

State of Wisconsin



2011 Senate Bill 116

Date of enactment: **November 16, 2011**

Date of publication*: **December 1, 2011**

2011 WISCONSIN ACT 75

AN ACT *to repeal* 6.22 (4) (g), 6.221 (1), 6.221 (3) (b), 6.25 (2), 6.25 (3), 6.865 (3), 6.865 (3m) (a), 6.865 (3m) (c) and 7.15 (1) (cs); *to renumber* 6.221 (4); *to renumber and amend* 5.02 (18), 6.221 (title), 6.221 (2), 6.221 (3) (a), 6.221 (5), 6.221 (6), 6.25 (1) and 6.865 (3m) (b); *to consolidate, renumber and amend* 6.25 (4) (intro.), (a) and (b); *to amend* 5.05 (13) (title), 5.15 (4) (a), 5.15 (6) (b), 5.25 (3), 5.62 (title), 5.62 (1) (a), 5.62 (1) (b), 5.62 (2), 5.62 (3), 6.22 (4) (a), 6.22 (4) (c), 6.22 (4) (e), 6.22 (4) (f), 6.22 (5), 6.22 (6), 6.24 (1), 6.24 (2), 6.24 (4) (c), 6.36 (1) (a), 6.50 (8), 6.86 (1) (a) (intro.), 6.86 (1) (a) 3., 6.86 (1) (ac), 6.86 (1) (b), 6.865 (title), 6.869, 6.87 (3) (d), 6.87 (6), 6.875 (3), 6.88 (1), 6.88 (3) (b), 7.08 (2) (b), 7.10 (3) (a), 7.15 (1) (cm), 7.15 (1) (j), 7.51 (5) (b), 7.52 (3) (b), 7.60 (5) (a), 7.70 (3) (a), 8.10 (1), 8.15 (title), 8.15 (1), 8.16 (7), 8.17 (1) (b), 8.17 (4), 8.17 (5) (b), 8.19 (3), 8.20 (8) (a), 8.20 (8) (am), 8.37, 8.50 (intro.), 8.50 (1) (d), 8.50 (2), 8.50 (3) (a), 8.50 (3) (b), 8.50 (3) (c), 8.50 (4) (b), 8.50 (4) (fm), 9.01 (1) (a) 1., 9.01 (1) (ag) 1., 9.01 (1) (ag) 1m., 9.01 (1) (ag) 2., 9.01 (1) (b) (intro.), 10.01 (2) (d), 10.01 (2) (e), 10.06 (1) (f), 10.06 (1) (h), 10.06 (1) (i), 10.06 (2) (gm), 10.06 (2) (h), 10.06 (2) (j), 10.06 (3) (cm), 11.06 (12) (a) 1., 11.26 (17) (d), 11.31 (7) (a), 13.123 (3) (b) 1. a., 38.16 (3) (br) 1., 59.08 (7) (b), 59.10 (3) (cm) 2., 59.605 (3) (a) 1., 60.30 (1e) (b), 62.13 (6) (b), 66.0217 (7) (a) 3., 66.0219 (4) (b), 66.0227 (3), 66.0305 (6) (b), 66.0307 (4) (e) 2., 66.0602 (4) (a), 66.0619 (2m) (b), 66.0921 (2), 66.1113 (2) (g), 66.1113 (2) (h), 67.05 (6m) (b), 67.12 (12) (e) 5., 86.21 (2) (a), 92.11 (4) (c), 117.22 (2) (e), 120.02 (1), 120.02 (2) (a), 120.02 (4), 121.91 (3) (a), 125.05 (1) (b) 5., 197.04 (1) (b), 229.824 (15), 343.50 (5m), 343.50 (7) and 995.20; and *to create* 5.05 (13) (c) and (d), 6.22 (2) (e), 6.24 (4) (e), 6.25 (1) (b) and 6.25 (1) (c) of the statutes; **relating to**: the dates of the September primary and certain other election occurrences, absentee voting, and the fee for duplicate identification cards issued by the Department of Transportation.

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

SECTION 1. 5.02 (18) of the statutes, as affected by 2011 Wisconsin Act 32, is renumbered 5.02 (12s) and amended to read:

5.02 (12s) “September Partisan primary” means the primary held the 2nd Tuesday in September August to nominate candidates to be voted for at the general election.

SECTION 2. 5.05 (13) (title) of the statutes is amended to read:

5.05 (13) (title) TOLL-FREE ELECTION INFORMATION EXCHANGE AND REQUESTS.

SECTION 3. 5.05 (13) (c) and (d) of the statutes are created to read:

5.05 (13) (c) The board shall maintain a freely accessible system under which a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b), who casts an absentee ballot may ascertain

* Section 991.11, WISCONSIN STATUTES 2009–10: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

whether the ballot has been received by the appropriate municipal clerk.

(d) The board shall designate and maintain at least one freely accessible means of electronic communication which shall be used for the following purposes:

1. To permit a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b), to request a voter registration application or an application for an absentee ballot at any election at which the elector is qualified to vote in this state.

2. To permit a military elector or an overseas elector under subd. 1. to designate whether the elector wishes to receive the applications under subd. 1. electronically or by mail.

3. To permit a municipal clerk to transmit to a military elector or an overseas elector under subd. 1. a registration application or absentee ballot application electronically or by mail, as directed by the elector under subd. 2., together with related voting, balloting, and election information.

SECTION 4. 5.15 (4) (a) of the statutes, as affected by 2011 Wisconsin Act 39, is amended to read:

5.15 (4) (a) Except as provided in par. (c), the division ordinance or resolution shall number all wards in the municipality with unique whole numbers in consecutive order, beginning with the number one, shall designate the polling place for each ward, and shall describe the boundaries of each ward consistent with the conventions set forth in s. 4.003. The ordinance or resolution shall be accompanied by a list of the block numbers used by the U.S. bureau of the census that are wholly or partly contained within each ward, with any block numbers partly contained within a ward identified, and a map of the municipality which illustrates the revised ward boundaries. If the legislature, in an act redistricting legislative districts under article IV, section 3, of the constitution, or in redistricting congressional districts, establishes a district boundary within a municipality that does not coincide with the boundary of a ward established under the ordinance or resolution of the municipality, the municipal governing body shall, no later than ~~May 15~~ April 10 of the 2nd year following the year of the federal decennial census on which the act is based, amend the ordinance or resolution to the extent required to effect the act. The amended ordinance or resolution shall designate the polling place for any ward that is created to effect the legislative act. Nothing in this paragraph shall be construed to compel a county or city to alter or redraw supervisory or aldermanic districts.

SECTION 5. 5.15 (6) (b) of the statutes is amended to read:

5.15 (6) (b) No later than ~~60 days before each September primary and general election, and no later than 30 days before each other election,~~ the governing body of any municipality may by resolution combine 2 or more wards for voting purposes to facilitate using a common

polling place. Whenever wards are so combined, the original ward numbers shall continue to be utilized for all official purposes. Except as otherwise authorized under this paragraph, every municipality having a population of 35,000 or more shall maintain separate returns for each ward so combined. In municipalities having a population of less than 35,000, the governing body may provide in the resolution that returns shall be maintained only for each group of combined wards at any election. Whenever a governing body provides for common ballot boxes and ballots or voting machines, separate returns shall be maintained for each separate ballot required under ss. 5.62 and 5.64 at the ~~September~~ partisan primary and general election. The municipal clerk shall transmit a copy of the resolution to the county clerk of each county in which the municipality is contained. In municipalities having a population of less than 35,000, the resolution shall remain in effect for each election until modified or rescinded, or until a new division is made under this section.

