elections and registrations:

(1) To equip polling places.

(2) To provide for the purchase and maintenance of election equipment of all kinds, and to provide ballots and other supplies for the conduct of elections.

(3) To prepare all notices, advertisements and publications in connection with the conduct of elections or registrations.

(4) To instruct election officers in their duties, calling them together in a meeting whenever deemed advisable, and to inspect systematically and thoroughly the conduct of elections in the municipality, to the end that elections may be honestly, efficiently, and uniformly conducted.

(5) To report suspected election frauds, irregularities, or violation of state election laws of which he has knowledge to the district attorney.

(6) To review, examine and certify the sufficiency and validity of petitions and nomination papers.

SECTION 5. This act shall take effect upon passage and publication.

Approved July 20, 1933.