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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ~~to repeal 9.10 (2) (em) 4. and 5., 9.10 (2) (o) and 9.10 (2) (r) 1. to 3.; to~~  
 2 ~~renumber and amend 9.10 (4) (d); to amend 5.86, 6.87 (2) (form), 6.875 (1)~~  
 3 ~~(at), 6.875 (2) (a), 6.875 (6), 7.03 (1) (a), 7.03 (1) (b), (bm), (c) and (d), 7.03 (2),~~  
 4 ~~7.08 (3) (Intro.) and (4), 7.30 (2) (a), 7.30 (4) (b) 1., 7.33 (2), 7.51 (1), 8.15 (4) (a),~~  
 5 ~~8.21, 8.40 (2), 9.10 (2) (e) 3., 9.10 (4) (a), 10.06 (3) (am), 10.06 (3) (bm), 11.21 (3),~~  
 6 ~~11.21 (14) and 755.01 (4); and to create 7.30 (2) (am), 9.10 (4) (d) 2. and 118.15~~  
 7 ~~(3) (d) of the statutes; relating to: various changes in election administration~~  
 8 laws.

Repeal Act

**Analysis by the Legislative Reference Bureau**

This bill makes various changes in the laws relating to administration of elections. Significant changes include:

**Poll worker qualifications**

Currently, poll workers consist of election inspectors and special registration deputies. Inspectors supervise voting generally and deputies are appointed to accept election day registrations in municipalities where registration is required. With limited exceptions, inspectors must be qualified electors of the ward, combined wards, or election district where they serve. Special registration deputies must be electors of the municipality in which they serve. The two major political parties may

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The inspectors at each polling place elect a chief inspector, who manages the polling place, subject to supervision of the municipal clerk or board of election commissioners.

submit nominees for inspector positions, but if they fail to do so, municipalities may appoint any qualified electors to serve. Inspectors normally serve for two-year terms. Under this bill, any poll worker need only be a qualified elector of this state, except that the bill also permits any pupil who is enrolled in grades 9 to 12 of a public or private school and who is 15, 16, or 17 years of age to be appointed ~~as an election~~ ~~inspector~~. The bill requires a pupil who wishes to serve as an inspector to obtain the written authorization of the pupil's parent or guardian and of the principal of the school where he or she is enrolled, who must consent to allow the pupil to serve at all elections held during his or her term of office. ~~Under the bill,~~ if a pupil who receives an inspector appointment ceases to be enrolled and the pupil has not become a qualified elector of the state, the pupil's office becomes vacant. ~~Under the bill,~~ <sup>not</sup> ~~at least one inspector~~ <sup>in addition to the</sup> ~~chief inspector at each polling place~~ must be a

**Compensation of election officials**

Currently, most election officials (inspectors, voting machine custodians, automatic tabulating equipment technicians, members of boards of canvassers, messengers, and tabulators) must be paid a reasonable compensation, which is fixed and paid by the jurisdiction for whom they perform services. If a special election is called, the jurisdiction calling the election must pay the compensation. Special registration deputies, nursing and retirement home voting deputies, and officials and trainees who attend training sessions may be compensated for their services at municipal option. This bill permits ~~all jurisdictions to determine whether to~~ ~~compensate any election officials, and to fix any compensation payable to them,~~ except that if a special election is called and a municipality where the election is to be held has fixed compensation for the officials who conduct the election, the jurisdiction that calls the election must pay this compensation.

**Free distribution of Elections Board publications**

Currently, the Elections Board is required to publish the election laws, a manual explaining the duties of election officials, an accounting and bookkeeping manual for campaign finance registrants, and a manual describing the campaign finance and prohibited election practice laws. The board must distribute free copies of the election laws in sufficient supply to provide one copy for each polling place. The board must distribute one copy of the election manual free to each county and municipal clerk and board of election commissioners. The board must distribute the accounting and bookkeeping manual and the manual describing the campaign finance and prohibited election practice laws free to each state registrant and must distribute sufficient copies of the manuals to local filing officers to enable distribution to local registrants. This bill removes these requirements for free distribution.

**Disqualification of candidates**

Under current law, in order to become a candidate for state or local office in this state, an individual must swear that he or she has not been convicted of any infamous crime for which he or she has not been pardoned. In 1996, the Wisconsin constitution was amended to remove the reference to the infamous crime disqualifier and to substitute a disqualification for conviction of a felony or misdemeanor, ~~involving~~ a violation of the public trust, unless pardoned. This bill deletes the infamous crime disqualifier from the statutes and substitutes a requirement for a candidate for state

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The  
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at least one inspector  
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chief inspector at each polling place must be a  
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state.

~~This bill permits all jurisdictions to determine whether to compensate any election officials, and to fix any compensation payable to them, except that if a special election is called and a municipality where the election is to be held has fixed compensation for the officials who conduct the election, the jurisdiction that calls the election must pay this compensation.~~

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except that chief inspectors and chief inspector trainees must be compensated for attendance at training sessions and examinations

misdeemeanor designated under state or federal law as a violation of the public trust or a

or local office to swear that he or she has not been convicted of a felony for which he or she has not been pardoned.

#### ***Restriction on dates of recall elections for local officers***

Currently, a petition for the recall of an elective officer may be offered for filing at any time after the officer has served at least one year of his or her term, and a recall election may be required at any time after that first year if a legally valid petition is filed. This bill prohibits any election for the recall of a city, village, town, or school district officer whose office is being filled at the spring election from being held after February 1 in the year of that election.

#### ***Method of calling recall elections for local officers***

Currently, a petition for the recall of an elective officer of a city, village, town, or school district is filed with the municipal or school district clerk or board of election commissioners of the municipality or school district. If the clerk or board finds the petition to be sufficient, the clerk or board transmits it to the municipal governing body or school board, which must then call a recall election. This bill provides instead for the the clerk or board, upon finding a petition to be sufficient, to call the recall election.

#### ***Supervision of central counting locations***

Currently, any municipality that utilizes an electronic voting system may provide for ballots to be counted at one or more central counting locations instead of at the polling places where ballots are cast. Currently, proceedings at a central counting location are under the direction of the municipal clerk or board of election commissioners, unless the central counting location is at the county seat and the clerk or board delegates this responsibility to the county clerk or board of election commissioners. This bill permits a municipal clerk or board of election commissioners to delegate the responsibility to supervise a central counting location to another election official, or if the clerk or board delegates this responsibility to the county clerk or board of election commissioners, the bill permits that clerk or board to delegate the responsibility for supervision to another election official.

#### ***Voting in certain homes and facilities***

Currently, municipalities send two special voting deputies to each nursing or retirement home or community-based residential facility where one or more electors apply for an absentee ballot for the purpose of conducting absentee voting. The deputies must represent the two major political parties when party representatives are available. Current law requires the deputies to administer an absentee voter oath that was formerly a part of the absentee voter's certificate, but the current form of the certificate does not require an oath and instead requires only one witness. This bill requires the two deputies at a home or facility to each witness the execution of the absentee voter's certificate in lieu of the oath.

#### ***Certification of the names of municipal candidates and referenda***

Currently, the names of candidates for municipal office are certified for placement on the ballot no later than two days after the deadline for filing nomination papers or two days after the date of any village or town nominating caucus. Except at primary elections, municipal ballot questions are certified at the

same time. This bill requires certification no later than three days after the deadline for filing nomination papers or three days after candidate qualification following a nominating caucus.

***Notification of creation or abolition of joint municipal courts***

Currently, two or more municipalities may establish a joint municipal court. The county clerk or board of election commissioners of the county having the largest portion of the population of the combined municipalities serves as filing officer for the election of the judge of the court. Currently, the municipalities must notify the appropriate clerk or board when a joint court is created. This bill requires each municipality to send to the clerk or board a copy of the ordinance or bylaw creating or discontinuing a joint court.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 5.86 of the statutes is amended to read:

2           **5.86 Proceedings at central counting ~~location~~ locations.** (1) All  
3 proceedings at the each central counting location shall be under the direction of the  
4 municipal clerk or an election official designated by the clerk unless the central  
5 counting location is at the county seat and the municipal clerk delegates the  
6 responsibility to supervise the location to the county clerk, in which case the  
7 proceedings shall be under the direction of the county clerk or an election official  
8 designated by the county clerk. Unless election officials are selected under s. 7.30  
9 (4) (c) without regard to party affiliation, the employees at the each central counting  
10 location, other than any specially trained technicians who are required for the  
11 operation of the automatic tabulating equipment, shall be equally divided between  
12 members of the 2 major political parties under s. 7.30 (2) (a) and all duties performed  
13 by the employees shall be by teams consisting of an equal number of members of each  
14 political party whenever sufficient persons from each party are available.

1           (2) At the ~~each~~ central counting location, a team of election officials designated  
 2 by the clerk ~~having charge of the location~~ <sup>or other election official</sup> under sub. (1) shall check the container  
 3 returned containing the ballots to determine that all seals are intact, and thereupon  
 4 shall open the container, check the inspectors' slip and compare the number of ballots  
 5 so delivered against the total number of electors of each ward served by the polling  
 6 place who voted, remove the ballots or record of the votes cast and deliver them to  
 7 the technicians operating the automatic tabulating equipment. Any discrepancies  
 8 between the number of ballots and total number of electors shall be noted on a sheet  
 9 furnished for that purpose and signed by the election officials.

10           SECTION 2. 6.87 (2) (form) of the statutes is amended to read:

11           6.87 (2) (form)

12           [STATE OF ....

13           County of ....]

14           or

15           [(name of foreign country and city or other jurisdictional unit)]

16           I, ..., certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false  
 17 statements, that I am a resident of the [... ward of the] (town) (village) of ..., or of  
 18 the ... aldermanic district in the city of ..., residing at ... in said city, the county  
 19 of ..., state of Wisconsin, and am entitled to vote in the (ward) (election district) at  
 20 the election to be held on ...; that I am not voting at any other location in this election;  
 21 that I am unable or unwilling to appear at the polling place in the (ward) (election  
 22 district) on election day or have changed my residence within the state from one ward  
 23 or election district to another within 10 days before the election. An elector who  
 24 provides an identification serial number issued under s. 6.47 (3) need not provide a  
 25 street address. I certify that I exhibited the enclosed ballot unmarked to the witness,

1 that I then in (his) (her) presence and in the presence of no other person marked the  
2 ballot and enclosed and sealed the same in this envelope in such a manner that no  
3 one but myself and any person rendering assistance under s. 6.87 (5), Wis. Stats., if  
4 I requested assistance, could know how I voted.