SECTION 6. 5.25 (3) of the statutes is amended to read:

5.25 (3) Polling places shall be established for each ~~September primary and general election at least 60 days before the election, and for each other election at least 30 days before the election.~~

SECTION 7. 5.62 (title) of the statutes is amended to read:

5.62 (title) September Partisan primary ballots.

SECTION 8. 5.62 (1) (a) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

5.62 (1) (a) At ~~September primaries~~ the partisan primary, the following ballot shall be provided for the nomination of candidates of recognized political parties for national, state and county offices and independent candidates for state office in each ward, in the same form as prescribed by the board under s. 7.08 (1) (a), except as authorized in s. 5.655. The ballots shall be made up of the several party tickets with each party entitled to participate in the primary under par. (b) or sub. (2) having its own ballot, except as authorized in s. 5.655. The ballots shall be secured together at the bottom. The party ballot of the party receiving the most votes for president or governor at the last general election shall be on top with the other parties arranged in descending order based on their vote for president or governor at the last general election. The ballots of parties qualifying under sub. (2) shall be placed after the parties qualifying under par. (b), in the same order in which the parties filed petitions with the board. Any ballot required under par. (b) 2. shall be placed next in order. At polling places where voting machines are used, each party shall be represented in one or more separate columns or rows on the ballot. At polling places where an electronic voting system is used other than an electronic voting machine, each party may be represented in separate columns or rows on the ballot.

SECTION 9. 5.62 (1) (b) of the statutes is amended to read:

5.62 (1) (b) 1. Except as provided in subd. 2. and s. 5.64 (1) (e) 2., every recognized political party listed on the official ballot at the last gubernatorial election whose candidate for any statewide office received at least 1% of the total votes cast for that office and, if the last general election was also a presidential election, every recognized political party listed on the ballot at that election whose candidate for president received at least 1% of the total vote cast for that office shall have a separate primary ballot or one or more separate columns or rows on the primary ballot as prescribed in par. (a) and a separate column on the general election ballot in every ward and election district. An organization which was listed as "independent" at the last general election and whose candidate meets the same qualification shall receive the same ballot status upon petition of the chairperson and secretary of the organization to the board requesting such status and specifying their party name, which may not duplicate the name of an existing party. A petition under this subdivision may be filed no later than 5 p.m. on ~~June~~ April 1 in the year of each general election.

2. Subdivision 1. applies to a party within any assembly district or county at any ~~September~~ partisan primary election only if at least one candidate of the party for any national, state or county office qualifies to have his or her name appear on the ballot under the name of that party within that assembly district or county. The county clerk or county board of election commissioners shall provide a combined separate ballot or one or more separate columns or rows on the ballot that will permit an elector to cast a vote for a write-in candidate for the nomination of any such party for each national, state and county office whenever that party qualifies to be represented on a separate primary ballot or in one or more separate columns or rows under subd. 1. but does not qualify under this subdivision. The ballot shall include the name of each party qualifying for a separate ballot or one or more separate columns or rows on the ballot under each office, with the names of the candidates for each such party appearing in the same order in which the ballots of the parties would appear under par. (a).

SECTION 10. 5.62 (2) of the statutes is amended to read:

5.62 (2) (a) Except as provided in par. (b) and s. 5.64 (1) (e) 2., any political organization may be represented on a separate primary ballot or in one or more separate columns or rows on the primary ballot as prescribed in sub. (1) (a) and in a separate column on the general election ballot in every ward and election district. To qualify for a separate ballot under this paragraph, the political organization shall, not later than 5 p.m. on ~~June~~ April 1 in the year of the ~~September~~ partisan primary, file with the board a petition requesting separate ballot status. The petition shall be signed by at least 10,000 electors,

including at least 1,000 electors residing in each of at least 3 separate congressional districts. The petition shall conform to the requirements of s. 8.40. No signature obtained before January 1 in the year of filing is valid. When the candidates of a political organization filing a valid petition fulfill the requirements prescribed by law, they shall appear on a separate ballot or one or more separate columns or rows on the ballot for the period ending with the following general election.

(b) Paragraph (a) applies to a party within any assembly district or county at any ~~September~~ partisan primary election only if at least one candidate of the party for any national, state or county office qualifies to have his or her name appear on the ballot under the name of that party within that assembly district or county. The county clerk or county board of election commissioners shall provide a combined separate ballot or one or more separate columns or rows on the ballot that will permit an elector to cast a vote for a write-in candidate for the nomination of any such party for each national, state and county office whenever that party qualifies to be represented on a separate primary ballot or in one or more separate columns or rows under par. (a) but does not qualify under this paragraph. The ballot shall include the name of each party qualifying for a separate ballot or one or more separate columns or rows on the ballot under each office, with the names of the candidates for each such party appearing in the same order in which the ballots of the parties would appear under sub. (1) (a).

SECTION 11. 5.62 (3) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

5.62 (3) The board shall designate the official primary ballot arrangement for statewide offices and district attorney within each prosecutorial district by using the same procedure as provided in s. 5.60 (1) (b). On each ballot and on each separate column or row on the ballot, the candidates for office shall be listed together with the offices which they seek in the following order whenever these offices appear on the ~~September~~ partisan primary ballot: governor, lieutenant governor, attorney general, secretary of state, state treasurer, U.S. senator, U.S. representative in congress, state senator, representative to the assembly, district attorney and the county offices.

SECTION 12. 6.22 (2) (e) of the statutes is created to read:

6.22 (2) (e) A military elector may file an application for an absentee ballot by means of electronic mail or facsimile transmission in the manner prescribed in s. 6.86 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the elector an absentee ballot or, if the elector is a military elector, as defined in s. 6.34 (1) (a), and the elector so requests, shall transmit an absentee ballot to the elector by means of electronic mail or facsimile transmission in the manner prescribed in s. 6.87 (3) (d).

SECTION 13. 6.22 (4) (a) of the statutes is amended to read:

6.22 (4) (a) ~~A request for an absentee ballot by an individual who qualifies as a military elector shall be treated as a request for an absentee ballot for all elections. Upon receiving a timely request for an absentee ballot under par. (b) by an individual who qualifies as a military elector, the municipal clerk shall send or, if the individual is a military elector as defined in s. 6.34 (1) (a), shall transmit to the elector upon the elector's request an absentee ballot for all elections that occur in the municipality or portion thereof where the elector resides beginning on the date that the clerk receives the request in the same calendar year in which the request is received, unless the individual otherwise requests.~~

SECTION 14. 6.22 (4) (c) of the statutes is amended to read:

6.22 (4) (c) A military elector may indicate an alternate address on his or her absentee ballot application. If the elector's ballot is returned as undeliverable prior to the deadline for return of absentee ballots under s. 6.87 (6), and the elector remains eligible to receive absentee ballots under this section, the municipal clerk shall immediately send or, if the elector is a military elector as defined in s. 6.34 (1) (a), transmit an absentee ballot to the elector at the alternate address.

