

No. 143, S.]

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CHAPTER 455.

AN ACT to revise chapter 5; to repeal 6.25 (4); to renumber 6.03; to amend 6.19 (1) and (6), 6.25 (1), 6.29 (1), 6.62, 6.63, 6.67 (1); to repeal and recreate 6.61; and to create 6.03 (2) and 11.70 of the statutes, relating to nominations, elections and absent voting by members of the armed forces.

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

SECTION 1. 5.01 of the statutes is repealed and recreated to read:

5.01 DEFINITIONS. In Title II, ELECTIONS, unless inconsistent with the context:

- (1) "Primary" means a primary election.
- (2) "September primary" means the primary held the second Tuesday in September to nominate candidates to be voted for at the general election.
- (3) "Spring primary" means the nonpartisan primary held in March to nominate candidates to be voted for at the spring election.
- (4) "General election" means the election held the Tuesday after the first Monday in November.
- (5) "Spring election" means the election held the first Tuesday in April.
- (6) "Special election" or "special primary" means any election or primary other than those defined above.
- (7) "Precinct" means an area within which all electors vote at one polling place.

SECTION 2. 5.011 of the statutes is created to read:

5.011 CONSTRUCTION OF TITLE II. Title II shall be construed so as to give effect to the will of the electors, if that can be ascertained from the proceedings, notwithstanding informality or failure to comply with some of its provisions.

SECTION 3. 5.29 of the statutes is renumbered 5.012.

SECTION 4. 5.02 of the statutes is repealed and recreated to read:

5.02 METHODS OF NOMINATIONS. Candidates for elective offices shall be nominated only according to the provisions of this chapter.

SECTION 5. 5.03 (1) of the statutes is renumbered 5.03 and amended to read:

5.03 SEPTEMBER PRIMARY. The September primary shall be held at the regular polling * * * place in each precinct on the * * * second Tuesday of September of each even-numbered year for the nomination of all candidates to be voted for at the next * * * general election.

SECTION 6. 5.03 (2) of the statutes is repealed.

SECTION 7. 5.04 of the statutes is reenacted.

SECTION 8. 5.05 (1) of the statutes is amended to read:

5.05 NOMINATION PAPERS, SEPTEMBER PRIMARY. (1) * * * No candidate's name * * * may be printed upon an official ballot used at any September

primary unless not later than 5 p. m. central standard time on the * * * *second* Tuesday of July of the year in which such primary is to be held a nomination paper * * * has been filed in his behalf as provided in this chapter, * * * *with* substantially the following * * * *wording printed at the top of each sheet*:

"I, the undersigned, a qualified elector of (the precinct of the town of) or (the ward of the city of), county of and state of Wisconsin, and a member of the party, hereby nominate (include both given and surname), who resides (at No., on street, city of) or (in the town of), in the county of as a candidate for the office of (here specify the office), to be voted for at the primary to be held on the * * * *second* Tuesday in September, 19....., as representing the principles of said party, and I further declare that I intend to support the candidate named herein." *Signatures shall not be counted unless on such sheets.*

SECTION 9. 5.05 (2) of the statutes is repealed.

SECTION 10. 5.05 (4) of the statutes is repealed and recreated to read:

5.05 (4) No nomination paper shall be circulated prior to 60 days before the date on which it must be filed, and no signature shall be counted unless it is upon such nomination paper and bears date within 60 days prior to the time for filing the paper.

SECTION 11. 5.05 (5) (a) of the statutes is amended to read:

5.05 (5) (a) For nominations of state *executive* officers, *United States senators*, congressmen * * * and county officers * * *, all signers on each separate nomination paper shall reside in the same county. For nomination of * * * *assemblymen* and senators, all signers on each separate *nomination* paper shall reside in the same district, except that if the senatorial or assembly district includes more than one county, then such signers shall reside in the same county.

SECTION 12. 5.05 (3), (5) (b), (6) (a), (b), (c) and the first sentence of (d) and (7) are reenacted.

SECTION 13. 5.06 of the statutes is repealed.

SECTION 14. 5.07 (introductory paragraph), (1), (2), (3) and (4) of the statutes are renumbered 5.05 (8) (Intro. par.) (a), (b), (c) and (d); 5.07 (5) is renumbered 5.05 (9).