5 Signed ....

6 Identification serial number, if any: ....

7 The witness shall execute the following:

8 I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis.  
9 Stats., for false statements, certify that the above statements are true and the voting  
10 procedure was executed as there stated. I am not a candidate for any office on the  
11 enclosed ballot (except in the case of an incumbent municipal clerk). I did not solicit  
12 or advise the elector to vote for or against any candidate or measure.

13 ....(Name)

14 ....(Address)\*

15 \* – If this form is executed before 2 special voting deputies under s. 6.875 (6),  
16 Wis. Stats., both deputies shall witness and sign.

17 SECTION 3. 6.875 (1) (at) of the statutes is amended to read:

18 6.875 (1) (at) "Qualified retirement home" means a retirement home that  
19 qualifies under sub. (2) (~~b~~) (c) to utilize the procedures under this section.

20 SECTION 4. 6.875 (2) (a) of the statutes is amended to read:

21 6.875 (2) (a) The procedures prescribed in this section are the exclusive means  
22 of absentee voting for electors who are occupants of nursing homes ~~or~~ qualified  
23 community-based residential facilities or qualified retirement homes.

24 SECTION 5. 6.875 (6) of the statutes is amended to read:

1           6.875 (6) Special voting deputies in each municipality shall, not later than 5  
2 p.m. on the Friday preceding an election, arrange one or more convenient times with  
3 the administrator of each nursing home ~~or~~, qualified retirement home, and qualified  
4 community-based residential facility in the municipality from which one or more  
5 occupants have filed an application under s. 6.86 to conduct absentee voting for the  
6 election. The time may be no earlier than the 4th Monday preceding the election and  
7 no later than 5 p.m. on the Monday preceding the election. Upon request of a relative  
8 of an occupant of a nursing home or qualified retirement home or qualified  
9 community-based residential facility, the administrator may notify the relative of  
10 the time or times at which special voting deputies will conduct absentee voting at the  
11 home or facility, and permit the relative to be present in the room where the voting  
12 is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit  
13 ~~the nursing home or qualified retirement home or qualified community-based~~  
14 ~~residential facility.~~ The municipal clerk or executive director of the board of election  
15 commissioners shall issue a supply of absentee ballots to the deputies sufficient to  
16 provide for the number of valid applications received by the clerk, and a reasonable  
17 additional number of ballots. The municipal clerk or executive director shall keep  
18 a careful record of all ballots issued to the deputies and shall require the deputies to  
19 return every ballot issued to them. The deputies shall personally offer each elector  
20 who has filed a proper application the opportunity to cast his or her absentee ballot.  
21 If an elector is present who has not filed a proper application, the 2 deputies may  
22 accept an application from the elector and shall issue a ballot to the elector if the  
23 elector is qualified and the application is proper. The deputies shall ~~administer each~~  
24 witness the oath certification and may, upon request of the elector, assist the elector  
25 in marking or punching the elector's ballot. Upon request of the elector, a relative

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

16 SECTION 6. 7.03 (1) (a) of the statutes, as affected by 2001 Wisconsin Act 16, is  
 17 amended to read:

18 7.03 Compensation of election officials and trainees. (1) (a) A  
 19 reasonable ~~each municipality that determines whether election officials shall be~~  
 20 ~~compensated in that municipality and may pay~~ daily compensation shall be paid  
 21 to each ~~the~~ inspector, voting machine custodian, automatic tabulating equipment  
 22 technician, member of a board of canvassers, messenger, and tabulator who is  
 23 employed and performing ~~the~~ duties under chs. 5 to 12. Daily compensation  
 24 shall ~~also~~ also be provided to <sup>officials and</sup> trainees for attendance at training sessions and  
 25 examinations required by the board under s. 7.31. Alternatively, ~~the municipality~~

accept  
as  
authorized  
under  
this  
paragraph  
a

PLANNING



and trainees

PLAIN

1 ~~may determine to compensate~~ such election officials ~~may be paid~~ by the  
2 hour at a proportionate rate for each hour actually worked.

Any election official  
or  
trainee  
may  
file  
with  
the  
municipal  
clerk of the

3 ~~shall determine to compensate and fix compensation for any election official who~~  
4 ~~performs duties for the county, and the board may determine to compensate and fix~~  
5 ~~compensation for any election official who performs services for the state~~

6 SECTION 7. 7.03 (1) (b), (bm), (c) and (d) of the statutes are amended to read:

7 7.03 (1) (b) Except as provided in par. (bm), payment ~~of compensation is payable~~

8 ~~to any election official who performs duties in an election~~ compensation shall be

9 made paid by the municipality in which the election is held, except that any

10 compensation payable to a technician, messenger, tabulator, or member of the board

11 of canvassers who ~~is employed to perform~~ services for the county shall be

12 paid by the county and ~~the~~ compensation payable to any messenger or tabulator who

13 is employed to perform ~~services~~ services for the state shall be paid by the board.

14 (bm) Whenever a special election is called by a county or by a school district,

15 a technical college district, a sewerage district, a sanitary district, or a public inland

16 lake protection and rehabilitation district, the county or district shall pay the ~~the~~

17 compensation of all ~~the~~ election officials performing duties in

18 those municipalities, as determined under sub. (2).

19 (c) If a central counting location serving more than one municipality is utilized

20 under s. 7.51 (1), the ~~municipalities utilize the location may determine to~~

21 ~~compensate and may jointly fix~~ compensation of <sup>cost of</sup> payable to election officials at

22 the location ~~and the cost of any payments~~ shall be proportionately divided between

23 the municipalities utilizing the location, except that if all municipalities within a

24 county utilize the location, the ~~county may determine to compensate and shall fix~~

PLAIN

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in  
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he or  
she  
serves  
written  
declaration  
to accept  
compensation  
the  
declaration  
remains  
effective  
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revoked  
by that  
official  
or  
trainee

**PLAIN**

~~compensation shall be paid by the county~~ ~~variable to the officials state~~

**strike**

*Except as otherwise provided in par. (a), special*

(d) ~~Special~~ registration deputies appointed under s. 6.55 (6), special voting deputies appointed under s. 6.875 (4) and officials and trainees who attend training sessions under s. 7.15 (1)(e) or 7.25 (5) may also be compensated by the municipality where they serve at the option of the municipality.

~~SECTION 8. 7.03 (2)~~ of the statutes is amended to read:

7.03 (2) The amount of compensation of election officials, when authorized or required, shall be fixed by the appropriate county board of supervisors, municipal governing body, or municipal board of election commissioners in cities over 500,000 population. ~~The board shall fix the amount to be paid any person employed to perform duties for the state. If the board employs an individual to perform duties which are the responsibility of a county or municipality, the board shall charge the expense to the county or municipality.~~

SECTION 9. 7.08 (3) (intro.) and (4) of the statutes are 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 the board considers advisable. ~~The manual shall be furnished by the board free to 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:~~

(4) ~~ELECTION LAWS.~~ Publish the election laws. ~~The board shall furnish the election laws free to each county and municipal clerk and board of election commissioners in sufficient supply to provide one copy for reference at each office and~~

1 at each polling place. The board shall sell or distribute or arrange for the sale or  
2 distribution of copies of the election laws to county and municipal clerks and boards  
3 of election commissioners and members of the public.

4 SECTION 10. 7.30 (2) (a) of the statutes is amended to read:

5 7.30 (2) (a) Only election officials appointed under this section may conduct an  
6 election. Except as authorized in <sup>par. (am) and ✓</sup> s. 7.15 (1) (k), each inspector and special  
7 registration deputy shall be a qualified elector ~~in the ward for which the polling place~~  
8 ~~is established. Special registration deputies appointed under s. 6.55 (6) and election~~  
9 ~~officials serving more than one ward or when necessary to fill a vacancy under par.~~  
10 ~~(b) need not be a resident of that ward, but shall be a resident of the municipality of~~  
11 the state. Special registration deputies may be appointed to serve more than one  
12 polling place. All officials shall be able to read and write the English language, be  
13 capable, be of good understanding, and may not be a candidate for any office to be  
14 voted for at an election at which they serve. In 1st class cities, they may hold no  
15 public office other than notary public. Except as authorized under sub. (4) (c), all  
16 inspectors shall be affiliated with one of the 2 recognized political parties which  
17 received the largest number of votes for president, or governor in nonpresidential  
18 general election years, in the ward or combination of wards served by the polling  
19 place at the last election. The party which received the largest number of votes is  
20 entitled to one more inspector than the party receiving the next largest number of  
21 votes at each polling place. The same election officials may serve the electors of more  
22 than one ward where wards are combined under s. 5.15 (6) (b). If a municipality is  
23 not divided into wards, the ward requirements in this paragraph apply to the  
24 municipality at large.

