

1989 Senate Bill 260

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1989 WISCONSIN ACT 192

AN ACT *to repeal* 6.29 (3), 6.30 (3) (b), 6.55 (4) and 9.10 (4) (b) and (c); *to renumber* 6.24 (4), 6.35 (3), 6.875 (1) (a), 7.51 (1) (a), 7.51 (1) (ar), (aw), (b) and (c) and 9.10 (2) (e) 9 to 13; *to renumber and amend* 5.25 (5), 6.25 (2), 6.26 (2), 6.35 (2), 6.35 (4), 6.875 (2), 7.51 (1) (ad), 7.51 (1) (ag) and 11.01 (17); *to consolidate, renumber and amend* 16.79 (2) (a) and (b); *to amend* 5.05 (1) (e), 5.06 (1), (3) and (4), 5.06 (5), 5.25 (4) (a), 5.40 (3) (a), 5.40 (5), 5.40 (7), 5.54, 5.58 (2), 5.60 (1) (intro.) and (b) and (8) (c), 5.62 (2), 5.64 (2) (c), 5.85 (1) and (5), 6.22 (1) (b) 5, 6.22 (4), 6.24 (3), 6.25 (title), 6.27 (3) and (4) (a), 6.28 (3), 6.29 (2) (a) and (b), 6.30 (1) and (2), 6.30 (3) and (4), 6.33 (1), 6.33 (2) (b) and (3), 6.35 (title) and (1) (intro.), 6.45, 6.55 (title), (2) (a), (b) and (c) 1 and (3), 6.55 (6), 6.56 (1), 6.79 (2), 6.82 (3), 6.875 (title), 6.875 (3) to (6), 7.08 (1) (a), 7.08 (1) (b), 7.08 (3) (intro.), 7.08 (4), 7.15 (1) (cm), 7.30 (4) (b) 1 and 2 and (c), 7.37 (6), 7.50 (2) (f), 7.51 (1) (title), 7.51 (3) (d), 7.51 (4) (a) and (5), 7.53 (1) and (3) (a), 7.70 (3) (a), 8.03 (1), 8.05 (1) (k) and (3) (d), 8.06, 8.11 (1) (c), 8.12 (1) (c), 9.01 (1) (ar) 2 and 3, 9.01 (1) (b) (intro.), 9.01 (1) (b) 4 to 6, 8, 9 and 11, 9.01 (7) (b), 9.10 (1) (a), 9.10 (1) (b), 9.10 (1) (c) 2, 9.10 (2) (a), 9.10 (2) (b), 9.10 (2) (d), 9.10 (2) (o), 9.10 (3) (b) and (d) and (4) (a), 9.10 (4) (d) and (f), 9.20 (2), 11.01 (5m), 11.05 (7), (8) and (9) (b), 11.06 (11) (a) and (c), 11.20 (4) and (8) (c), 11.21 (1), (3) and (14), 11.22 (1), 11.24 (1m), 11.26 (12m), 11.30 (2) (d), 12.13 (2) (b) 6m, (3) (a) and (g) and (4), 32.69 (2), 33.23 (3), 59.11 (2), 59.997 (5), 60.03 (2), 60.74 (4) (a) and (5) (b), 61.187 (1), 62.13 (6) (b), 64.39 (2), 66.01 (5), 66.019 (6), 66.021 (2) (b) and (5) (a), 66.022 (3), 66.027, 66.059 (2m) (a), 66.075 (5), 66.521 (10) (d), 67.05 (4), (5), (6m) (a) and (7) (a) and (b), 67.05 (7) (e) and (g), 67.12 (12) (e) 2, 67.12 (12) (e) 5, 86.21 (2) (a), 117.08 (3) (a) 2, 117.09 (3) (a) 2, 117.10 (3) (a) 2, 117.11 (4) (a) 2, 117.27 (1), 119.54 (2) (b), 119.70 (2), 120.02 (1), (2) (a) and (4), 120.06 (8) (d) and (f) and (14), 125.05 (1) (b) 1, 197.04 (1) and 808.04 (2); and *to create* 5.06 (10), 5.25 (4) (c), 5.25 (5) (b), 5.40 (3) (d), 5.40 (5m), 6.22 (2) (c) and (d), 6.24 (4) (b), 6.25 (2) and (3), 6.275 (1) (e), 6.865, 6.875 (1) (a), 6.875 (1) (as), 6.875 (1) (at), 6.875 (1) (c), 6.875 (2) (b), 6.875 (2) (c), 7.15 (1) (cs), 7.30 (4) (cm), 7.30 (4) (cn), 7.30 (4) (e), 7.39 (2m), 7.41, 7.50 (2) (j), 7.51 (2) (title), 8.03 (2m), 8.40, 9.10 (2) (em) (intro.), 9.10 (2) (s) and 11.31 (1) (fs) of the statutes, **relating to:** ballots, voting systems, nominations, canvassing, referenda, registration and voting procedure, administration of elections, campaign financing, prohibited election practices and granting rule-making authority.

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

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

5.05 (1) (e) Delegate to its executive director the authority to issue a subpoena under par. (b), apply for a search warrant under par. (b), commence an action under par. (d), intervene in an action or proceeding under sub. (9) or issue an order under s. 5.06, exempt a polling place

from accessibility requirements under s. 5.25 (4) (a), exempt a municipality from the requirement to use voting machines or an electronic voting system under s. 5.40 (5m) or authorize nonappointment of an individual who is nominated to serve as an election official under s. 7.30 (4) (e), subject to such limitations as the board deems appropriate.

SECTION 2. 5.06 (1), (3) and (4) of the statutes are amended to read:

5.06 (1) Whenever any elector of a jurisdiction or district served by an election official believes that a decision or action of the official or the failure of the official to act with respect to any matter concerning nominations, qualifications of candidates, voting qualifications, including residence, ward division and numbering or recall, ballot preparation, election administration or conduct of elections is contrary to law, or the official has abused the discretion vested in him or her by law with respect to any such matter, the elector may file a written sworn complaint with the board requesting that the official be required to conform his or her conduct to the law, be restrained from taking any action inconsistent with the law or be required to correct any action or decision inconsistent with the law or any abuse of the discretion vested in him or her by law. The complaint shall set forth such facts as are within the knowledge of the complainant to show probable cause to believe that a violation of law or abuse of discretion has occurred or will occur. The complaint may be accompanied by relevant supporting documents. The board may conduct a hearing on the matter in the manner prescribed for treatment of contested cases under ch. 227 if it believes such action to be appropriate.

(3) A complaint under this section shall be filed promptly so as not to prejudice the rights of any other party ~~but in~~. In no case may it a complaint relating to nominations, qualifications of candidates or ballot preparation be filed later than 10 days after the complainant knew or should have known that a violation of law or abuse of discretion occurred or was proposed to occur.

(4) The board may, on its own motion, investigate and determine whether any election official, with respect to any matter concerning nominations, qualifications of candidates, voting qualifications, including residence, ward division and numbering or recall, ballot preparation, election administration or conduct of elections, has failed to comply with the law or abused the discretion vested in him or her by law or proposes to do so.

SECTION 2m. 5.06 (5) of the statutes is amended to read:

5.06 (5) Upon receipt of a complaint under sub. (1), or upon its own motion, the board may order any election official to immediately transfer to its possession any original documents in the custody of the official which the board finds to be necessary and relevant to permit review of compliance with the laws concerning nominations, qualifications of candidates, ward division and numbering, recall or ballot preparation or the proper administration of such laws.

SECTION 3. 5.06 (10) of the statutes is created to read:

5.06 (10) This section does not apply to matters arising in connection with a recount under s. 9.01.

SECTION 4. 5.25 (4) (a) of the statutes, as affected by 1985 Wisconsin Act 304, section 17g, is amended to read:

5.25 (4) (a) Each polling place shall be accessible to ~~persons in wheelchairs~~ elderly and handicapped individuals.

SECTION 5. 5.25 (4) (c) of the statutes is created to read:

5.25 (4) (c) The board may exempt a polling place from the requirement of par. (a) in accordance with guidelines prescribed by rule of the board.

SECTION 6. 5.25 (5) of the statutes is renumbered 5.25 (5) (a) and amended to read:

5.25 (5) (a) All Except as authorized in par. (b), all electors within a ward shall vote at the same polling place.

(c) The electors of more than one ward in the same municipality may vote at a single polling place.

SECTION 7. 5.25 (5) (b) of the statutes is created to read:

5.25 (5) (b) The municipal clerk or board of election commissioners of a municipality in which an elderly or handicapped elector resides may reassign the elector to a polling place within the municipality other than the polling place serving the elector's residence in order to permit the elector to utilize a polling place that is accessible to elderly or handicapped individuals.

SECTION 8. 5.40 (3) (a) of the statutes is amended to read:

5.40 (3) (a) For any territory which is included in a portion of a congressional district, legislative district, county supervisory district, school district, vocational district, sewerage district or sanitary district contained within the municipality for so long as the number of electors residing in the territory does not exceed ~~25~~ 100.

SECTION 9. 5.40 (3) (d) of the statutes is created to read:

5.40 (3) (d) Whenever the municipal clerk or board of election commissioners reassigns an elector to a polling place other than the one serving the elector's residence under s. 5.25 (5) (b).

SECTION 10. 5.40 (5) of the statutes is amended to read:

5.40 (5) A municipality which utilizes voting machines ~~or an electronic voting system~~ at a polling place shall not utilize ~~the system or the machines~~ to receive the vote of an elector who declares to the chief inspector that, due to physical disability, the elector is unable to depress a button or lever on a machine ~~or to mark or punch a ballot used with the system~~.

SECTION 11. 5.40 (5m) of the statutes is created to read:

5.40 (5m) Notwithstanding sub. (1), the governing body of a municipality which uses voting machines or an electronic voting system may petition the board for permission to use paper ballots and voting booths for a specific election, and the board may grant such a request.

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SECTION 12. 5.40 (7) of the statutes is amended to read:

5.40 (7) Whenever a municipality adopts and purchases voting machines or an electronic voting system, or adopts and purchases a different type of voting machine or electronic voting system from the type it was previously using, the municipal clerk or executive director of the municipal board of election commissioners shall promptly notify the county clerk or executive director of the county board of election commissioners and the executive director of the elections board in writing.

SECTION 13. 5.54 of the statutes is amended to read:

5.54 Notice to electors. Every ballot, except a ballot label or voting machine ballot, shall bear substantially the following information on the face: "NOTICE TO ELECTORS: This ballot may be invalid unless initialed by 2 election inspectors. If cast as an absentee ballot, the ballot must bear the initials of the municipal clerk or deputy clerk."

SECTION 14. 5.58 (2) of the statutes is amended to read:

5.58 (2) (title) STATE SUPERINTENDENT OF PUBLIC INSTRUCTION; JUDICIARY; COUNTY EXECUTIVE; AND COUNTY SUPERVISORS. (a) There shall be one separate ballot for state superintendent, judicial officers, county executive under s. 59.031 and county supervisor. In counties under 500,000 population, the ballot shall provide for the election of 2 supervisors whenever the districting plan adopted under s. 59.03 (3) (b) so provides, in accordance with the method of election specified in the plan. In counties having a population of 500,000 or more, the ballot also shall include those offices under s. 8.11 (2) and (2m). The arrangement of names of candidates for state superintendent, justice, court of appeals judge and circuit court judge shall be determined by the board in the manner specified in s. 5.60 (1) (b). ~~The arrangement~~ Arrangement of the names of candidates for county executive and county supervisor shall be determined by the county clerk or by the executive director of the county board of election commissioners in the manner specified in s. 5.60 (1) (b). The ballot shall be titled "Official Ballot for ~~Judicial, State Superintendent of Public Instruction, Judicial,~~ County Executive and County Supervisor Primary".

(b) The candidates for the offices shall be designated on the ballot as follows: "~~For Justice of the Supreme Court~~", "~~For State Superintendent~~", "For Justice of the Supreme Court", "~~For Court of Appeals Judge~~", "~~For Circuit Judge Br.~~", and others as the situation requires.

SECTION 15. 5.60 (1) (intro.) and (b) and (8) (c) of the statutes are amended to read:

5.60 (1) (title) STATE SUPERINTENDENT; JUDICIARY; COUNTY EXECUTIVE AND COUNTY SUPERVISORS. (intro.) There shall be one separate ballot for ~~the state superintendent, judicial officers,~~ county executive ~~under s. 59.031,~~ and county supervisor, ~~judicial officers and state superintendent.~~ For county supervisor, the ballot shall be pre-

pared in accordance with ss. 5.58 (2) and 59.03 (3). Arrangement of the names of candidates for county executive and county supervisor shall be determined by the county clerk or the executive director of the county board of election commissioners in the manner prescribed in par. (b).

(b) The board shall certify the candidates' names and designate the official ballot arrangement for candidates for state superintendent, justice, court of appeals judge, circuit judge, ~~state superintendent~~, municipal judge elected under s. 755.01 (4) and, if commissioners are elected under s. 66.23 (11) (am), the metropolitan sewerage commission. The arrangement of names of all candidates on the ballot whose nomination papers are filed with the board shall be determined by the board by the drawing of lots not later than the 7th day following the deadline for filing nomination papers. Whenever a primary is held for an office, a 2nd drawing of all candidates for that office shall be held by or under the supervision of the board not later than the 3rd day following the completion of the primary canvass to determine the arrangement of candidates on the election ballot.

(8) (c) The official ballots for the presidential preference vote shall be securely fastened together at the bottom. The party ~~easting~~ receiving the greatest number of votes for governor at the preceding election shall have its ticket placed on top and the remaining party ballots shall follow in the same manner. A facsimile ballot notice shall be published as provided in s. 10.02.

SECTION 15m. 5.62 (2) of the statutes is amended to read:

5.62 (2) Any political organization may be represented on a separate primary ballot or one or more separate columns or rows on the primary ballot as prescribed in sub. (1) (a) and a separate column on the general election ballot in every ward and election district if, not later than 5 p.m. on June 1 in the year of a September primary, it files with the board a petition so requesting. To qualify for a separate ballot, the petition shall be signed by at least 10,000 electors, including at least 1,000 electors residing in each of at least 3 separate congressional districts. The petition shall conform to ~~s. 8.15 insofar as applicable~~ the requirements of s. 8.40. No signature obtained before January 1 in the year of filing is valid. When the candidates of a political organization filing a valid petition fulfill the requirements prescribed by law, they shall appear on a separate ballot or one or more separate columns or rows on the ballot for the period ending with the following general election.

SECTION 16. 5.64 (2) (c) of the statutes is amended to read:

5.64 (2) (c) The official referendum ballot prescribed under this subsection shall be utilized at every election, except that the format shall be altered to the extent provided or required by other laws establishing or authorizing referenda to be conducted. All referenda shall appear

on a separate ballot, but more than one referendum question may appear on the same referendum ballot whenever the questions are numbered and all electors voting the ballot are entitled to vote upon all questions appearing thereon. When more than one state referendum is placed on the same ballot, the board shall number the questions in chronological sequence. If the legislature submits questions on different dates, the board shall number the questions sequentially based on the date on which the questions are submitted by the legislature. State and county referenda shall appear on a separate ballot from municipal or special district referenda. The form of all referendum ballots shall be substantially the same as that prescribed by the board under s. 7.08 (1) (a).

SECTION 17. 5.85 (1) and (5) of the statutes are amended to read:

5.85 (1) At any polling place at which an electronic voting system is utilized, the following procedures for receiving, counting, tallying and return of the ballots shall be used. Whenever paper ballots are utilized at a polling place in combination with ballots employed in an electronic voting system, the paper ballots shall be deposited in a separate ballot box or boxes, according to the types of ballots used. For the purpose of transporting the ballots or the record of the votes cast, the municipal clerk shall provide a secure container for each polling place. At each polling place, the applicable portions of the procedure prescribed for initiating the canvass under s. 7.51 (1) and (2) shall be performed, except that no count of the ballots, except write-in votes and paper ballots used for absentee voting and other purposes authorized by law, may be performed at a polling place if a central counting location is designated for the counting of ballots at that polling place by the municipality.

