

1969 Assembly Bill 918

Date published:
March 6, 1970

CHAPTER 419, LAWS OF 1969

AN ACT to amend 5.60 (1) (c) and (6), 5.70 (1), 6.15 (1), 6.87 (2) (3rd par. of form), 6.88 (2), 7.23 (1) (b), 7.38 (3) (a), 8.05 (4) (a), 8.10 (3) (h) and (i), 8.12 (1) (b), 8.15 (4) (b), 8.15 (5), 8.20 (6), 9.20 (4) and 10.06 (3) (e); to repeal and recreate 8.06; and to create 6.27 (6) of the statutes, relating to election law changes.

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

SECTION 1. 5.60 (1) (c) and (6) of the statutes are amended to read:

5.60 (1) (c) The county clerk or board of election commissioners shall determine the official ballot order for judicial office candidates representing one county or less. The county clerk shall place all ~~cities, villages and towns, villages and cities~~ within the judicial district in alphabetical order, number all precincts within each, and arrange the names of all candidates by use of alphabetical rotation, under ~~sub. (1) par. (b) 2.~~ In counties over 500,000 population, the board of election commissioners shall arrange the names of all candidates in the order provided in par. (b).

(6) There shall be a separate ballot giving the names of all candidates for town offices, except the superintendent of highways, in substantially the same form as annexed Ballot 6A or 6B. Ballot 6A is for the election of one supervisor and 6B is for the election of the 2 supervisors jointly. On Ballot 6B all supervisor candidates shall be listed together and the voting instructions shall state "Vote for Two". Towns now electing their supervisors jointly shall continue to do so until the method outlined for Ballot 6A is adopted at the annual town meeting. *The candidates shall be arranged alphabetically within each office designation.* Where there is more than one precinct, candidates shall be arranged by alphabetical rotation under sub. (1) (b) 2.

SECTION 2. 5.70 (1) of the statutes is amended to read:

5.70 (1) The county clerk shall award the printing of ballots to the lowest responsible bidder ~~within the county~~ upon the accepted bidder's filing with the clerk a bond in the penal sum of at least twice the amount of the accepted bid. The bond shall be signed by one or more sureties and conditioned upon the bidder's faithful performance of all conditions imposed upon him by the clerk. The clerk shall keep all printing proposals in his office. The county clerk may reject all bids ~~deemed excessive and contract for the printing outside the county.~~ *If bids are not received for voting machine ballots the county clerk may enter into contracts for the printing of the same.*

SECTION 3. 6.15 (1) of the statutes is amended to read:

6.15 (1) Any person who was or who would have been a qualified elector on the day of the presidential election had he remained in the state

from which he moved and who is a qualified elector under ss. 6.02 and 6.03, except he has been a resident of this state for less than 6 months prior to the date of the presidential election, is entitled to vote for the president and vice president but for no other offices. *The fact the person was not registered to vote in the state from which he moved does not prevent registration in this state if otherwise qualified.*

SECTION 3a. 6.27 (6) of the statutes is created to read:

6.27 (6) The clerk of every municipality requiring registration shall notify the secretary of state of the number of registered voters within its boundaries twice yearly. One of the notifications shall be filed one week prior to the spring election. If a general election is to be held that year the other notification shall be filed one week prior to the general election. If there is no general election that year, the other notification shall be filed on November 1.

SECTION 5. 6.87 (2) (3rd par. of form) of the statutes is amended to read:

6.87 (2) (3rd par. of form) We, the undersigned witnesses, ~~qualified electors of the state of Wisconsin,~~ subject to the penalties of ch. 12, Wis. Stats., for false statements, certify that the above statements are true and the voting procedure was executed as there stated. Neither of us is a candidate for any office on the enclosed ballot. The elector was not solicited or advised by us to vote for or against any candidate or measure.

SECTION 6. 6.88 (2) of the statutes is amended to read:

6.88 (2) When an absentee ballot is received by the municipal clerk prior to the delivery of the official ballots to the election officials of the precinct in which the elector resides, the ballot envelope, sealed in the carrier envelope, shall be enclosed in the package and delivered to the election inspectors of the proper precinct. When the official ballots for the precinct have been delivered to the election officials before the receipt of an absentee ballot, the clerk shall immediately enclose the envelope containing the absentee ballot in a carrier envelope as under sub. (1) and deliver it in person to the proper election officials ~~if the delivery does not create an expense to the municipality or the school district.~~

SECTION 7. 7.23 (1) (b) of the statutes is amended to read:

7.23 (1) (b) Voting machine recorders essential for proper operation of the voting machine may be reactivated 14 days after the primary *and 60 days after any spring or general election unless there is litigation pending, a demand for recount or notice of an election contest.*