25 SECTION 11. 7.30 (2) (am) of the statutes is created to read:

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1 7.30 (2) (am) ~~(b)~~ pupil who is 15, 16, or 17 years of age and who is enrolled in  
 2 grades 9 to 12 in a public or private school may serve as an ~~election official~~ <sup>INSPECTOR</sup> with the  
 3 approval of the pupil's parent or guardian and of the principal of the school in which  
 4 the pupil is enrolled. Before appointment by any municipality of a pupil as an  
 5 ~~election official~~ <sup>INSPECTOR</sup> under this paragraph, the municipal clerk shall obtain written  
 6 authorization from the pupil's parent or guardian and from the principal of the school  
 7 where the pupil is enrolled for the pupil to serve for the entire term for which he or  
 8 she is appointed. Upon appointment of a pupil to serve as an ~~election official~~ <sup>INSPECTOR</sup>, the  
 9 municipal clerk shall notify the principal of the school where the pupil is enrolled of  
 10 the date of expiration of the pupil's term of office. *If a municipality appoints election*

11 ~~officials under this paragraph, the municipality shall ensure that the chief inspector and at~~  
 12 **SECTION 12.** 7.30 (4) (b) 1. of the statutes is amended to read: <sup>least one other election</sup>  
 13 7.30 (4) (b) 1. In cities where there is a board of election commissioners, the <sup>official at each</sup>  
 14 aldermanic district committeemen or committeewomen under s. 8.17 of each of the <sup>voting place are</sup>  
 15 2 dominant recognized political parties shall submit a certified list no later than <sup>qualified</sup>  
 16 November 30 of each even-numbered year containing the names of at least as many <sup>electors</sup>  
 17 electors nominees as there are inspectors from that party for each of the voting wards <sup>of this</sup>  
 18 in the aldermanic district. The chairperson may designate any individual whose <sup>state.</sup>  
 19 name is submitted as a first choice nominee. The board of election commissioners  
 20 shall appoint, no later than December 31 of even-numbered years, at least 5  
 21 inspectors for each ward. The board of election commissioners shall appoint all first  
 22 choice nominees for so long as positions are available, unless nonappointment is  
 23 authorized under par. (e), and shall appoint other individuals in its discretion. The  
 24 board of election commissioners may designate such alternates as it deems  
 25 advisable.

**SECTION 13.** 7.33 (2) of the statutes is amended to read:

1           7.33 (2) Service as an election official under this chapter shall be mandatory  
2 upon all qualified electors individuals appointed, during the full 2-year term, after  
3 which they shall be exempt from further service as an election official, under this  
4 chapter, until 3 terms of 2 years each have elapsed. Municipal clerks may grant  
5 exemptions from service at any time.

6           **SECTION 14.** 7.51 (1) of the statutes is amended to read:

7           7.51 (1) **CANVASS PROCEDURE.** Immediately after the polls close the inspectors  
8 shall proceed to canvass publicly all votes received at the polling place. In any  
9 municipality where an electronic voting system is used, the municipal governing  
10 body or board of election commissioners may provide or authorize the municipal  
11 clerk or executive director of the board of election commissioners to provide for the  
12 adjournment of the canvass to one or more central counting locations for specified  
13 polling places in the manner prescribed in subch. III of ch. 5. No central counting  
14 location may be used to count votes at a polling place where an electronic voting  
15 system is not employed. The canvass, whether conducted at the polling place or at  
16 the a central counting location, shall continue without adjournment until the  
17 canvass is completed and the return statements are made. The inspectors shall not  
18 permit access to the name of any elector who has obtained a confidential listing under  
19 s. 6.47 (2) during the canvass, except as authorized in s. 6.47 (8).

20           **SECTION 15.** 8.15 (4) (a) of the statutes is amended to read:

21           8.15 (4) (a) The certification of a qualified elector stating his or her residence  
22 with street and number, if any, shall appear at the bottom of each nomination paper,  
23 stating he or she personally circulated the nomination paper and personally  
24 obtained each of the signatures; he or she knows they are electors of the ward,  
25 aldermanic district, municipality or county, as the nomination papers require; he or

1 she knows they signed the paper with full knowledge of its content; he or she knows  
 2 their respective residences given; he or she knows each signer signed on the date  
 3 stated opposite his or her name; and, that he or she, the circulator, resides within the  
 4 district which the candidate named therein will represent, if elected; that he or she  
 5 intends to support the candidate; and that he or she is aware that falsifying the  
 6 certification is punishable under s. 12.13 (3) (a), Wis. stats. The circulator shall  
 7 indicate the date that he or she makes the certification next to his or her signature.

8 The certification may be made by the candidate or any qualified elector.

9 SECTION 16. 8.21 of the statutes is amended to read:

10 **8.21 Declaration of candidacy.** Each candidate, except a candidate for  
 11 presidential elector under s. 8.20 (2) (d), shall file a declaration of candidacy, no later  
 12 than the latest time provided for filing nomination papers under s. 8.10 (2) (a), 8.15  
 13 (1), 8.20 (8) (a) or 8.50 (3) (a), or the time provided under s. 8.16 (2) or 8.35 (2) (c).  
 14 A candidate shall file the declaration with the officer or agency with which  
 15 nomination papers are filed for the office which the candidate seeks, or if nomination  
 16 papers are not required, with the clerk or board of election commissioners of the  
 17 jurisdiction in which the candidate seeks office. The declaration shall be sworn to  
 18 before any officer authorized to administer oaths. The declaration shall contain the  
 19 name of the candidate in the form specified under s. 8.10 (2) (b) for candidates for  
 20 nonpartisan office or s. 8.15 (5) (a) or 8.20 (2) (a) for candidates for partisan office,  
 21 and shall state that the signer is a candidate for a named office, that he or she meets  
 22 or will at the time he or she assumes office meet applicable age, citizenship, residency  
 23 or voting qualification requirements, if any, prescribed by the constitutions and laws  
 24 of the United States and of this state, and that he or she will otherwise qualify for  
 25 office if nominated and elected. The declaration shall include the candidate's name

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1 in the form in which it will appear on the ballot. Each candidate for state and local  
2 office shall include in the declaration a statement that he or she has not been  
3 convicted of any ~~infamous crime~~ felony for which he or she has not been pardoned and  
4 a list of all felony convictions for which he or she has not been pardoned. In addition,  
5 each candidate for state or local office shall include in the declaration a statement  
6 that discloses his or her municipality of residence for voting purposes, and the street  
7 and number, if any, on which the candidate resides. The declaration is valid with or  
8 without the seal of the officer who administers the oath. A candidate for state or local  
9 office shall file an amended declaration under oath with the same officer or agency  
10 if any information contained in the declaration changes at any time after the original  
11 declaration is filed and before the candidate assumes office or is defeated for election  
12 or nomination.

13 SECTION 17. 8.40 (2) of the statutes is amended to read:

14 8.40 (2) The certification of a qualified elector stating his or her residence with  
15 street and number, if any, shall appear at the bottom of each separate sheet of each  
16 petition specified in sub. (1), stating that he or she personally circulated the petition  
17 and personally obtained each of the signatures; that the circulator knows that they  
18 are electors of the jurisdiction or district in which the petition is circulated; that the  
19 circulator knows that they signed the paper with full knowledge of its content; that  
20 the circulator knows their respective residences given; that the circulator knows that  
21 each signer signed on the date stated opposite his or her name; that the circulator  
22 resides within the jurisdiction or district in which the petition is circulated; and that  
23 the circulator is aware that falsifying the certification is punishable under s. 12.13  
24 (3) (a). The circulator shall indicate the date that he or she makes the certification  
25 next to his or her signature.

1 SECTION 18. 9.10 (2) (e) 3. of the statutes is amended to read:

2 9.10 (2) (e) 3. The signature is dated after the date of the notarization  
3 certification contained on the petition sheet.

4 SECTION 19. 9.10 (2) (em) 4. and 5. of the statutes are repealed.

5 SECTION 20. 9.10 (2) (o) of the statutes is repealed.

6 SECTION 21. 9.10 (2) (r) 1. to 3. of the statutes are repealed.

7 SECTION 22. 9.10 (4) (a) of the statutes is amended to read:

8 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town  
9 or school district official, is offered for filing, the officer against whom the petition is  
10 filed may file a written challenge with the municipal clerk, school district clerk, or  
11 board of election commissioners ~~or school district clerk~~ with whom it is filed,  
12 specifying any alleged insufficiency. If a challenge is filed, the petitioner may file a  
13 written rebuttal to the challenge with the clerk or board of election commissioners  
14 within 5 days after the challenge is filed. If a rebuttal is filed, the officer against  
15 whom the petition is filed may file a reply to any new matter raised in the rebuttal  
16 within 2 days after the rebuttal is filed. Within 14 days after the expiration of the  
17 time allowed for filing a reply to a rebuttal, the clerk or board of election  
18 commissioners shall file the certificate or an amended certificate. Within 31 days  
19 after the petition is offered for filing, the clerk or board of election commissioners  
20 shall determine by careful examination of the face of the petition whether the  
21 petition is sufficient and shall so state in a certificate attached to the petition. If the  
22 petition is found to be insufficient, the certificate shall state the particulars creating  
23 the insufficiency. The petition may be amended to correct any insufficiency within  
24 5 days following the affixing of the original certificate. Within 2 days after the  
25 offering of the amended petition for filing, the clerk or board of election



1 commissioners shall again carefully examine the face of the petition to determine  
2 sufficiency and shall attach to the petition a certificate stating the findings.  
3 Immediately upon finding an original or amended petition sufficient, ~~except in cities~~  
4 ~~over 500,000 population, the municipal clerk or school district clerk~~ board of election  
5 commissioners shall ~~transmit the petition to the governing body or to the school~~  
6 ~~board. Immediately upon finding an original or amended petition sufficient, in cities~~  
7 ~~over 500,000 population, the board of election commissioners shall file the petition~~  
8 ~~in its~~ the office of the clerk or board of election commissioners.

9 SECTION 23. 9.10 (4) (d) of the statutes is renumbered 9.10 (4) (d) 1. and  
10 amended to read:

11 9.10 (4) (d) 1. ~~The governing body, school board~~ Except as provided in subd. 2.,  
12 promptly upon filing of a certificate under par. (a), the municipal clerk, school district  
13 clerk, or board of election commissioners upon receiving the certificate shall call an  
14 a recall election. The recall election shall be held on the Tuesday of the 6th week  
15 commencing after the date of that the certificate. If is filed, except that if Tuesday  
16 is a legal holiday, the recall election shall be held on the first day after Tuesday which  
17 is not a legal holiday.

18 SECTION 24. 9.10 (4) (d) 2. of the statutes is created to read:

19 9.10 (4) (d) 2. The clerk or board <sup>of election commissioners</sup> under subd. 1. may not call a recall election  
20 for an office to be filled at the spring election later than February 1 in the year of that  
21 election.