SECTION 15. 6.22 (4) (e) of the statutes is amended to read:

6.22 (4) (e) Whenever the material is mailed, the material shall be prepared and mailed to make use of the federal free postage laws. If the material does not qualify for mailing without postage under federal free postage laws, the municipal clerk shall pay the postage required for mailing to the military elector. If the return envelope qualifies for mailing free of postage under federal free postage laws, the clerk shall affix the appropriate legend required by U.S. postal regulations. Otherwise the municipal clerk shall pay the postage required for return when the ballot is mailed from within the United States. If the ballot is not mailed by the military elector from within the United States the military elector shall provide return postage. ~~The mailing list established under this subsection shall be kept current in the same manner as provided in s. 6.86 (2) (b).~~

SECTION 16. 6.22 (4) (f) of the statutes is amended to read:

6.22 (4) (f) ~~If there occur 2 successive general elections at which a military elector fails to return an absentee ballot sent or transmitted to the elector under par. (a) and the elector has not cast an absentee ballot at any intervening election, if the municipal clerk is reliably informed that the elector an individual who requests an absentee ballot under this section is no longer a military elector or no longer resides in the municipality, or if the elector so requests, the clerk shall discontinue sending or transmitting absentee ballots to the elector under this subsection. If a military elector who has requested an absentee ballot changes his or her residence from the municipality where~~

a request is filed to another municipality in this state, the municipal clerk of the municipality who received the request shall notify the clerk of the municipality to which the elector's residence is changed of the date of the request ~~or the latest renewal under par. (g) and the date of the most recent absentee ballot received by the clerk.~~ The municipal clerk who is so notified shall treat the request as having been made to him or her.

SECTION 17. 6.22 (4) (g) of the statutes is repealed.

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

6.22 (5) VOTING PROCEDURE. Except as provided in s. ~~6.221~~ 7.515 and as authorized in s. 6.25, the ballot shall be marked and returned, deposited and recorded in the same manner as other absentee ballots. In addition, the certification under s. 6.87 (2) shall have a statement of the elector's birth date. Failure to return any unused ballots in a primary election does not invalidate the ballot on which the elector casts his or her votes.

SECTION 19. 6.22 (6) of the statutes is amended to read:

6.22 (6) MILITARY ELECTOR LIST. Each municipal clerk shall keep an up-to-date list of all eligible military electors who reside in the municipality; ~~city clerks shall keep the lists by wards in the format prescribed by the board.~~ The list shall contain the name, latest-known military residence and military mailing address of each military elector. The list shall indicate whether each elector whose name appears on the list is a military elector, as defined in s. ~~6.36 (2) (e)~~ 6.34 (1), and has so certified under s. 6.865 (3m). All persons over 18 years of age or who will be 18 years old prior to an election shall be listed and remain on the list for the duration of their tour of duty. The list shall be kept current through all possible means. Each clerk shall exercise reasonable care to avoid duplication of names or listing anyone who is not eligible to vote. Each clerk shall distribute ~~2 copies of~~ one copy of the list to the ~~appropriate ward~~ each polling place in the municipality for use on election day.

SECTION 20. 6.221 (title) of the statutes is renumbered 7.515 (title) and amended to read:

7.515 (title) Counting of certain absentee ballots for certain military electors; September primary and general election received after election day.

SECTION 21. 6.221 (1) of the statutes is repealed.

SECTION 22. 6.221 (2) of the statutes is renumbered 7.515 (2) and amended to read:

7.515 (2) Each certificate envelope that is mailed ~~or transmitted to a military an absentee elector and each certificate envelope that is transmitted to a military or overseas elector under s. 6.87 (3) (d) under this section shall be clearly labeled as "Cast by a military an absentee elector under s. ~~6.221~~ 7.515, Wis. Stats., and may be eligible to be counted after election day."~~

SECTION 23. 6.221 (3) (a) of the statutes is renumbered 7.515 (3) and amended to read:

7.515 (3) ~~At the September primary, a A ballot that is cast under s. 6.22 by an absentee elector who is a military elector, that is received by mail from the U. S. postal service, and that is postmarked no later than election day shall be counted as provided in this section if it is received by a municipal clerk no later than 5 4 p.m. on the 7th day Friday after the election.~~

SECTION 24. 6.221 (3) (b) of the statutes is repealed.

SECTION 25. 6.221 (4) of the statutes is renumbered 7.515 (4).

SECTION 26. 6.221 (5) of the statutes is renumbered 7.515 (5) and amended to read:

7.515 (5) No later than the closing hour of the polls on the day of the ~~September primary and the day of the general~~ each election, the municipal clerk of each municipality shall post at his or her office and on the Internet at a site announced by the clerk before the polls open, and shall make available to any person upon request, a statement of the number of absentee ballots that the clerk has mailed or transmitted to military absentee electors under this section and that have not been returned to the polling places where the electors reside by the closing hour on election day. The posting shall not include the names or addresses of any military absentee electors.

SECTION 27. 6.221 (6) of the statutes is renumbered 7.515 (6) and amended to read:

7.515 (6) (a) Whenever the municipal clerk of any municipality receives an absentee ballot cast by an absentee elector ~~who is a military elector~~ under this section and the ballot is not received in sufficient time for delivery to the polling place serving the residence of the elector on election day but is received within the time specified in sub. (3), the clerk shall promptly provide written notice to the board of canvassers of each municipality, special purpose district, and county that is responsible for canvassing the election of the number of such ballots that have been ~~cast~~ received by the clerk in each ward or election district.

(b) Whenever a board of canvassers receives notification from a municipal clerk under par. (a), the board of canvassers shall reconvene no later than 9 a.m. on the day after the last day permitted for acceptance of absentee ballots under sub. (3) and shall proceed to open and record the names of the military absentee electors whose ballots have been received. If the ballot cast by ~~a military~~ an absentee elector is otherwise valid, the board of canvassers shall count the ballot and adjust the statements, certifications, and determinations accordingly. If the municipal clerk transmits returns of the election to the county clerk, the municipal clerk shall transmit to the county clerk a copy of the amended returns together with all additional ballots and envelopes reviewed by the board of canvassers and with amended tally sheets.

SECTION 28. 6.24 (1) of the statutes is amended to read:

6.24 (1) **DEFINITION.** In this section, except as otherwise provided, “overseas elector” means a U.S. citizen who is not disqualified from voting under s. 6.03, who has attained or will attain the age of 18 by the date of an election at which the citizen proposes to vote and who does not qualify as a resident of this state under s. 6.10, but who was last domiciled in this state or whose parent was last domiciled in this state immediately prior to the parent’s departure from the United States, and who is not registered to vote or voting in any other state, territory or possession.

SECTION 29. 6.24 (2) of the statutes is amended to read:

6.24 (2) **ELIGIBILITY.** An overseas elector under sub. (1) may vote in any election for national office, including the ~~September~~ partisan primary and presidential preference primary and any special primary or election. Such elector may not vote in an election for state or local office. An overseas elector shall vote in the ward or election district in which the elector was last domiciled or in which the elector’s parent was last domiciled prior to departure from the United States.

SECTION 30. 6.24 (4) (c) of the statutes, as affected by 2011 Wisconsin Act 23, is amended to read:

6.24 (4) (c) Upon receipt of a timely application from an individual who qualifies as an overseas elector and who has registered to vote in a municipality under sub. (3), the municipal clerk of the municipality shall ~~send or transmit, or if the individual is an overseas elector, as defined in s. 6.34 (1) (b), shall transmit~~ an absentee ballot to the individual upon the individual’s request for all subsequent elections for national office to be held during the year in which the ballot is requested, except as otherwise provided in this paragraph, unless the individual otherwise requests or until the individual no longer qualifies as an overseas elector. of the municipality. The clerk shall not send an absentee ballot for an election if the overseas elector’s name appeared on the registration list in eligible status for a previous election following the date of the application but no longer appears on the list in eligible status. The municipal clerk shall ensure that the envelope containing the absentee ballot is clearly marked as not forwardable. If an overseas elector who files an application under this subsection no longer resides at the same address that is indicated on the application form, the elector shall so notify the municipal clerk.

