
AN ACT to repeal 8.15 (9), 8.20 (10), 9.10 (2) (em) 4. and 5., 9.10 (2) (o) and 9.10 (2) (r) 1. to 3.; to renumber and amend 9.10 (4) (d); to amend 5.86, 6.87 (2) (form), 6.875 (1) (at), 6.875 (2) (a), 6.875 (6), 6.88 (1), 7.03 (1) (a), 7.03 (1) (b), 7.08 (3) (intro.) and (4), 7.30 (2) (a), 7.30 (4) (b) 1., 7.30 (6) (b), 7.33 (2), 7.41 (4), 7.51 (1), 7.60 (2), 8.15 (4) (a), 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), 11.21 (14) and 755.01 (4); and to create 7.08 (5), 7.30 (2) (am), 9.10 (4) (d) 2. and 118.15 (3) (d) of the statutes; relating to: various 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.

**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 volunteer his or her services by filing a written declination to accept compensation. Once filed, a declination remains effective until the official or trainee files a written revocation.

**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 for representative in Congress, state senator, and representative to the assembly upon the filing of nomination papers. This bill instead requires the elections board to distribute the maps to these candidates upon request.

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 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
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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.

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.

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

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

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

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

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

6.87 (2) (form)
[STATE OF ....]

County of ....]

or

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

I, ...., certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, that I am a resident of the [.... ward of the] (town) (village) of ...., or of the .... aldermanic district in the city of ...., residing at ....* in said city, the county of ...., state of Wisconsin, and am entitled to vote in the (ward) (election district) at the election to be held on ....; that I am not voting at any other location in this election; that I am unable or unwilling to appear at the polling place in the (ward) (election district) on election day or have changed my residence within the state from one ward or election district to another within 10 days before the election. An elector who provides an identification serial number issued under s. 6.47 (3) need not provide a street address. I certify that I exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her) presence and in the presence of no other person marked the ballot and enclosed and sealed the same in this envelope in such a manner that no one but myself and any person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance, could know how I voted.

Signed ....

Identification serial number, if any: ....

The witness shall execute the following:

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

....(Name)

....(Address)**

* — An elector who provides an identification serial number issued under s.
6.47 (3), Wis. Stats., need not provide a street address.

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

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

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

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

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

SECTION 5. 6.875 (6) of the statutes, as affected by 2001 Wisconsin Act 16, is
amended to read:

6.875 (6) Special voting deputies in each municipality shall, not later than 5
p.m. on the Friday preceding an election, arrange one or more convenient times with
the administrator of each nursing home or, qualified retirement home, and qualified
community–based residential facility in the municipality from which one or more
occupants have filed an application under s. 6.86 to conduct absentee voting for the
election. The time may be no earlier than the 4th Monday preceding the election and
no later than 5 p.m. on the Monday preceding the election. Upon request of a relative
of an occupant of a nursing home or qualified retirement home or qualified
community-based residential facility, the administrator may notify the relative of
the time or times at which special voting deputies will conduct absentee voting at the
home or facility, and permit the relative to be present in the room where the voting
is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit
the nursing home or qualified retirement home or qualified community-based
residential facility. The municipal clerk or executive director of the board of election
commissioners shall issue a supply of absentee ballots to the deputies sufficient to
provide for the number of valid applications received by the clerk, and a reasonable
additional number of ballots. The municipal clerk or executive director shall keep
a careful record of all ballots issued to the deputies and shall require the deputies to
return every ballot issued to them. The deputies shall personally offer each elector
who has filed a proper application the opportunity to cast his or her absentee ballot.
If an elector is present who has not filed a proper application, the 2 deputies may
accept an application from the elector and shall issue a ballot to the elector if the
elector is qualified and the application is proper. The deputies shall administer each
witness the oath certification and may, upon request of the elector, assist the elector
in marking the elector’s ballot. Upon request of the elector, a relative of the elector
who is present in the room may assist the elector in marking the elector’s ballot. All
voting shall be conducted in the presence of the deputies. No individual other than
a deputy may administer witness the oath certification and no individual other than
a deputy or relative of an elector may render voting assistance to the elector. Upon
completion of the voting, the deputies shall promptly deliver, either personally or by
1st class mail, any absentee ballot applications and the sealed certificate envelope
containing each ballot to the clerk or board of election commissioners of the
municipality in which the elector casting the ballot resides, within such time as will
permit delivery to the polling place serving the elector’s residence on election day. Personal delivery may be made by the deputies no later than noon on election day. If a qualified elector is not able to cast his or her ballot on 2 separate visits by the deputies to the nursing home or qualified retirement home facility, they shall so inform the municipal clerk or executive director of the board of election commissioners, who may then send the ballot to the elector no later than 5 p.m. on the Friday preceding the election.