22 SECTION 25. 10.06 (3) (am) of the statutes is amended to read:

23 10.06 (3) (am) As soon as possible following the deadline for filing nomination  
24 papers for any municipal election when there is to be an election for a county or state  
25 office or a county or statewide referendum, but no later than 2 3 days after such

1 deadline, the municipal clerk of each municipality in which voting machines or  
2 ballots containing the names of candidates for both local offices and national, state  
3 or county offices are used shall certify the list of candidates for municipal office to the  
4 county clerk if a primary is required, unless the municipality prepares its own ballots  
5 under s. 7.15 (2) (c).

6 SECTION 26. 10.06 (3) (bm) of the statutes is amended to read:

7 10.06 (3) (bm) As soon as possible following the municipal canvass of the  
8 primary vote or the qualification of the candidates under s. 8.05 (1) (j) <sup>when</sup> a municipal  
9 caucus ~~when is held~~, if there is to be an election for a county or state office or a county  
10 or statewide referendum, but no later than 23 days after such date, the municipal  
11 clerk of each municipality in which voting machines or ballots containing the names  
12 of candidates for both local offices and national, state or county offices are used shall  
13 certify the list of candidates for municipal office and municipal referenda appearing  
14 on the ballot to the county clerk, unless the municipality prepares its own ballots  
15 under s. 7.15 (2) (c).

16 SECTION 27. 11.21 (3) of the statutes is amended to read:

17 11.21 (3) Prepare and publish for the use of persons required to file reports and  
18 statements under this chapter a manual setting forth simply and concisely  
19 recommended uniform methods of bookkeeping and reporting. ~~The board shall~~  
20 ~~furnish a copy of the manual without charge, upon request, to all persons who are~~  
21 ~~required to file reports or statements with the board, and shall distribute or arrange~~  
22 ~~for the distribution of copies of the manual for use by other filing officers.~~

23 SECTION 28. 11.21 (14) of the statutes is amended to read:

24 11.21 (14) Prepare, publish and periodically revise as necessary a manual  
25 simply and concisely describing the filing and registration requirements established

1 in this chapter in detail, as well as other major provisions of this chapter and ch. 12.  
 2 ~~The board shall furnish a copy of the manual without charge, upon request, to all~~  
 3 ~~persons who are required to file reports or statements with the board, and shall~~  
 4 ~~distribute or arrange for the distribution of copies of the manual for use by other~~  
 5 ~~filing officers.~~

✓  
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 5

6 **SECTION 29.** 118.15 (3) (d) of the statutes is created to read:

7 118.15 (3) (d) Any child excused in writing by his or her parent or guardian and  
 8 by the principal of the school that the pupil attends for the purpose of serving as an  
 9 election official under s. 7.30 (2) (am). The principal shall allow the pupil to take  
 10 examinations and complete course work missed during the pupil's absences under  
 11 this paragraph. The principal shall promptly notify the municipal clerk or the board  
 12 of election commissioners of the municipality that appointed the pupil as an election  
 13 official <sup>if</sup> of the pupil ceases to be enrolled in school.

14 **SECTION 30.** 755.01 (4) of the statutes is amended to read:

15 755.01 (4) Two or more cities, towns or villages of this state may enter into an  
 16 agreement under s. 66.0301 for the joint exercise of the power granted under sub. (1),  
 17 except that for purposes of this subsection, any agreement under s. 66.0301 shall be  
 18 effected by the enactment of identical ordinances by each affected city, town or  
 19 village. Electors of each municipality entering into the agreement shall be eligible  
 20 to vote for the judge of the municipal court so established. If a municipality enters  
 21 into an agreement with a municipality that already has a municipal court, the  
 22 municipalities may provide by ordinance or resolution that the judge for the existing  
 23 municipal court shall serve as the judge for the joint court until the end of the term  
 24 or until a special election is held under s. 8.50 (4) (fm). Each municipality shall adopt  
 25 an ordinance or bylaw under sub. (1) prior to entering into the agreement. The

1 contracting municipalities need not be contiguous and need not all be in the same  
2 county. ~~The~~ Upon entering into or discontinuing such an agreement, the contracting  
3 municipalities shall ~~notify~~ each transmit a certified copy of the ordinance or bylaw  
4 effecting or discontinuing the agreement to the appropriate filing officer under s.  
5 11.02 (3e) ~~when the joint court is created~~. When a municipal judge is elected under  
6 this subsection, candidates shall be nominated by filing nomination papers under s.  
7 8.10 (6) (bm), and shall register with the filing officer specified in s. 11.02 (3e).

8 **SECTION 31. Initial applicability.**

9 (1) The treatment of section 9.10 (4) (a) and (d) of the statutes first applies with  
10 respect to petitions for recall of officers that are offered for filing on the effective date  
11 of this subsection.

12 **SECTION 32. Effective date.**

13 (1) This act takes effect on July 1, 2002.

14 (END)

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4019/insRM  
RJM:.....

INSERT ANALYSIS

sub-subs  
maps of election districts  
elections  
Current law requires the legislative reference bureau to prepare maps showing the boundary lines of congressional and legislative districts and to provide those maps to the department of administration. The department of administration must provide the maps to the board, which must distribute them to candidates for representative in congress, state senator, and representative to the assembly. This bill deletes these requirements.

INSERT 11-8

and par. (am)

INSERT 12-1

Except as otherwise provided in this paragraph, a

INSERT 12-4

not A pupil may serve as an ~~election official~~ <sup>inspector</sup> at a polling place under this paragraph only if at least one election official at the polling place other than the chief inspector is a qualified elector of this state. No pupil may serve as chief inspector at a polling place under this paragraph.

INSERT 14-8

SECTION 1. 8.15 (9) of the statutes is repealed.

SECTION 2. 8.20 (10) of the statutes is repealed.

INSERT 15-3

not misdemeanor designated under state or federal law as a violation of the public trust or any

INSERT 19-5

SECTION 3. 13.92 (1) (a) 6. of the statutes is repealed.

SECTION 4. 16.96 (3) (b) of the statutes is repealed.

## Marchant, Robert

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**From:** Kennedy, Kevin  
**Sent:** Monday, November 26, 2001 5:46 PM  
**To:** Marchant, Robert  
**Subject:** RE: Remedial corrections to enrolled 2001 AB-514

Sorry for the delay in responding. I agree with the proposed change. Is the latest version of the draft LRB 4019/P2? When I match the draft of the amendment, LRBa0911/2, with the P2 draft, the lines referenced in the amendment for the replacement text of the certificate do not match the lines in the P2 version of the draft.

-----Original Message-----

**From:** Marchant, Robert  
**Sent:** Tuesday, November 20, 2001 10:44 AM  
**To:** Kennedy, Kevin  
**Cc:** Kuesel, Jeffery  
**Subject:** Remedial corrections to enrolled 2001 AB-514

Kevin--

Jeff and I would like to redraft the LRB amendment to your draft, LRB-4019, to add the corrections described below.

Enrolled 2001 AB-514 is a Revisor's correction bill that reconciles 1999 AB-49 with 1999 AB-182. However, in doing so, AB-514 adds a reference to observers and to certificate-affidavit forms in s. 7.41 (4), stats. Once AB-514 becomes law, we would like to redraft the LRB amendment to amend s. 7.41 (4), stats., as affected by AB-514, to remove the reference to observers and to refer to certificate forms, rather than certificate-affidavit forms.

Please let us know if you agree that these corrections need to be made. I have attached a copy of AB-514 below.

Robert J. Marchant  
Legislative Attorney  
State of Wisconsin Legislative Reference Bureau  
608-261-4454

<< File: 01-2641/1 >>

## 2001 ASSEMBLY BILL 514

September 24, 2001 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Rules.

1 **AN ACT relating to:** reconciling conflicts and repelling unintended repeals  
2 (Revisor's Correction Bill).

---

*Analysis by the Legislative Reference Bureau*

This revisor's correction bill is explained in the NOTES provided by the revisor of statutes in the body of the bill.

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

3 SECTION 1. 7.41 (4) of the statutes is amended to read:  
4 7.41 (4) ~~An~~ No individual exercising the right under sub. (1) may ~~not~~ view any  
5 ~~records to which access by observers is prohibited under s. 7.39 (5).~~ The  
6 confidential portion of a registration list maintained under s. 6.36 (4) or a poll list  
7 maintained under s. 6.79 (6). However, the inspectors shall disclose to such an  
8 individual, upon request, the existence of ~~confidential records specified in s. 7.39 (5)~~  
9 ~~and the information required to be provided to observers under s. 7.39 (5)~~ such a list,

## ASSEMBLY BILL 514

## SECTION 1

1 the number of electors whose names appear on the list, and the number of those  
2 electors who have voted at any point in the proceedings. No observer may view the  
3 certificate-affidavit form of an absent elector who obtains a confidential listing  
4 under s. 6.47 (2).

NOTE: 1999 Wis. Act 49 created a class of electors, domestic abuse victims, who can vote anonymously to avoid detection by stalking abusers. 1999 Wis. Act 49 created language in s. 7.39 (5) and created s. 7.41 (4), which depends on s. 7.39 (5) for its efficacy, to prevent persons observing elections from viewing a registration list that identifies domestic abuse victims who voted anonymously. 1999 Wis. Act 182, without taking Act 49 into account, repealed s. 7.39 in its entirety in the process of removing all references in ch. 7 to "observers." This bill recreates in s. 7.41 (4) the language added to s. 7.39 (5) in order to give effect to the treatment of those 2 provisions by Act 49.

5

(END)



Kennedy Kennedy  
Changes to "P2" version  
Maps

- Continue to give elec 62 maps, which they must distribute ON REQUEST
- Incorporate an amendment
- Incorporate add'l correction re: observers (revision error)

## Kuesel, Jeffery

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**From:** Kennedy, Kevin  
**Sent:** Monday, December 03, 2001 5:44 PM  
**To:** Kuesel, Jeffery; Marchant, Robert  
**Subject:** FW: LRB-4019/P2

I checked with the League of Municipalities for their feedback on the volunteer pollworker provision. If the suggested language is OK with you let's use it.