SECTION 15. 5.08 (1) of the statutes is amended to read:

5.08 (1) * * * The secretary of state shall transmit to each county clerk not later than * * * *the fourth Tuesday in July* a certified list containing the name, given and surname, 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 * * * *the September* 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.

SECTION 16. 5.08 (2), (3), (4) and (5) are reenacted.

SECTION 17. 5.10 of the statutes is repealed.

SECTION 18. 5.11 (1) of the statutes is amended to read:

5.11 (1) * * * *Immediately upon receipt of the certification of names from the secretary of state*, each county clerk shall prepare * * * *copy for the* official ballots. * * * *The* clerk shall place thereon, under the appropriate title of each office and party designation, the names of all candidates to be voted for in * * * his county. The names certified by the secretary of state shall be arranged in the order in which they were certified.

SECTION 19. 5.11 (2) and (3) of the statutes are reenacted.

SECTION 20. 5.11 (4) of the statutes is repealed.

SECTION 21. 5.11 (5) of the statutes is amended to read:

5.11 (5) * * * The county clerk shall * * * *have official and sample ballots printed in substantially the annexed form. Sample ballots shall be printed on colored paper and may be printed without blank indorsement and certificate.* The number of ballots shall be the same, both as to official and sample ballots, as provided in section 6.26 (1) and (2) * * *. *The ballots shall be in his possession 3 weeks before the primary and he shall distribute them immediately to the local clerks.*

SECTION 22. 5.13 (1) of the statutes is amended to read:

5.13 PRIMARY BALLOT; PARTY TICKET. (1) At all primaries there shall be an Australian ballot made up of the several party tickets * * *, all of which shall be securely fastened together at the bottom and folded and there shall be as many sep-

arate tickets as there are parties entitled to participate in said primary election. The party ticket of the party which had the greatest number of votes cast at the preceding general election for governor shall be the topmost ticket of the ballot, the other party tickets to follow in their order in accordance with the number of votes cast in each respective party at such preceding election for governor. * * *

SECTION 23. The last sentence of section 5.05 (6) (d) of the statutes is renumbered 5.13 (2) and is repealed and recreated to read:

5.13 (2) Any party, which at the last preceding general election was represented on the official ballots by regular party candidates, shall be entitled to a party ticket and party column at the next succeeding primary and general elections, if any state-wide candidate received one per cent of the total vote cast for the office for which he was a candidate. Any other organization, which at the last preceding general election was represented on the official ballots by an independent candidate for any state-wide office, shall be entitled to a party ticket and party column at the next succeeding elections, if such candidate received one per cent of the total vote cast for the office for which he was a candidate. The chairman and secretary of such organization shall certify to the secretary of state the name of the new party, which shall not duplicate the name of any existing party.

SECTION 24. 5.05 (6) (e) of the statutes is renumbered 5.13 (3) and amended to read:

5.13 (3) Any * * * political organization which * * * files with the secretary of state, not less than 90 days * * * before a September primary, a petition signed by * * * electors in at least 10 counties equal to one-sixth of the * * * vote cast for governor in * * * each of the * * * counties * * *, or by one-sixth of the electors within any senatorial, assembly or congressional district, praying that said organization be given a party ticket at the * * * September primary, may have a separate party ticket as a political party in such district or in the state * * *; * * * candidates of such party * * * shall, upon complying with the provisions of law relative to nomination papers, be placed upon such ticket. * * *

SECTION 25. 5.12 of the statutes is renumbered 5.13 (4) and amended to read:

5.13 (4) Every political party * * * entitled on August 25, 1947 to have the names of its candidates printed on the September primary and November election ballots is entitled to the exclusive right to the use of the name designating it. The secretary of state shall not certify to the county clerk * * * and the county clerk shall not place on any ballot prepared by him, * * * the name of any person whose nomination papers designate a party name which comprises a combination of existing party names, or qualifying words, phrases, prefixes or suffixes in connection with any existing party name.

SECTION 26. 5.14 of the statutes is repealed.

SECTION 27. 5.13 (2), (3), (4), (5), (6), (7) and (8) are renumbered 5.14 (1), (2), (3), (4), (5), (6) and (7).

SECTION 28. 5.15 (2) and (4) of the statutes are amended to read:

5.15 (2) The precinct inspectors of election shall, * * * on blanks to be provided for that purpose, make full and accurate returns of the votes cast for each candidate, and shall * * * deliver such returns * * * to the county clerk, not later than 2 p.m. of the day after the primary * * *.