(5) If the municipality has designated a central counting location to be used to count ballots under s. 7.51 (1), the inspectors shall count and deposit the paper ballots in the container. The inspectors shall then place the slip made out under sub. (4) in the container. The inspectors shall also place the tally sheet recording the write-in votes and other votes cast on paper ballots, and all other ballots, or the record of the votes cast on an electronic voting system where no ballots are distributed to electors, in the container and shall thereupon immediately seal the container with an adhesive seal provided by the municipal clerk for the purpose in such manner that the seal completely covers the opening in the container, and each of the inspectors shall sign the seal. The “Defective Ballots” envelope, and “Original Ballots” envelope each shall be securely sealed and the flap or end thereof of each signed by the inspectors and returned to the central counting location with the box for return of the ballots, enclosed ballots and returns. Thereupon, the municipal clerk or 2 of the election officials, of different political parties whenever officials of both parties are present, shall forthwith and by the most direct route transport the

container and envelopes to the central counting location designated by the municipal clerk.

SECTION 18. 6.22 (1) (b) 5. of the statutes is amended to read:

6.22 (1) (b) 5. Spouses and dependents of those listed in the above categories residing with or accompanying them ~~when living outside the territorial limits of the United States.~~

SECTION 19. 6.22 (2) (c) and (d) of the statutes are created to read:

6.22 (2) (c) A federal postcard registration and absentee ballot request form may be used to apply for an absentee ballot under this section if the form is completed in such a manner that the municipal clerk or board of election commissioners with whom it is filed is able to determine all of the following:

1. That the applicant is qualified to vote in the ward or election district where he or she seeks to vote under par. (a).

2. That the applicant qualifies to receive an absentee ballot under this section.

(d) If an applicant uses a federal form under par. (c) to request an absentee ballot for all elections, the application shall so state.

SECTION 20. 6.22 (4) of the statutes is amended to read:

6.22 (4) INSTRUCTIONS AND HANDLING. A military elector may request an absentee ballot for any election or for all elections. A military elector’s application for all elections may be received at any time, ~~but the.~~ A military elector’s application for an individual election may be received no earlier than the first day of the 6th month commencing before the election. The municipal clerk shall not mail a ballot for an election if the application is received later than 5 p.m. on the Friday preceding that election. The municipal clerk shall mail a ballot, as soon as available, to each military elector ~~by or for whom a request has been made~~ who requests a ballot. The board shall prescribe the instructions for marking or punching and returning ballots and the municipal clerk shall enclose instructions with each ballot and shall also enclose supplemental instructions for local elections. The envelope, return envelope or explanatory note may not contain the name of any candidate appearing on the enclosed ballots other than that of the municipal clerk affixed in the fulfillment of his or her duties. The material shall be prepared and mailed to make use of the federal free postage laws. The mailing list established under this subsection shall be kept current in the same manner as provided in s. 6.86 (2) (b).

SECTION 21. 6.24 (3) of the statutes is amended to read:

6.24 (3) REGISTRATION. If registration is required in the municipality where the overseas elector resides, the elector shall register on a form prescribed by the board designed to ascertain the elector’s qualifications under

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this section. The form shall be substantially similar to the original affidavit form under s. 6.33 (1), insofar as applicable. Registration shall be accomplished in accordance with s. 6.30 (3).

SECTION 22. 6.24 (4) of the statutes is renumbered 6.24 (4) (a).

SECTION 23. 6.24 (4) (b) of the statutes is created to read:

6.24 (4) (b) A federal postcard registration and absentee ballot request form may be used to apply for an absentee ballot under par. (a) if the form is completed in such manner that the municipal clerk or board of election commissioners with whom it is filed is able to determine all of the following:

1. That the applicant is an overseas elector under sub. (1).
2. That the applicant qualifies to vote in the ward or election district where he or she seeks to vote under sub. (2).

SECTION 24. 6.25 (title) of the statutes is amended to read:

6.25 (title) Write-in absentee ballot.

SECTION 25. 6.25 (2) of the statutes is renumbered 6.25 (4), and 6.25 (4) (intro.), as renumbered, is amended to read:

6.25 (4) (intro.) A ~~federal~~ write-in absentee ballot issued under sub. (1), (2) or (3) is valid only if all of the following apply:

SECTION 26. 6.25 (2) and (3) of the statutes are created to read:

6.25 (2) Any individual who qualifies as a military elector under s. 6.22 (1) (b) and who transmits an application for an official absentee ballot for any election no later than 30 days before election day may, in lieu of the official ballot, cast a write-in absentee ballot for any candidate or for all of the candidates of any recognized political party listed on the official ballot at the election if the write-in absentee ballot is received by the appropriate municipal clerk no later than the time prescribed in s. 6.87 (6). The ballot shall contain the information required under s. 5.55 whenever applicable and on the face shall indicate the type and date of election and shall list the offices to be filled and the number of votes that each elector may cast for each office. The ballot shall include a number of spaces under each office equal to the number of votes permitted to be cast for that office for the elector to write in the names of candidates.

(3) Any individual who qualifies as an overseas elector under s. 6.24 (1) and who transmits an application for an official absentee ballot for any election no later than 30 days before election day may, at any election for national office in lieu of the official ballot, cast a write-in absentee ballot for any candidate for national office or for all of the candidates of any recognized political party for national office listed on the official ballot at the election if the write-in absentee ballot is received by the appropri-

ate municipal clerk no later than the time prescribed in s. 6.87 (6). The ballot shall contain the information required under s. 5.55 whenever applicable and on the face shall indicate the type and date of election and shall list the offices to be filled. The ballot shall include a space under each office for the elector to write in the name of a candidate.

SECTION 27. 6.26 (2) of the statutes is renumbered 6.26 (2) (a) and amended to read:

6.26 (2) (a) A qualified elector of the state may apply to any municipal clerk or board of election commissioners to be appointed as a special registration deputy for the purpose of registering electors prior to the close of registration. An applicant may be appointed by more than one municipal clerk or board of election commissioners to serve more than one municipality.

(b) The municipal clerk or board of election commissioners may appoint an applicant who qualifies under this subsection, unless the applicant's appointment has been revoked by a municipality for cause. A municipal clerk or board of election commissioners may revoke an appointment for cause at any time.

(c) No individual may serve as a special registration deputy in a municipality unless the individual is appointed by the municipal clerk or board of election commissioners of the municipality.

(d) This subsection does not apply to deputies appointed under s. 6.55 (6).

SECTION 27m. 6.27 (3) and (4) (a) of the statutes are amended to read:

6.27 (3) Any municipality with less than 5,000 population and any municipality where a federal census has not yet determined the population may have registration by a referendum vote. The vote may be taken at the spring or general election whenever, at least 60 days before the election, the electors file with the municipal clerk a petition requesting a referendum asking whether registration shall be required. The petition shall conform to the requirements of s. 8.40 and be signed by electors at least equal to 15% of the votes cast for governor in the municipality in the last general election.

(4) (a) When registration is ordered or directed under sub. (2) or (3), it may be abolished by a referendum vote. The vote may be taken at the spring or general election whenever, at least 60 days before the election, the electors file a petition conforming to the requirements of s. 8.40 with the clerk requesting a referendum. The petition shall be signed by electors at least equal to 15% of the votes cast for governor in the municipality in the last general election.

SECTION 28. 6.275 (1) (e) of the statutes is created to read:

6.275 (1) (e) The total number of electors of the municipality voting absentee ballots at the primary or election.

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SECTION 29. 6.28 (3) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

6.28 (3) **AT OFFICE OF REGISTER OF DEEDS.** Any person who resides in a municipality requiring registration of electors shall be given an opportunity to register to vote at the office of the register of deeds. An applicant may fill out the required registration affidavit form under s. 6.33. ~~The register of deeds shall administer the oath upon request of any elector without compensation.~~ Upon receipt of a completed form, the register of deeds shall forward the form within 5 days to the appropriate municipal clerk, or to the board of election commissioners in cities over 500,000 population. The register of deeds shall forward the form immediately whenever registration closes within 5 days of receipt.

SECTION 30. 6.29 (2) (a) and (b) of the statutes are amended to read:

6.29 (2) (a) Any qualified elector ~~in~~ of a municipality where registration is required who has not previously filed a registration form or whose name does not appear on the registration list of the municipality shall be entitled to vote at the election if he or she delivers to the municipal clerk a ~~properly executed registration form with an affidavit sworn to by him or her executed by the elector.~~ The form shall contain a certification by the elector that all statements are true and correct. Alternatively, if the elector cannot obtain a registration form, the elector ~~shall list may deliver a statement, signed by the elector, containing all of the information required on the registration form.~~ The elector shall present acceptable proof of residence as provided in s. 6.55 (7). If no proof is presented, the registration form or the listing of required information shall be substantiated by the affidavit of one other elector of the municipality, corroborating all the material statements therein. The corroborating elector shall then provide acceptable proof of residence under s. 6.55 (7). The signing of the affidavits form by the registering elector and statement by the corroborating elector shall be done in the presence of the municipal clerk or deputy clerk not later than 5 p.m. of the day before an election. ~~All affidavits shall be sworn to before the clerk or another officer authorized to administer oaths.~~

(b) Upon the filing of the ~~affidavit and~~ registration form required by this section, the municipal clerk shall issue a certificate addressed to the inspectors of the proper ward directing that the elector be permitted to cast his or her vote. The certificate shall be numbered serially, prepared in duplicate and one copy preserved in the office of the municipal clerk.

SECTION 31. 6.29 (3) of the statutes is repealed.

SECTION 32. 6.30 (1) and (2) of the statutes are amended to read:

6.30 (1) **IN PERSON.** Registration applications shall be made in person, except under subs. (2) to (4). ~~Each elector shall sign an original registration form and, except in cities employing data processing, a duplicate.~~

(2) **WHEN CONFINED OR DISABLED.** ~~Registration forms~~ A registration form for a qualified electors elector may be completed at the home or institution where an elector is confined because of physical illness or infirmity or where a disabled elector resides if ~~such person~~ the elector finds it difficult, due to such illness, infirmity or disability, to register in another manner. The form shall contain a certification by the elector that all statements are true and correct. A registration affidavit form for such electors an elector may be made in the presence of any person individual who is authorized to register electors, or a form may be certified signed by the elector and witnessed by 2 one other electors in elector of the municipality and then mailed or delivered to the municipal clerk. The form shall contain a statement that the elector is confined because of physical illness or infirmity or is disabled and finds it difficult, due to such illness, infirmity or disability, to register in another manner.

SECTION 33. 6.30 (3) (b) of the statutes is repealed.

SECTION 34. 6.30 (3) and (4) of the statutes are amended to read:

6.30 (3) **WHEN ABSENT.** Any elector who is located more than 50 miles from his or her legal voting residence may register before the close of registration for any election as follows:

(a) The elector shall secure the necessary blank registration forms form and instructions for their its completion from the municipal clerk.

(b) The elector shall ~~appear before any person authorized to administer oaths with the completed and signed registration form and shall swear to the truth of its contents.~~ The person administering the oath shall sign his or her name on the line for the signature of the registration official certify that all statements are true and correct. The elector's certification shall be witnessed by 2 adult U.S. citizens or by an individual who is authorized to administer oaths, who shall sign the form.

(c) The elector shall return the ~~original registration form and one duplicate~~ original registration form to the clerk of the municipality where the elector resides, ~~except in any municipality which employs data processing for keeping of voting registration records only the original form need be returned.~~ The form shall be prepostpaid for return when mailed at any point within the United States. To be eligible to vote in an election the form shall be received by the clerk prior to the close of the clerk's office on the registration deadline date for that election.

(4) **BY MAIL.** Any eligible elector who is located not more than 50 miles from his or her legal voting residence may register by mail ~~upon~~ on a form prescribed by the board and provided by each municipality. The form shall be designed to obtain the information required in ss. 6.33 (1) and 6.40 (1) (a) and (b). The form shall contain a certification by the elector that all statements are true and correct. The form shall be prepostpaid for return when mailed at any point within the United States, and shall be

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signed by a special registration deputy or shall be signed and substantiated by 2 ~~one~~ other electors elector residing in the same municipality in which the registering elector resides, corroborating all material statements therein. ~~Such forms~~ The form shall be available in the municipal clerk's office and may be distributed by any elector of the municipality. The clerk shall mail a registration form to any elector upon written or oral request.

SECTION 35. 6.33 (1) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

6.33 (1) The municipal clerk shall supply sufficient registration forms as prescribed by the board printed on loose-leaf sheets or cards to obtain from each applicant information as to name, date, residence location, citizenship, age, whether the applicant has resided within the ward or election district for at least 10 days, whether the applicant has lost his or her right to vote, and whether the applicant is currently registered to vote at any other location, and shall provide a space for the applicant's signature. Each register of deeds shall obtain sufficient registration affidavit forms at the expense of the unit of government by which he or she is employed for completion by any elector who desires to register to vote.

SECTION 36. 6.33 (2) (b) and (3) of the statutes are amended to read:

6.33 (2) (b) The registration form shall be ~~in the form of an affidavit and shall be sworn~~ signed by the registering elector and any corroborating elector under s. 6.29 (2) (a), 6.30 (2) to (4) or 6.55 (2) before the clerk, issuing officer or registration deputy, ~~or before any other officer authorized to administer oaths, except that registrations which are authorized to be corroborated under s. 6.29 (2) (a), 6.30 (4) or 6.55 (2) shall be certified by the applicant but need not be separately verified.~~ The form shall contain a certification by the registering elector that all statements are true and correct.

(3) The registration form shall ~~provide~~ may include a space for a voting record to be filled in by the municipal clerk. ~~In municipalities employing data processing if the form does not include such a space,~~ voting record information ~~may be deleted from the form and shall be~~ maintained separately by the municipal clerk in such form that it may be retrieved by computer.

SECTION 37. 6.35 (title) and (1) (intro.) of the statutes are amended to read:

6.35 (title) Filing registration forms. (1) (intro.) Under the direction of the municipal clerk or board of election commissioners, the original registration forms shall be filed ~~by wards~~ in one of the following ways:

SECTION 38. 6.35 (2) of the statutes is renumbered 6.35 (5) and amended to read:

6.35 (5) Duplicate registration forms shall be maintained by municipalities not employing data processing. Duplicates shall be filed in the same order as originals, except that duplicates shall be filed for the entire municipality without regard to wards.

SECTION 39. 6.35 (3) of the statutes is renumbered 6.35 (2).

SECTION 40. 6.35 (4) of the statutes is renumbered 6.35 (3) and amended to read:

6.35 (3) In municipalities employing data processing for keeping of registration records, original registration forms shall be maintained in the office of the municipal clerk or board of election commissioners at all times. ~~Notwithstanding sub. (1), original~~

(6) Original registration forms in such municipalities not employing data processing shall be maintained by ward. Original registration forms in municipalities employing data processing need not be maintained by ward, but the data processing system employed shall enable retrieval of the registration list by ward.

SECTION 41. 6.45 of the statutes is amended to read:

6.45 (title) Access to registration list. (1) After the deadline for revision of the registration lists list, the municipal clerk shall make copies of the list for election use. ~~All~~ The registration lists, including list and any supplemental lists which are prepared at polling places or other registration locations under s. 6.55, shall at ~~all times~~ be open to public inspection. Under the regulations prescribed by the municipal clerk, ~~an elector~~ any person may copy the registration list at the office of the clerk. A registration list maintained at a polling place may be examined by an observer when such use does not interfere with the conduct of the election.

(2) The municipal clerk shall furnish upon request to each candidate who has filed nomination papers for an office which represents at least part of the residents of the municipality one copy of the current registration list for those areas for which he or she is a candidate for a fee not to exceed the cost of reproduction.

SECTION 42. 6.55 (title), (2) (a), (b) and (c) 1. and (3) of the statutes are amended to read:

6.55 (title) Polling place registration; voting by certification.

(2) (a) Except where the procedure under par. (c) is employed, any person who qualifies as an elector in the ward or election district where he or she desires to vote, but has not previously filed a registration form, or was registered at another location in a municipality where registration is required, may request permission to vote at the polling place for that ward or election district, or at an alternate polling place assigned under s. 5.25 (5) (b). When a proper request is made, the inspector shall require the person to execute a registration form prescribed by the board which shall contain the following written oath or affirmation certification:

"I, ..., ~~do solemnly swear (or affirm)~~ hereby certify that to the best of my knowledge, I am a qualified elector, having resided at for at least 10 days immediately preceding this election, and that I am not disqualified on any ground from voting, and I have not voted, at this election." If a change of address is made from outside the

municipality, the elector shall file a cancellation under s. 6.40 (1) (b).