Thank you

Kevin

-----Original Message-----

**From:** Curt Witynski [SMTP:witynski@lwm-info.org]  
**Sent:** Friday, November 30, 2001 11:01 AM  
**To:** kevin.kennedy@seb.state.wi.us  
**Subject:** LRB-4019/P2

Kevin: Thanks for sending us a copy of the draft legislation your agency is proposing. We reviewed the proposed changes to sec. 7.03, Stats., which are designed to allow election officials to voluntarily decline compensation. \

My only comment is to suggest that the following language be used to make it explicit that the election official is shifting from an employee to a volunteer:

Page 9, lines 9-12: "Any election official or trainee may choose to volunteer his services by filing with the municipal clerk of the municipality in which he or she serves a written declination to accept compensation. The election official's volunteer status remains effective until revoked by the official or trainee in writing filed with the municipal clerk."

I hope this helps. Thanks for considering our comments.

Curt Witynski  
Assistant Director  
League of Wisconsin Municipalities  
202 State St., Suite 300  
Madison, WI 53703  
608-267-2380  
608-267-0645 (Fax)  
www.lwm-info.org



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-4019/P2 1

JTK/RJM/PG:cjs:jf

SOON

stays

EMC

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAV

(regenerate)

1 AN ACT <sup>(regenerate)</sup> to repeal 8.15 (9), 8.20 (10), 9.10 (2) (em) 4. and 5., 9.10 (2) (o), 9.10 (2)

2 (r) 1. to 3., 13.92 (1) (a) 6. and 16.96 (3) (b); to renumber and amend 9.10 (4)

3 (d); to amend 5.86, 6.87 (2) (form), 6.875 (1) (at), 6.875 (2) (a), 6.875 (6), 7.03

4 (1) (a), 7.03 (1) (b), (bm), (c) and (d), 7.08 (3) (intro.) and (4), 7.30 (2) (a), 7.30 (4)

5 (b) 1., 7.33 (2), 7.51 (1), 8.15 (4) (a), 8.21, 8.40 (2), 9.10 (2) (e) 3., 9.10 (4) (a), 10.06

6 (3) (am), 10.06 (3) (bm), 11.21 (3), 11.21 (14) and 755.01 (4); and to create 7.30

7 (2) (am), 9.10 (4) (d) 2. and 118.15 (3) (d) of the statutes; relating to: various

8 changes in election administration laws.

**Analysis by the Legislative Reference Bureau**

This bill makes various changes in the laws relating to administration of elections. Significant changes include:

**Poll worker qualifications**

Currently, poll workers consist of election inspectors and special registration deputies. Inspectors supervise voting generally and deputies are appointed to accept election day registrations in municipalities where registration is required. The inspectors at each polling place elect a chief inspector, who manages the polling place, subject to supervision of the municipal clerk or board of election commissioners. With limited exceptions, all inspectors must be qualified electors of

the ward, combined wards, or election district where they serve. Special registration deputies must be electors of the municipality in which they serve. The two major political parties may submit nominees for inspector positions, but if they fail to do so, municipalities may appoint any qualified electors to serve. Inspectors normally serve for two-year terms. Under this bill, any poll worker need only be a qualified elector of this state, except that the bill also permits any pupil who is enrolled in grades 9 to 12 of a public or private school and who is 15, 16, or 17 years of age to be appointed to serve in any inspection position other than the position of chief inspector. The bill requires a pupil who wishes to serve as an inspector to obtain the written authorization of the pupil's parent or guardian and of the principal of the school where he or she is enrolled, who must consent to allow the pupil to serve at all elections held during his or her term of office. The bill provides that if a pupil who receives an inspector appointment ceases to be enrolled and the pupil has not become a qualified elector of the state, the pupil's office becomes vacant. Under the bill, at least one inspector in addition to the chief inspector at each polling place must be a qualified elector of the state. *The bill also provides for chief inspectors to be appointed by the municipal clerk or board of election commissioners of the municipality where they serve.*

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**Compensation of election officials**

Currently, most election officials (inspectors, voting machine custodians, automatic tabulating equipment technicians, members of boards of canvassers, messengers, and tabulators) must be paid a reasonable compensation, which is fixed and paid by the jurisdiction for whom they perform services. If a special election is called, the jurisdiction calling the election must pay the compensation. Special registration deputies, nursing and retirement home voting deputies, and officials and trainees who attend training sessions may be compensated for their services at municipal option, except that chief inspectors and chief inspector trainees must be compensated for attendance at training sessions and examinations. This bill permits any election official or trainee to ~~file~~ a written declination to accept compensation.

**Free distribution of elections board publications**

Currently, the elections board is required to publish the election laws, a manual explaining the duties of election officials, an accounting and bookkeeping manual for campaign finance registrants, and a manual describing the campaign finance and prohibited election practice laws. The board must distribute free copies of the election laws in sufficient supply to provide one copy for each polling place. The board must distribute one copy of the election manual free to each county and municipal clerk and board of election commissioners. The board must distribute the accounting and bookkeeping manual and the manual describing the campaign finance and prohibited election practice laws free to each state registrant and must distribute sufficient copies of the manuals to local filing officers to enable distribution to local registrants. This bill removes these requirements for free distribution.

**Maps of election districts**

Current law requires the legislative reference bureau to prepare maps showing the boundary lines of congressional and legislative districts and to provide those maps to the department of administration. The department of administration must provide the maps to the elections board, which must distribute them to candidates

Volunteer his or her services by filing

Once filed, a declination remains effective until the official or trainee files a written revocation

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Instead requires the elections board to distribute the maps to these candidates upon request

upon the filing of nomination papers

for representative in Congress, state senator, and representative to the assembly. This bill ~~deletes these requirements~~

### ***Disqualification of candidates***

Under current law, in order to become a candidate for state or local office in this state, an individual must swear that he or she has not been convicted of any infamous crime for which he or she has not been pardoned. In 1996, the Wisconsin constitution was amended to remove the reference to the infamous crime disqualifier and to substitute a disqualification for conviction of a felony or misdemeanor designated under state or federal law as a violation of the public trust, unless pardoned. This bill deletes the infamous crime disqualifier from the statutes and substitutes a requirement for a candidate for state or local office to swear that he or she has not been convicted of a misdemeanor designated under state or federal law as a violation of the public trust or a felony for which he or she has not been pardoned.

### ***Restriction on dates of recall elections for local officers***

Currently, a petition for the recall of an elective officer may be offered for filing at any time after the officer has served at least one year of his or her term, and a recall election may be required at any time after that first year if a legally valid petition is filed. This bill prohibits any election for the recall of a city, village, town, or school district officer whose office is being filled at the spring election from being held after February 1 in the year of that election.

### ***Method of calling recall elections for local officers***

Currently, a petition for the recall of an elective officer of a city, village, town, or school district is filed with the municipal or school district clerk or board of election commissioners of the municipality or school district. If the clerk or board finds the petition to be sufficient, the clerk or board transmits it to the municipal governing body or school board, which must then call a recall election. This bill provides instead for the the clerk or board, upon finding a petition to be sufficient, to call the recall election.

### ***Supervision of central counting locations***

Currently, any municipality that utilizes an electronic voting system may provide for ballots to be counted at one or more central counting locations instead of at the polling places where ballots are cast. Currently, proceedings at a central counting location are under the direction of the municipal clerk or board of election commissioners, unless the central counting location is at the county seat and the clerk or board delegates this responsibility to the county clerk or board of election commissioners. This bill permits a municipal clerk or board of election commissioners to delegate the responsibility to supervise a central counting location to another election official, or if the clerk or board delegates this responsibility to the county clerk or board of election commissioners, the bill permits that clerk or board to delegate the responsibility for supervision to another election official.

### ***Voting in certain homes and facilities***

Currently, municipalities send two special voting deputies to each nursing or retirement home or community-based residential facility where one or more electors apply for an absentee ballot for the purpose of conducting absentee voting. The

deputies must represent the two major political parties when party representatives are available. Current law requires the deputies to administer an absentee voter oath that was formerly a part of the absentee voter's certificate, but the current form of the certificate does not require an oath and instead requires only one witness. This bill requires the two deputies at a home or facility to each witness the execution of the absentee voter's certificate in lieu of the oath.

***Certification of the names of municipal candidates and referenda***

Currently, the names of candidates for municipal office are certified for placement on the ballot no later than two days after the deadline for filing nomination papers or two days after the date of any village or town nominating caucus. Except at primary elections, municipal ballot questions are certified at the same time. This bill requires certification no later than three days after the deadline for filing nomination papers or three days after candidate qualification following a nominating caucus.

***Notification of creation or abolition of joint municipal courts***

Currently, two or more municipalities may establish a joint municipal court. The county clerk or board of election commissioners of the county having the largest portion of the population of the combined municipalities serves as filing officer for the election of the judge of the court. Currently, the municipalities must notify the appropriate clerk or board when a joint court is created. This bill requires each municipality to send to the clerk or board a copy of the ordinance or bylaw creating or discontinuing a joint court.

ENSURE ANALYSIS

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For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

Keep one space between final paragraph and S/L/FE

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

- 1           **SECTION 1.** 5.86 of the statutes is amended to read:
- 2           **5.86 Proceedings at central counting location locations.** (1) All
- 3 proceedings at ~~the~~ each central counting location shall be under the direction of the
- 4 municipal clerk or an election official designated by the clerk unless the central
- 5 counting location is at the county seat and the municipal clerk delegates the
- 6 responsibility to supervise the location to the county clerk, in which case the
- 7 proceedings shall be under the direction of the county clerk or an election official
- 8 designated by the county clerk. Unless election officials are selected under s. 7.30

1 (4) (c) without regard to party affiliation, the employees at the each central counting  
 2 location, other than any specially trained technicians who are required for the  
 3 operation of the automatic tabulating equipment, shall be equally divided between  
 4 members of the 2 major political parties under s. 7.30 (2) (a) and all duties performed  
 5 by the employees shall be by teams consisting of an equal number of members of each  
 6 political party whenever sufficient persons from each party are available.

