

# LAWS OF WISCONSIN

---

## SPECIAL SESSION OF 1916

---

No. 1, A.]

[Published Oct. 13, 1916.

### CHAPTER 1.

AN ACT to amend subsection (5) of section 5.11, relating to the time for printing the September primary ballot; subsections (1), (3), and (4) of section 5.25, relating to the time for holding primaries for special elections, the time for filing nomination papers therefor, and to the time within which the secretary of state shall certify names to county clerks therefor; subsection (6) of section 5.26, relating to the time for filing independent nomination papers; section 5.27, relating to the time for holding town and village caucuses and for filing nomination papers in towns and villages; subsections (1) and (6) of section 6.19, relating to the time within which the secretary of state shall certify to county clerks names of nominees for November elections and transmit copies of proposed constitutional amendments; subsection (2) of section 7.04, relating to the time for holding special elections; and sections 11.54, 11.55, 11.56 and 11.57 of the statutes, relating to voting by mail.

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

SECTION 1. Subsection (5) of section 5.11; subsections (1), (3), and (4) of section 5.25; subsection (6) of section 5.26; section 5.27; subsections (1) and (6) of section 6.19; subsection (2) of section 7.04; and sections 11.54, 11.55, 11.56, and 11.57, of the statutes, are amended to read:

**Time of printing and distributing ballots.** (5.11) (5) On the \* \* \* \* *fifteenth* day before such primary the county clerk shall correct any errors or omissions in the ballot, cause the same to be printed and 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 be twice the number of votes cast thereat in the last preceding general election.

**Time of holding special primaries.** (5.25) (1) Whenever a special election shall be ordered as provided by section 7.04 of the statutes, all party candidates to be voted for at such election shall be nominated by a primary, which shall be held at a time to be fixed by the officer with whom the order for such special election is filed not less than \* \* \* *twenty-five* nor more than thirty days after the date of the filing of such order. This section shall apply to the filling of vacancies in the office of member of the assembly, state senator, United States senator, representative in congress and county officers.

**Time of filing nomination papers.** (5.25) (3) Nomination papers shall be filed not later than \* \* \* *eighteen* days before the day of the primary.

**Time of certifying to county clerks.** (5.25) (4) When the primary embraces more than one county, the secretary of state shall, at least \* \* \* *eighteen* days prior thereto, transmit to each county clerk a certified list of all persons for whom nomination papers have been filed in his office.

**Time of filing nomination papers.** (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* 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 \* \* \* *thirty* days before such election; for candidates to be voted for wholly within one city in the office of the city clerk, not more than fifteen nor less than \* \* \* *twelve* days before such election. Provided that nomination papers proposing candidates for judicial offices 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.

**Nomination of town and village officers.** 5.27. Every candidate for any elective town or village office shall be nominated as provided in this section:

(1) The qualified electors of the town or village may assemble in caucus not less than \* \* \* *fifteen* days prior to the day of the election, and on demand of any such elector present

they shall by ballot select such candidate and elect a caucus committee of three of their number, who shall give at least five days' notice, fixing the time and place, of the next caucus to be held in such town or village. The two candidates for each office at such caucus who receive the greatest number of votes shall be certified by the chairman and clerk of the caucus to the town or village clerk and the names of such candidates shall be placed upon the official ballot by the town or village clerk, unless the candidates receiving the second largest number of votes shall notify in writing the town or village clerk not later than two days after such caucus that his name be not placed upon the ballot.

(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 \* \* \* *twelve* days before the election.

**Certification of candidates by the secretary of state.**

(6.19) (1) Not less than \* \* \* *twenty-five* days before any 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, including each person nominated pursuant to section 5.28 and including also each person for whom nonpartisan nomination papers, or nomination papers for delegates to national conventions have been filed in his office and entitled to be voted for 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.

**Certification of proposed constitutional amendments, etc.**

(6.19) (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 \* \* \* *twenty-five* days 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.

**Orders for special elections.** (7.04) (2) Every such order shall specify the office to be filled, how the vacancy occurred, the name of the officer, the time when his term of office will expire, the county or district in which and the day on which such

election shall be held, which day shall not be less than \* \* \* *thirty-five* nor more than forty days from the date of such order.

**Who may vote by mail.** 11.54 (1) Any qualified elector of \* \* \* *this state* \* \* \* registered, where \* \* \* registration is required *or who swears in his vote as herein provided*, who through the nature of his business, is absent or expects in the course of said business, to be absent from the \* \* \* *precinct* in which he is a qualified elector, *or from this state*, on the day of holding any general, special, primary, county, city, village or town election, may vote at any such election as provided in sections 11.54 to 11.68, inclusive, of the statutes.

(2) *Any elector who is not registered may swear in his vote by his affidavit, substantiated by the affidavit of two freeholders, as provided in section 6.44, except that the affidavit may be delivered to the election inspectors by either freeholder whose name appears thereon.*

**Application for absent ballot.** 11.55 Any elector, as defined in section 11.54 of the statutes, expecting to be absent from \* \* \* *his place of residence* on the day of any such election may, not more than \* \* \* *twenty* nor less than three days prior to the date of such election, make application to the county clerk of such county, or the clerk of the city, village or town, as the case may be, for an official ballot to be voted at such election.

**Form of application.** 11.56 Application for such ballot shall be made in person *or by mail* on a blank to be furnished by the county clerk or the clerk of the city, village or town, as the case may be, in which the applicant is an elector, and shall be substantially in the following form:

Application for Ballot to be Voted at the.....Election on.....

STATE OF..... }  
County of..... } ss.

I, ....., do solemnly swear that I have been a resident of the state of Wisconsin for one year, and of the .....precinct of.....ward of the city or town (village) of.....ten days next preceding this election, and that I am a duly qualified elector entitled to vote at said election. That I am.....(stating business) and because of the nature of my business expect to be absent from said \* \* \* *precinct* on....., the date of said election, and I hereby make application for an official ballot or bal-

lots to be voted by me at such election, and that I will return said ballot or ballots to the officer issuing same, on or before the day of said election.

Date..... Signed..... Residence (street and number, .....(city).....Post-office address .....Subscribed and sworn to before me this..... day of.....A. D. 19....

(Penalty clause set out in full.)

**Clerk to mail ballot to applicant.** 11.57 Upon \* \* \* receipt of such application *duly executed* and not more than \* \* \* *fifteen* nor less than three days prior to such election, the county, city, village or town clerk, as the case may be, shall mail to the applicant, postage prepaid, an official ballot or ballots if more than one are to be voted at said election, or such officer shall deliver said ballot or ballots to the applicant personally, not more than ten nor less than one secular day before said election.

**Effect of this act upon prior nominations, etc.** SECTION 2. The provisions of this act relating to the time for filing independent nomination papers do not apply to or affect nomination papers filed prior to the publication of this act; and the provisions relating to the time for holding primaries for special elections, to the time for filing nomination papers for such special elections, to the time within which the secretary of state shall certify names to county clerks to be placed on the official ballots for special elections, and to the time for holding special elections do not apply to or affect any primary election held or to be held for a special election, nor to any special election for which such primary was held, in case such special election was called prior to the publication of this act.

SECTION 3. This act takes effect when published.

Approved October 11, 1916.