(b) Upon executing the affidavit registration form under par. (a), the person shall be required by ~~the~~ a special registration deputy or inspector to present acceptable proof of residence under sub. (7). If the person cannot supply such proof, the registration form shall be substantiated and signed by one other elector who resides in the same municipality ~~as the registering elector~~, corroborating all the material statements therein. The corroborator shall then provide acceptable proof of residence. The signing ~~by such other elector and by the elector executing the affidavit form and by any elector who corroborates the information in the form~~ shall be in the presence of the special registration deputy or inspector. Upon compliance with this procedure, such person shall then be given the right to vote.

(c) 1. As an alternative to registration at the polling place under pars. (a) and (b), the board of election commissioners, or the governing body of any municipality in which registration is required may by resolution require a person who qualifies as an elector and who is not registered and desires to register on the day of an election to do so at another readily accessible location in the same building as the polling place serving the elector's residence or at an alternate polling place assigned under s. 5.25 (5) (b), instead of at ~~that the~~ the polling place serving the elector's residence. In such case, the municipal clerk shall prominently post a notice of the registration location at the polling place. The municipal clerk, deputy clerk or special registration deputy at the registration location shall require such person to execute a registration form as prescribed under par. (a) and to provide acceptable proof of residence as provided under sub. (7). If the person cannot supply such proof, the registration form shall be corroborated in the manner provided in par. (b). The signing ~~by the corroborating elector and by the elector executing the affidavit form and by any corroborating elector~~ shall be in the presence of the municipal clerk, deputy clerk or special registration deputy. ~~The municipal clerk, deputy clerk or special registration deputy shall upon request administer oaths to any person making an affidavit under this subdivision.~~ Upon proper completion of registration, the municipal clerk, deputy clerk or special registration deputy shall serially number the registration and give one copy to the elector for presentation at the polling place serving the elector's residence or an alternate polling place assigned under s. 5.25 (5) (b).

(3) Any qualified elector in the ward or election district where the elector desires to vote whose name does not appear on the registration list where registration is required but who claims to be registered to vote in the election may request permission to vote at the polling place for that ward or election district. When the request is made, the inspector shall require the person to give his

or her name and address. If the elector is not at the polling place which serves the ward or election district where the elector resides, the inspector shall provide the elector with directions to the correct polling place. If the elector is at the correct polling place, the elector shall then execute the following written ~~oath or affirmation~~ statement: "I, ..., ~~do solemnly swear (or affirm)~~ hereby certify that to the best of my knowledge, I am a qualified elector, having resided at for at least 10 days immediately preceding this election, and that I am not disqualified on any ground from voting, and I have not voted at this election and am properly registered to vote in this election." The person shall be required to provide acceptable proof of residence as provided under sub. (7) and shall then be given the right to vote. If acceptable proof is presented, ~~the inspector shall administer the oath and the elector need not have the affidavit information corroborated by any other elector.~~ If acceptable proof is not presented, the statement shall be certified by the elector and shall be corroborated by another elector who resides in the municipality. The corroborator shall then provide acceptable proof of residence as provided in sub. (7). Whenever the question cannot be satisfactorily resolved and the elector permitted to vote, an ~~election official~~ inspector shall telephone the office of the municipal clerk to reconcile the records at the polling place with those at the office.

SECTION 43. 6.55 (4) of the statutes is repealed.

SECTION 44. 6.55 (6) of the statutes is amended to read:

6.55 (6) The governing body or board of election commissioners of any municipality may provide by resolution that any of the registration duties of inspectors under sub. (2) shall be carried out in the municipality by special registration deputies appointed by the municipal clerk or board of election commissioners at any polling place or other registration location whenever the clerk or board of election commissioners determines that the registration process provided for in that subsection will be facilitated thereby. ~~Such deputies may administer the oath required for registration.~~ The deputies shall be specially appointed by the clerk or board of election commissioners for one election only to conduct elector registration only.

SECTION 45. 6.56 (1) of the statutes is amended to read:

6.56 (1) The list containing the names of persons voting under ss. 6.29 and 6.55 (2) and (3) shall be returned together with all forms, ~~affidavits~~ and certificates to the municipal clerk.

SECTION 46. 6.79 (2) of the statutes is amended to read:

6.79 (2) MUNICIPALITIES WITH REGISTRATION. Where there is registration, each person, before receiving a voting number, shall state his or her full name and address.

Upon the prepared registration list, after the name of each elector, the officials shall enter the serial number of

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the vote as it is polled, beginning with number one. Each elector shall receive a slip bearing the same serial number. A separate list shall be maintained for electors who are voting ~~by oath or affidavit~~ under s. 6.15, 6.29 or 6.55 (2) or (3) and electors who are reassigned from another polling place under s. 5.25 (5) (b). Each such elector shall have his or her full name, address and serial number likewise recorded and shall be given a slip bearing such number.

SECTION 47. 6.82 (3) of the statutes is amended to read:

6.82 (3) USE OF PAPER BALLOTS. Whenever, in a municipality in which ~~an electronic voting system or voting machines are used,~~ an elector declares to the chief inspector that, due to physical disability, the elector is ~~unable to mark or punch a ballot used with the electronic voting system or to depress a button or lever on a voting machine,~~ the inspectors shall permit the elector to vote using a paper ballot and voting booth.

SECTION 47m. 6.865 of the statutes is created to read:

6.865 Federal postcard request form. A federal postcard registration and absentee ballot request form may be used to apply for an absentee ballot under s. 6.86 (1) if the form is completed in such manner that the municipal clerk or board of election commissioners with whom it is filed is able to determine all of the following:

(1) That the applicant is an elector of this state and of the ward or election district where the elector seeks to vote.

(2) That the applicant qualifies for an absentee ballot under s. 6.85.

SECTION 47p. 6.875 (title) of the statutes is amended to read:

6.875 (title) Absentee voting in nursing and retirement homes and certain community-based residential facilities.

SECTION 47q. 6.875 (1) (a) of the statutes is renumbered 6.875 (1) (am).

SECTION 47r. 6.875 (1) (a) of the statutes is created to read:

6.875 (1) (a) “Community-based residential facility” has the meaning given in s. 50.01 (1g), except that the term does not include a place where fewer than 10 unrelated adults reside.

SECTION 47s. 6.875 (1) (as) of the statutes is created to read:

6.875 (1) (as) “Qualified community-based residential facility” means a community-based residential facility that qualifies under sub. (2) (b) to utilize the procedures under this section.

SECTION 47t. 6.875 (1) (at) of the statutes is created to read:

6.875 (1) (at) “Qualified retirement home” means a retirement home that qualifies under sub. (2) (b) to utilize the procedures under this section.

SECTION 47w. 6.875 (1) (c) of the statutes is created to read:

6.875 (1) (c) “Retirement home” means a facility occupied as a primary place of abode by 10 or more unrelated individuals.

SECTION 48. 6.875 (2) of the statutes is renumbered 6.875 (2) (a) and amended to read:

6.875 (2) (a) The procedures prescribed in this section are the exclusive means of absentee voting for electors who are occupants of nursing homes or qualified community-based residential facilities.

SECTION 48g. 6.875 (2) (b) of the statutes is created to read:

6.875 (2) (b) The municipal clerk or board of election commissioners of any municipality where a community-based residential facility home is located may adopt the procedures under this section for absentee voting in any community-based residential facility located in the municipality if the municipal clerk or board of election commissioners finds that a significant number of the occupants of the community-based residential facility lack adequate transportation to the appropriate polling place, a significant number of the occupants of the community-based residential facility may need assistance in voting, there are a significant number of the occupants of the community-based residential facility aged 60 or over, or there are a significant number of indefinitely confined electors who are occupants of the community-based residential facility. The municipal clerk or board of election commissioners shall promptly notify the individual submitting nominations for special voting deputies under s. 7.30 (4) of any action taken under this paragraph.

SECTION 48m. 6.875 (2) (c) of the statutes is created to read:

6.875 (2) (c) The municipal clerk or board of election commissioners of any municipality where a retirement home is located may adopt the procedures under this section for absentee voting in any retirement home located in the municipality if the municipal clerk or board of election commissioners finds that a significant number of the occupants of the retirement home lack adequate transportation to the appropriate polling place, a significant number of the occupants of the retirement home may need assistance in voting, there are a significant number of the occupants of the retirement home aged 60 or over, or there are a significant number of indefinitely confined electors who are occupants of the retirement home. The municipal clerk or board of election commissioners shall promptly notify the individual submitting nominations for special voting deputies under s. 7.30 (4) of any action taken under this paragraph.

SECTION 48r. 6.875 (3) to (6) of the statutes are amended to read:

6.875 (3) An occupant of a nursing home or qualified retirement home or qualified community-based residen-

tial facility who qualifies as an absent elector and desires to receive an absentee ballot shall make application under s. 6.86 (1) or (2) with the municipal clerk or board of election commissioners of the municipality in which the elector is a resident. The clerk or board of election commissioners of a municipality receiving an application from an elector who is an occupant of a nursing home or qualified retirement home or qualified community-based residential facility located in a different municipality shall, as soon as possible, notify and transmit an absentee ballot for the elector to the clerk or board of election commissioners of the municipality in which the ~~nursing home~~ or qualified community-based residential facility is located. The clerk or board of election commissioners of a municipality receiving an application from an elector who is an occupant of a nursing home or qualified retirement home or qualified community-based residential facility located in the municipality but who is a resident of a different municipality shall, as soon as possible, notify and request transmission of an absentee ballot from the clerk or board of election commissioners of the municipality in which the elector is a resident. The clerk or board of election commissioners shall make a record of all absentee ballots to be transmitted, delivered and voted under this section.

(4) For the purpose of absentee voting in nursing homes and qualified retirement homes and qualified community-based residential facilities, the municipal clerk or board of election commissioners of each municipality in which one or more nursing homes or qualified retirement homes or qualified community-based residential facilities are located shall appoint at least 2 special voting deputies for the municipality in the manner prescribed in s. 7.30 (4). Upon application under s. 6.86 (1) or (2) by one or more qualified electors who are occupants of such a nursing home or qualified retirement home or qualified community-based residential facility, the clerk or board of election commissioners shall dispatch 2 special voting deputies to visit the ~~nursing home~~ or qualified community-based residential facility for the purpose of supervising absentee voting procedure by occupants of the ~~nursing home~~ or qualified community-based residential facility. The 2 deputies designated to visit each nursing home or qualified retirement home and qualified community-based residential facility shall be affiliated with different political parties whenever deputies representing different parties are available. Nominations for deputy positions shall be submitted by the 2 recognized political parties whose candidates for governor or president received the greatest numbers of votes in the municipality at the most recent general election. The deputies shall be specially appointed to carry out duties under this section for the period specified in s. 7.30 (6) (a). The clerk or board of election commissioners may revoke an appointment at any time. No individual who is employed or retained, or within the 2 years preceding

appointment has been employed or retained at a nursing home or qualified retirement home or qualified community-based residential facility in the municipality, or any member of the immediate family of such an individual as defined in s. 19.42 (7), may be appointed to serve as a deputy.

(5) Prior to entering upon his or her duties, each individual appointed to serve as a deputy under this section shall file the oath required by s. 7.30 (5). In the oath, the individual shall swear that he or she is qualified to act as a deputy under this section, that he or she has read the statutes governing absentee voting, that he or she understands the proper absentee voting procedure, that he or she understands the penalties for noncompliance with the procedure under s. 12.13, that his or her sacred obligation will be to fully and fairly implement the absentee voting law and seek to have the intent of the electors ascertained. In addition, the oath shall state that the individual realizes that any error in conducting the voting procedure may result in invalidation of an elector's vote under s. 7.51 ~~(4)~~ (2) (e) and that the individual realizes that absentee voting is a privilege and not a constitutional right. The form of the oath shall be prescribed by the board.

(6) Special voting deputies in each municipality shall, not later than 5 p.m. on the Friday preceding an election, arrange one or more convenient times with the administrator of each nursing home or qualified retirement home and qualified community-based residential facility in the municipality from which one or more occupants have filed an application under s. 6.86 to conduct absentee voting for the election. The time may be no earlier than the 4th Monday preceding the election and no later than 5 p.m. on the Monday preceding the election. Upon request of a relative of ~~a nursing home~~ an occupant of a nursing home or qualified retirement home or qualified community-based residential facility, the administrator may notify the relative of the time or times at which special voting deputies will conduct absentee voting at the home or facility, and permit the relative to be present in the room where the voting is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit the nursing home or qualified retirement home or qualified community-based residential facility. The municipal clerk or executive director of the board of election commissioners shall issue a supply of absentee ballots to the deputies sufficient to provide for the number of valid applications received by the clerk, and a reasonable additional number of ballots. The municipal clerk or executive director shall keep a careful record of all ballots issued to the deputies and shall require the deputies to return every ballot issued to them. The deputies shall personally offer each elector who has filed a proper application the opportunity to cast his or her absentee ballot. If an elector is present who has not filed a proper application, the 2 deputies may accept an application from the elector and shall issue a ballot to the elector if the elector

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is qualified and the application is proper. The deputies shall administer the oath and may, upon request of the elector, assist the elector in marking or punching the elector's ballot. Upon request of the elector, a relative of the elector who is present in the room may assist the elector in marking or punching the elector's ballot. All voting shall be conducted in the presence of the deputies. No individual other than a deputy may administer the oath and no individual other than a deputy or relative of an elector may render voting assistance to the elector. Upon completion of the voting, the deputies shall promptly deliver, either personally or by 1st class mail, any absentee ballot applications and the sealed certificate-affidavit envelope containing each ballot to the clerk or board of election commissioners of the municipality in which the elector casting the ballot resides, within such time as will permit delivery to the polling place serving the elector's residence on election day. Personal delivery may be made by the deputies no later than noon on election day. If a qualified elector is not able to cast his or her ballot on 2 separate visits by the deputies to the nursing home or qualified retirement home, they shall so inform the municipal clerk or executive director of the board of election commissioners, who may then mail the ballot to the elector no later than 5 p.m. on the Friday preceding the election.

SECTION 49. 7.08 (1) (a) of the statutes is amended to read:

7.08 (1) (a) ~~Prepare~~ Prescribe all official ballot forms necessary under chs. 5 to 12 and revise the official ballot forms to harmonize with legislation and the current official status of the political parties whenever necessary. ~~Samples of the official ballots shall be published by the board for public use and distribution and the~~ The board shall provide one copy of each ballot form without charge to each county and municipal clerk and board of election commissioners. The board shall distribute or arrange for distribution of additional copies. The prescribed forms shall be substantially followed in all elections under chs. 5 to 12.

SECTION 50. 7.08 (1) (b) of the statutes is amended to read:

7.08 (1) (b) ~~Prescribe, prepare and provide~~ the necessary standard sample blanks and ballot containers to make the canvass, returns, statements and tally sheet statements for all elections for national, state and county offices and statewide referenda the results of which are reportable to the board under s. 7.60 (4) (a), and all other materials as it deems necessary to conduct the elections. The sample blanks shall contain the necessary certificates of the inspectors and canvassers with notes explaining their use and statutory basis. ~~The board is required to furnish only a sample standard form tally sheet and canvass sheet statement under this paragraph.~~

SECTION 51. 7.08 (3) (intro.) of the statutes is amended to read:

7.08 (3) ELECTION MANUAL. (intro.) Prepare and publish separate from the election laws an election manual written so as to be easily understood by the general public explaining the duties of the election officials, together with notes and references to the statutes as it ~~deems~~ the board considers advisable. The manual shall be furnished by the board free to ~~election officials~~ each county and municipal clerk or board of election commissioners and others in such manner as it deems most likely to promote the public welfare. The election manual shall:

SECTION 52. 7.08 (4) of the statutes is amended to read:

7.08 (4) ELECTION LAWS. ~~Prepare and publish~~ Publish the election laws. The board shall furnish the election laws free to ~~election officials, and~~ each county and municipal clerk and board of election commissioners in sufficient supply to provide one copy for reference at each office and at each polling place. The board shall sell or arrange for the sale of copies of the election laws to members of the public upon request to the extent that extra copies are available.