7 (2) At the each central counting location, a team of election officials designated  
 8 by the clerk or other election official having charge of the location under sub. (1) shall  
 9 check the container returned containing the ballots to determine that all seals are  
 10 intact, and thereupon shall open the container, check the inspectors' slip and  
 11 compare the number of ballots so delivered against the total number of electors of  
 12 each ward served by the polling place who voted, remove the ballots or record of the  
 13 votes cast and deliver them to the technicians operating the automatic tabulating  
 14 equipment. Any discrepancies between the number of ballots and total number of  
 15 electors shall be noted on a sheet furnished for that purpose and signed by the  
 16 election officials.

17 **SECTION 2.** 6.87 (2) (form) of the statutes is amended to read:

18 6.87 (2) (form)

19 [STATE OF ...

20 County of ...]

21 or

22 [(name of foreign country and city or other jurisdictional unit)]

23 I, ..., certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false  
 24 statements, that I am a resident of the [... ward of the] (town) (village) of ..., or of  
 25 the ... aldermanic district in the city of ..., residing at ... in said city, the county

✓  
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1 of ..., state of Wisconsin, and am entitled to vote in the (ward) (election district) at  
 2 the election to be held on ....; that I am not voting at any other location in this election;  
 3 that I am unable or unwilling to appear at the polling place in the (ward) (election  
 4 district) on election day or have changed my residence within the state from one ward  
 5 or election district to another within 10 days before the election. An elector who  
 6 provides an identification serial number issued under s. 6.47 (3) need not provide a  
 7 street address. I certify that I exhibited the enclosed ballot unmarked to the witness,  
 8 that I then in (his) (her) presence and in the presence of no other person marked the  
 9 ballot and enclosed and sealed the same in this envelope in such a manner that no  
 10 one but myself and any person rendering assistance under s. 6.87 (5), Wis. Stats., if  
 11 I requested assistance, could know how I voted.

12 Signed ....

13 Identification serial number, if any: ....

14 The witness shall execute the following:

15 I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis.  
 16 Stats., for false statements, certify that the above statements are true and the voting  
 17 procedure was executed as there stated. I am not a candidate for any office on the  
 18 enclosed ballot (except in the case of an incumbent municipal clerk). I did not solicit  
 19 or advise the elector to vote for or against any candidate or measure.

20 ....(Name)

21 ....(Address)\*

22 \* - If this form is executed before 2 special voting deputies under s. 6.875 (6),  
 23 Wis. Stats., both deputies shall witness and sign.

24 SECTION 3. 6.875 (1)(at) of the statutes is amended to read:



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

3           **SECTION 4.** 6.875 (2) (a) of the statutes is amended to read:

4           6.875 (2) (a) The procedures prescribed in this section are the exclusive means  
5           of absentee voting for electors who are occupants of nursing homes ~~or~~, qualified  
6           community-based residential facilities or qualified retirement homes.

7           **SECTION 5.** 6.875 (6) of the statutes is amended to read:

as affected by  
2001 Wisconsin  
Act 16,

8           6.875 (6) Special voting deputies in each municipality shall, not later than 5  
9           p.m. on the Friday preceding an election, arrange one or more convenient times with  
10          the administrator of each nursing home ~~or~~, qualified retirement home, and qualified  
11          community-based residential facility in the municipality from which one or more  
12          occupants have filed an application under s. 6.86 to conduct absentee voting for the  
13          election. The time may be no earlier than the 4th Monday preceding the election and  
14          no later than 5 p.m. on the Monday preceding the election. Upon request of a relative  
15          of an occupant of a nursing home or qualified retirement home or qualified  
16          community-based residential facility, the administrator may notify the relative of  
17          the time or times at which special voting deputies will conduct absentee voting at the  
18          home or facility, and permit the relative to be present in the room where the voting  
19          is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit  
20          the ~~nursing home or qualified retirement home or qualified community-based~~  
21          residential facility. The municipal clerk or executive director of the board of election  
22          commissioners shall issue a supply of absentee ballots to the deputies sufficient to  
23          provide for the number of valid applications received by the clerk, and a reasonable  
24          additional number of ballots. The municipal clerk or executive director shall keep  
25          a careful record of all ballots issued to the deputies and shall require the deputies to

Proof w/ 2001 Act 16, s 69s

1 return every ballot issued to them. The deputies shall personally offer each elector  
2 who has filed a proper application the opportunity to cast his or her absentee ballot.  
3 If an elector is present who has not filed a proper application, the 2 deputies may  
4 accept an application from the elector and shall issue a ballot to the elector if the  
5 elector is qualified and the application is proper. The deputies shall ~~administer~~ each  
6 witness the oath certification and may, upon request of the elector, assist the elector  
7 in marking or punching the elector's ballot. Upon request of the elector, a relative  
8 of the elector who is present in the room may assist the elector in marking or  
9 punching the elector's ballot. All voting shall be conducted in the presence of the  
10 deputies. No individual other than a deputy may ~~administer~~ witness the oath  
11 certification and no individual other than a deputy or relative of an elector may  
12 render voting assistance to the elector. Upon completion of the voting, the deputies  
13 shall promptly deliver, either personally or by 1st class mail, any absentee ballot  
14 applications and the sealed certificate envelope containing each ballot to the clerk  
15 or board of election commissioners of the municipality in which the elector casting  
16 the ballot resides, within such time as will permit delivery to the polling place  
17 serving the elector's residence on election day. Personal delivery may be made by the  
18 deputies no later than noon on election day. If a qualified elector is not able to cast  
19 his or her ballot on 2 separate visits by the deputies to the ~~nursing home or qualified~~  
20 ~~retirement home~~ facility, they shall so inform the municipal clerk or executive  
21 director of the board of election commissioners, who may then send the ballot to the  
22 elector no later than 5 p.m. on the Friday preceding the election.

23 **SECTION 6.** 7.03 (1) (a) of the statutes, as affected by 2001 Wisconsin Act 16, is  
24 amended to read:

1           **7.03 Compensation of election officials and trainees.** (1) (a) ~~A~~ Except  
 2 as authorized under this paragraph, a reasonable daily compensation shall be paid  
 3 to each inspector, voting machine custodian, automatic tabulating equipment  
 4 technician, member of a board of canvassers, messenger, and tabulator who is  
 5 employed and performing duties under chs. 5 to 12. Daily compensation shall also  
 6 be provided to officials and trainees for attendance at training sessions and  
 7 examinations required by the board under s. 7.31. Alternatively, such election  
 8 officials and trainees may be paid by the hour at a proportionate rate for each hour  
 9 actually worked. Any election official or trainee may ~~file~~ <sup>choose to volunteer his/her services</sup> with the municipal clerk ~~by~~ <sup>by</sup>  
 10 of the municipality in which he or she serves a written declination to accept <sup>by</sup> compensation. <sup>filling</sup>  
 11 The declination remains effective until <sup>volunteer status of the election official or trainee</sup> ~~revocation~~ the official or  
 12 trainee <sup>files a written revocation with the municipal clerk</sup> ✓

13           **SECTION 7.** 7.03 (1) (b), (bm), (c) and (d) of the statutes are amended to read:

14           7.03 (1) (b) Except as provided in par. (bm), payment any compensation owed  
 15 shall be made paid by the municipality in which the election is held, except that any  
 16 compensation payable to a technician, messenger, tabulator, or member of the board  
 17 of canvassers who is employed to perform services for the county shall be paid by the  
 18 county and compensation payable to any messenger or tabulator who is employed to  
 19 perform services for the state shall be paid by the board.

20           (bm) Whenever a special election is called by a county or by a school district,  
 21 a technical college district, a sewerage district, a sanitary district, or a public inland  
 22 lake protection and rehabilitation district, the county or district shall pay the  
 23 compensation of all election officials performing duties in those municipalities, as  
 24 determined under sub. (2).

1 (c) If a central counting location serving more than one municipality is utilized  
2 under s. 7.51 (1), the cost of compensation of election officials at the location shall be  
3 proportionately divided between the municipalities utilizing the location, except  
4 that if all municipalities within a county utilize the location, the compensation shall  
5 be paid by the county.

6 (d) ~~Special~~ Except as otherwise provided in par. (a), special registration  
7 deputies appointed under s. 6.55 (6), special voting deputies appointed under s. 6.875  
8 (4) and officials and trainees who attend training sessions under s. 7.15 (1) (e) or 7.25  
9 (5) may also be compensated by the municipality where they serve at the option of  
10 the municipality.

11 SECTION 8. 7.08 (3) (intro.) and (4) of the statutes are amended to read:

12 7.08 (3) ELECTION MANUAL. (intro.) Prepare and publish separate from the  
13 election laws an election manual written so as to be easily understood by the general  
14 public explaining the duties of the election officials, together with notes and  
15 references to the statutes as the board considers advisable. ~~The manual shall be~~  
16 ~~furnished by the board free to each county and municipal clerk or board of election~~  
17 ~~commissioners and others in such manner as it deems most likely to promote the~~  
18 ~~public welfare.~~ The election manual shall:

19 (4) ELECTION LAWS. Publish the election laws. ~~The board shall furnish the~~  
20 ~~election laws free to each county and municipal clerk and board of election~~  
21 ~~commissioners in sufficient supply to provide one copy for reference at each office and~~  
22 ~~at each polling place.~~ The board shall sell or distribute or arrange for the sale or  
23 distribution of copies of the election laws to county and municipal clerks and boards  
24 of election commissioners and members of the public.