(4) The canvassers shall meet and canvass such returns at * * * 2 p. m. on the * * * day following the September primary. Their returns shall contain the whole number of votes cast for each candidate of each political party. *The returns shall be sent to the secretary of state on or before the second Saturday following the primary.*

SECTION 29. 5.15 (1), (3), (5) and (6) are reenacted.

SECTION 30. 5.16 of the statutes is amended to read:

5.16 The board of canvassers provided by section 6.69 * * * to canvass returns of the November election shall constitute the state board of canvassers of the September primary. The board shall make a canvass of the votes cast for candidates for members of the senate and assembly in districts not wholly within one county, and all of the provisions of sections 6.70, 6.71, 6.72 and 6.73 * * * relating to the canvass of the returns of the November election, shall, as far as applicable, apply to the canvass, return and certification to the secretary of state of such primary. Such board shall * * * complete the canvass not later than the * * * third * * * Thursday after the September primary.

SECTION 31. 5.17 (1) and (2) of the statutes are reenacted.

SECTION 32. 5.17 (3) of the statutes is amended to read:

5.17 (3) * * * The name of a person * * * nominated by written-in votes at a

primary shall * * * not be placed on * * * the succeeding ballot * * * unless he * * * files within * * * 2 days after receiving official notice of his nomination, a declaration that he will qualify as such officer if elected.

SECTION 33. 5.28 of the statutes is renumbered 5.18 and amended to read:

5.18 Any person nominated to office may decline * * * the * * * nomination by delivering to the officer with whom his certificate of nomination or nomination paper is filed, not less than * * * one week after the last day on which nomination papers can be filed, or one week after the primary election, a declination in writing signed and acknowledged by him * * *. Upon such declination or the death of a nominee or upon the occurrence of a vacancy after a primary from any other cause the vacancy * * * may be filled * * * by the committee representing the nominee's party, the chairman and secretary of which * * * 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 the new nominee, office for which nominated, and such other information as is required in case of original certificates. This certificate must be filed * * * within 4 days after the declination is delivered or after notice of death and * * * shall have the effect of an original certificate. * * * 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.

SECTION 34. 5.19 of the statutes is renumbered 5.35.

SECTION 35. 5.26 (1), (2), (3), (4), (5) and (6) of the statutes are renumbered 5.19 (1), (2), (3), (4), (5) and (6) and amended to read:

5.19 (1) Independent * * * nominations may be made for any office to be voted for at any general * * * or special election.

(2) * * * Such nominations shall be made by nomination papers, containing the * * * given and surname of the candidates, the office for which he is nominated, his business or vocation, residence, post-office address, and * * * the party or principle he represents, if any, expressed in not more than 5 words.

(3) To each * * * nomination paper shall be appended the affidavit of * * * an elector as provided by section 5.05 (5) (b).

(4) * * * Nomination papers for independent candidates for the office of governor, lieutenant governor, secretary of state, attorney-general and state treasurer and United States senator shall be signed by at least 5,000 * * * electors; * * * for * * * independent * * * candidates for the senate or assembly * * * by at least 8 per cent and not more than 10 per cent of the whole number of electors voting in the respective district for governor at the last preceding general election; for candidates to be voted for throughout a county, district, or other division less than the state, by at least 3 per cent and not more than 5 per cent of the whole number of electors voting therein for governor at the last preceding general election.

(5) Each * * * elector shall sign for * * * only one candidate for the same office, and shall add his residence, post-office address and the date of signing.

(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 * * * and for * * * candidates to be voted for wholly within one county, in the office of the county clerk * * *. Such nomination papers shall be filed not later than 5 p. m. central standard time on * * * the second Tuesday after the primary * * *.

SECTION 36. 5.26 (7) and (9) of the statutes are repealed.

SECTION 37. 5.21 (1) of the statutes is renumbered 5.21.

SECTION 38. 5.21 (2) of the statutes is renumbered 5.40 and amended to read:

5.40 * * * The secretary of state * * * shall prepare all forms necessary to carry out the provisions of this chapter, which forms shall be substantially followed in all primaries held in pursuance hereof. Such forms shall be printed with copies of this chapter for public use and distribution.