SECTION 53. 7.15 (1) (cm) of the statutes is amended to read:

7.15 (1) (cm) Prepare official absentee ballots for delivery to electors requesting them, and mail an official absentee ballot to each elector who has requested one no later than the 30th day before each September primary and general election and no later than the 21st day before each other primary and election if the request is made before that day; otherwise, the municipal clerk shall mail ~~the~~ an official absentee ballot within one day of the time the elector's request is received.

SECTION 54. 7.15 (1) (cs) of the statutes is created to read:

7.15 (1) (cs) Prepare write-in absentee ballots for delivery to military electors under s. 6.25 (2) at each election, and prepare write-in absentee ballots for delivery to overseas electors under s. 6.25 (3) at each election for national office, no later than the 90th day before the election, or as soon as possible after the offices to be contested at the election are known, whichever is later, and distribute the ballots to each military or overseas elector after ballots are available or within one day after a request is received, whichever is later, but beginning on the day that official absentee ballots become available, the clerk shall not mail write-in absentee ballots and shall substitute official absentee ballots for any write-in absentee ballots requested.

SECTION 54g. 7.30 (4) (b) 1. and 2. and (c) of the statutes are amended to read:

7.30 (4) (b) 1. In cities where there is a board of election commissioners, the aldermanic district committeemen or committeewomen under s. 8.17 of each of the 2 dominant recognized political parties shall submit a certified list no later than November 30 of each even-numbered year containing the names of at least ~~twice~~ as many

electors as there are inspectors from that party for each of the voting wards in the aldermanic district. The chairperson of the city committee, or if there is none, the chairperson of the county committee shall submit a certified list no later than November 30 of each even-numbered year containing the names of at least ~~twice~~ as many special voting deputies under s. 6.875 (4) as are required to be appointed in the city. The chairperson may designate any individual whose name is submitted as a first choice nominee. The board of election commissioners shall appoint, no later than December 31 of even-numbered years, the required number of special voting deputies and at least 5 inspectors for each ward. The board of election commissioners shall appoint all first choice nominees for so long as positions are available, unless nonappointment is authorized under par. (e), and shall appoint other individuals in its discretion. The board of election commissioners may designate such alternates as it deems advisable.

2. In municipalities other than cities and villages located in counties having a population of more than 500,000, the committees organized under s. 8.17 from each of the 2 dominant parties under sub. (2) shall submit a list containing at least ~~twice~~ as many names as there are needed appointees from that party. The list shall be submitted by the chairman of each of the 2 committees to the mayor, president or chairman of the municipality. If committees are organized in subdivisions of a city, the list shall be submitted through the chairman of the city committee. If there is no municipal committee, the list shall be submitted by the chairman of the county or legislative district committee. Except as provided in par. (c), only those persons submitted by the chairman of each committee under s. 8.17 may act as election officials. The chairman may designate any individual whose name is submitted as a first choice nominee. The list shall contain the signature of the chairman and secretary of the submitting committee. In cities or villages located in counties having a population of more than 500,000, other than cities where there is a board of election commissioners, the aldermanic district or village committeeman or committeewoman for the ward or wards where each polling place is located, if there is one, shall submit a list containing at least ~~twice~~ as many names as there are needed appointees for inspector positions from the party represented by the committeeman or committeewoman. For appointments of special voting deputies under s. 6.875 (4) and appointments of inspectors in cities and villages where there is no aldermanic district or village committeeman or committeewoman, nominations shall proceed in the same manner as in municipalities located in counties having a population of 500,000 or less. The list shall be submitted to the mayor or president. Except as provided in par. (c), only those persons whose names are submitted as provided in this paragraph may act as election officials. The committeeman or committeewoman may designate any

individual whose name is submitted as a first choice nominee. The list shall contain the signature of the aldermanic district or village committeeman or committeewoman or the chairperson of the appropriate committee. Upon submission of each nominee's name, the governing body shall ~~approve or disapprove the nomination~~ appoint each first choice nominee for so long as positions are available, unless nonappointment is authorized under par. (e), and shall appoint other nominees in its discretion. If any ~~nominees are disapproved~~ nominee is not appointed, the mayor, president or chairman of the municipality shall immediately nominate another person from the appropriate lists submitted and continue until the necessary number of election officials from each party is achieved at that meeting.

(c) For so long as ~~qualified~~ nominees are made available by the political parties under this section, appointments may be made only from the lists of submitted nominees. If the lists are not submitted by November 30 of the year in which appointments are to be made, the board of election commissioners shall appoint, or the mayor, president or chairman of a municipality shall nominate qualified persons whose names have not been submitted. If an insufficient number of ~~qualified~~ nominees appears on the lists as of November 30, the board of election commissioners shall similarly appoint, or the mayor, president or chairman shall similarly nominate sufficient ~~qualified persons~~ individuals to fill the remaining vacancies. If an official is appointed whose name was not submitted on the lists, the official shall be affiliated with or designated by the appointing authority to represent one of the 2 parties that are entitled to submit lists. An official who is affiliated with one party may not be designated to represent a different party, unless the municipal clerk first makes a good faith effort to appoint an official who is affiliated with the represented party.

SECTION 54m. 7.30 (4) (cm) of the statutes is created to read:

7.30 (4) (cm) Notwithstanding pars. (a) to (c), the governing body or board of election commissioners of a municipality may make appointments of special voting deputies under this section to provide service in a community-based residential facility at any time after the municipal clerk or board of election commissioners adopts the procedures under s. 6.875 for use in a community-based residential facility located in the municipality.

SECTION 54n. 7.30 (4) (cn) of the statutes is created to read:

7.30 (4) (cn) Notwithstanding pars. (a) to (c), the governing body or board of election commissioners of a municipality may make appointments of special voting deputies under this section to provide service in a retirement home at any time after the municipal clerk or board of election commissioners adopts the procedures under s.

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6.875 for use in a retirement home located in the municipality.

SECTION 54r. 7.30 (4) (e) of the statutes is created to read:

7.30 (4) (e) If an appointing authority believes that, for good cause, it should not appoint an individual whose name is submitted as a first choice nominee under par. (b), it may request the board to authorize nonappointment. The board may permit nonappointment of an individual for cause demonstrated by an appointing authority.

SECTION 55. 7.37 (6) of the statutes is amended to read:

7.37 (6) ATTACH STICKERS. Whenever a vacancy occurs in a nomination after the ballots have been printed and stickers are provided under s. 7.38 (3) or 8.35 (2), the inspectors shall, at the direction of the municipal clerk, properly apply ~~them~~ the stickers to the official ballots before endorsement.

SECTION 56. 7.39 (2m) of the statutes is created to read:

7.39 (2m) CANDIDATE DISQUALIFICATION. No candidate at an election may serve as an observer of the election proceedings at that election.

SECTION 56m. 7.41 of the statutes is created to read:

7.41 Public's right to access. (1) Any member of the public may be present at any polling place for the purpose of observation of an election, except a candidate at that election.

(2) The chief inspector may restrict the location of any individual exercising the right under sub. (1) to certain areas within a polling place. The chief inspector shall clearly designate such an area as an observation area. Designated observation areas shall be so positioned to permit any authorized individual to readily observe all public aspects of the voting process.

(3) The chief inspector may order the removal of any individual exercising the right under sub. (1) if that individual commits an overt act which:

(a) Disrupts the operation of the polling place; or

(b) Violates s. 12.03 (2).

SECTION 57. 7.50 (2) (f) of the statutes is amended to read:

7.50 (2) (f) If a sticker applied to the ballot lists a candidate's name and the office which the candidate seeks, it is a vote for the name appearing on the sticker even if the sticker does not contain a box or the elector omits the cross to the right of the name, or makes a cross in another column for a candidate for the same office, ~~or if a sticker is pasted somewhere else on the face of the ballot than the proper location, but if the.~~ If a sticker is pasted over the space for voting a straight party ballot or over any name of any candidate printed on the ballot, it may not be counted as a is a vote for the candidate shown on the sticker but no vote may be counted for the candidate over

which the sticker is pasted. Only stickers appearing on the face of the ballot may be counted.

SECTION 57m. 7.50 (2) (j) of the statutes is created to read:

7.50 (2) (j) If an elector writes in or pastes a sticker in the position for an office, it is a vote for that office, even if the elector writes in or the sticker indicates the name of a different office.

SECTION 58. 7.51 (1) (title) of the statutes is amended to read:

7.51 (1) (title) CANVASS PROCEDURE.

SECTION 59. 7.51 (1) (a) of the statutes is renumbered 7.51 (1).

SECTION 60. 7.51 (1) (ad) of the statutes is renumbered 7.51 (2) (a) and amended to read:

7.51 (2) (a) The inspectors shall first compare the poll or registration lists, correcting any mistakes until the poll or registration lists agree. The chief inspector and the inspectors who are responsible for recording electors under s. 6.79 shall verify the correctness of the poll or registration lists after the polls close by each signing their name thereto. Where ballots are distributed to electors, the inspectors shall then open the ballot box and remove and count the number of ballots therein without examination except as is necessary to ascertain that each is a single ballot. If 2 or more ballots are folded together so as to appear as a single ballot, the inspectors shall lay them aside until the count is completed; and if, after a comparison of the count and the appearance of the ballots it appears to a majority of the inspectors that the ballots folded together were voted by the same person they may not be counted but the inspectors shall mark them as to the reason for removal, set them aside and carefully preserve them. The inspectors shall then proceed under par. (ag) ~~(b)~~.

SECTION 61. 7.51 (1) (ag) of the statutes is renumbered 7.51 (2) (b) and amended to read:

7.51 (2) (b) When, during the counting of the ballots cast at an election, a majority of the inspectors find that a ballot is so defective that they cannot determine with reasonable certainty for whom it was cast, they shall so mark the ballot and preserve it. The inspectors shall not count the vote cast on the ballot for any office for which they determine the ballot to be defective.

(c) Whenever the number of ballots exceeds the number of voting electors as indicated on the poll or registration list, the inspectors shall place all ballots face up to check for blank ballots. In this paragraph, "blank ballot" means a ballot on which no votes are cast for any office or question. The inspectors shall mark, lay aside and preserve any blank ballots. If the number of ballots still exceeds the number of voting electors, the inspectors shall place all ballots face down and proceed to check for the initials. The inspectors shall mark, lay aside and preserve any ballot not bearing the initials of 2 inspectors or

any absentee ballot not bearing the initials of the municipal clerk. During the count the inspectors shall count those ballots cast by challenged electors the same as the other ballots.

(d) The inspectors shall keep a written statement, in duplicate, of the number of ballots set aside and the number of defective ballots and challenged ballots. The statement shall contain a record of the reasons for setting aside each ballot and the reasons why each defective or challenged ballot is defective or challenged. The inspectors shall certify that the statement is correct, sign it, and attach it to the ~~canvass statements~~ tally sheets.

SECTION 62. 7.51 (1) (ar), (aw), (b) and (c) of the statutes are renumbered 7.51 (2) (e) to (h).

SECTION 63. 7.51 (2) (title) of the statutes is created to read:

7.51 (2) (title) TALLYING.

SECTION 64. 7.51 (3) (d) of the statutes is amended to read:

7.51 (3) (d) All absentee certificate–affidavit envelopes which have been opened shall be returned by the inspectors to the municipal clerk in a securely sealed carrier envelope which is clearly marked “used absentee certificate–affidavit envelopes”. The envelope shall be signed by the chief inspector and 2 other inspectors. Except when the ballots are used in a municipal or school district election only, the municipal clerk shall transmit the used envelopes to the county clerk.

SECTION 64g. 7.51 (4) (a) and (5) of the statutes are amended to read:

7.51 (4) (a) The tally sheets shall state the total number of votes cast for each office and for each individual receiving votes for that office, whether or not the individual’s name appears on the ballot, and shall state the vote for and against each proposition voted on. Upon completion of the tally sheets, the inspectors shall immediately complete inspectors’ statements in duplicate. The inspectors shall state the excess by which the number of ballots exceeds the number of electors voting as shown by the poll or registration list, if any, and shall state the number of the last elector as shown by the registration or poll lists. At least 3 inspectors, including the chief inspector and at least one inspector representing each political party, shall then certify to the correctness of the statements and tally sheets and sign their names. All other election officials assisting with the ~~canvass~~ tally shall also certify to the correctness of the tally sheets. When the ~~canvass~~ tally is complete, the inspectors shall publicly announce the results from the statements.

(5) RETURNS. The inspectors shall make full and accurate return of the votes cast for each candidate and proposition on tally sheet blanks provided by the municipal clerk for the purpose. Each tally sheet shall record the returns for each office or referendum by ward, unless combined returns are authorized in accordance with s. 5.15 (6) (b) in which case the tally sheet shall record the

returns for each group of combined wards. After recording the votes, the inspectors shall seal in a carrier envelope outside the ballot bag or container one inspectors’ statement under sub. (4) (a), one tally sheet and one poll or registration list for delivery to the county clerk, unless the election relates only to municipal or school district offices or referenda. The inspectors shall also similarly seal one inspectors’ statement, one tally sheet and one poll or registration list for delivery to the municipal clerk. For school district elections, except in 1st class cities, the inspectors shall similarly seal one inspectors’ statement, one tally sheet and one poll or registration list for delivery to the school district clerk. The inspectors shall immediately deliver all ballots, statements, tally sheets, lists and envelopes to the municipal clerk ~~or, for ballots relating only to school district elections,~~ The municipal clerk shall arrange for delivery of all ballots, statements, tally sheets, lists and envelopes relating to a school district election to the school district clerk. The municipal clerk shall deliver the ballots, statements, tally sheets, lists and envelopes for his or her municipality relating to any county, vocational district, state or national election to the county clerk by 2 p.m. on the day following each such election. The person delivering the returns shall be paid out of the municipal treasury. Each clerk receiving ballots, statements, tally sheets or envelopes shall retain them until destruction is authorized under s. 7.23 (1).

SECTION 64r. 7.53 (1) and (3) (a) of the statutes are amended to read:

7.53 (1) MUNICIPALITIES WITH ONE POLLING PLACE. Where the municipality constitutes one ward or combines all wards to utilize a single polling place under s. 5.15 (6) (b), the canvass shall be conducted publicly under s. 7.51 and the inspectors shall act as the municipal board of canvassers. Upon completion of the canvass and ascertainment of the results by the inspectors, the clerk shall publicly read the names of the persons voted for, and the number of votes for each person for each municipal office, the names of the persons declared by the inspectors to have won nomination or election to each municipal office and the number of votes cast for and against each municipal referendum question.

(3) (a) In a common, union high or unified school district, the school district clerk shall appoint 2 qualified electors of the school district prior to the date of the election being canvassed who shall, with the school district clerk, constitute the school district board of canvassers. If the school district clerk is a candidate at the election being canvassed, the other 2 members of the board of canvassers shall designate a 3rd member to serve in lieu of the clerk for that election. The canvass shall begin as soon as possible after receipt of the returns, and shall continue, without adjournment, until completed. The board of canvassers may return defective returns to the municipal board of canvassers in the manner provided in s. 7.60 (3). The board of canvassers shall prepare a written state-

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ment showing the numbers of votes cast for each person for each office and for and against each question and shall prepare a determination showing the names of the persons who are elected to the school board and the results of each election and any school district referendum and file them. Following each primary election, the board of canvassers shall prepare a statement certifying the names of the persons who have won nomination to the school board. Each statement and determination shall be attested by each of the canvassers. The board of canvassers shall file each statement and determination in the school district office. The school district clerk shall certify nominations after each primary and issue certificates of election to persons who are elected to the school board after each election in the manner provided in sub. (4).

SECTION 65. 7.70 (3) (a) of the statutes is amended to read:

7.70 (3) (a) The board of state canvassers shall meet publicly at the state capitol or at the office of the elections board on or before the 2nd ~~Thursday~~ Tuesday following a spring primary, the 15th day of May following a spring election, the ~~3rd Thursday~~ 4th Tuesday in September following a September primary, the first day of December following a general election, the 2nd Thursday following a special primary, or within 18 days after any special election to canvass the returns and determine the election results.