25 SECTION 9. 7.30 (2) (a) of the statutes is amended to read:

(P) SEC #. CR; 7.08(5). (P) 7.08(5) <sup>(CS)</sup> DISTRICT MAPS. <sup>(B)</sup> Distribute, upon request and free of charge, to  
copy of the map or maps received under s. 16.96(3) (b) showing district boundaries.

only candidate for representative  
in Congress, state senator, or representative  
to the assembly a

1           7.30 (2) (a) Only election officials appointed under this section may conduct an  
2 election. Except as authorized in par. (am) and s. 7.15 (1) (k), each inspector and  
3 special registration deputy shall be a qualified elector ~~in the ward for which the~~  
4 ~~polling place is established. Special registration deputies appointed under s. 6.55 (6)~~  
5 ~~and election officials serving more than one ward or when necessary to fill a vacancy~~  
6 ~~under par. (b) need not be a resident of that ward, but shall be a resident of the~~  
7 municipality of the state. Special registration deputies may be appointed to serve  
8 more than one polling place. All officials shall be able to read and write the English  
9 language, be capable, be of good understanding, and may not be a candidate for any  
10 office to be voted for at an election at which they serve. In 1st class cities, they may  
11 hold no public office other than notary public. Except as authorized under sub. (4)  
12 (c), all inspectors shall be affiliated with one of the 2 recognized political parties  
13 which received the largest number of votes for president, or governor in  
14 nonpresidential general election years, in the ward or combination of wards served  
15 by the polling place at the last election. The party which received the largest number  
16 of votes is entitled to one more inspector than the party receiving the next largest  
17 number of votes at each polling place. The same election officials may serve the  
18 electors of more than one ward where wards are combined under s. 5.15 (6) (b). If a  
19 municipality is not divided into wards, the ward requirements in this paragraph  
20 apply to the municipality at large.

21           **SECTION 10.** 7.30 (2) (am) of the statutes is created to read:

22           7.30 (2) (am) Except as otherwise provided in this paragraph, a pupil who is  
23 15, 16, or 17 years of age and who is enrolled in grades 9 to 12 in a public or private  
24 school may serve as an inspector, with the approval of the pupil's parent or guardian  
25 and of the principal of the school in which the pupil is enrolled. A pupil may serve

1 as an inspector at a polling place under this paragraph only if at least one election  
2 official at the polling place other than the chief inspector is a qualified elector of this  
3 state. No pupil may serve as chief inspector at a polling place under this paragraph.  
4 Before appointment by any municipality of a pupil as an inspector under this  
5 paragraph, the municipal clerk shall obtain written authorization from the pupil's  
6 parent or guardian and from the principal of the school where the pupil is enrolled  
7 for the pupil to serve for the entire term for which he or she is appointed. Upon  
8 appointment of a pupil to serve as an inspector, the municipal clerk shall notify the  
9 principal of the school where the pupil is enrolled of the date of expiration of the  
10 pupil's term of office.

11 **SECTION 11.** 7.30 (4) (b) 1. of the statutes is amended to read:

12 7.30 (4) (b) 1. In cities where there is a board of election commissioners, the  
13 aldermanic district committeemen or committeewomen under s. 8.17 of each of the  
14 2 dominant recognized political parties shall submit a certified list no later than  
15 November 30 of each even-numbered year containing the names of at least as many  
16 ~~electors~~ nominees as there are inspectors from that party for each of the voting wards  
17 in the aldermanic district. The chairperson may designate any individual whose  
18 name is submitted as a first choice nominee. The board of election commissioners  
19 shall appoint, no later than December 31 of even-numbered years, at least 5  
20 inspectors for each ward. The board of election commissioners shall appoint all first  
21 choice nominees for so long as positions are available, unless nonappointment is  
22 authorized under par. (e), and shall appoint other individuals in its discretion. The  
23 board of election commissioners may designate such alternates as it deems  
24 advisable.

25 **SECTION 12.** 7.33 (2) of the statutes is amended to read:

✓  
Jus  
12-24

1           7.33 (2) Service as an election official under this chapter shall be mandatory  
2 upon all ~~qualified electors~~ individuals appointed, during the full 2-year term, after  
3 which they shall be exempt from further service as an election official, under this  
4 chapter, until 3 terms of 2 years each have elapsed. Municipal clerks may grant  
5 exemptions from service at any time.

6           **SECTION 13.** 7.51 (1) of the statutes is amended to read:

7           7.51 (1) CANVASS PROCEDURE. Immediately after the polls close the inspectors  
8 shall proceed to canvass publicly all votes received at the polling place. In any  
9 municipality where an electronic voting system is used, the municipal governing  
10 body or board of election commissioners may provide or authorize the municipal  
11 clerk or executive director of the board of election commissioners to provide for the  
12 adjournment of the canvass to one or more central counting locations for specified  
13 polling places in the manner prescribed in subch. III of ch. 5. No central counting  
14 location may be used to count votes at a polling place where an electronic voting  
15 system is not employed. The canvass, whether conducted at the polling place or at  
16 ~~the~~ a central counting location, shall continue without adjournment until the  
17 canvass is completed and the return statements are made. The inspectors shall not  
18 permit access to the name of any elector who has obtained a confidential listing under  
19 s. 6.47 (2) during the canvass, except as authorized in s. 6.47 (8).

20           **SECTION 14.** 8.15 (4) (a) of the statutes is amended to read:

21           8.15 (4) (a) The certification of a qualified elector stating his or her residence  
22 with street and number, if any, shall appear at the bottom of each nomination paper,  
23 stating he or she personally circulated the nomination paper and personally  
24 obtained each of the signatures; he or she knows they are electors of the ward,  
25 aldermanic district, municipality or county, as the nomination papers require; he or

1 she knows they signed the paper with full knowledge of its content; he or she knows  
2 their respective residences given; he or she knows each signer signed on the date  
3 stated opposite his or her name; and, that he or she, the circulator, resides within the  
4 district which the candidate named therein will represent, if elected; that he or she  
5 intends to support the candidate; and that he or she is aware that falsifying the  
6 certification is punishable under s. 12.13 (3) (a), Wis. stats. The circulator shall  
7 indicate the date that he or she makes the certification next to his or her signature.

8 The certification may be made by the candidate or any qualified elector.

9 **SECTION 15.** 8.15 (9) of the statutes is repealed.

10 **SECTION 16.** 8.20 (10) of the statutes is repealed.

11 **SECTION 17.** 8.21 of the statutes is amended to read:

12 **8.21 Declaration of candidacy.** Each candidate, except a candidate for  
13 presidential elector under s. 8.20 (2) (d), shall file a declaration of candidacy, no later  
14 than the latest time provided for filing nomination papers under s. 8.10 (2) (a), 8.15  
15 (1), 8.20 (8) (a) or 8.50 (3) (a), or the time provided under s. 8.16 (2) or 8.35 (2) (c).  
16 A candidate shall file the declaration with the officer or agency with which  
17 nomination papers are filed for the office which the candidate seeks, or if nomination  
18 papers are not required, with the clerk or board of election commissioners of the  
19 jurisdiction in which the candidate seeks office. The declaration shall be sworn to  
20 before any officer authorized to administer oaths. The declaration shall contain the  
21 name of the candidate in the form specified under s. 8.10 (2) (b) for candidates for  
22 nonpartisan office or s. 8.15 (5) (a) or 8.20 (2) (a) for candidates for partisan office,  
23 and shall state that the signer is a candidate for a named office, that he or she meets  
24 or will at the time he or she assumes office meet applicable age, citizenship, residency  
25 or voting qualification requirements, if any, prescribed by the constitutions and laws



1 of the United States and of this state, and that he or she will otherwise qualify for  
2 office if nominated and elected. The declaration shall include the candidate's name  
3 in the form in which it will appear on the ballot. Each candidate for state and local  
4 office shall include in the declaration a statement that he or she has not been  
5 convicted of any ~~infamous crime~~ misdemeanor designated under state or federal law  
6 as a violation of the public trust or any felony for which he or she has not been  
7 pardoned ~~and a list of all felony convictions for which he or she has not been~~  
8 pardoned. In addition, each candidate for state or local office shall include in the  
9 declaration a statement that discloses his or her municipality of residence for voting  
10 purposes, and the street and number, if any, on which the candidate resides. The  
11 declaration is valid with or without the seal of the officer who administers the oath.  
12 A candidate for state or local office shall file an amended declaration under oath with  
13 the same officer or agency if any information contained in the declaration changes  
14 at any time after the original declaration is filed and before the candidate assumes  
15 office or is defeated for election or nomination.

16 **SECTION 18.** 8.40 (2) of the statutes is amended to read:

17 8.40 (2) The certification of a qualified elector stating his or her residence with  
18 street and number, if any, shall appear at the bottom of each separate sheet of each  
19 petition specified in sub. (1), stating that he or she personally circulated the petition  
20 and personally obtained each of the signatures; that the circulator knows that they  
21 are electors of the jurisdiction or district in which the petition is circulated; that the  
22 circulator knows that they signed the paper with full knowledge of its content; that  
23 the circulator knows their respective residences given; that the circulator knows that  
24 each signer signed on the date stated opposite his or her name; that the circulator  
25 resides within the jurisdiction or district in which the petition is circulated; and that

1 the circulator is aware that falsifying the certification is punishable under s. 12.13  
2 (3) (a). The circulator shall indicate the date that he or she makes the certification  
3 next to his or her signature.

4 **SECTION 19.** 9.10 (2) (e) 3. of the statutes is amended to read:

5 9.10 (2) (e) 3. The signature is dated after the date of the ~~notarization~~  
6 certification contained on the petition sheet.

7 **SECTION 20.** 9.10 (2) (em) 4. and 5. of the statutes are repealed.

8 **SECTION 21.** 9.10 (2) (o) of the statutes is repealed.

9 **SECTION 22.** 9.10 (2) (r) 1. to 3. of the statutes are repealed.