SECTION 39. 5.20 (1) of the statutes is renumbered 5.36 (1) and amended to read:

5.36 (1) The candidates for the various state offices, and for the senate and assembly nominated by each political party at such primary, and senators of such political party,

whose term of office extends beyond the first Monday in January of the year next ensuing, shall meet at the capitol at 10 o'clock on the * * * *third* Tuesday after the September primary. They shall forthwith formulate the state platform of their party. They shall thereupon proceed to elect a state central committee of at least 2 members from each congressional district and a chairman of such committee by ballot. In the years in which presidential elections are held the convention shall nominate, by a majority vote, one elector for president and vice president from each congressional district, and 2 such electors from the state at large. The names of such nominees shall be immediately certified by the chairman and secretary of the meeting to the secretary of state. They shall perform such other business as may properly be brought before such meeting. The platform of each party shall be framed at such time that it shall be made public not later than 6 o'clock in the afternoon of the following day.

SECTION 40. 5.20 (2) and (3) of the statutes are renumbered 5.36 (2) and (3).

SECTION 41. 5.22 and 5.225 of the statutes are renumbered 5.37 and 6.85.

SECTION 42. 5.23 (1), (2) and (3) of the statutes are renumbered 5.38 (1), (2) and (3).

SECTION 43. 5.23 (4) of the statutes is renumbered 5.38 (4) and amended to read:
5.38 (4) Any vacancy caused by the death or declination of a candidate shall be filled by a majority of the presidential candidate's delegates at large or district delegates, as the case may be, in accordance with section * * * 5.18, except such declination shall be filed with the secretary of state not less than 32 days before the election and such certificates to fill vacancies 25 days before election.

SECTION 44. 5.24 of the statutes is renumbered 5.39.

SECTION 45. 5.25 (1) of the statutes is renumbered 5.29 (1) and amended to read:
5.29 (1) Whenever a special election shall be ordered as provided in section 7.04 of the statutes, all party candidates to be voted for at such election shall be nominated by a primary to be held * * * 4 weeks prior to such special election. This section shall apply to the filling of vacancies in the office of member of the assembly, state senator or representative in congress; and, unless otherwise provided, to filling vacancies in United States senate and county offices.

SECTION 46. 5.25 (2), (3), (4) and (5) of the statutes are renumbered 5.29 (2), (3), (4) and (5).

SECTION 47. 5.22 of the statutes is created to read:
5.22 NOMINATIONS FOR SPRING ELECTION. (1) Candidates for offices to be filled at the spring election shall be nominated by nomination papers or if a primary is required before the election, by nomination papers and selection at the primary. A spring primary, when required, shall be held 4 weeks before the spring election.

(2) Except as provided in sections 5.22 to 5.27 the law relating to nomination at September primaries shall apply to the nomination of candidates at the spring primary.

SECTION 48. 5.23 of the statutes is created to read:
5.23 NOMINATION PAPERS. Nomination papers for offices to be filled at the spring election shall be filed not later than 5 p. m. on the last Tuesday in January. They shall conform to the requirements for nomination papers for independent candidates for the general election, except that the number of signers required is as follows: For state offices, 1,000 electors; for offices in districts less than the state, and county offices, (except, in both cases, judicial offices) 3 per cent of the number of electors voting for governor at the last preceding general election; for judicial offices, 2 per cent of such number; for city offices, 2 per cent of the number of electors who voted for the candidate who received the highest number of votes for such office in the last preceding election, but not less than 100 signers in the case of any office to be voted for throughout the city. Each candidate shall file with his nomination papers a declaration that he will qualify as such officer if elected. All signers on one sheet for a candidate elected by voters of more than one county shall reside in the same county.

SECTION 49. 5.025 (1) and (2) of the statutes are renumbered 5.24 (1) (a) and (b) and amended to read:

5.24 SPRING PRIMARIES; WHEN REQUIRED. (1) CITY OFFICES. * * *
(a) A primary * * * *may* be held in any city for the nomination of candidates for city office, including * * * supervisor, * * * *if* 90 days prior to the * * * *spring* election such city either by a majority vote of all members of its governing body shall provide for, or by a petition signed by electors of said city equal in number to not less than 10 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.
* * * *If the number of candidates for any city office does not exceed 2 times the num-*

ber to be elected to such office, no primary shall be held for such office and the names of such candidates shall be printed upon the official ballot for the ensuing election. If candidates for any city office have been nominated by primary, no further candidates shall be nominated by nomination papers.