**SECTION 6.** 6.88 (1) of the statutes is amended to read:

6.88 (1) When an absentee ballot arrives at the office of the municipal clerk, the clerk shall enclose it, unopened, in a carrier envelope which shall be securely sealed and endorsed with the name and official title of the clerk, and the words “This envelope contains the ballot of an absent elector and must be opened at the polls during polling hours on election day”. If the ballot was received by the elector by facsimile transmission or electronic mail and is accompanied by a separate certificate, the clerk shall enclose the ballot in a certificate envelope and securely append the completed certificate to the outside of the envelope before enclosing the ballot in the carrier envelope. The clerk shall keep the ballot in the clerk’s office until delivered, as required in sub. (2).

**SECTION 7.** 7.03 (1) (a) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

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

**SECTION 8.** 7.03 (1) (b), (bm), (c) and (d) of the statutes are amended to read:

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

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

(c) If a central counting location serving more than one municipality is utilized under s. 7.51 (1), the cost of compensation of election officials at the location shall be proportionately divided between the municipalities utilizing the location, except that if all municipalities within a county utilize the location, the compensation shall be paid by the county.
(d) Special. Except as otherwise provided in par. (a), 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 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 at each polling place. The board shall sell or distribute or arrange for the sale or distribution of copies of the election laws to county and municipal clerks and boards of election commissioners and members of the public.

**SECTION 10.** 7.08 (5) of the statutes is created to read:

7.08 (5) **DISTRICT MAPS.** Distribute, upon request and free of charge, to any candidate for representative in Congress, state senator, or representative to the assembly a copy of the map or maps received under s. 16.96 (3) (b) showing district boundaries.

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

SECTION 12. 7.30 (2) (am) of the statutes is created to read:

7.30 (2) (am) Except as otherwise provided in this paragraph, a pupil who is
15, 16, or 17 years of age and who is enrolled in grades 9 to 12 in a public or private
school may serve as an inspector, with the approval of the pupil’s parent or guardian
and of the principal of the school in which the pupil is enrolled. A pupil may serve
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as an inspector 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.
Before appointment by any municipality of a pupil as an inspector under this
paragraph, the municipal clerk shall obtain written authorization from the pupil’s
parent or guardian and from the principal of the school where the pupil is enrolled
for the pupil to serve for the entire term for which he or she is appointed. Upon
appointment of a pupil to serve as an inspector, the municipal clerk shall notify the
principal of the school where the pupil is enrolled of the date of expiration of the
pupil’s term of office.

SECTION 13. 7.30 (4) (b) 1. of the statutes is amended to read:

7.30 (4) (b) 1. In cities where there is a board of election commissioners, the
aldermanic district committeemen or committeewomen under s. 8.17 of each of the
dominant recognized political parties shall submit a certified list no later than
November 30 of each even-numbered year containing the names of at least as many
electors nominees as there are inspectors from that party for each of the voting wards
in the aldermanic district. The chairperson may designate any individual whose
name is submitted as a first choice nominee. The board of election commissioners
shall appoint, no later than December 31 of even-numbered years, at least 5
inspectors for each ward. The board of election commissioners shall appoint all first
choice nominees for so long as positions are available, unless nonappointment is
authorized under par. (e), and shall appoint other individuals in its discretion. The
board of election commissioners may designate such alternates as it deems
advisable.
SECTION 14. 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 at each polling place, the municipal clerk shall elect or appoint one of their number to act 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), the inspectors shall elect a new chief 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.

SECTION 15. 7.33 (2) of the statutes is amended to read:

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

SECTION 16. 7.41 (4) of the statutes, as affected by 2001 Wisconsin Act 39, 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).