SECTION 66. 8.03 (1) of the statutes is amended to read:

8.03 (1) The name of any ~~person~~ candidate who is nominated to the same office by more than one party or primary or nominated for more than one partisan or state nonpartisan office shall appear under the party first nominating him or her or under the office to which he or she was first nominated. If the double nomination is simultaneous, the ~~person~~ candidate who is nominated, before the deadline for filing nomination papers shall file a written statement with the same person with whom he or she files nomination papers stating the person's party or office preference. If the candidate fails to select the party or office, the filing officer shall place the candidate's name on the ballot under either party or office, but may not permit it to appear more than once. If a candidate is nominated at a primary election for partisan office or nonpartisan state office on a ballot where his or her name appears or by nomination papers filed by the candidate, and is also nominated by write-in votes at the primary election to another office, or to the same office as the candidate of a different party, the candidate does not have a choice, but shall be placed on the ballot for the election under the office and party for which the candidate's name appeared on the primary ballot or for which the candidate had filed nomination papers.

SECTION 67. 8.03 (2m) of the statutes is created to read:

8.03 (2m) A candidate may appear on the ballot for more than one local nonpartisan office at the same election.

SECTION 68. 8.05 (1) (k) and (3) (d) of the statutes are amended to read:

8.05 (1) (k) Within 10 days of the date of the original caucus, the town board chairperson or the village president may reconvene the caucus to correct any procedural error or to nominate a candidate for a position for which no candidate was nominated at the original caucus or for which no candidate nominated at the original caucus qualified. The municipal clerk shall give notice of the reconvened caucus as provided in par. (b).

(3) (d) The question of adoption of the nonpartisan primary under this subsection may be submitted to the electors at any regular election held in the town or at a special election called for the purpose. When a petition conforming to the requirements of s. 8.40 signed by at least 20 electors of the town is filed with the town clerk so requesting, the question shall be submitted to a vote.

SECTION 69. 8.06 of the statutes is amended to read:

8.06 (title) Special elections may be called. Towns, cities ~~and~~ villages and school districts may call special elections for any lawful purpose authorized by law. If an election is called for a special referendum, the election shall be noticed under s. 8.55.

SECTION 69e. 8.11 (1) (c) of the statutes is amended to read:

8.11 (1) (c) Whenever electors, equal to at least 10% of the vote for governor in the city at the last general election, file ~~petitions~~ a petition conforming to the requirements of s. 8.40 with the city clerk requesting a primary within 3 days after the deadline for filing nomination papers, there shall be a primary for any specific election.

SECTION 69m. 8.12 (1) (c) of the statutes is amended to read:

8.12 (1) (c) No later than 5 p.m. on the 3rd Tuesday in February of each presidential election year, any person seeking the nomination by the national convention of a political party filing a certification under this subsection for the office of president of the United States, or any committee organized in this state on behalf of and with the consent of such person, may submit to the board a petition to have the person's name appear on the presidential preference ballot. The petition may be circulated no sooner than the last Tuesday in January of such year and 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. The form of the petition shall ~~be the same as provided in s. 8.15 insofar as applicable~~ conform to the requirements of s. 8.40. All signers on each separate petition paper shall reside in the same congressional district.

SECTION 69s. 8.40 of the statutes is created to read:

8.40 Petition requirements. (1) In addition to any other requirements provided by law, each separate sheet of each petition for an election, including a referendum, shall have on the face at the top in boldface print the words “PETITION”. Each signer of such a petition shall affix his or her signature to the petition, accompanied by his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides, and the date of signing.

(2) The affidavit of a qualified elector stating his or her residence with street and number, if any, shall appear at the bottom of each separate sheet of each petition specified in sub. (1), stating that the affiant personally circulated the petition and personally obtained each of the signatures; that the affiant knows that they are electors of the jurisdiction or district in which the petition is circulated; that the affiant knows that they signed the paper with full knowledge of its content; that the affiant knows their respective residences given; that the affiant knows that each signer signed on the date stated opposite his or her name; that the affiant resides within the jurisdiction or district in which the petition is circulated; and that the affiant is aware that falsifying the affidavit is punishable under ss. 12.13 (3) (a) and 946.32 (1) (a). The petition is valid with or without the seal of the officer who administers the oath.

(3) The board shall, by rule, prescribe standards consistent with this chapter and s. 9.10 (2) to be used by all election officials and governing bodies in determining the validity of petitions for elections and signatures thereon.

SECTION 70. 9.01 (1) (ar) 2 and 3 of the statutes are amended to read:

9.01 (1) (ar) 2. In the event of a recount for a referendum, the petition shall be filed with the clerk of the jurisdiction in which the referendum is called, and in the case of the state ~~with the county clerk of each county any part of which is petitioned to be recounted, except in the case of a request for a statewide recount, the petition shall be filed only~~ with the elections board.

3. Upon receipt of a valid petition, the clerk shall thereupon notify the proper board of canvassers. Upon receipt of a valid petition by the elections board, the board shall promptly by certified mail or other expeditious means order the proper county boards of canvassers to commence the recount. County boards of canvassers shall convene no later than 9 a.m. on the day following receipt of an order and may adjourn for not more than one day at a time until the recount is completed in the county, except that the elections board may permit extension of the time for adjournment. Returns from a recount ordered by the elections board shall be transmitted to the office of the board as soon as possible, but in no case later than 13 days from the date of the order of the board directing the recount. The board of state canvassers may not make a determination in any election if a recount is pend-

ing before any county board of canvassers in that election. The board of state canvassers need not recount actual ballots, but shall verify the returns of the county boards of canvassers in making its determinations.

SECTION 71. 9.01 (1) (b) (intro.) of the statutes is amended to read:

9.01 (1) (b) (intro.) The proper board of canvassers shall reconvene ~~at no earlier than 9 a.m. on the day following delivery of notice to all candidates under sub. (2) and no later than~~ 9 a.m. on the day following the last day for filing of a petition and proceed to recount the ballots in ~~all the~~ wards or municipalities specified and ~~otherwise check the fact to review the~~ allegations of fact contained in the petition or petitions. The recount shall proceed for each ward or municipality as follows:

SECTION 72. 9.01 (1) (b) 4. to 6., 8., 9. and 11. of the statutes are amended to read:

9.01 (1) (b) 4. When the container or bag has been checked, it shall be opened and the contents removed. The board of canvassers shall, without examination other than is necessary to determine that each is a single ballot, count the number of ballots therein, excluding ballots removed under s. 7.51 ~~(1)-(ar) (2) (e)~~. Then, for each opened absentee ballot envelope that was laid aside as defective under subd. 2, the board of canvassers shall, without inspection, randomly draw one absentee ballot from the container or bag. In differentiating absentee ballots from other ballots, the board of canvassers shall presume that a ballot initialed only by the municipal clerk, the executive director of the board of elections commissioners or a deputy clerk or secretary is an absentee ballot. If there are more defective absentee ballot envelopes than there are probable absentee ballots, all of the probable absentee ballots shall be removed from the container or bag. Additional ballots shall be removed only if the number of remaining ballots still exceeds the number of voting electors recorded under subd. 1, reduced by the number of defective envelopes set aside under subd. 2. All ballots removed shall not be counted, but shall be marked as to the reason for their removal, set aside and carefully preserved. If the number of ballots still exceeds the number of voters, the board of canvassers shall place all ballots face up to check for blank ballots. Any blank ballots shall be so marked, set aside and carefully preserved. If the number of ballots still exceeds the number of voters reduced by the number of defective envelopes set aside under subd. 2, the board of canvassers shall place all ballots face down to check the initials. Any ballot not properly initialed by 2 inspectors or any absentee ballot not properly initialed by the municipal clerk, the executive director of the board of election commissioners or a deputy clerk or secretary shall be temporarily set aside and the board of canvassers shall, without inspection, randomly draw from these ballots as many as are necessary to reduce the number of ballots to equal the number of voters. Any ballots removed for lack of initials shall not

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be counted but shall be marked, set aside and carefully preserved. If the number of ballots still exceeds the number of voters reduced by the number of defective envelopes set aside under subd. 2, the remaining ballots shall be returned to the container or bag and the board of canvassers shall draw a number of ballots equal to the excess number of ballots by chance and without inspection from the container or bag. These ballots shall not be counted but shall be marked as having been removed by the canvassers on recount due to an excess number of ballots, set aside and carefully preserved.

5. When the number of ballots and voters agree, or after noting that the number of voters exceeds the number of ballots, the board of canvassers shall return all ballots to be counted to the ballot box and shall turn the ballot box in such manner as to thoroughly mix the ballots. The ~~recount~~ recount shall then begin.

5m. Except as otherwise provided in this section, the ~~recount~~ recount shall be conducted in accordance with s. 7.51.

6. In ~~recounting~~ recounting the votes cast on a voting machine in which the record of the votes cast is contained in the machine, the board of canvassers shall make a record of the number of the seal, if any, the number of the protective counter or other device, if one is provided, and shall open the recording compartment of the machine, and without unlocking the machine against voting, shall ~~recount~~ recount the votes thereon. If the machine is an electronic voting machine utilizing a detachable record of votes cast, the record shall be retabulated under s. 5.90.

8. If, upon the ~~recount~~ recount it is found that the original canvass of the returns has been correctly made from a voting machine, and that ~~the~~ a discrepancy still remains unaccounted for, the board of canvassers shall publicly unlock the voting and counting mechanism of the machine, and shall proceed to examine and test the machine to determine the cause of the discrepancy in returns from the machine. A similar test shall be performed for electronic voting machines to ascertain whether there is any malfunction in the machine. After the completion of the examination and test, the board of canvassers shall prepare a statement giving the results of the examination and test. The statement shall be witnessed by at least one witness.

9. If, upon the ~~recount~~ recount it appears that the original canvass of the returns by the election officials was incorrect, the statements and determinations of the board of canvassers shall be corrected accordingly.

11. All steps of the recount shall be performed publicly ~~and all~~. All materials and ballots may be viewed and identified by the candidates, the person demanding the recount and their authorized representatives and counsel, but only members of the board of canvassers and tabulators assisting them ~~are allowed to~~ may touch any of the materials or ballots. The candidates, the person demand-

ing the recount and their authorized representatives and counsel may object to the counting of any ballot. Any errors shall be corrected.

SECTION 73. 9.01 (7) (b) of the statutes is amended to read:

9.01 (7) (b) The appeal shall be heard by a judge without a jury. Within 10 days after an appeal is filed, the appellant shall file a complaint enumerating with specificity every alleged irregularity, defect, mistake or fraud committed during the recount. The appellant shall file a copy of the complaint with each person who is entitled to receive a copy of the order under par. (a). The court shall promptly require an answer from the other parties to the appeal. The court shall hold a hearing on the matter within 15 days of the date that the answer is filed. Those provisions of chs. 801 to 806 which are inconsistent with a prompt and expeditious hearing do not apply to appeals under this section.

SECTION 73am. 9.10 (1) (a) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

9.10 (1) (a) The qualified electors of the state, of any county, city, village, town, of any congressional, legislative, judicial or school district, or of any prosecutorial unit may petition for the recall of any incumbent elective official ~~after the first year of the term for which the official is elected~~ by filing a petition with the same official or agency with whom nomination papers or declarations of candidacy for the office are filed demanding the recall of the officeholder.

SECTION 73b. 9.10 (1) (b) of the statutes is amended to read:

9.10 (1) (b) Except as provided in par. (c), a petition for recall of ~~an a state, congressional, legislative, judicial or county~~ officer shall be signed by electors equal to at least 25% of the vote cast for the office of governor at the last election within the same district or territory as that of the officeholder being recalled. Except as provided in par. (c), a petition for the recall of a city, village, town or school district officer shall be signed by electors equal to at least 25% of the vote cast for the office of president at the last election within the same district or territory as that of the officeholder being recalled.

SECTION 73d. 9.10 (1) (c) 2. of the statutes is amended to read:

9.10 (1) (c) 2. The vote for governor or president, as required, at the last general election in the municipality within which the district lies shall be multiplied by 25% of the quotient determined under subd. 1 to determine the required number of signatures.

SECTION 73dm. 9.10 (2) (a) of the statutes is amended to read:

9.10 (2) (a) Every recall petition shall have on the face at the top in bold print the words "RECALL PETITION". Other requirements as to preparation and form of the petition shall be governed by s. 8.15 ~~8.40~~.

SECTION 73e. 9.10 (2) (b) of the statutes is amended to read:

9.10 (2) (b) A recall petition for a city, village, town or school district office shall contain ~~the grounds which constitute the cause and the cause upon a statement of a reason for the recall~~ which is related to the official responsibilities of the official for whom removal is sought. ~~In this paragraph, "cause" has the meaning given under s. 17.16 (2).~~

SECTION 73f. 9.10 (2) (d) of the statutes is amended to read:

9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless the petitioner first files a registration statement under s. 11.05 (1) or (2) with the filing officer with whom the petition is filed. The petitioner shall append to the registration a statement indicating his or her intent to circulate a recall petition ~~and, the name of the officer for whom recall is sought.~~ The and, in the case of a petition for the recall of a city, village, town or school district officer, a statement of a reason for the recall which is related to the official responsibilities of the official for whom removal is sought. ~~No~~ petitioner may circulate a petition ~~at any time after for the recall of an officer prior to~~ completing registration. The last date ~~the~~ that a petition for the recall of a state, congressional, legislative, judicial or county officer may be offered for filing is 5 p.m. on the 60th day commencing after registration. The last date that a petition for the recall of a city, village, town or school district officer may be offered for filing is 5 p.m. on the 30th day commencing after registration. After the recall petition has been offered for filing, no name may be added or removed. No signature may be counted unless the date of the signature is within the ~~60-day~~ period provided in this paragraph.

SECTION 73g. 9.10 (2) (e) 9. to 13. of the statutes are renumbered 9.10 (2) (em) 1 to 5.

SECTION 73h. 9.10 (2) (em) (intro.) of the statutes is created to read:

9.10 (2) (em) (intro.) No signature on a petition sheet may be counted if:

SECTION 73i. 9.10 (2) (o) of the statutes is amended to read:

9.10 (2) (o) ~~No signature may be stricken if~~ If the date of administering the oath is shown to be incorrect pre-dates the date of a signature, the signature is invalid. If the date of administering the oath is shown to be incorrect and the date postdates the date of a signature, the signature is valid.

SECTION 73j. 9.10 (2) (s) of the statutes is created to read:

9.10 (2) (s) No petition for recall of an officer may be offered for filing prior to the expiration of one year after commencement of the term of office for which the officer is elected.

SECTION 73k. 9.10 (3) (b) and (d) and (4) (a) of the statutes are amended to read:

9.10 (3) (b) Within ~~20~~ 10 days after the petition is offered for filing, the officer against whom the petition is filed may file a written challenge with the official, specifying any alleged insufficiency. If a challenge is filed, the petitioner may file a written rebuttal to the challenge with the official within ~~10~~ 5 days after the challenge is filed. If a rebuttal is filed, the ~~official~~ officer against whom the petition is filed may file a reply to any new matter raised in the rebuttal within ~~3~~ 2 days after the rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a reply to a rebuttal, the official shall file the certificate or an amended certificate. Within ~~45~~ 31 days after the petition is offered for filing, the official with whom the petition is offered for filing shall determine by careful examination whether the petition on its face is sufficient and so state in a certificate attached to the petition. If the official finds that the amended petition is sufficient, the official shall file the petition and call a recall election to be held on the Tuesday of the 6th week commencing after the date of filing of the petition. If Tuesday is a legal holiday, the recall election shall be held on the first day after Tuesday which is not a legal holiday. If the official finds that the petition is insufficient, the certificate shall state the particulars creating the insufficiency. The petition may be amended to correct any insufficiency within 5 days following the affixing of the original certificate. Within 5 days after the offering of the amended petition for filing, the official with whom the petition is filed shall again carefully examine the face of the petition to determine sufficiency and shall attach a certificate stating the findings. Upon showing of good cause, the circuit court for the county in which the petition is offered for filing may grant an extension of any of the time periods provided in this paragraph.

(d) If more than 2 persons compete for a nonpartisan office, a recall primary shall be held. The names of the 2 persons receiving the highest number of votes in the recall primary shall be certified to appear on the ballot in the recall election, but if any ~~candidate~~ person receives a majority of the total number of votes cast in the recall primary, ~~that candidate shall assume the office for the remainder of the term and~~ a recall election shall not be held. If the incumbent receives a majority of the votes cast, the incumbent shall be retained in office for the remainder of the term. If another candidate receives a majority of the votes cast, that candidate shall be elected to serve for the residue of the unexpired term of the incumbent. Write-in votes are permitted only at a recall primary or at a recall election in which no primary is held.