(b) * * * Any city may by ordinance enacted pursuant to section 66.01 provide that whenever 3 or more candidates * * * file * * * nomination papers for a city office, including supervisor, a primary * * * shall be held for the nomination of candidates for such office.

SECTION 50. 5.24 (1) (e) of the statutes is created to read:

5.24 (1) (e) Any city of the first class may, by charter ordinance provide for a primary to nominate candidates for city offices.

SECTION 51. 5.26 (8) (a) of the statutes is renumbered 5.24 (2) and amended to read:

5.24 (2) MORE THAN 3 NOMINATED. * * * If nomination papers propose 3 or more candidates for members of the county board of supervisors or for any elective town office, including constable, in towns adopting the primary for elective town officers as provided in section 5.27 (4) * * * in counties having a population of * * * 500,000 or more, or for any judicial office or for county superintendent of schools in any county having a population of * * * 500,000 or more, or propose more than twice as many candidates for any elective town office in any such towns or for members of the board of school directors or the board of education as are to be elected in any city of any such county, * * * or propose 3 or more candidates for justice of the supreme court, * * * circuit, * * * county, superior, district, municipal, civil or small claims judge or for state superintendent of public instruction, * * * no person's * * * name * * * shall * * * be placed on the ballot in the spring election unless he is nominated at * * * the spring primary * * *.

SECTION 52. 5.25 (1) of the statutes is created to read:

5.25 BALLOTS FOR SPRING PRIMARIES. (1) The given and surname of each nonpartisan candidate nominated for an office by nomination papers, and no other, shall be printed under a designation of the office for which he is named on the official ballot used at the spring primary, which ballot shall be so arranged as to permit any other person to be voted for by the elector.

SECTION 53. 5.11 (6) of the statutes is renumbered 5.25 (2) and amended to read:

5.25 (2) (a) Except in cities of the first class, the order in which the names of nonpartisan candidates for city officers shall be printed on the ballot at * * * spring primaries shall be determined by the city clerk in the manner provided in * * * section 5.11 (2) and (3) * * * so far as such subsections are applicable.

(b) In cities of the first class the order in which the names of nonpartisan candidates shall be printed on the ballot at * * * spring primaries shall be determined by drawing lots by or under the supervision of the * * * secretary of the city election commission at his office, at 2 p. m. on the day first succeeding the last day for filing such papers.

SECTION 54. 5.26 (8) (b) is renumbered 5.25 (3) and amended to read:

5.25 (3) * * * The order in which the names of candidates so presented for offices mentioned in section 5.24 (2) * * * are printed on such ballots for the spring primary shall be determined by drawing lots at 2 p. m., on the day immediately following the last day for filing nomination papers, by or under the supervision of the secretary of state at his office, in case of candidates for state-wide offices, or secretary of the county election commission at his office, in a case of candidates for a county-wide judicial office, or member of the county board of supervisors, and by or under the supervision of the secretary of the city election commission at his office in a case of candidates for members of a school board, or at the office of the town clerk in case of candidates for town office. The candidates for * * * such office shall be designated upon the primary ballot as follows: "For Circuit Judge (to succeed, Branch Number);" "For Civil Judge (to succeed, Branch Number);" "For County Judge;" "For Member of the County Board of Supervisors, District;" "For Members of the Board of School Directors," "For Town Chairman," "For County Superintendent of Schools," "For Town Supervisor," etc., as the case may be. The 2 candidates for any judicial office, or state superintendent of public instruction, county superintendent of schools in counties having a population of 500,000 or more, member of the county board of supervisors in each district and twice as many candidates as are to be elected for members of the board of school directors, the board of education or elective officers receiving the highest number of votes cast at such primary shall be the nominees for such office, and their names, and none other, shall be placed on the official ballot at the ensuing * * * spring election.

SECTION 55. 5.26 (8) (e) of the statutes is repealed.

SECTION 56. 5.25 (4) of the statutes is created to read:

5.25 (4) The secretary of state shall transmit to each county clerk not later than the first Tuesday in February a certified list of all candidates for state offices to be voted for at the spring primary, and shall designate the order in which the names of the candidates are to be printed.