SECTION 17. 7.51 (1) of the statutes is amended to read:

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

SECTION 18. 7.60 (2) of the statutes is amended to read:

7.60 (2) COUNTY BOARD OF CANVASSERS. The county clerk and 2 qualified electors
of the county appointed by the clerk constitute the county board of canvassers. The
members of the board of canvassers shall serve for 2-year terms commencing on
January 1 of each odd-numbered year, except that any member who is appointed to
fill a permanent vacancy shall serve for the unexpired term of the original appointee.
One member of the board of canvassers shall belong to a political party other than
the clerk’s. If the county clerk shall designate a deputy clerk who shall perform the
clerk’s duties as a member of the board of canvassers in the event that the county
clerk’s office is vacant, if the clerk cannot perform his or her duties, or if the clerk is
a candidate at an election being canvassed, the county clerk shall designate a deputy
clerk to perform the clerk’s duties. If the county clerk and designated deputy clerk
are both unable to perform their duties, the county executive or, if there is no county
executive, the chairperson of the county board of supervisors shall designate another
qualified elector of the county to perform the clerk’s duties. If a member other than
the clerk cannot perform his or her duties, the clerk shall appoint another member
to serve. No person may serve on the county board of canvassers if the person is a
candidate for an office to be canvassed by that board. If lists of candidates for the
county board of canvassers are submitted to the county clerk by political party county
committees, the lists shall consist of at least 3 names and the clerk shall choose the
board members from the lists. Where there is a county board of election
commissioners, it shall serve as the board of canvassers. If the county board of
election commissioners serves as the board of canvassers, the executive director of
the county board of election commissioners shall serve as a member of the board of
canvassers to fill a temporary vacancy on that board.

**SECTION 19.** 8.15 (4) (a) of the statutes is amended to read:

8.15 (4) (a) The certification of a qualified elector stating his or her residence
with street and number, if any, shall appear at the bottom of each nomination paper,
stating he or she personally circulated the nomination paper and personally
obtained each of the signatures; he or she knows they are electors of the ward,
aldermanic district, municipality or county, as the nomination papers require; he or
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she knows they signed the paper with full knowledge of its content; he or she knows
their respective residences given; he or she knows each signer signed on the date
stated opposite his or her name; and, that he or she, the circulator, resides within the
district which the candidate named therein will represent, if elected; that he or she
intends to support the candidate; and that he or she is aware that falsifying the
certification is punishable under s. 12.13 (3) (a), Wis. stats. The circulator shall
indicate the date that he or she makes the certification next to his or her signature.
The certification may be made by the candidate or any qualified elector.

Section 20. 8.15 (9) of the statutes is repealed.

Section 21. 8.20 (10) of the statutes is repealed.

Section 22. 8.21 of the statutes is amended to read:

8.21 Declaration of candidacy. Each candidate, except a candidate for
presidential elector under s. 8.20 (2) (d), shall file a declaration of candidacy, no later
than the latest time provided for filing nomination papers under s. 8.10 (2) (a), 8.15
(1), 8.20 (8) (a) or 8.50 (3) (a), or the time provided under s. 8.16 (2) or 8.35 (2) (c).
A candidate shall file the declaration with the officer or agency with which
nomination papers are filed for the office which the candidate seeks, or if nomination
papers are not required, with the clerk or board of election commissioners of the
jurisdiction in which the candidate seeks office. The declaration shall be sworn to
before any officer authorized to administer oaths. The declaration shall contain the
name of the candidate in the form specified under s. 8.10 (2) (b) for candidates for
nonpartisan office or s. 8.15 (5) (a) or 8.20 (2) (a) for candidates for partisan office,
and shall state that the signer is a candidate for a named office, that he or she meets
or will at the time he or she assumes office meet applicable age, citizenship, residency
or voting qualification requirements, if any, prescribed by the constitutions and laws
of the United States and of this state, and that he or she will otherwise qualify for
office if nominated and elected. The declaration shall include the candidate’s name
in the form in which it will appear on the ballot. Each candidate for state and local
office shall include in the declaration a statement that he or she has not been
convicted of any infamous crime, misdemeanor designated under state or federal law
as a violation of the public trust or any felony for which he or she has not been
pardoned and a list of all felony convictions for which he or she has not been
pardoned. In addition, each candidate for state or local office shall include in the
declaration a statement that discloses his or her municipality of residence for voting
purposes, and the street and number, if any, on which the candidate resides. The
declaration is valid with or without the seal of the officer who administers the oath.
A candidate for state or local office shall file an amended declaration under oath with
the same officer or agency if any information contained in the declaration changes
at any time after the original declaration is filed and before the candidate assumes
office or is defeated for election or nomination.