(4) (a) ~~For~~ Within 10 days after a petition for the recall of any a city, village, town or school district official, is offered for filing, the officer against whom the petition is filed may file a written challenge with the municipal clerk or board of election commissioners or school district clerk with whom it is filed, specifying any alleged insufficiency. If a challenge is filed, the peti-

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tioner may file a written rebuttal to the challenge with the clerk or board of election commissioners within 5 days after the challenge is filed. If a rebuttal is filed, the officer against whom the petition is filed may file a reply to any new matter raised in the rebuttal within 2 days after the rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a reply to a rebuttal, the clerk or board of election commissioners shall file the certificate or an amended certificate. Within 31 days after the petition is offered for filing, the municipal clerk or board of election commissioners or school district clerk shall determine by careful examination the sufficiency of the face of the petition whether the petition is sufficient and shall so state in a certificate attached to the petition. If the petition is found to be insufficient, the certificate shall state the particulars creating the insufficiency. The petition may be amended to correct any insufficiency within 5 days following the affixing of the original certificate. Within 2 days after the offering of the amended petition for filing, the clerk or board of election commissioners shall again carefully examine the face of the petition to determine sufficiency and shall attach to the petition a certificate stating the findings. Immediately upon finding an original or amended petition sufficient, except in cities over 500,000 population, the municipal clerk or board of election commissioners or the school district clerk shall transmit the petition to the clerk of circuit court governing body or to the school board. Immediately upon finding an original or amended petition sufficient, in cities over 500,000 population, the board of election commissioners shall file the petition in its office.

SECTION 73L. 9.10 (4) (b) and (c) of the statutes are repealed.

SECTION 73m. 9.10 (4) (d) and (f) of the statutes are amended to read:

9.10 (4) (d) The governing body, school board or board of election commissioners upon receiving the certificate ~~from the circuit court~~ shall call an election on the Tuesday of the 6th week commencing after the date of the certificate. If Tuesday is a legal holiday, the recall election shall be held on the first day after Tuesday which is not a legal holiday.

(f) If more than 2 persons compete for an office, a recall primary shall be held. The names of the 2 persons receiving the highest number of votes in the recall primary shall be certified to appear on the ballot in the recall election, but if ~~the incumbent~~ any person receives a majority of the total number of votes cast in the recall primary, ~~the incumbent shall be retained in office for the remainder of the term and a recall election shall not be held. If the incumbent receives a majority of the votes cast, the incumbent shall be retained in office for the remainder of the term. If another candidate receives a majority of the votes cast, that candidate shall be elected to serve for the residue of the unexpired term of the~~

~~incumbent.~~ Write-in votes are permitted only at a recall primary or at a recall election in which no primary is held.

SECTION 73r. 9.20 (2) of the statutes is amended to read:

9.20 (2) The preparation and form of the direct legislation petition shall be governed by s. ~~8.15~~ 8.40.

SECTION 74. 11.01 (5m) of the statutes is amended to read:

11.01 (5m) “Conduit” means an individual who or an organization which receives a contribution of money and transfers the contribution to another individual or organization without exercising discretion as to the amount which is transferred and the individual to whom or organization to which the transfer is made.

SECTION 75. 11.01 (17) of the statutes is renumbered 11.50 (1) (d) and amended to read:

11.50 (1) (d) “~~Printer~~” “Printing services” means any ~~person who accepts work for printing, imprinting, lithographing, photolithographing, rotogravure, gravure, letterpress, mimeographing, stenciling, photostating, multilithing, multigraphing, steel die engraving, silkscreening or by any other means reproducing or manufacturing political advertisements or campaign devices of any kind, including but not limited to campaign literature, billboard advertising, special clothing, buttons, pens, stickers, banners and streamers, in support of or in opposition to any candidate, political party or referendum, whether or not a charge is assessed for such work; excepting candidates, committees, individuals and groups the materials or services, except materials or services provided by a candidate or individual, committee or group~~ subject to a filing requirement under this chapter.

SECTION 76. 11.05 (7), (8) and (9) (b) of the statutes are amended to read:

11.05 (7) CHANGE IN STATUS OF NEW REGISTRANT. Notwithstanding sub. (6), any ~~committee, group or individual or organization~~ who or which has received property or funds which were not intended for political purposes in connection with an election for state or local office at the time of receipt may make contributions or disbursements from such property or funds in connection with an election for state or local office if the ~~committee, group or individual or organization~~ complies with applicable provisions of sub. (1), (2) or (2g) as soon as such intent changes. For purposes of s. 11.06 (1), all property or funds which are in such a registrant’s possession on the date of registration under this section shall be treated as received on the date that such intent changes so that the property or funds are to be used for political purposes in connection with an election for state or local office.

(8) CERTAIN INTRA-REGISTRANT TRANSFERS EXEMPT. If a ~~committee or group~~ an organization which is not organized exclusively for political purposes makes a contribution from its own property or funds to a committee or group, affiliated with ~~such committee or group~~ the

organization, which is organized exclusively for political purposes, and the contributing ~~committee or group~~ organization receives no contribution from a single source in excess of \$20 in the aggregate during any calendar year, and it makes no contributions or disbursements and incurs no obligations other than to make the transactions specified in this subsection, then no registration requirement applies to the contributing ~~committee or group~~ organization.

(9) (b) An individual who or a committee or group which receives a contribution of money and transfers the contribution to another individual, committee or group while acting as a conduit is not subject to registration under this section unless the individual, committee or group transfers the contribution to a candidate or a personal campaign, legislative campaign, political party or support committee.

SECTION 77. 11.06 (11) (a) and (c) of the statutes are amended to read:

11.06 (11) (a) A conduit transferring a contribution of money shall, in writing, identify itself to the transferee as a conduit and report to the transferee of each contribution transferred by it the information about the original contributor required for reporting purposes under sub. (1) (a) and (b) at the time the contribution is transferred. The conduit shall include the information in its report under s. 11.12 (5) or 11.20 for the date on which the contribution is received and transferred.

(c) A contribution of money received from a conduit, accompanied by the information required under par. (a), is considered to be a contribution from the original contributor.

SECTION 78. 11.20 (4) and (8) (c) of the statutes are amended to read:

11.20 (4) Continuing reports under s. 11.06 (1) by committees or individuals supporting or opposing candidates for office, including committees of a political party, and by individuals or groups supporting or opposing a referendum shall be received by the appropriate filing officer no earlier than January 1 and no later than January 31; and no earlier than July 1 and no later than July 40 20.

(8) (c) June 30 in the case of the continuing report required by July 40 20.

SECTION 79. 11.21 (1), (3) and (14) of the statutes are amended to read:

11.21 (1) Prescribe forms for making the reports, statements and notices required by this chapter. The board shall furnish forms for making reports or statements without charge to all persons who are required to file reports or statements with the board, and shall ~~furnish~~ distribute or arrange for the distribution of all forms or statements ~~to for use by~~ other filing officers under s. 16.79 (2).

(3) Prepare and publish for the use of persons required to file reports and statements under this chapter a manual setting forth simply and concisely recom-

mended uniform methods of bookkeeping and reporting. The board shall furnish a copy of the manual without charge, upon request, to all persons who are required to file reports or statements with the board, and shall ~~furnish~~ distribute or arrange for the distribution of copies of the manual ~~to for use by~~ other filing officers under s. 16.79 (2).

(14) Prepare, publish and periodically revise as necessary a manual simply and concisely describing the filing and registration requirements established in this chapter in detail, as well as other major provisions of this chapter and ch. 12. The board shall furnish a copy of the manual without charge, upon request, to all persons who are required to file reports or statements with the board, and shall ~~furnish~~ distribute or arrange for the distribution of copies of the manual ~~to for use by~~ other filing officers under s. 16.79 (2).

SECTION 80. 11.22 (1) of the statutes is amended to read:

11.22 (1) Obtain the forms and manuals prescribed by the board under s. 11.21 (1), (3) and (14) and election laws provided by the board under s. 7.08 (4). The officer shall furnish forms without charge to all persons who are required to file reports or statements with the officer, and shall furnish copies of manuals without charge, upon request, to all persons who are required to file reports or statements with the officer ~~upon request~~. The officer shall ~~furnish~~ distribute copies of the election laws received from the board to election officials without charge ~~to all election officials supervised by the officer~~. The officer shall furnish copies of manuals and election laws to other persons at cost.

SECTION 81. 11.24 (1m) of the statutes is amended to read:

11.24 (1m) A conduit making a contribution of money in the manner prescribed in s. 11.06 (11) (a) does not violate sub. (1).

SECTION 82. 11.26 (12m) of the statutes is amended to read:

11.26 (12m) For purposes of this section, a contribution of money received from a conduit identified in the manner prescribed in s. 11.06 (11) (a) shall be considered a contribution received from the original contributor.

SECTION 82m. 11.30 (2) (d) of the statutes is amended to read:

11.30 (2) (d) In addition to the requirements of pars. (a) to (c), a committee or individual required to file an oath under s. 11.06 (7) shall also in every communication in support of or in opposition to any clearly identified candidate or candidates ~~affirm that the communication is made without cooperation or consultation with any candidate or candidates or any agent or authorized committee of any candidate or candidates who are supported or opposed, and it is not made in concert with or at the request or suggestion of any candidate or candidates who are supported or opposed by the committee or individual~~

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include the words “Not authorized by any candidate or candidate’s agent or committee”.

SECTION 83. 11.31 (1) (fs) of the statutes is created to read:

11.31 (1) (fs) Candidates for district attorney in any prosecutorial unit with a population of 500,000 or less, \$86,250.

SECTION 84. 12.13 (2) (b) 6m, (3) (a) and (g) and (4) of the statutes are amended to read:

12.13 (2) (b) 6m. Obtain an absentee ballot for voting in a nursing home or qualified retirement home or qualified community-based residential facility under s. 6.875 (6) and fail to return the ballot to the issuing officer.

(3) (a) ~~Falsely make, make an oath~~ Falsify any information in respect to or fraudulently deface or destroy a certificate of nomination, nomination paper, declaration of candidacy or recall petition for an election, including a recall petition or petition for a referendum; or file or receive for filing a certificate of nomination, nomination paper, declaration of candidacy or recall any such petition, knowing any part is falsely made.

(g) Falsify any ~~affidavit or other~~ statement relating to voter registration under chs. 5 to 12.

(4) (title) NURSING AND RETIREMENT HOME AND COMMUNITY-BASED RESIDENTIAL FACILITY VOTING. No employe of a nursing home or qualified retirement home or qualified community-based residential facility, as defined in s. 6.875 (1) (as), may disclose the designated time arranged for absentee voting by occupants of the nursing home or community-based residential facility under s. 6.875 (6) to any person other than an occupant of the nursing home or qualified community-based residential facility or a relative of an occupant, as defined in s. 6.875 (1), who requests to be so informed.

SECTION 85. 16.79 (2) (a) and (b) of the statutes are consolidated, renumbered 16.79 (2) and amended to read:

16.79 (2) The department shall distribute in pamphlet form copies of the constitution and such laws as may be required to meet the public demand, including the ~~constitution and additional copies of election laws; also blank nomination papers,~~ The department shall distribute election manuals and other election blanks, forms and supplies, ~~not otherwise provided for, for use of candidates and committees, and by county and municipal clerks. Such specified by the elections board.~~ The laws, blanks, manuals, forms and supplies shall be sold by the department at cost, including distribution cost as determined under s. 35.80. ~~(b)~~ The elections board shall inform the department in writing as to which election law pamphlets, manuals, blanks forms and other supplies shall be ~~so printed, or purchased, and offered for sale or distribution. Supplies distributed under this subsection shall include ballot bags or containers.~~

SECTION 85am. 32.69 (2) of the statutes is amended to read:

32.69 (2) GENERAL OBLIGATION BONDING. The common council may adopt an initial resolution to issue general obligation bonds to pay the cost of laying out or improving any alley or street, as defined in s. 340.01 (2) and (64), without submitting the initial resolution to the electors of the city unless a number of electors equal to or greater than 10% of the votes cast for governor in the city at the last general election file a petition conforming to the requirements of s. 8.40 with the city clerk requesting submission. The city shall conduct any referendum for approval of the initial resolution as provided in s. 67.05 (5).

SECTION 85b. 33.23 (3) of the statutes is amended to read:

33.23 (3) Districts established by municipalities under this section may adopt the form of governance provided under s. 33.28 by petition to the governing body of the municipality. Upon presentation of a petition conforming to the requirements of s. 8.40 requesting the change and signed by at least 20% of the property owners within the district, the governing body of the municipality shall provide for the necessary election of commissioners. The election shall be held by secret ballot at the next annual meeting of the district and the change becomes effective at that time unless a challenge to the results of that election is initiated in circuit court within 14 days after the election. The court shall stay the change pending the decision on the challenge.

SECTION 85c. 59.11 (2) of the statutes is amended to read:

59.11 (2) If two-fifths of the legal voters of any county, to be determined by the registration or poll lists of the last previous general election held therein, the names of which voters shall appear on some one of the registration or poll lists of such election, present to the board a petition ~~signed by them~~ conforming to the requirements of s. 8.40 asking a change of the county seat to some other place designated in the petition, the board shall submit the question of removal of the county seat to a vote of the qualified voters of the county. The election shall be held only on the day of the general election, notice thereof shall be given and the election shall be conducted as in the case of the election of officers on that day, and the votes shall be canvassed, certified and returned in the same manner as other votes at that election. The question to be submitted shall be “Shall the county seat of county be removed to”.

SECTION 85d. 59.997 (5) of the statutes, as affected by 1989 Wisconsin Act 56, is amended to read:

59.997 (5) The qualified electors of each county involved in the consolidation proposal whose county board of supervisors has not taken the initiative under sub. (2) may, by filing with the county board of supervisors of the county a petition conforming to the requirements of s. 8.40, signed by not less than 20% of the qualified electors of the county, based on the total vote cast for

governor at the last general election, asking the board to effect a consolidation agreement with the county or counties named in the petition, and asking for a referendum on the question, require the board to so proceed. A copy of the petition of the electors shall also be filed with the clerk of the circuit court of the county. If the county board of supervisors is able within 6 months thereafter to effect the consolidation agreement, the procedure shall be the same as set forth in this section. If the board within that period of time is unable or for any reason fails to perfect the consolidation agreement, then the judge of the circuit court of the county shall appoint a committee of 5 representative citizens of the county, to act for and in lieu of the county board of supervisors in perfecting the consolidation agreement and in petitioning for a referendum.

SECTION 85e. 60.03 (2) of the statutes is amended to read:

60.03 (2) PETITION. If at least 20% of the residents of a town who have a freehold interest in real property located in the town and who constitute at least one-third of the electors of the town file a petition with the county board to divide or dissolve, conforming to the requirements of s. 8.40, requesting division or dissolution of the town and file the petition with the town clerk at least 60 days before the next annual town meeting, a referendum shall be held at the annual town meeting on the question of division or dissolution.

SECTION 85f. 60.74 (4) (a) and (5) (b) of the statutes are amended to read:

60.74 (4) (a) If the commissioners of a district have been appointed, a petition requesting that commissioners be elected may be submitted to the town board responsible for the selection of commissioners under sub. (1) or (2). The petition shall state whether the petitioners wish to have the first commissioners elected at a special election or at the spring election. The petition shall conform to the requirements of s. 8.40 and shall be signed by qualified electors of the district equal to at least 20% of the vote cast for governor in the district at the last gubernatorial election.

(5) (b) A petition conforming to the requirements of s. 8.40 signed by qualified electors of the district equal to at least 20% of the vote cast for governor in the district at the last gubernatorial election, requesting a change to appointment of commissioners, may be submitted to the town board. Upon receipt of the petition, the town board shall submit the question to a referendum at the next regular spring election or general election, or shall call a special election for that purpose. The inspectors shall count the votes and submit a statement of the results to the commission. The commission shall canvass the results of the election and certify the results to the town board which has authority to appoint commissioners.

SECTION 85g. 61.187 (1) of the statutes is amended to read:

61.187 (1) PROCEDURE. Whenever ~~an application in writing a petition conforming to the requirements of s. 8.40,~~ signed by at least one-third as many electors of any village as voted for village officers at the next preceding election therefor, shall be presented to the village board praying for dissolution of the village corporation, such board shall submit to the electors of such village, for determination by ballot in substantially the manner provided by ss. 5.64 (2) and 10.02, at a general election or at a special election called by them for that purpose, the question whether or not such village corporation shall be dissolved.