SECTION 57. 5.26 (1) of the statutes is created to read:

5.26 RETURN AND CANVASS. (1) The precinct election inspectors shall make returns of the votes cast for each candidate at the spring primary and deliver such returns, not later than 2 p. m. on the day following the primary to the city clerk or county clerk or both as provided in section 6.59.

SECTION 58. 5.18 (1) of the statutes is renumbered 5.26 (2) and amended to read:

5.26 (2) The canvass of the returns of a * * * primary for city offices shall be made by the same board or body of officers that is empowered to canvass the returns of the city election. *The canvass shall be made as provided in sections 6.62 and 6.63.*

SECTION 59. 5.18 (2), (3) and (4) of the statutes are repealed.

SECTION 60. 5.26 (3) of the statutes is created to read:

5.26 (3) The canvass of returns for offices other than city offices shall be made as prescribed in sections 5.15 and 5.16.

SECTION 61. 5.17 (4) of the statutes is renumbered 5.26 (4).

SECTION 62. 5.265 of the statutes is created to read:

5.265 DECLINATION OF NOMINATION; DEATH. If a person nominated for town, village, city or county office declines as prescribed in section 5.18 within 2 days after the municipal or county canvass is completed or dies before election, the vacancy may be filled within 2 days by his personal campaign committee, or if he had no committee by the governing body of the municipality or county as in section 5.18 prescribed.

SECTION 63. 5.27 (introductory paragraph), (1) and (4) (b) and (c) are reenacted.

SECTION 64. 5.27 (2), (3) and (4) (a) of the statutes are amended to read:

5.27 (2) * * * A candidate may be nominated by nomination papers signed by electors of * * * a town or village equal in number to 3 per cent and not more than 10 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 * * * section * * * 5.23 and shall be filed in the office of the town or village clerk at least 18 days before the election.

(3) In counties containing a population * * * over 500,000, every candidate for an elective town office shall be nominated by nomination papers signed by electors of such town equal in number to 10 per cent of all the votes cast in such town for all candidates for governor at the last preceding general election. Such nomination papers shall conform to * * * section * * * 5.23 and shall be filed in the office of the town clerk at least 20 days before the town meeting. The candidates so nominated shall be voted for and election had at the town meeting.

(4) (a) *In towns in counties containing cities of the first * * * or second class * * * where by a referendum vote the electors have * * * so provided or in any town containing a population of 2,500 or more, where the electors have * * * so provided either by referendum vote or at the town meeting, every candidate for an elective town office shall be nominated at a nonpartisan primary conducted as directed in this chapter so far as applicable * * *. Nomination papers shall be signed by * * * not less than 2 per cent nor more than 5 per cent of the electors voting for governor at the last preceding general election * * *; notices shall be given as in section 5.04 (4). Such nomination papers shall be filed in the office of the town clerk not less than 20 days before the date upon which said primary is to be held and not later than 5 p. m. central standard time on said last day for filing.*

SECTION 65. 5.27 (5) (a) of the statutes is renumbered 5.27 (4) (d) and amended to read:

5.27 (4) (d) * * * The question * * * whether candidates for elective town offices shall be nominated at a nonpartisan primary as provided in subsection (4) * * * may be submitted to the electors *in any such town* at any election therein, or at a special election called and held for such purposes as provided by law; * * * such question shall be so submitted when a petition * * * *is filed with the town clerk of any * * * town, signed by electors thereof * * * in number not less than 10 per cent of the * * * votes therein * * * cast for governor at the last preceding general election, requesting that such question be submitted to the electors of such town.*

SECTION 66. 5.27 (5) (b) and (c) of the statutes are renumbered 5.27 (4) (e) and (f).

SECTION 67. 5.27 (5) (d) of the statutes is renumbered 5.27 (4) (g) and amended to read:

5.27 (4) (g) Any petition requesting the submission of such referendum question at a regular town election shall be filed with the town clerk thereof at least 10 days before the date upon which the election is to be held; and the * * * clerk shall upon the filing of such petition, if it be sufficient, and whether the same apply to a regular town election or a special election, give separate notice thereof by posting 10 copies in 10 public places in said town at least 6 days before said election.