**SECTION 23.** 8.40 (2) of the statutes is amended to read:

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

**SECTION 24.** 9.10 (2) (e) 3. of the statutes is amended to read:

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

**SECTION 25.** 9.10 (2) (em) 4. and 5. of the statutes are repealed.

**SECTION 26.** 9.10 (2) (o) of the statutes is repealed.

**SECTION 27.** 9.10 (2) (r) 1. to 3. of the statutes are repealed.

**SECTION 28.** 9.10 (4) (a) of the statutes is amended to read:

9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town or school district official, is offered for filing, the officer against whom the petition is filed may file a written challenge with the municipal clerk, school district clerk, or board of election commissioners or school district clerk with whom it is filed, specifying any alleged insufficiency. If a challenge is filed, the petitioner may file a written rebuttal to the challenge with the clerk or board of election commissioners within 5 days after the challenge is filed. If a rebuttal is filed, the officer against whom the petition is filed may file a reply to any new matter raised in the rebuttal within 2 days after the rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a reply to a rebuttal, the clerk or board of election commissioners shall file the certificate or an amended certificate. Within 31 days after the petition is offered for filing, the clerk or board of election commissioners shall determine by careful examination of the face of the petition whether the petition is sufficient and shall so state in a certificate attached to the petition. If the petition is found to be insufficient, the certificate shall state the particulars creating
the insufficiency. The petition may be amended to correct any insufficiency within
5 days following the affixing of the original certificate. Within 2 days after the
offering of the amended petition for filing, the clerk or board of election
commissioners shall again carefully examine the face of the petition to determine
sufficiency and shall attach to the petition a certificate stating the findings.
Immediately upon finding an original or amended petition sufficient, except in cities
over 500,000 population, the municipal clerk or school district clerk board of election
commissioners shall transmit the petition to the governing body or to the school
board. Immediately upon finding an original or amended petition sufficient, in cities
over 500,000 population, the board of election commissioners shall file the petition
in its the office of the clerk or board of election commissioners.

SECTION 29. 9.10 (4) (d) of the statutes is renumbered 9.10 (4) (d) 1. and
amended to read:

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

SECTION 30. 9.10 (4) (d) 2. of the statutes is created to read:

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

SECTION 31. 10.06 (3) (am) of the statutes is amended to read:
10.06 (3) (am) As soon as possible following the deadline for filing nomination papers for any municipal election when there is to be an election for a county or state office or a county or statewide referendum, but no later than 2 3 days after such deadline, the municipal clerk of each municipality in which voting machines or ballots containing the names of candidates for both local offices and national, state or county offices are used shall certify the list of candidates for municipal office to the county clerk if a primary is required, unless the municipality prepares its own ballots under s. 7.15 (2) (c).

**SECTION 32.** 10.06 (3) (bm) of the statutes is amended to read:

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

**SECTION 33.** 11.21 (3) of the statutes is amended to read:

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


**SECTION 34.** 11.21 (14) of the statutes is amended to read:

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

**SECTION 35.** 118.15 (3) (d) of the statutes is created to read:

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

**SECTION 36.** 755.01 (4) of the statutes is amended to read:

755.01 (4) Two or more cities, towns or villages of this state may enter into an agreement under s. 66.0301 for the joint exercise of the power granted under sub. (1), except that for purposes of this subsection, any agreement under s. 66.0301 shall be effected by the enactment of identical ordinances by each affected city, town or village. Electors of each municipality entering into the agreement shall be eligible to vote for the judge of the municipal court so established. If a municipality enters into an agreement with a municipality that already has a municipal court, the municipalities may provide by ordinance or resolution that the judge for the existing
municipal court shall serve as the judge for the joint court until the end of the term or until a special election is held under s. 8.50 (4) (fm). Each municipality shall adopt an ordinance or bylaw under sub. (1) prior to entering into the agreement. The contracting municipalities need not be contiguous and need not all be in the same county. Upon entering into or discontinuing such an agreement, the contracting municipalities shall notify each transmit a certified copy of the ordinance or bylaw effecting or discontinuing the agreement to the appropriate filing officer under s. 11.02 (3e) when the joint court is created. When a municipal judge is elected under this subsection, candidates shall be nominated by filing nomination papers under s. 8.10 (6) (bm), and shall register with the filing officer specified in s. 11.02 (3e).

**SECTION 37. Initial applicability.**

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

**SECTION 38. Effective date.**

(1) This act takes effect on May 31, 2002.