SECTION 85h. 62.13 (6) (b) of the statutes is amended to read:

62.13 (6) (b) The provisions of this subsection shall apply only if adopted by the electors. Whenever not less than 30 days prior to a regular city election a petition therefor, conforming to the requirements of s. 8.40 and signed by electors equal in number to not less than 20% of the total vote cast in the city for governor at the last general election, shall be filed with the clerk, he shall give notice in the manner of notice of the regular city election of a referendum on the adoption of this subsection. Such referendum election shall be held with the regular city election, and the ballots shall conform with the provisions of ss. 5.64 (2) and 10.02, and the question shall be “Shall s. 62.13 (6) of the statutes be adopted”?

SECTION 85i. 64.39 (2) of the statutes is amended to read:

64.39 (2) Such petition ~~may be circulated by any number of persons, may consist of more than one sheet of paper fastened together shall conform to the requirements of s. 8.40~~ and shall be signed by qualified electors of such city at least equal in number to 25 per cent % of the total number of votes cast in such city for all candidates for governor at the last preceding general election, ~~and shall give the date of signature and place of residence of each elector next after his signature. Each separate sheet of such petition shall have appended thereto the affidavit of a qualified elector to the effect that he is personally acquainted with all persons who have signed the said sheet of said petition, that they are electors and their places of residence and date of signature are truly stated therein.~~ Such petition shall be filed with the city clerk and after being so filed, no name shall be erased or removed therefrom and no signature shall be valid or be counted unless its date is less than one month preceding the date of such filing.

SECTION 85j. 66.01 (5) of the statutes is amended to read:

66.01 (5) Any city or village by charter ordinance may make the election mentioned in sub. (4) of this section, or enact, amend or repeal the whole or any part of its charter; but such ordinance shall not take effect until 60 days after its passage and publication. If within such

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60 days a petition conforming to the requirements of s. 8.40 signed by a number of electors of the city or village equal to not less than 7% of the votes cast therein for governor at the last general election shall be filed in the office of the clerk of said city or village demanding that such ordinance be submitted to a vote of the electors it shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon. Said petition and the proceedings for its submission shall be governed by s. 9.20 (2) to (6).

SECTION 85k. 66.019 (6) of the statutes is amended to read:

66.019 (6) REORGANIZATION AS VILLAGE. If the population of the city falls below 1,000 as determined by the United States census, the council may upon filing of a petition conforming to the requirements of s. 8.40 containing the signatures of at least 15 per-cent % of the electors submit at any general or city election the question whether the city shall reorganize as a village. If three-fifths of the votes cast on the question are for reorganization the mayor and council shall file a certified copy of the return in the office of the register of deeds and the clerk of the circuit court, and shall immediately call an election, to be conducted as are village elections, for the election of village officers. Upon the qualification of such officers, the board of trustees shall declare the city reorganized as a village, whereupon the reorganization shall be effected. The clerk shall forthwith certify a copy of such declaration to the secretary of state who shall file the same and indorse a memorandum thereof on the record of the certificate of incorporation of the city. Rights and liabilities of the city shall continue in favor of or against the village. Ordinances, so far as within the power of the village, shall remain in force until changed.

SECTION 85L. 66.021 (2) (b) and (5) (a) of the statutes are amended to read:

66.021 (2) (b) *Annexation by referendum.* A petition for a referendum on the question of annexation may be filed with the city or village clerk signed by a number of qualified electors residing in the territory equal to at least 20% of the votes cast for governor in the territory at the last gubernatorial election, and the owners of at least 50% of the real property either in area or assessed value. The petition shall conform to the requirements of s. 8.40.

(5) (a) *Notice.* Within 60 days after the filing of the petition, the common council or village board may accept or reject the petition and if rejected no further action shall be taken thereon. Acceptance may consist of adoption of an annexation ordinance. Failure to reject the petition shall obligate the city or village to pay the cost of any referendum favorable to annexation. If the petition is not rejected the clerk of the city or village with whom the annexation petition is filed shall give written notice thereof by personal service or registered mail with return receipt requested to the clerk of any town from which territory is proposed to be detached and shall give like notice

to any person who files a written request therefor with the clerk. Such notice shall indicate whether the petition is for direct annexation or whether it requests a referendum on the question of annexation. If the notice indicates that the petition is for a referendum on the question of annexation, the town clerk shall give notice as provided in par. (c) of a referendum of the electors residing in the area proposed for annexation to be held within 30 days after the date of personal service or mailing of the notice required under this paragraph. If the notice indicates that the petition is for direct annexation, no referendum shall be held unless within 30 days after the date of personal service or mailing of the notice required under this paragraph, a petition conforming to the requirements of s. 8.40 requesting a referendum is filed with the town clerk signed by at least 20 per-cent% of the electors residing in the area proposed to be annexed. If such a petition is filed, the clerk shall give notice as provided in par. (c) of a referendum of the electors residing in the area proposed for annexation to be held within 30 days of the receipt of the petition and shall mail a copy of such notice to the clerk of the city or village to which the annexation is proposed. Any referendum shall be held at some convenient place within the town to be specified in the notice.

SECTION 85La. 66.022 (3) of the statutes is amended to read:

66.022 (3) The governing body of any city, village or town involved may, or if a petition conforming to the requirements of s. 8.40 signed by a number of qualified electors thereof equal to at least 5% of the votes cast for governor in the city, village or town at the last gubernatorial election, demanding a referendum thereon, is presented to it within 30 days after the passage of either of the ordinances herein provided for shall, cause the question to be submitted to the electors of the city, village or town whose electors petitioned therefor, at a referendum election called for such purpose within 30 days after the filing of such petition, or after the enactment of either ordinance. Whenever a number of electors cannot be determined on the basis of reported election statistics, the number shall be determined in accordance with s. 60.74 (6). The governing body of the municipality shall appoint 3 election inspectors who shall be resident electors to supervise the referendum. The ballots shall contain the words “For Detachment” and “Against Detachment”. The inspectors shall certify the results of the election by their affidavits annexed thereto and file a copy with the clerk of each town, village or city involved, and none of the ordinances so provided for shall take effect nor be in force unless a majority of the electors shall approve the same. The referendum election shall be conducted in accordance with chs. 6 and 7 insofar as applicable.

SECTION 85Lb. 66.027 of the statutes is amended to read:

66.027 Municipal boundaries, fixed by judgment or agreement. Any 2 municipalities whose boundaries are immediately adjacent at any point and who are parties to any action, proceeding or appeal in court for the purpose of testing the validity or invalidity of any annexation, incorporation, consolidation or detachment, may enter into a written stipulation, compromising and settling any such litigation and determining the common boundary line between the municipalities. The court having jurisdiction of the litigation, whether it is a circuit court, the court of appeals or the supreme court, may enter a final judgment incorporating the provisions of the stipulation and fixing the common boundary line between the municipalities involved. Any 2 municipalities whose boundaries are immediately adjacent at any point may enter into a written agreement setting the boundary lines between themselves. Any agreement changing boundaries of municipalities shall be approved by the governing bodies of the detaching and annexing municipalities and s. 66.021 (8) and (10) shall apply. Any change of civil municipal boundaries under this section is subject to a referendum of the electors residing within the territory annexed or detached, if within 30 days after the publication of the stipulation or agreement to change boundaries in a newspaper of general circulation in the area proposed to be annexed or detached, a petition for a referendum conforming to the requirements of s. 8.40 signed by at least 20% of the electors of the area to be annexed or detached, is filed with the clerk of the municipality from which the area is proposed to be detached. The referendum shall be conducted as are annexation referenda. If the referendum election is opposed to detachment from the municipality, all proceedings under this section are void. For the purposes of this section “municipalities” includes cities, villages and towns.

SECTION 85Lc. 66.059 (2m) (a) of the statutes is amended to read:

66.059 (2m) (a) A resolution, adopted under sub. (2) by the governing body of a municipality, need not be submitted to the electors of the municipality for approval, unless within 30 days after the resolution is adopted there is filed with the clerk of the municipality a petition conforming to the requirements of s. 8.40 requesting a referendum thereon, signed by electors numbering at least 10% of the votes cast in the municipality for governor at the last general election. Any resolution, adopted under sub. (2) at the discretion of the municipal governing body, may be submitted to the electors without waiting for the filing of a petition.

SECTION 85Ld. 66.075 (5) of the statutes is amended to read:

66.075 (5) The provisions of this section shall apply only to such counties and to such cities as shall have adopted the same at any general or municipal election at which the question of the establishment of such county or municipal slaughterhouse shall have been submitted to

the voters of such county or such city. Such question shall, upon the ~~written~~ filing of a petition of conforming to the requirements of s. 8.40 by electors of such county or such city equal in number to at least 10 ~~per cent~~% of all the votes cast in such county or such city for governor at the last preceding general election, be submitted to the electors of such county or such city at the next ensuing election, and if a majority of votes cast shall be in favor of the establishment of such slaughterhouse, the provisions of this section shall apply to such county or to such city.

SECTION 85Le. 66.521 (10) (d) of the statutes is amended to read:

66.521 (10) (d) The governing body may issue bonds under this section without submitting the proposition to the electors of the municipality for approval unless within 30 days from the date of publication of notice of adoption of the initial resolution for such bonds, a petition conforming to the requirements of s. 8.40, signed by not less than 5% of the registered electors of the municipality, or, if there is no registration of electors in the municipality, by 10% of the number of electors of the municipality voting for the office of governor at the last general election as determined under s. 115.01 (13), is filed with the clerk of the municipality requesting a referendum upon the question of the issuance of the bonds. If such a petition is filed, the bonds shall not be issued until approved by a majority of the electors of the municipality voting thereon at a general or special election.

SECTION 85Leg. 67.05 (4), (5), (6m) (a) and (7) (a) and (b) of the statutes are amended to read:

67.05 (4) PERMISSIVE REFERENDUM IN COUNTIES. If a county board adopts an initial resolution for an issue of county bonds to provide for the original construction or for the improvement and maintenance of highways, to provide railroad aid, or to construct, acquire or maintain, or to aid in constructing, acquiring or maintaining a bridge over or across any stream or other body of water bordering upon or intersecting any part of the county, the county clerk is not required to submit the resolution for approval to the electors of the county at a special election unless within 30 days after the adoption thereof there is filed with the clerk a petition conforming to the requirements of s. 8.40 requesting such submission, signed by electors numbering at least 10% of the votes cast in the county for governor at the last general election. If a petition is filed, the question submitted shall be whether the resolution shall be or shall not be approved. No such resolution of a county board other than those specified in this subsection need be submitted to county electors, except as provided otherwise in sub. (7).

(5) REFERENDUM IN TOWNS, VILLAGES AND CITIES. (a) Whenever an initial resolution has been so adopted by the governing body of a town, the clerk of the municipality shall immediately record the resolution and call a special election for the purpose of submitting the resolution to

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the electors of the municipality for approval. This paragraph does not apply to bonds issued to finance low-interest mortgage loans under s. 66.38, unless a number of electors equal to at least 15% of the votes cast for governor at the last general election in their town sign and file a petition conforming to the requirements of s. 8.40 with the town clerk requesting submission of the resolution. Whenever a number of electors cannot be determined on the basis of reported statistics, the number shall be determined in accordance with s. 60.74 (6). If a petition is filed, the question submitted shall be whether the resolution shall or shall not be approved. This paragraph is limited in its scope by sub. (7).

(b) No city or village may issue any bonds for any purposes other than for waterworks, lighting works, gas works, bridges, street lighting, street improvements, street improvement funding, hospitals, airports, harbor improvements, river improvements, breakwaters and protection piers, sewerage, garbage disposal, rubbish or refuse disposal, any combination of sewage, garbage or refuse or rubbish disposal, parks and public grounds, swimming pools and band shells thereon, veterans housing projects, paying the municipality's portion of the cost of abolishing grade crossings, for the construction of police facilities and combined fire and police safety buildings, for the purchase of sites for engine houses, for fire engines and other equipment of the fire department, for construction of engine houses, and for pumps, water mains, reservoirs and all other reasonable facilities for fire protection apparatus or equipment for fire protection, for parking lots or other parking facilities, for school purposes, for libraries, for buildings for the housing of machinery and equipment, for acquiring and developing sites for industry and commerce as will expand the municipal tax base, for financing the cost of low-interest mortgage loans under s. 66.38, for providing financial assistance to blight elimination, slum clearance, community development, redevelopment and urban renewal programs and projects under ss. 66.405 to 66.425, 66.43, 66.431, 66.4325, 66.435 and 66.46 or for university of Wisconsin system centers until the proposition for their issue for the special purpose thereof has been submitted to the electors of the city or village and adopted by a majority vote. Except as provided under sub. (15), if the common council of any city or the village board of any village declares its purpose to raise money by issuing bonds for any purpose other than those above specified, it shall direct by resolution, which shall be recorded at length in the record of its proceedings, the clerk to call a special election for the purpose of submitting the question of bonding to the city or village electors. If a number of electors of a city or village equal to at least 15% of the votes cast for governor at the last general election in their city or village sign and file a petition conforming to the requirements of s. 8.40 with the city or village clerk requesting submission of the resolution, the city or vil-

lage may not issue bonds for financing the cost of low-interest mortgage loans under s. 66.38 without calling a special election to submit the question of bonding to the city or village electors for their approval.

(6m) (a) An initial resolution adopted by a vocational, technical and adult education district board for an issue of bonds in an amount of money not exceeding \$500,000 for building remodeling or improvement need not be submitted to the electors of the district for approval unless within 30 days after the initial resolution is adopted there is filed with the vocational, technical and adult education district secretary a petition conforming to the requirements of s. 8.40 requesting a referendum thereon. Such a petition shall be signed by electors from each county lying wholly or partially within the district.

The number of electors from each county shall equal at least 1.5% of the population of the county as determined under s. 16.96 (2) (c). If a county lies in more than one district, the state board of vocational, technical and adult education shall apportion the county's population as determined under s. 16.96 (2) (c) to the districts involved and the petition shall be signed by electors equal to the appropriate percentage of the apportioned population. Any initial resolution adopted under sub. (1) in an amount of money not exceeding \$500,000 at the discretion of the district board, may be submitted to the electors without waiting for the filing of a petition. All initial resolutions adopted under sub. (1) in an amount of money in excess of \$500,000 or more for building remodeling or improvement shall be submitted to the electors of the district for approval. If a referendum is duly petitioned or required under this subsection, bonds may not be issued until the electors of the district have approved the issue.

(7) (a) An initial resolution adopted by a county board for an issue of bonds to provide a memorial for soldiers, sailors and marines, shall not be submitted to the electors unless within 30 days after the adoption thereof there is filed with the county clerk a petition conforming to the requirements of s. 8.40 requesting such submission, signed by electors numbering at least 10% of the votes cast in the county for governor at the last general election. If such petition is filed, proceedings shall be had under sub. (4).

(b) An initial resolution adopted by the governing body of a city for an issue of bonds for purposes specifically enumerated in sub. (5) need not be submitted to the electors under sub. (5) unless, within 30 days after the adoption thereof, a petition conforming to the requirements of s. 8.40 requesting such submission, signed by electors numbering at least 10% of the votes cast for governor in the city at the last general election, is filed in the office of the city clerk. Whenever a number of electors cannot be determined on the basis of reported statistics, the number shall be determined in accordance with s. 60.74 (6). Any initial resolution may, in the discretion of

the governing body, by separate recorded resolution, be submitted to popular vote without a petition.

SECTION 85Lf. 67.05 (7) (e) and (g) of the statutes are amended to read:

67.05 (7) (e) An initial resolution adopted by the governing body of a city or village for an issue of bonds to create a revolving fund out of which to advance the cost of any work for which special assessments may be levied, in anticipation of the collection by the city or village treasurer of the special assessments, special improvement certificates and improvement bonds, made or issued for the cost thereof, need not be submitted to the electors under sub. (5) unless, within 30 days after the adoption thereof, a petition conforming to the requirements of s. 8.40 requesting such submission, signed by electors numbering at least 10% of the votes cast for governor in the city or village at the last general election, is filed in the office of the city or village clerk. Whenever a number of electors cannot be determined on the basis of reported statistics, the number shall be determined in accordance with s. 60.74 (6). If such petition is filed, proceedings shall be had under sub. (5). Any such resolution may, in the discretion of the governing body, by separate recorded resolution, be submitted to popular vote without the filing of a petition.