SECTION 31. 6.24 (4) (e) of the statutes is created to read:

6.24 (4) (e) An overseas elector may file an application for an absentee ballot by means of electronic mail or facsimile transmission in the manner prescribed in s. 6.86 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the elector an absentee ballot or, if the elector is an overseas elector, as defined in s. 6.34 (1) (b) and the elector so requests, shall transmit an absentee bal-

lot to the elector by means of electronic mail or facsimile transmission in the manner prescribed in s. 6.87 (3) (d).

SECTION 32. 6.25 (1) of the statutes is renumbered 6.25 (1) (a) and amended to read:

6.25 (1) (a) Any individual who qualifies as a military elector under s. 6.22 (1) (b) ~~or an overseas elector under s. 6.24 (1)~~ and who transmits an application for an official absentee ballot for ~~a general election~~ any election, including a primary election, no later than ~~30 days before election day~~ the latest time specified for the elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in absentee ballot prescribed under 42 USC 1973ff-2 for any candidate for an office listed on the official ballot or for all of the candidates of any recognized political party for ~~national office~~ the offices listed on the official ballot at ~~the general that~~ election if the federal write-in absentee ballot is received by the appropriate municipal clerk no later than the applicable time prescribed in s. 6.221 (3) or 6.87 (6).

SECTION 33. 6.25 (1) (b) of the statutes is created to read:

6.25 (1) (b) Any individual who qualifies as an overseas elector under s. 6.24 (1) and who transmits an application for an official absentee ballot for an election for national office, including a primary election, no later than the latest time specified for an elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in absentee ballot prescribed under 42 USC 1973ff-2 for any candidate or for all candidates of any recognized political party for national office listed on the official ballot at that election, if the federal write-in absentee ballot is received by the appropriate municipal clerk no later than the applicable time prescribed in s. 6.221 (3) or 6.87 (6).

SECTION 34. 6.25 (1) (c) of the statutes is created to read:

6.25 (1) (c) A completed and signed federal write-in absentee ballot submitted by a qualified elector under par. (a) serves as an application for an absentee ballot and need not be accompanied by a separate application.

SECTION 35. 6.25 (2) of the statutes is repealed.

SECTION 36. 6.25 (3) of the statutes is repealed.

SECTION 37. 6.25 (4) (intro.), (a) and (b) of the statutes are consolidated, renumbered 6.25 (4) and amended to read:

6.25 (4) A write-in absentee ballot issued under sub. (1), ~~(2) or (3)~~ is valid only if ~~all of the following apply:~~ (a) ~~The ballot is submitted from a location outside the United States.~~ (b) ~~The~~ the elector submitting the ballot does not submit an official ballot within the time prescribed in s. 6.87 (6) and, if the elector is an overseas elector, the elector resides outside the United States.

SECTION 38. 6.36 (1) (a) of the statutes is amended to read:

6.36 (1) (a) The board shall compile and maintain electronically an official registration list. The list shall

contain the name and address of each registered elector in the state, the date of birth of the elector, the ward and aldermanic district of the elector, if any, and, for each elector, a unique registration identification number assigned by the board, the number of a valid operator's license issued to the elector under ch. 343, if any, or the last 4 digits of the elector's social security account number, if any, any identification serial number issued to the elector under s. 6.47 (3), the date of any election in which the elector votes, ~~an indication of whether the elector is a military elector, as defined in sub. (2) (c) who has so certified under s. 6.865 (3m),~~ an indication of whether the elector is an overseas elector, as defined in s. 6.24 (1), any information relating to the elector that appears on the current list transmitted to the board by the department of corrections under s. 301.03 (20m), an indication of any accommodation required under s. 5.25 (4) (a) to permit voting by the elector, an indication of the method by which the elector's registration form was received, and such other information as may be determined by the board to facilitate administration of elector registration requirements.

SECTION 39. 6.50 (8) of the statutes is amended to read:

6.50 (8) Any municipal governing body may direct the municipal clerk or board of election commissioners to arrange with the U.S. postal service pursuant to applicable federal regulations, to receive change of address information with respect to individuals residing within the municipality for revision of the elector registration list. If required by the U.S. postal service, the governing body may create a registration commission consisting of the municipal clerk or executive director of the board of election commissioners and 2 other electors of the municipality appointed by the clerk or executive director for the purpose of making application for address changes and processing the information received. The municipal clerk or executive director shall act as chairperson of the commission. Any authorization under this subsection shall be for a definite period or until the municipal governing body otherwise determines. The procedure shall apply uniformly to the entire municipality whenever used. The procedure shall provide for receipt of complete change of address information on an automatic basis, or not less often than once every 2 years during the 60 days preceding the close of registration for the ~~September partisan~~ primary. If a municipality adopts the procedure for obtaining address corrections under this subsection, it need not comply with the procedure for mailing address verification cards under subs. (1) and (2).

SECTION 40. 6.86 (1) (a) (intro.) of the statutes is amended to read:

6.86 (1) (a) (intro.) Any elector of a municipality who is registered to vote whenever required and who qualifies under ss. 6.20 and 6.85 as an absent elector may make written application to the municipal clerk of that municipi-

palilty for an official ballot by one of the following methods:

SECTION 41. 6.86 (1) (a) 3. of the statutes is amended to read:

6.86 (1) (a) 3. By signing a statement and filing a request to receive absentee ballots under sub. (2) or (2m) (a) or s. 6.22 (4), 6.24 (4), or 6.25 (1) (c).

SECTION 42. 6.86 (1) (ac) of the statutes is amended to read:

6.86 (1) (ac) Any elector qualifying under par. (a) may make written application to the municipal clerk for an official ballot by means of facsimile transmission or electronic mail. Any application under this paragraph shall need not contain a copy of the applicant's original signature. An elector requesting a ballot under this paragraph shall return with the voted ballot a copy of the request bearing an original signature of the elector as provided in s. 6.87 (4).

SECTION 43. 6.86 (1) (b) of the statutes, as affected by 2011 Wisconsin Act 23, is amended to read:

6.86 (1) (b) Except as provided in this section, if application is made by mail, the application shall be received no later than 5 p.m. on the 5th day immediately preceding the election. If application is made in person, the application shall be made no earlier than the opening of business on the 3rd Monday preceding the election and no later than 5 p.m. or the close of business, whichever is later, on the Friday preceding the election. Except as provided in par. (c), if the elector is making written application for an absentee ballot at the September partisan primary or the general election, the presidential preference primary, or a special election for national office, and the application indicates that the elector is a military elector, as defined in s. 6.34 (1), the application shall be received by the municipal clerk no later than 5 p.m. on election day. If the application indicates that the reason for requesting an absentee ballot is that the elector is a sequestered juror, the application shall be received no later than 5 p.m. on election day. If the application is received after 5 p.m. on the Friday immediately preceding the election, the municipal clerk or the clerk's agent shall immediately take the ballot to the court in which the elector is serving as a juror and deposit it with the judge. The judge shall recess court, as soon as convenient, and give the elector the ballot. The judge shall then witness the voting procedure as provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who shall deliver it to the polling place or, in municipalities where absentee ballots are canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. If application is made under sub. (2) or (2m), the application may be received no later than 5 p.m. on the Friday immediately preceding the election.

SECTION 44. 6.865 (title) of the statutes is amended to read:

6.865 (title) Federal absentee ballot requests bal- lots.

SECTION 45. 6.865 (3) of the statutes is repealed.

SECTION 46. 6.865 (3m) (a) of the statutes is repealed.

