

No. 159, A.]

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## CHAPTER 388

AN ACT to amend 10.01, 10.33 (intro. par.), 10.38, 11.09 (1) (a) and (4) and 11.10 (1) of the statutes, relating to conduct of local elections and a board of election commissioners in populous cities.

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

SECTION 1. 10.01 of the statutes is amended to read:

10.01 There is created a board of election commissioners for each city having more than \* \* \* 200,000 inhabitants, however incorporated, composed of 3 members, who shall be appointed as follows: The mayor of each city shall appoint 3 members for terms of 4 years, respectively, dating from July 1, 1953, and until their successors are commissioned and qualified. Successors shall be appointed in like manner and their terms of office shall be 4 years in all cases and until their successors are commissioned and qualified. The board shall be composed of 2 members from the most dominant political party, as shown by the returns of the vote in the state for governor at the last preceding general election, and one member from the next most dominant political party, as shown by the returns of the vote in the state for governor at the last preceding general election, and appointments shall be made in accordance with this rule. Such members shall be selected from respective party lists containing not less than 3 names submitted jointly by the county statutory committee and the duly constituted county voluntary committee of each of the 2 dominant political parties in the state. The board shall choose its own chairman. Such commissioners shall be legal voters, and residents of the state for at least 5 years, and of the city for a like period of time. They shall hold no other public office, the office of notary public excepted, and shall be ineligible to any other elective or appointive public office, while members of such board, and shall before entering upon the duties of election commissioners, subscribe to an oath binding them to support the constitution of the United States and of the state of Wisconsin, and to conduct themselves faithfully and impartially in office; said oath of office to be filed in the office of the city clerk.

SECTION 2. 10.33 (intro. par.) of the statutes is amended to read:

10.33 (intro. par.) Except as otherwise provided, the clerk of every city, village or town, other than cities having more than \* \* \* 200,000

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:

SECTION 3. 10.38 of the statutes is amended to read:

10.38 The functions and duties prescribed for county clerks by ss. 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 \* \* \* 200,000 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 2 days before the election, and that the expense of printing and distributing them shall be borne by the city.

SECTION 4. 11.09 (1) (a) and (4) of the statutes are amended to read:

11.09 (1) (a) Ballots shall be provided by the respective city and county clerks, except that in cities having more than \* \* \* 200,000 inhabitants ballots shall be provided by the board of election commissioners, for all the candidates to be voted for at an election and of suitable size to fit the space provided for that purpose on or in the machine, and each shall be placed on or in the machine adjacent to or on the registering or recording device therefor.

(4) In all cities having more than \* \* \* 200,000 inhabitants using voting machines, the officer or board charged with the duty of providing ballots shall, and in all other cities using voting machines he may, not less than 10 days before each election, provide for each election precinct in which such machine is to be used at least one-half as many sample ballots as the number of votes cast in such precinct at the last preceding general election; said sample ballots to be in the form of a reduced size diagram showing the face of the machine and the names of the candidates, parties and questions thereon, together with such instructions to voters as are required by law. Fifty per cent of such sample ballots shall be on hand at the office of the city clerk or of the board of election commissioners for distribution to such voters as shall call therefor, and 50 per cent shall be delivered to the inspectors of election for distribution to such voters as shall call therefor on the last day of registration and on election.

SECTION 5. 11.10 (1) of the statutes is amended to read:

11.10 (1) The board of election commissioners in cities having more than \* \* \* 200,000 inhabitants, the common council of every other city, board of trustees of every village, and the town board of every town in which a voting machine is to be used, shall cause the proper ballot to be put on each machine corresponding with the sample ballots herein provided for, and the machines in every way put in order, set, and adjusted, ready for use in voting when delivered at the precinct; and for the purpose of so labeling the machine, putting in order, setting and adjusting the same, they may employ one or more competent persons who shall be known as the voting machine custodians, who shall be paid for the time spent in the discharge of their duties, in the same manner as the inspectors of election are paid.

Approved July 14, 1955.