(g) An initial resolution adopted by any town sanitary district under sub. (1) may be submitted to the electors by separate resolution of the board. If the board does not adopt such a separate resolution, the initial resolution may not be submitted to the electors unless, within 30 days after its adoption, a petition conforming to the requirements of s. 8.40 requesting such submission, signed by electors numbering at least 10% of the votes cast for governor in the district at the last general election, is filed with the district clerk requesting a referendum. If a petition is filed, the board shall proceed under sub. (5).

SECTION 85Lg. 67.12 (12) (e) 2. of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

67.12 (12) (e) 2. Unless the purpose and amount of the borrowing have been approved by the electors under s. 67.05 (6a), the purpose is to refund any outstanding municipal obligation or subd. 2g applies, the school district clerk shall, within 10 days after a school board adopts a resolution under subd. 1 to issue a promissory note in excess of \$5,000, publish notice of such adoption as a class 1 notice, under ch. 985. Alternatively, the notice may be posted as provided under s. 10.05. The notice need not set forth the full contents of the resolution, but shall state the maximum amount proposed to be borrowed, the purpose thereof, that the resolution was adopted under this subsection, and the place where, and the hours during which, the resolution may be inspected. If, within 15 days after publication or posting, a petition conforming to the requirements of s. 8.40 is filed with the school district clerk for a referendum on the resolution signed by at least 7,500 electors of the district or at least

20% of the number of district electors voting for governor at the last general election, as determined under s. 115.01 (13), whichever is the lesser, then the resolution shall not be effective unless adopted by a majority of the district electors voting at the referendum. The referendum shall be called in the manner provided under s. 67.05 (6a), except that the question which appears on the ballot shall be “Shall (name of district) borrow the sum of \$.... for (state purpose) by issuing its general obligation promissory note (or notes) under section 67.12 (12) of the Wisconsin Statutes?”.

SECTION 85Lh. 67.12 (12) (e) 5. of the statutes is amended to read:

67.12 (12) (e) 5. Within 10 days of the adoption by a vocational, technical and adult education district board of a resolution under subd. 1 to issue a promissory note for a purpose under s. 38.16 (2), the secretary of the district board shall publish a notice of such adoption as a class 1 notice, under ch. 985. The notice need not set forth the full contents of the resolution, but shall state the amount proposed to be borrowed, the method of borrowing, the purpose thereof, that the resolution was adopted under to this subsection and the place where and the hours during which the resolution is available for public inspection. If the amount proposed to be borrowed is for building remodeling or improvement and does not exceed \$500,000 or is for movable equipment, the district board need not submit the resolution to the electors for approval unless, within 30 days after the publication or posting, a petition conforming to the requirements of s. 8.40 is filed with the secretary of the district board requesting a referendum at a special election to be called for that purpose. Such petition shall be signed by electors from each county lying wholly or partially within the district. The number of electors from each county shall equal at least 1.5% of the population of the county as determined under s. 16.96 (2) (c). If a county lies in more than one district, the board of vocational, technical and adult education shall apportion the county’s population as determined under s. 16.96 (2) (c) to the districts involved and the petition shall be signed by electors equal to the appropriate percentage of the apportioned population. In lieu of a special election, the district board may specify that the referendum shall be held at the next succeeding spring primary or election or September primary or general election. Any resolution to borrow amounts of money in excess of \$500,000 for building remodeling or improvement shall be submitted to the electors of the district for approval. If a referendum is held or required under this subdivision, no promissory note may be issued until the issuance is approved by a majority of the district electors voting at such referendum. The referendum shall be noticed, called and conducted under s. 67.05 (6a) insofar as applicable, except that the notice of special election and ballot need not embody a copy of the resolution and the question which shall appear on the ballot shall be

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“Shall (name of district) be authorized to borrow the sum of \$.... for (state purpose) by issuing its general obligation promissory note (or notes) under section 67.12 (12) of the Wisconsin Statutes?”.

SECTION 85Li. 86.21 (2) (a) of the statutes is amended to read:

86.21 (2) (a) Before any such toll bridge is constructed or acquired under this section, a resolution authorizing the construction or acquisition thereof, and specifying the method of payment therefor, shall be adopted by a majority of the members of the governing body of such county, town, village or city at a regular meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The resolution shall include a general description of the property it is proposed to acquire or construct. Any county, town, village or city constructing or acquiring a toll bridge under this section may provide for the payment of the same or any part thereof from the general fund, from taxation, or from the proceeds of either municipal bonds, revenue bonds or as otherwise provided by law. Such resolution shall not be effective until 15 days after its passage and publication. If within said 15 days a petition conforming to the requirements of s. 8.40 is filed with the clerk of such municipality signed by at least 20% of the electors thereof requesting that the question of acquiring such toll bridge be submitted to the said electors, such question shall be submitted at any general or regular municipal election that may be held not less than 10 nor more than 40 days from the date of filing such petition. In case no such general or regular municipal election is to be held within such stated period, then the governing body of such municipality shall order a special election to be held within 30 days from the filing of such petition upon the question of whether such toll bridge shall be acquired by said municipality. The question submitted to the electors shall specify the method of payment for such toll bridge as provided in the resolution for the acquisition thereof. If no such petition is filed, or if the majority of votes cast at such referendum election are in favor of the acquisition of such toll bridge, then the resolution of the governing body for the acquisition of such toll bridge shall be in effect.

SECTION 85Lj. 117.08 (3) (a) 2. of the statutes, as affected by 1989 Wisconsin Act (Assembly Bill 146), is amended to read:

117.08 (3) (a) 2. Before the 2nd Tuesday of September following the adoption of the resolutions under sub. (2), a petition conforming to the requirements of s. 8.40 requesting an advisory referendum and board review, signed by at least 10% of the electors who reside in any affected school district, is filed with the clerk of the school district that has the highest equalized valuation of the affected school districts. ~~The preparation, form and validity of the petition shall be governed by s. 8.15 (2) and (4) (a) and the rules promulgated under s. 8.07 8.40 (3).~~

SECTION 85Lk. 117.09 (3) (a) 2. of the statutes, as created by 1989 Wisconsin Act (Assembly Bill 146), is amended to read:

117.09 (3) (a) 2. Before the 2nd Tuesday of September following the adoption of the resolutions under sub. (2) (a), a petition conforming to the requirements of s. 8.40 requesting a referendum, signed by at least 10% of the electors who reside in any affected school district, is filed with the clerk of the union high school district. ~~The preparation, form and validity of the petition shall be governed by s. 8.15 (2) and (4) (a) and the rules promulgated under s. 8.07 8.40 (3).~~

SECTION 85Lm. 117.10 (3) (a) 2. of the statutes, as affected by 1989 Wisconsin Act (Assembly Bill 146), is amended to read:

117.10 (3) (a) 2. Before the 2nd Tuesday of September following the adoption of the resolution under sub. (2), a petition conforming to the requirements of s. 8.40 requesting an advisory referendum, signed by at least 10% of the electors who reside in the affected school district, is filed with the school district clerk. ~~The preparation, form and validity of the petition shall be governed by s. 8.15 (2) and (4) (a) and the rules promulgated under s. 8.07 8.40 (3).~~

SECTION 85Ln. 117.11 (4) (a) 2. of the statutes, as created by 1989 Wisconsin Act (Assembly Bill 146), is amended to read:

117.11 (4) (a) 2. A petition conforming to the requirements of s. 8.40 requesting a referendum, signed by at least 10% of the electors who reside in either affected school district, is filed with the clerk of the school district from which the territory is proposed to be detached. ~~The preparation, form and validity of the petition shall be governed by s. 8.15 (2) and (4) (a) and the rules promulgated under s. 8.07 8.40 (3).~~

SECTION 85Lo. 117.27 (1) of the statutes, as affected by 1989 Wisconsin Act (Assembly Bill 146), is amended to read:

117.27 (1) A common or union high school district may be changed into a unified school district, a unified school district operating only high school grades may be changed into a union high school district, and a unified school district operating only elementary grades or both elementary and high school grades may be changed into a common school district, if at least 30 days prior to the spring election a petition conforming to the requirements of s. 8.40 requesting the change is filed with the school district clerk signed by at least 10% of the electors residing in the school district. The validity of the petition shall be governed by the rules promulgated under s. 8.40 (3).

SECTION 85Lp. 119.54 (2) (b) of the statutes is amended to read:

119.54 (2) (b) The petition under par. (a) shall be prepared in accordance with the requirements of s. 8.15 ~~relating to the use of more than a single piece of paper, the dates of signatures, the places of residence of signers and~~

the verification thereof 8.40. Within 15 days following the filing of the petition, the city clerk shall examine the petition, determine the sufficiency or insufficiency of the petition and state his finding in a signed certificate dated and attached to the petition. If the city clerk finds the petition to be insufficient, he shall state in the certificate the reasons for his finding. Within 10 days following the date of the certificate, the petition may be amended to correct the insufficiency. If originally or after amendment the city clerk finds the petition to be sufficient, the city clerk shall so state in his certificate and immediately shall submit the certificate to the common council.

SECTION 85Lq. 119.70 (2) of the statutes is amended to read:

119.70 (2) Upon the filing of a petition conforming to the requirements of s. 8.40 with the city clerk, signed by electors of the school district equal to at least 10% of the number voting at the last citywide election in the city, the question of initiating any of the activities specified in sub. (1) shall be submitted to the electors of the school district at the next election held in the city. If a majority of the votes cast upon the question is in the affirmative, the board shall initiate the activities in accordance with the petition.

SECTION 85Lr. 120.02 (1), (2) (a) and (4) of the statutes are amended to read:

120.02 (1) CHANGE IN NUMBER OF SCHOOL BOARD MEMBERS. If, at least 30 days prior to the day of the annual school district meeting, in a common or union high school district, or at least 45 days prior to the day of the election of school board members in a unified school district, a petition conforming to the requirements of s. 8.40 requesting a change in the number of school board members is filed with the school district clerk the clerk shall incorporate in the notice of the annual meeting or election a statement that at the meeting or election the question of changing the number of school board members to the number requested in the petition will be voted upon. The petition shall be signed by not less than 100 electors residing in the school district, except that in school districts which contain, in whole or in part, a city of the 2nd or 3rd class, the petition shall be signed by not less than 500 electors residing in the school district. If, at the meeting or election of school board members, a resolution based on a petition requesting a change in the number of school board members is adopted by a majority vote, school board members shall be elected at the next school board election and thereafter in accordance with sub. (3).

(2) (a) If, at least 30 days prior to the day of the annual meeting, in a common or union high school district, or at least 45 days prior to the day of the election of school board members in a unified school district, a petition conforming to the requirements of s. 8.40 requesting the establishment of a plan of apportionment of school board members is filed with the school district clerk the clerk shall incorporate notice of receipt of such petition in the

notice of the annual meeting or election. The petition shall specify the proposed plan of apportionment of school board members among the cities, towns and villages or parts thereof within the school district and set the total number of school board members at not more than 11. The petition shall be signed by not less than 100 electors residing in the school district, except that in school districts which contain, in whole or in part, a city of the 2nd or 3rd class the petition shall be signed by not less than 500 electors residing in the school district. If a majority vote of the annual meeting or election approves the plan set forth in the petition, the plan shall remain in operation until revised by the same procedure. School board members elected under this subsection shall be elected by a vote of the electors of the entire school district in accordance with the plan prepared under sub. (3).

(4) ELECTION TO NUMBERED SEATS. If, at least 30 days prior to the day of the annual meeting, in a common or union high school district, or at least 45 days prior to the day of the election of school board members in a unified school district, a petition conforming to the requirements of s. 8.40 which sets forth a plan for the assignment of a number to each seat on the school board is filed with the school district clerk, the school district clerk shall incorporate notice of receipt of such petition in the notice of the annual meeting or election required under s. 120.06 (8) (c). The petition shall be signed by not less than 100 electors residing in the school district, except that in school districts which contain, in whole or in part, a city of the 2nd or 3rd class, the petition shall be signed by not less than 500 electors residing in the school district. If a majority vote of the annual meeting or election approves the plan set forth in the petition, the plan shall remain in operation until revised by the same procedure.

SECTION 85m. 120.06 (8) (d) and (f) and (14) of the statutes are amended to read:

120.06 (8) (d) Where paper ballots are utilized at a spring primary or election, provide the municipal clerk an adequate supply of ballots for the spring primary and or election at least 3 weeks 22 days before the primary and or election;

(f) After the spring primary, if any, after the spring election, and after any special primary, election or referendum, assure that the returns are canvassed as provided in sub. (14) and s. 7.53 (3).

(14) The school district clerk shall receive the returns of each school district election, as ~~canvassed by the municipal board of canvassers~~ compiled by the inspectors at each polling place of each municipality in which the school district is contained, from the municipal clerk of that municipality. The school district shall then canvass and determine the results of the election. ~~For this purpose, the school district clerk shall choose 2 reputable citizens prior to the date of the election being canvassed who shall, with the school district clerk, constitute the school district board of canvassers. If the school district~~

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clerk is a candidate at the election being canvassed, the other 2 members of the board of canvassers shall designate a 3rd member to serve in lieu of the clerk for that election. The canvass shall begin as soon as possible after receipt of the returns, and shall continue, without adjournment, until completed. The board of canvassers may return defective returns to the municipal board of canvassers in the manner provided in s. 7.60 (3). The board of canvassers shall prepare a statement showing the numbers of votes cast for each office and for and against each question and shall prepare a determination showing the names of the persons who are elected to the school board and the results of any school district referendum. Following each primary election, the board of canvassers shall prepare a statement certifying the names of the persons who have won nomination to the school board. Each statement and determination shall be attested by each of the canvassers. The board of canvassers shall file each statement and determination in the office of the school district clerk.

SECTION 85r. 125.05 (1) (b) 1. of the statutes is amended to read:

125.05 (1) (b) 1. A written petition shall be circulated requesting that the question be submitted to the electors of the municipality affected by the question. A separate petition for each question shall be circulated. The contents of the petition shall be governed, as far as applicable, by the provisions of s. 8.15 relating to the use of more than one sheet of paper, the dates of signatures, the residences of the signers and verification of the petition by s. 8.40.

SECTION 85w. 197.04 (1) of the statutes is amended to read:

197.04 (1) Any municipality having determined to acquire an existing plant or any part of the equipment of a public utility may discontinue all proceedings to that end at any time within 90 days after the final determination of compensation by the commission, by a vote of the electors as herein provided, or by a resolution to that effect by its municipal council, provided that such resolu-

tion shall not be of force and effect until 90 days after its passage and publication. If within either of said 90-day periods a petition conforming to the requirements of s. 8.40 shall be filed with the clerk of such municipality, in a city of the first class signed by 5 per cent % and in all other municipalities by 10 per cent % of the electors thereof, requesting that the question of discontinuing said proceeding to acquire such plant or equipment be submitted to the electors, such question shall be submitted to the said electors at any general or regular municipal election that may be held not less than 30, and not more than 35, days from the date of the filing of the petition; and if no general election or regular municipal election is to be held within the stated periods, then the governing body of the municipality shall order the holding of a special election for the purpose of submitting to the electors in case the petition is filed before the adoption of such resolution the question whether said proceedings shall be discontinued, and in case the petition is filed after the adoption of said resolution the question whether the aforesaid resolution shall remain in effect and its adoption be ratified, and such resolution shall not have force or effect unless a majority of the electors voting on such question shall be in favor thereof.

SECTION 85x. 808.04 (2) of the statutes, as affected by 1989 Wisconsin Act 56, is amended to read:

808.04 (2) An appeal under s. 9.10 (4) (e), 227.60 or 799.445 shall be initiated within 15 days after entry of judgment or order appealed from.

SECTION 85y. Initial applicability. The treatment of sections 5.06 (1), (4) and (5), 9.10 (1) (a), (b) and (c) 2., (2) (b), (d), (e) 9. to 13., (em) (intro.) and (5), (3) (b) and (d) and (4) (a) to (d) and (f) and 808.04 (2) of the statutes first applies with respect to petitions for recall offered for filing on the effective date of this SECTION.

SECTION 86. Effective dates. This act takes effect on July 1, 1990, except as follows:

(1) The treatment of sections 5.05 (1) (e) and 5.25 (4) (a) and (c) of the statutes takes effect on January 1, 1992.