SECTION 47. 6.865 (3m) (b) of the statutes is renumbered 6.865 (3m) and amended to read:

6.865 (3m) A military elector may indicate an alternate address on his or her absentee ballot application. If the elector's ballot is returned as undeliverable prior to the deadline for receipt and return of absentee ballots under ~~sub. (3) s. 6.87 (6)~~ and the elector remains eligible to receive absentee ballots under this subsection, the municipal clerk shall immediately send or transmit an absentee ballot to the elector at the alternate address.

SECTION 48. 6.865 (3m) (c) of the statutes is repealed.

SECTION 49. 6.869 of the statutes, as affected by 2011 Wisconsin Act 23, is amended to read:

6.869 Uniform instructions. The board shall prescribe uniform instructions for municipalities to provide to absentee electors. The instructions shall include the specific means of electronic communication that an absentee elector may use to file an application for an absentee ballot and, if the absentee elector is required to register, to request a registration form or change his or her registration. The instructions shall include information concerning whether proof of identification is required to be presented or enclosed under s. 6.86 (1) (ar) or 6.87 (4) (b) 1. The instructions shall also include information concerning the procedure for correcting errors in marking a ballot and obtaining a replacement for a spoiled ballot. The procedure shall, to the extent possible, respect the privacy of each elector and preserve the confidentiality of each elector's vote.

SECTION 50. 6.87 (3) (d) of the statutes, as affected by 2011 Wisconsin Act 23, is amended to read:

6.87 (3) (d) A municipal clerk shall, if the clerk is reliably informed by ~~an absent elector~~ a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b), of a facsimile transmission number or electronic mail address where the elector can receive an absentee ballot, transmit a facsimile or electronic copy of the ~~absent~~ elector's ballot to that elector in lieu of mailing under this subsection. An elector may receive an absentee ballot only if the elector is a military elector or an overseas elector under s. 6.34 (1) and has filed a valid application for the ballot ~~under as provided in~~ s. 6.86 (1). If the clerk transmits an absentee ballot to ~~an absentee a~~ military or overseas elector electronically, the clerk shall also transmit a facsimile or electronic copy of the text of the material that appears on the certificate envelope prescribed in sub. (2), together with instructions prescribed by the board. The instructions shall require the ~~absent~~ military or overseas elector to make and subscribe to the

certification as required under sub. (4) (b) and to enclose the absentee ballot in a separate envelope contained within a larger envelope, that shall include the completed certificate. The elector shall then affix sufficient postage unless the absentee ballot qualifies for mailing free of postage under federal free postage laws and shall mail the absentee ballot to the municipal clerk. Except as authorized in s. 6.97 (2), an absentee ballot received from ~~an~~ a military or overseas elector who receives the ballot electronically shall not be counted unless it is cast in the manner prescribed in this paragraph and in accordance with the instructions provided by the board.

SECTION 51. 6.87 (6) of the statutes, as affected by 2011 Wisconsin Act 23, is amended to read:

6.87 (6) Except as provided in s. ~~6.224~~ 7.515 (3), the ballot shall be returned so it is received by the municipal clerk no later than 8 p.m. on election day. Except in municipalities where absentee ballots are canvassed under s. 7.52, if the municipal clerk receives an absentee ballot on election day, the clerk shall secure the ballot and cause the ballot to be delivered to the polling place serving the elector's residence before the closing hour. Except as provided in s. ~~6.224~~ 7.515 (3), any ballot not mailed or delivered as provided in this subsection may not be counted.

SECTION 52. 6.875 (3) of the statutes, as affected by 2011 Wisconsin Act 23, is amended to read:

6.875 (3) An occupant of a nursing home or qualified retirement home, qualified community-based residential facility, qualified residential care apartment complex, or qualified adult family home who qualifies as an absent elector and desires to receive an absentee ballot shall make application under s. 6.86 (1), (2), or (2m) with the municipal clerk or board of election commissioners of the municipality in which the elector is a resident. The clerk or board of election commissioners of a municipality receiving an application from an elector who is an occupant of a nursing home or qualified retirement home, qualified community-based residential facility, qualified residential care apartment complex, or qualified adult family home located in a different municipality shall, as soon as possible, notify and ~~transmit~~ send an absentee ballot for the elector to the clerk or board of election commissioners of the municipality in which the home, facility, or complex is located. The clerk or board of election commissioners of a municipality receiving an application from an elector who is an occupant of a nursing home or qualified retirement home, qualified community-based residential facility, qualified residential care apartment complex, or qualified adult family home located in the municipality but who is a resident of a different municipality shall, as soon as possible, notify and request ~~transmission of~~ an absentee ballot from the clerk or board of election commissioners of the municipality in which the elector is a resident. The clerk or board of election commissioners shall make a record of all absentee ballots

to be ~~transmitted~~ sent, delivered, and voted under this section.

SECTION 53. 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, or at an alternate site under s. 6.855, if applicable, 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 in the same room where votes are being cast at the polls during polling hours on election day or, in municipalities where absentee ballots are canvassed under s. 7.52, stats., at a meeting of the municipal board of absentee ballot canvassers under s. 7.52, stats.". ~~If the elector is a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b), and 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 or at the alternate site, if applicable until delivered, as required in sub. (2).~~

SECTION 54. 6.88 (3) (b) of the statutes is amended to read:

6.88 (3) (b) When the inspectors find that a certification is insufficient, that the applicant is not a qualified elector in the ward or election district, that the ballot envelope is open or has been opened and resealed, that the ballot envelope contains more than one ballot of any one kind or, except in municipalities where absentee ballots are canvassed under s. 7.52, that the certificate of ~~an~~ a military or overseas elector who received an absentee ballot by facsimile transmission or electronic mail is missing, or if proof is submitted to the inspectors that an elector voting an absentee ballot has since died, the inspectors shall not count the ballot. The inspectors shall endorse every ballot not counted on the back, "rejected (giving the reason)". The inspectors shall reinsert each rejected ballot into the certificate envelope in which it was delivered and enclose the certificate envelopes and ballots, and securely seal the ballots and envelopes in an envelope marked for rejected absentee ballots. The inspectors shall endorse the envelope, "rejected ballots" with a statement of the ward or election district and date of the election, signed by the chief inspector and one of the inspectors representing each of the 2 major political parties and returned to the municipal clerk in the same manner as official ballots voted at the election.

SECTION 55. 7.08 (2) (b) of the statutes is amended to read:

7.08 (2) (b) The certified list of candidates for president and vice president nominated at a national convention by a party entitled to a ~~September~~ partisan primary

ballot or for whom electors have been nominated under s. 8.20 shall be sent as soon as possible after the closing date for filing nomination papers, but no later than the deadlines established in s. 10.06.

SECTION 56. 7.10 (3) (a) of the statutes, as affected by 2011 Wisconsin Act 45, is amended to read:

7.10 (3) (a) The county clerk shall distribute the ballots to the municipal clerks no later than ~~34~~ 48 days before each ~~September~~ partisan primary and general election and no later than 22 days before each other primary and election. Election forms prepared by the board shall be distributed at the same time. If the board transmits an amended certification under s. 7.08 (2) (a) or if the board or a court orders a ballot error to be corrected under s. 5.06 (6) or 5.72 (3) after ballots have been distributed, the county clerk shall distribute corrected ballots to the municipal clerks as soon as possible.