SECTION 68. 5.27 (6) of the statutes is amended to read:

5.27 (6) Any village may * * * provide pursuant to section 66.01 * * * that candidates for elective village offices shall be nominated by a nonpartisan primary conducted as directed in this chapter so far as applicable; * * * nomination papers shall be signed by electors not less than 3 per cent of the number of electors voting therein for governor at the last preceding general election, but not less than 15 voters, * * * and shall be filed with the village clerk not less than 20 days before such primary, not later than 5 p. m. on said last day. In such event no additional candidates may be nominated for such offices by the method provided by * * * subsections (1) and (2).

SECTION 69. 5.30 of the statutes is reenacted.

SECTION 70. 6.03 of the statutes is renumbered 6.03 (1) and amended to read:

6.03 TIME OF * * * ELECTIONS AND PRIMARIES. (1) GENERAL ELECTION. The general * * * election prescribed in the constitution shall be held * * * on the Tuesday next succeeding the first Monday in November * * * in even-numbered years, at which time shall be chosen such United States senators, representatives in congress, electors of president and vice president, state senators, members of assembly, state officers and county officers as are by law to be elected in such year.

SECTION 71. 6.03 (2) of the statutes is created to read:

6.03 (2) SPRING ELECTION. The spring election for judicial, educational and municipal officers shall be held on the first Tuesday in April.

SECTION 72. 6.19 (1) and (6) of the statutes are amended to read:

6.19 (1) * * * As soon as possible after the closing date for the filing of nomination papers, or after the canvass of the primary vote, 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 * * * 5.18 shall be certified forthwith upon the filing of nominations with the secretary of state.

(6) Whenever a constitutional amendment or other question is required to be submitted to a vote of the people, the secretary of state shall, not less than * * * 5 weeks prior to the election at which such amendment or question is required to be submitted, transmit by mail a certified copy thereof to each county clerk in the state.

SECTION 72a. 6.25 (1) of the statutes is amended to read:

6.25 (1) Except as in this chapter otherwise provided, it shall be the duty of each county clerk to provide printed ballots for every election for public officers to be voted for in his county and to cause to be printed in the appropriate ballot the name of every candidate whose name has been duly certified to or filed with him; such county clerk shall let to the lowest responsible bidder within such county the printing of all ballots and shall keep all proposals for such printing in his office; provided, such accepted bidder file with such clerk a bond in a penal sum of at least twice the sum of the accepted bid, signed by 2 sureties and conditioned for the faithful performance on the part of the accepted bidder of all the conditions duly imposed on him by such clerk at the time of receiving proposals for such printing, and provided such county clerk shall have power to reject all bids if deemed excessive and to contract for such printing outside of such county.

SECTION 73. 6.25 (4) of the statutes is repealed.

SECTION 74. 6.29 (1) of the statutes is amended to read:

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 10 days * * * before a spring election and 3 weeks before a general election. Five per cent of the ballots for each precinct * * * may be sent to the clerk in separate packages to enable him to meet applications for ballots from absent voters, pursuant to sections 11.54 * * *, 11.68 and 11.70, 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 75. 6.61 of the statutes is repealed and recreated to read:

6.61 The county clerk and 2 reputable citizens previously chosen by him shall constitute the board of county canvassers. One member of the board shall belong to a political party other than the clerk's. If the office of county clerk is vacant, or if the clerk cannot perform his duties, the clerk of the circuit court or the county judge shall perform the county clerk's duties, and shall be subject to the same punishment for violation thereof. No person shall serve as a member of the board of county canvassers who shall have been a candidate in the election for an office for which returns are to be canvassed by said board. If lists of candidates for the board are submitted to the county clerk before the election by political party county committees, the clerk shall choose the members from such lists.

SECTION 76. 6.62 of the statutes is amended to read:

6.62 * * * *Not later than 9 a. m. on the Thursday after a primary or an election the board of county canvassers shall open and examine the returns, and if from any town, ward, election district or poll of the county no returns shall have been received, they shall forthwith dispatch a messenger therefor, and the person having them in charge shall deliver such returns to said messenger; and if, on examination of any returns received, they shall be found so informal or incomplete that the board cannot intelligently canvass them, they shall dispatch a messenger with such returns to the inspectors who made them with a written specification of the informalities or defects, and command them to forthwith complete the same in the manner required by law and deliver them to said messenger, which such inspectors shall do. Every such messenger shall safely keep all such returns, exhibit them to no person except the inspectors, and deliver them to the county clerk with all convenient dispatch. For such purpose the board may adjourn as may be necessary, not more than * * * one day at one time nor more than * * * 2 days in all.*