SECTION 8. 7.38 (3) (a) of the statutes is amended to read:

7.38 (3) (a) Whenever a vacancy occurs after a primary due to declination, death, or any other cause, the vacancy may be filled by the nominee's party committee. The committee's chairman and secretary shall file with the proper official a certificate signed, certified and sworn to the same as an original certificate. The certificate shall state the cause of the vacancy, the name of the new nominee and the office for which nominated. *A party committee may not nominate a candidate for an office for which no person representing that party has filed nomination papers and declaration of acceptance.*

SECTION 8m. 8.05 (4) (a) of the statutes is amended to read:

8.05 (4) (a) A majority of the governing body of any village may provide under s. 8.11 (1) (a) and (b) that candidates for elective village office shall be nominated by a nonpartisan primary, under sub. (5). *Determination of the governing body to provide for such primary under s. 8.11 (1) (a) shall be made not later than December 15 preceding the election.*

SECTION 9. 8.06 of the statutes is repealed and recreated to read:

8.06 SPECIAL ELECTIONS. Towns, cities and villages may call special elections for any lawful purpose.

SECTION 10. 8.10 (3) (h) and (i) of the statutes are amended to read:

8.10 (3) (h) For city offices in 2nd and 3rd class cities, not less than 200 nor more than 400 electors for city-wide offices and not less than 20 nor more than ~~100~~ 40 electors for aldermen elected from wards.

(i) For city offices in 4th class cities, not less than 50 nor more than 100 for city-wide offices and not less than 20 nor more than ~~100~~ 40 electors for aldermen elected from wards.

SECTION 10m. 8.12 (1) (b) of the statutes is amended to read:

8.12 (1) (b) No later than 5 p.m. on the first Tuesday in March of said year, any person seeking the indorsement by the national convention of a political party recognized under s. 5.62 for the office of president of the United States, or any group organized in this state on behalf of and with the consent of such person, may submit to the secretary of state a petition to have said person's name printed on the presidential preference ballot. Such petition shall be signed by a number of qualified electors equal in each congressional district to not less than 1,000 signatures nor more than 1,500 signatures. *All signers on each separate petition shall reside in the same county.*

SECTION 10n. 8.15 (5) of the statutes is amended to read:

8.15 (5) Each nomination paper shall have substantially the following words printed at the top:

I, the undersigned, a qualified elector of the _____ Precinct, _____ Ward, (Town, City, Village) of _____, County of _____, State of Wisconsin, representing the principles of the _____ party, do hereby nominate _____, (include first and last name plus middle initial, or initial, middle and last name; the use of an initial for a first or middle name is optional, but no nicknames, *abbreviations* or titles), who resides at _____ Street, (Town, City, Village) of _____, in the County of _____, and whose post-office address is _____, Wisconsin, as a candidate for the office of _____, to be voted for at the primary to be held on the _____ day of _____, 19____, as representing the principles of the above named party, and I declare that I intend to support the candidate named herein.

SECTION 11. 8.20 (6) of the statutes is amended to read:

8.20 (6) Each candidate shall file with his nomination papers a *sworn* declaration that he will qualify for the office, if elected.

SECTION 12. 9.20 (4) of the statutes is amended to read:

9.20 (4) The common council shall, without alteration, either pass the ordinance or resolution within 30 days following the date of the clerk's final certificate, or submit it to the electors at the next *spring or general* election, if the election is more than 6 weeks after the date the order is given. If 6 weeks or less before election the ordinance or resolution shall be voted on at the next election thereafter. The council by a three-fourths vote of the members-elect may order a special election for the purpose at any time prior to the next election, but not more than one special election for direct legislation shall be called in any 6-month period.

SECTION 13. 10.06 (3) (e) of the statutes is amended to read:

10.06 (3) (e) When voting machines are used in a municipality, the municipal clerk shall publish a type B notice on the 2nd Monday and the Monday before every election. The notice shall include all offices and questions to be voted on at the election. *The cost of this notice shall be shared under s. 5.68 (1) and (2).*

SECTION 14. In accordance with section 7.08 (1) of the statutes, the secretary of state is directed to conform the instructions on the sample

CHAPTER 419

1380

ballots attached to the election code to conform with the instructions of chapter 666, laws of 1965.

SECTION 15. 8.15 (4) (b) of the statutes is amended to read:

8.15 (4) (b) Each candidate shall file with his nomination papers, a declaration, sworn to before any officer authorized to administer oaths, that *he is a resident of the district or county, if he is seeking an office elected on a district or county basis* and he will qualify for office if nominated and elected. The nomination papers and the candidate's sworn declaration are valid with or without the seal impression of the authorized officer who administered the oath.

Approved February 11, 1970.