SECTION 57. 7.15 (1) (cm) of the statutes, as affected by 2011 Wisconsin Acts 23 and 45, is amended to read:

7.15 (1) (cm) Prepare official absentee ballots for delivery to electors requesting them, and except as provided in this paragraph, send ~~or transmit~~ an official absentee ballot to each elector who has requested a ballot by mail, and to each military elector, as defined in s. 6.34 (1) (a), and overseas elector, as defined in s. 6.34 (1) (b), who has requested a ballot by mail, electronic mail, or facsimile transmission no later than the ~~30th~~ 47th day before each ~~September~~ partisan primary and general election and no later than the 21st day before each other primary and election if the request is made before that day; otherwise, the municipal clerk shall send or transmit an official absentee ballot within one day of the time the elector's request for such a ballot is received. The clerk shall send or transmit an absentee ballot for the presidential preference primary to each elector who has requested that ballot no later than the 47th day before the presidential preference primary if the request is made before that day, or, if the request is not made before that day, within one day of the time the request is received.

SECTION 58. 7.15 (1) (cs) of the statutes is repealed.

SECTION 59. 7.15 (1) (j) of the statutes, as affected by 2011 Wisconsin Act 23, is amended to read:

7.15 (1) (j) Send ~~or transmit~~ an absentee ballot automatically to each ~~person-elect~~ and send or transmit an absentee ballot to each military elector, as defined in s. 6.34 (1) (a), and each overseas elector, as defined in s. 6.34 (1) (b), making an authorized request therefor in accordance with s. 6.22 (4), ~~6.24 (4) (c),~~ or 6.86 (2) or (2m).

SECTION 60. 7.51 (5) (b) of the statutes is amended to read:

7.51 (5) (b) The municipal clerk shall deliver all ballots, statements, tally sheets, lists, and envelopes relating to a school district election to the school district clerk by 4 p.m. on the day following each such election. The municipal clerk shall deliver the ballots, statements, tally

sheets, lists, and envelopes for his or her municipality relating to any county, technical college district, state, or national election to the county clerk no later than 4 p.m. on the day following each such election or, in municipalities where absentee ballots are canvassed under s. 7.52, by 4 p.m. on the 2nd day following each such election, and no later than 4 p.m. on the day after receiving any corrected returns under s. ~~6.224~~ 7.515 (6) (b). The person delivering the returns shall be paid out of the municipal treasury. Each clerk shall retain ballots, statements, tally sheets, or envelopes received by the clerk until destruction is authorized under s. 7.23 (1).

SECTION 61. 7.52 (3) (b) of the statutes is amended to read:

7.52 (3) (b) When the board of absentee ballot canvassers finds that a certification is insufficient, that the applicant is not a qualified elector in the ward or election district, that the ballot envelope is open or has been opened and resealed, that the ballot envelope contains more than one ballot of any one kind, or that the certificate of ~~an~~ a military or overseas elector who received an absentee ballot by facsimile transmission or electronic mail is missing, or if proof is submitted to the board of absentee ballot canvassers that an elector voting an absentee ballot has since died, the board of absentee ballot canvassers shall not count the ballot. Each member of the board of absentee ballot canvassers shall endorse every ballot not counted on the back as "rejected (giving the reason)." The board of absentee ballot canvassers shall reinsert each rejected ballot into the certificate envelope in which it was delivered and enclose the certificate envelopes and ballots, and securely seal the ballots and envelopes in an envelope marked for rejected absentee ballots. The board of absentee ballot canvassers shall endorse the envelope as "rejected ballots," with a statement of the ward or election district and date of the election, and each member of the board of absentee ballot canvassers shall sign the statement. The board of absentee ballot canvassers shall then return the envelope containing the ballots to the municipal clerk.

SECTION 62. 7.60 (5) (a) of the statutes is amended to read:

7.60 (5) (a) Immediately following the canvass, the county clerk shall deliver or send to the government accountability board, by 1st class mail, a certified copy of each statement of the county board of canvassers for president and vice president, state officials, senators and representatives in congress, state legislators, justice, court of appeals judge, circuit judge, district attorney, and metropolitan sewerage commissioners, if the commissioners are elected under s. 200.09 (11) (am). The statement shall record the returns for each office or referendum by ward, unless combined returns are authorized under s. 5.15 (6) (b) in which case the statement shall record the returns for each group of combined wards. Following primaries the county clerk shall enclose on

forms prescribed by the government accountability board the names, party or principle designation, if any, and number of votes received by each candidate recorded in the same manner. The county clerk shall deliver or transmit the certified statement to the government accountability board no later than 7 days after each primary except the ~~September~~ partisan primary, no later than 10 days after the ~~September~~ partisan primary and any other election except the general election, and no later than 14 days after the general election. The board of canvassers shall deliver or transmit a certified copy of each statement for any technical college district referendum to the secretary of the technical college district board.

SECTION 63. 7.70 (3) (a) of the statutes is amended to read:

7.70 (3) (a) The chairperson of the board or a designee of the chairperson appointed by the chairperson to canvass a specific election shall publicly canvass the returns and make his or her certifications and determinations on or before the 2nd Tuesday following a spring primary, the 15th day of May following a spring election, the 3rd Wednesday following a ~~September~~ partisan primary, the first day of December following a general election, the 2nd Thursday following a special primary, or within 18 days after any special election.

SECTION 64. 8.10 (1) of the statutes is amended to read:

8.10 (1) Candidates for office to be filled at the spring election shall be nominated by nomination papers, or by nomination papers and selection at the primary if a primary is held, except as provided for towns and villages under s. 8.05. Unless designated in this section or s. 8.05, the general provisions pertaining to nomination at the ~~September~~ partisan primary apply.

SECTION 65. 8.15 (title) of the statutes is amended to read:

8.15 (title) Nominations for ~~September~~ partisan primary.

SECTION 66. 8.15 (1) of the statutes is amended to read:

8.15 (1) Nomination papers may be circulated no sooner than ~~June 1~~ April 15 preceding the general election and may be filed no later than 5 p.m. on ~~the 2nd Tuesday of July~~ June 1 preceding the ~~September~~ partisan primary, except as authorized in this subsection. If an incumbent fails to file nomination papers and a declaration of candidacy by 5 p.m. on ~~the 2nd Tuesday of July~~ June 1 preceding the ~~September~~ partisan primary, all candidates for the office held by the incumbent, other than the incumbent, may file nomination papers no later than 72 hours after the latest time prescribed in this subsection. No extension of the time for filing nomination papers applies if the incumbent files written notification with the filing officer or agency with whom nomination papers are filed for the office which the incumbent holds,

no later than 5 p.m. on the 2nd Friday preceding the latest time prescribed in this subsection for filing nomination papers, that the incumbent is not a candidate for reelection to his or her office, and the incumbent does not file nomination papers for that office within the time prescribed in this subsection. Only those candidates for whom nomination papers containing the necessary signatures acquired within the allotted time and filed before the deadline may have their names appear on the official ~~September~~ partisan primary ballot.

SECTION 67. 8.16 (7) of the statutes is amended to read:

8.16 (7) Nominees chosen at a national convention and under s. 8.18 (2) by each party entitled to a ~~September~~ partisan primary ballot shall be the party's candidates for president, vice president and presidential electors. The state or national chairperson of each such party shall certify the names of the party's nominees for president and vice president to the board no later than 5 p.m. on the first Tuesday in September preceding a presidential election. Each name shall be in one of the formats authorized in s. 7.08 (2) (a).

SECTION 68. 8.17 (1) (b) of the statutes is amended to read:

8.17 (1) (b) Each political party shall elect one committeeman or committeewoman from each election district. In this section, each village, each town and each city is an "election district"; except that in cities having a population of more than 7,500 which are divided into aldermanic districts, each aldermanic district is an "election district"; and in cities having a population of more than 7,500 which are not divided into aldermanic districts and villages or towns having a population of more than 7,500, each ward or group of combined wards under s. 5.15 (6) (b) constituting a polling place on ~~June 1~~ April 15 of the year in which committeemen or committeewomen are elected is an "election district". To be eligible to serve as its committeeman or committeewoman, an individual shall be, at the time of filing nomination papers or at the time of appointment under this section, a resident of the election district which he or she is chosen to represent and shall be at least 18 years of age.