SECTION 77. 6.63 of the statutes is amended to read:

6.63 * * * The board shall * * * make out a separate statement, written in words at length, containing the whole number of votes given in such county for each state officer voted for; another for United States senator and for representative in congress, to which shall be added the votes for legislators when district is comprised of more than one county, setting forth the names as returned of all the persons to whom such votes were given and the number of votes given to each; another similar statement of the votes given for electors of president and vice president; another of the votes given for county officers, and another of the votes given for senators and members of the assembly, when the county constitutes one or more senate or assembly districts, specifying the number of votes for each person for senator and member of assembly in each such district respectively. They shall append to each such statement as part thereof a succinct tabular exhibit, in figures, of the votes cast at each election poll in the county for each office and person entering into the canvass embraced in such statement, whether canvassed or not, and if any votes were rejected shall specify the reasons therefor. Each statement shall be certified as correct and attested by the signatures of the said canvassers, and filed and recorded in the office of the county clerk.

SECTION 78. 6.67 (1) of the statutes is amended to read:

6.67 (1) * * * *The county clerk shall, * * * on or before the second Saturday following any general election, transmit to the secretary of state a list of the names of persons elected in the county as members of the senate and assembly and county officers at such election, and a certified copy of each statement of the county board of canvassers of the votes given for electors of president and vice president, state officers, senators and representatives in congress, state senator and member of assembly, where the senate and assembly district embraces more than one county. The names of persons not regularly nominated receiving a comparatively small number of votes may be omitted from the returns of the county clerk and their votes returned as scattering votes.*

SECTION 83. 11.70 of the statutes is created to read:

11.70 ABSENT VOTING BY MEMBERS OF ARMED FORCES. (1) DEFINITIONS. In this section "military elector" means any elector serving in the armed forces of the United States, in the United States merchant marine, and any civilians located outside of the continental United States and attached to or serving with the armed forces; "clerk" means the clerk of any municipality; and "ballot" means the set of ballots to be voted on in any election.

(2) EXEMPTION FROM REGISTRATION. No military elector shall be required to register as a prerequisite to voting in any election.

(3) LOCAL REGISTER OF ELECTORS IN ARMED FORCES. The clerk of each village and town shall from the information obtained by him compile and maintain an up-to-date list or register of electors therein who are serving in the armed forces and the clerk of each city shall from the information obtained by him compile and maintain an up-to-date ward list or ward register of electors therein who are serving in the armed forces. Such armed force register shall contain the name of the armed force elector and his latest-known military residence and military mail address. It shall include all such armed force electors who will become of voting age on or before the primary election day, with a notation as to any who will reach that age after the primary election, if any, but on or prior to the succeeding election. Such listing of absent armed force electors on the armed force register shall constitute registration for the duration of military service during the national military emergency. The local clerk shall make and keep such armed force register complete and up-to-date and to that end he may request the assistance of newspapers and citizens generally and may invite local draft boards, parents, wives or husbands, relatives and friends of such absent armed force electors to furnish the names and the latest addresses of such absent members of the armed forces. Such clerk shall exercise reasonable care to avoid duplication of names and to avoid including any person who is for any reason not qualified to vote at such election. He shall distribute to each polling place in his municipality 2 copies of such armed force register for each respective voting district for use on election day.

(4) MAILING BALLOTS; INSTRUCTIONS. The county and municipal clerk shall mail a ballot, as soon as available, to each military elector by or for whom a request has been made. Instructions for marking and returning ballots shall be inclosed with each ballot. The form of such instructions shall be prescribed by the secretary of state. Supplemental instructions as to local elections shall be provided by the clerk. Election material shall be printed and prepared so as to take advantage of the federal free-postage laws.

(5) MARKING AND RETURN OF BALLOT. The ballot shall be marked and returned as provided in sections 11.54 to 11.58 except that the affidavit required by section 11.58 shall also contain a statement of the date of the elector's birth, and a statement that he has not returned another ballot. Such affidavit may be executed before a commissioned or warrant officer. The failure to return the unused ballots of a primary election shall not invalidate the marked ballot. No envelope, return envelope or explanatory note shall contain the name of any person who is a candidate at the election to which the inclosed ballot pertains.

Approved June 27, 1951.