10 **SECTION 23.** 9.10 (4) (a) of the statutes is amended to read:

11 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town  
12 or school district official, is offered for filing, the officer against whom the petition is  
13 filed may file a written challenge with the municipal clerk, school district clerk, or  
14 board of election commissioners ~~or school district clerk~~ with whom it is filed,  
15 specifying any alleged insufficiency. If a challenge is filed, the petitioner may file a  
16 written rebuttal to the challenge with the clerk or board of election commissioners  
17 within 5 days after the challenge is filed. If a rebuttal is filed, the officer against  
18 whom the petition is filed may file a reply to any new matter raised in the rebuttal  
19 within 2 days after the rebuttal is filed. Within 14 days after the expiration of the  
20 time allowed for filing a reply to a rebuttal, the clerk or board of election  
21 commissioners shall file the certificate or an amended certificate. Within 31 days  
22 after the petition is offered for filing, the clerk or board of election commissioners  
23 shall determine by careful examination of the face of the petition whether the  
24 petition is sufficient and shall so state in a certificate attached to the petition. If the  
25 petition is found to be insufficient, the certificate shall state the particulars creating

1 the insufficiency. The petition may be amended to correct any insufficiency within  
2 5 days following the affixing of the original certificate. Within 2 days after the  
3 offering of the amended petition for filing, the clerk or board of election  
4 commissioners shall again carefully examine the face of the petition to determine  
5 sufficiency and shall attach to the petition a certificate stating the findings.  
6 Immediately upon finding an original or amended petition sufficient, ~~except in cities~~  
7 ~~over 500,000 population, the municipal clerk or school district clerk~~ board of election  
8 commissioners shall ~~transmit the petition to the governing body or to the school~~  
9 ~~board.~~ Immediately upon finding an original or amended petition sufficient, in cities  
10 over 500,000 population, the board of election commissioners shall file the petition  
11 in its the office of the clerk or board of election commissioners.

12 **SECTION 24.** 9.10 (4) (d) of the statutes is renumbered 9.10 (4) (d) 1. and  
13 amended to read:

14 9.10 (4) (d) 1. ~~The governing body, school board~~ Except as provided in subd. 2.,  
15 promptly upon filing of a certificate under par. (a), the municipal clerk, school district  
16 clerk, or board of election commissioners upon receiving the certificate shall call an  
17 a recall election. The recall election shall be held on the Tuesday of the 6th week  
18 commencing after the date of that the certificate. If is filed, except that if Tuesday  
19 is a legal holiday, the recall election shall be held on the first day after Tuesday which  
20 is not a legal holiday.

21 **SECTION 25.** 9.10 (4) (d) 2. of the statutes is created to read:

22 9.10 (4) (d) 2. The clerk or board of election commissioners under subd. 1. may  
23 not call a recall election for an office to be filled at the spring election later than  
24 February 1 in the year of that election.

25 **SECTION 26.** 10.06 (3) (am) of the statutes is amended to read:

1           10.06 (3) (am) As soon as possible following the deadline for filing nomination  
2 papers for any municipal election when there is to be an election for a county or state  
3 office or a county or statewide referendum, but no later than ~~2~~ 3 days after such  
4 deadline, the municipal clerk of each municipality in which voting machines or  
5 ballots containing the names of candidates for both local offices and national, state  
6 or county offices are used shall certify the list of candidates for municipal office to the  
7 county clerk if a primary is required, unless the municipality prepares its own ballots  
8 under s. 7.15 (2) (c).

9           **SECTION 27.** 10.06 (3) (bm) of the statutes is amended to read:

10           10.06 (3) (bm) As soon as possible following the municipal canvass of the  
11 primary vote or the qualification of the candidates under s. 8.05 (1) (j) when a  
12 municipal caucus ~~when is held, if~~ there is to be an election for a county or state office  
13 or a county or statewide referendum, but no later than ~~2~~ 3 days after such date, the  
14 municipal clerk of each municipality in which voting machines or ballots containing  
15 the names of candidates for both local offices and national, state or county offices are  
16 used shall certify the list of candidates for municipal office and municipal referenda  
17 appearing on the ballot to the county clerk, unless the municipality prepares its own  
18 ballots under s. 7.15 (2) (c).

19           **SECTION 28.** 11.21 (3) of the statutes is amended to read:

20           11.21 (3) Prepare and publish for the use of persons required to file reports and  
21 statements under this chapter a manual setting forth simply and concisely  
22 recommended uniform methods of bookkeeping and reporting. ~~The board shall~~  
23 ~~furnish a copy of the manual without charge, upon request, to all persons who are~~  
24 ~~required to file reports or statements with the board, and shall distribute or arrange~~  
25 ~~for the distribution of copies of the manual for use by other filing officers.~~

1           **SECTION 29.** 11.21 (14) of the statutes is amended to read:

2           11.21 (14) Prepare, publish and periodically revise as necessary a manual  
3 simply and concisely describing the filing and registration requirements established  
4 in this chapter in detail, as well as other major provisions of this chapter and ch. 12.  
5 ~~The board shall furnish a copy of the manual without charge, upon request, to all~~  
6 ~~persons who are required to file reports or statements with the board, and shall~~  
7 ~~distribute or arrange for the distribution of copies of the manual for use by other~~  
8 ~~filing officers.~~

9           ~~**SECTION 30.** 13.92 (1) (a) 6. of the statutes is repealed.~~

10          ~~**SECTION 31.** 16.96 (3) (b) of the statutes is repealed.~~

11           **SECTION 32.** 118.15 (3) (d) of the statutes is created to read:

12           118.15 (3) (d) Any child excused in writing by his or her parent or guardian and  
13 by the principal of the school that the pupil attends for the purpose of serving as an  
14 election official under s. 7.30 (2) (am). The principal shall allow the pupil to take  
15 examinations and complete course work missed during the pupil's absences under  
16 this paragraph. The principal shall promptly notify the municipal clerk or the board  
17 of election commissioners of the municipality that appointed the pupil as an election  
18 official if the pupil ceases to be enrolled in school.

19           **SECTION 33.** 755.01 (4) of the statutes is amended to read:

20           755.01 (4) Two or more cities, towns or villages of this state may enter into an  
21 agreement under s. 66.0301 for the joint exercise of the power granted under sub. (1),  
22 except that for purposes of this subsection, any agreement under s. 66.0301 shall be  
23 effected by the enactment of identical ordinances by each affected city, town or  
24 village. Electors of each municipality entering into the agreement shall be eligible  
25 to vote for the judge of the municipal court so established. If a municipality enters

1 into an agreement with a municipality that already has a municipal court, the  
2 municipalities may provide by ordinance or resolution that the judge for the existing  
3 municipal court shall serve as the judge for the joint court until the end of the term  
4 or until a special election is held under s. 8.50 (4) (fm). Each municipality shall adopt  
5 an ordinance or bylaw under sub. (1) prior to entering into the agreement. The  
6 contracting municipalities need not be contiguous and need not all be in the same  
7 county. ~~The Upon entering into or discontinuing such an agreement, the contracting~~  
8 ~~municipalities shall notify each transmit a certified copy of the ordinance or bylaw~~  
9 ~~effecting or discontinuing the agreement to the appropriate filing officer under s.~~  
10 ~~11.02 (3e) when the joint court is created. When a municipal judge is elected under~~  
11 ~~this subsection, candidates shall be nominated by filing nomination papers under s.~~  
12 ~~8.10 (6) (bm), and shall register with the filing officer specified in s. 11.02 (3e).~~

13 **SECTION 34. Initial applicability.**

14 (1) The treatment of section 9.10 (4) (a) and (d) of the statutes first applies with  
15 respect to petitions for recall of officers that are offered for filing on the effective date  
16 of this subsection.

17 **SECTION 35. Effective date.**

18 (1) This act takes effect on July 1, 2002.

19 (END)

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4019/linsJTK  
JTK & RJM.....

INS 12-24:

SECTION 1. 7.30 (6) (b) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

7.30 (6) (b) Prior to the first election following the appointment of the inspectors, the ~~inspectors at each polling place~~ the municipal clerk shall elect appoint one of ~~their number~~ the inspectors at each polling place to ~~act~~ serve as chief inspector. No person may serve as chief inspector at any election who is not certified by the board under s. 7.31 at the time of the election. The chief inspector shall hold the position for the remainder of the term unless the inspector is removed by the clerk or the inspector ceases to be certified under s. 7.31, except that whenever wards are combined or separated under s. 5.15 (6) (b), <sup>don't strike space</sup> ~~the inspectors~~ municipal clerk shall elect ~~a new chief~~ appoint another inspector who is certified under s. 7.31 to serve as chief inspector at each polling place designated under s. 5.15 (6) (b). If a vacancy occurs in the position of chief inspector at any polling place, the municipal clerk shall appoint one of the other inspectors who is certified under s. 7.31 to fill the vacancy.

History: 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1971 c. 336; 1973 c. 280, 334; 1975 c. 93, 101; 1977 c. 394, 427, 447; 1979 c. 89, 260, 355; 1983 a. 183, 484, 538; 1985 a. 131 s. 3; 1985 a. 304, 332; 1987 a. 391; 1989 a. 192, 359; 1995 a. 16 s. 2; 1997 a. 127; 1999 a. 182; 2001 a. 16.

INSERT ANALYSIS

**Membership on the county board of canvassers**

Current law requires the county clerk to serve on the county board of canvassers. However, if the clerk's office is vacant, the clerk cannot perform his or her duties, or the clerk is a candidate at an election being canvased, the clerk must designate a deputy clerk to perform the clerk's duties. This bill requires the clerk to make this designation in advance of the circumstances that trigger the need for service by the deputy clerk.

INSERT 13-5

39

~~Assembly Bill~~  
~~AB 514~~ SECTION 1. 7.41 (4) of the statutes, as affected by 2001 Wisconsin Act ~~112001~~, is amended to read:

7.41 (4) No individual exercising the right under sub. (1) may view the confidential portion of a registration list maintained under s. 6.36 (4) or a poll list maintained under s. 6.79 (6). However, the inspectors shall disclose to such an individual, upon request, the existence of such a list, the number of electors whose names appear on the list, and the number of those electors who have voted at any point in the proceedings. No ~~observer~~ such individual may view the ~~certificate-affidavit form~~ certificate of an absent elector who obtains a confidential listing under s. 6.47 (2).

proof w/ 2001 Wis Act 39  
Section 1

NOTE: NOTE: Section 7.39 was repealed by 1999 Wis. Act 182. Corrective legislation is pending. NOTE:  
History: 1989 a. 192; 1999 a. 49; 1999 a. 150 s. 672; 1999 a. 182.