SECTION 69. 8.17 (4) of the statutes is amended to read:

8.17 (4) The term of office of each committeeman or committeewoman shall end on the date of the meeting held under sub. (5) (b) following each ~~September~~ partisan primary.

SECTION 70. 8.17 (5) (b) of the statutes is amended to read:

8.17 (5) (b) A combined meeting of the county committee and members in good standing of the party in the county shall be held no sooner than 15 days after the ~~September~~ partisan primary and no later than April 1 of the following year. At this meeting, the party committeemen or committeewomen and the county committee offices of

chairperson, vice chairperson, secretary and treasurer shall be filled by election by the incumbent committeemen, committeewomen and other party members present and voting, each of whom is entitled to one vote. At this meeting, the county committee shall elect the members of the congressional district committee as provided in sub. (6) (b), (c) and (d). The secretary of the county committee shall give at least 7 days' written notice of the meeting to party and committee members. Individuals elected as county committee officers or as congressional district committee members may be, but are not required to be, committeemen or committeewomen. They are required to be party members in good standing. The terms of committeemen and committeewomen, county committee officers and congressional district committee members begin during the meeting immediately upon completion and verification of the voting for each office.

SECTION 71. 8.19 (3) of the statutes is amended to read:

8.19 (3) Every political party entitled, under s. 5.62, to have its candidates on the ~~September~~ partisan primary and general election ballots has exclusive right to the use of the name designating it at any election involving political parties. The board shall not certify nor the county clerk print the name of any person whose nomination papers indicate a party name comprising a combination of existing party names, qualifying words, phrases, prefixes or suffixes in connection with any existing party name.

SECTION 72. 8.20 (8) (a) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

8.20 (8) (a) Nomination papers for independent candidates for any office to be voted upon at a general election, except president, vice president and presidential elector, may be circulated no sooner than ~~June 1~~ April 15 preceding the election and may be filed no later than 5 p.m. on the ~~2nd Tuesday of July~~ June 1 preceding the ~~September~~ partisan primary, except as authorized in this paragraph. If an incumbent fails to file nomination papers and a declaration of candidacy by 5 p.m. on the ~~2nd Tuesday of July~~ June 1 preceding the ~~September~~ partisan primary, all candidates for the office held by the incumbent, other than the incumbent, may file nomination papers no later than 72 hours after the latest time prescribed in this paragraph. No extension of the time for filing nomination papers applies if the incumbent files written notification with the filing officer or agency with whom nomination papers are filed for the office which the incumbent holds, no later than 5 p.m. on the 2nd Friday preceding the latest time prescribed in this paragraph for filing nomination papers, that the incumbent is not a candidate for reelection to his or her office, and the incumbent does not file nomination papers for that office within the time prescribed in this paragraph.

SECTION 73. 8.20 (8) (am) of the statutes is amended to read:

8.20 (8) (am) Nomination papers for independent candidates for president and vice president, and the presidential electors designated to represent them, may be circulated no sooner than ~~August~~ July 1 and may be filed not later than 5 p.m. on the first Tuesday in ~~September~~ August preceding a presidential election.

SECTION 74. 8.37 of the statutes is amended to read:

8.37 Filing of referenda petitions or questions.

Unless otherwise required by law, all proposed constitutional amendments and any other measure or question that is to be submitted to a vote of the people, or any petitions requesting that a measure or question be submitted to a vote of the people, if applicable, shall be filed with the official or agency responsible for preparing the ballots for the election no later than ~~42~~ 70 days prior to the election at which the amendment, measure or question will appear on the ballot. No later than the end of the next business day after a proposed measure is filed with a school district clerk under this section, the clerk shall file a copy of the measure or question with the clerk of each county having territory within the school district.

SECTION 75. 8.50 (intro.) of the statutes is amended to read:

8.50 Special elections. (intro.) Unless otherwise provided, this section applies to filling vacancies in the U.S. senate and house of representatives, executive state offices except the offices of governor, lieutenant governor, and district attorney, judicial and legislative state offices, county, city, village, and town offices, and the offices of municipal judge and member of the board of school directors in school districts organized under ch. 119. State legislative offices may be filled in anticipation of the occurrence of a vacancy whenever authorized in sub. (4) (e). No special election may be held after February 1 preceding the spring election unless it is held on the same day as the spring election, nor after ~~September 1~~ August 1 preceding the general election unless it is held on the same day as the general election, until the day after that election. If the special election is held on the day of the general election, the primary for the special election, if any, shall be held on the day of the ~~September~~ partisan primary. If the special election is held on the day of the spring election, the primary for the special election, if any, shall be held on the day of the spring primary.

SECTION 76. 8.50 (1) (d) of the statutes is amended to read:

8.50 (1) (d) When the election concerns a national ~~or state-office~~ office or a special election for state office is held concurrently with the general election, ~~the board shall transmit to each county clerk a certified list of all persons for whom nomination papers have been filed in its office at least 62 days before the special primary, and in other cases the board shall transmit the list to each county clerk at least 22 days before the special primary, a certified list of all persons for whom nomination papers have been filed in its office.~~ If no primary is required, the

list shall be transmitted at least 42 days prior to the day of the special election unless the special election concerns a national office or is held concurrently with the general election, in which case the list shall be transmitted at least 62 days prior to the day of the special election. Immediately upon receipt of the certified list, the county clerk shall prepare his or her ballots. For a county special election, the county clerk shall certify the candidates and prepare the ballots. If there is a primary, the county clerk shall publish one type B notice in a newspaper under ch. 10. When a primary is held, as soon as possible after the primary, the county clerk shall certify the candidates and prepare the ballots for the following special election. The clerk shall publish one type B notice in a newspaper under ch. 10 for the election.

SECTION 77. 8.50 (2) of the statutes is amended to read:

8.50 (2) DATE OF SPECIAL ELECTION. (a) The date for the special election shall be not less than 62 nor more than 77 days from the date of the order except when the special election is held to fill a vacancy in a national office or the special election is held on the day of the general election or spring election. If a special election is held concurrently with the spring or general election, the special election may be ordered not earlier than 92 days prior to the spring primary or ~~September primary~~, respectively, and not later than 49 days prior to that primary. If a special election is held concurrently with the general election or a special election is held to fill a national office, the special election may be ordered not earlier than 122 days prior to the partisan primary or special primary, respectively, and not later than 92 days prior to that primary.

(b) If a primary is required, the primary shall be on the day 4 weeks before the day of the special election except when the special election is held on the same day as the general election the special primary shall be held on the same day as the ~~September~~ partisan primary or if the special election is held concurrently with the spring election, the primary shall be held concurrently with the spring primary, and except when the special election is held on the Tuesday after the first Monday in November of an odd-numbered year, the primary shall be held on the 2nd Tuesday of ~~September~~ August in that year.

SECTION 78. 8.50 (3) (a) of the statutes is amended to read:

8.50 (3) (a) Nomination papers may be circulated no sooner than the day the order for the special election is filed and shall be filed not later than 5 p.m. 28 days before the day that the special primary will or would be held, if required, except when a special election is held concurrently with the spring election or general election, the deadline for filing nomination papers shall be specified in the order and the date shall be no earlier than the date provided in s. 8.10 (2) (a) or 8.15 (1), respectively, and no later than 35 days prior to the date of the spring primary or ~~September~~ no later than June 1 preceding the partisan

primary. Nomination papers may be filed in the manner specified in s. 8.10, 8.15, or 8.20. Each candidate shall file a declaration of candidacy in the manner provided in s. 8.21 no later than the latest time provided in the order for filing nomination papers. If a candidate for state or local office has not filed a registration statement under s. 11.05 at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office shall also file a statement of economic interests with the board no later than the end of the 3rd day following the last day for filing nomination papers specified in the order.

SECTION 79. 8.50 (3) (b) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

8.50 (3) (b) Except as otherwise provided in this section, the provisions for ~~September primaries~~ the partisan primary under s. 8.15 are applicable to all partisan primaries held under this section, and the provisions for spring primaries under s. 8.10 are applicable to all nonpartisan primaries held under this section. In a special partisan primary or election, the order of the parties on the ballot shall be the same as provided under s. 5.62 (1) or 5.64 (1) (b). No primary is required for a nonpartisan election in which not more than 2 candidates for an office appear on the ballot or for a partisan election in which not more than one candidate for an office appears on the ballot of each recognized political party. In every special election except a special election for nonpartisan state office where no candidate is certified to appear on the ballot, a space for write-in votes shall be provided on the ballot, regardless of whether a special primary is held.

SECTION 80. 8.50 (3) (c) of the statutes is amended to read:

8.50 (3) (c) Notwithstanding ss. 5.37 (4), 5.91 (6) and 6.80 (2) (f), whenever a special partisan primary is held concurrently with the presidential preference primary, an elector may choose the party column or ballot in which the elector will cast his or her vote separately for each of the 2 primaries. Whenever 2 or more special partisan primaries or one or more special partisan primaries and a ~~September~~ partisan primary are held concurrently, the procedure prescribed in ss. 5.37 (4), 5.91 (6) and 6.80 (2) (f) applies.

SECTION 81. 8.50 (4) (b) of the statutes is amended to read:

8.50 (4) (b) A vacancy in the office of U.S. senator or representative in congress occurring prior to the 2nd Tuesday in ~~May~~ April in the year of the general election shall be filled at a special primary and election. A vacancy in that office occurring between the 2nd Tuesday in ~~May~~ April and the 2nd Tuesday in ~~July~~ May in the year of the general election shall be filled at the ~~September~~ partisan primary and general election.

SECTION 82. 8.50 (4) (fm) of the statutes is amended to read:

8.50 (4) (fm) A permanent vacancy in the office of municipal judge may be filled by temporary appointment of the municipal governing body, or, if the judge is elected under s. 755.01 (4), jointly by the governing bodies of all municipalities served by the judge. The office shall then be permanently filled by special election, which shall be held concurrently with the next spring election following the occurrence of the vacancy, except that a vacancy occurring during the period after December 1 and on or before the date of the spring election shall be filled at the 2nd succeeding spring election, and except that the governing body of a city or village or, if the judge is elected under s. 755.01 (4), the governing bodies of the participating cities or villages may, if the vacancy occurs before ~~June 1~~ April 15 in the year preceding expiration of the term of office, order a special election to be held on the Tuesday after the first Monday in November following the date of the order. A person so elected shall serve for the residue of the unexpired term.

SECTION 83. 9.01 (1) (a) 1. of the statutes is amended to read:

9.01 (1) (a) 1. Any candidate voted for at any election or any elector who voted upon any referendum question at any election may petition for a recount. The petitioner shall file a verified petition or petitions with the proper clerk or body under par. (ar) not earlier than the time of completion of the canvass and not later than 5 p.m. on the 3rd business day following the last meeting day of the municipal or county board of canvassers determining the election for that office or on that referendum question prior to issuance of any amended return under s. ~~6.224 7.515~~-(6) (b) or, if more than one board of canvassers makes the determination, not later than 5 p.m. on the 3rd business day following the last meeting day of the last board of canvassers which makes a determination prior to issuance of any amended return under s. ~~6.224 7.515~~ (6) (b). If the chairperson of the board or chairperson's designee makes the determination for the office or the referendum question, the petitioner shall file the petition not earlier than the last meeting day of the last county board of canvassers to make a statement in the election or referendum and not later than 5 p.m. on the 3rd business day following the day on which the government accountability board receives the last statement from a county board of canvassers for the election or referendum.

SECTION 84. 9.01 (1) (ag) 1. of the statutes is amended to read:

9.01 (1) (ag) 1. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is less than 10 if 1,000 or less votes are cast or not more than 0.5% of the total votes cast for the office or on the question if more than 1,000 votes are cast prior to issuance of any

amended return under s. ~~6.224 7.515~~ (6) (b), the petitioner is not required to pay a fee.

SECTION 85. 9.01 (1) (ag) 1m. of the statutes is amended to read:

9.01 (1) (ag) 1m. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is at least 10 if 1,000 or less votes are cast or is more than 0.5% but not more than 2% if more than 1,000 votes are cast prior to issuance of any amended return under s. ~~6.224 7.515~~ (6) (b), the petitioner shall pay a fee of \$5 for each ward for which the petition requests a ballot recount, or \$5 for each municipality for which the petition requests a recount where no wards exist.

SECTION 86. 9.01 (1) (ag) 2. of the statutes is amended to read:

9.01 (1) (ag) 2. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is more than 2% if more than 1,000 votes are cast prior to issuance of any amended return under s. ~~6.224 7.515~~ (6) (b), the petitioner shall pay a fee equal to the actual cost of performing the recount in each ward for which the petition requests a recount, or in each municipality for which the petition request a recount where no wards exist.

SECTION 87. 9.01 (1) (b) (intro.) of the statutes is amended to read:

9.01 (1) (b) (intro.) The proper board of canvassers shall reconvene no earlier than 9 a.m. on the day following delivery of notice to all candidates under sub. (2) and no later than 9 a.m. on the day following the last day for filing of a petition, or if the original canvass is subject to correction under s. ~~6.224 7.515~~ (6) (b), immediately after issuance of the amended statement and determination in the original canvass, whichever is later. The board of canvassers shall then proceed to recount the ballots in the wards or municipalities specified and to review the allegations of fact contained in the petition or petitions. The recount shall proceed for each ward or municipality as follows:

SECTION 88. 10.01 (2) (d) of the statutes is amended to read:

10.01 (2) (d) Type D—The type D notice shall state the hours the polls will be open and the polling places to be utilized at the election or shall include a concise statement of how polling place information may be obtained. In cities over 500,000 population, the board of election commissioners shall determine the form of the notice. In other municipalities and special purpose districts, the clerk of the municipality or special purpose district shall give the polling place information in the manner the governing body of the municipality or special purpose district decides will most effectively inform the electors.

The type D notice shall be published by the municipal clerk or board of election commissioners of each municipality once on the day before each spring primary and election, each special national, state, county or municipal election at which the electors of that municipality are entitled to vote and each ~~September~~ partisan primary and general election. The clerk of each special purpose district which calls a special election shall publish a type D notice on the day before the election, and the day before the special primary, if any, except as authorized in s. 8.55 (3).

SECTION 89. 10.01 (2) (e) of the statutes is amended to read:

10.01 (2) (e) Type E—The type E notice shall state the qualifications for absentee voting, the procedures for obtaining an absentee ballot in the case of registered and unregistered voters, the places and the deadlines for application and return of application, including any alternate site under s. 6.855, and the office hours during which an elector may cast an absentee ballot in the municipal clerk’s office or at an alternate site under s. 6.855. The municipal clerk shall publish a type E notice on the 4th Tuesday preceding each spring primary and election, on the 4th Tuesday preceding each ~~September~~ partisan primary and general election, on the 4th Tuesday preceding the primary for each special national, state, county or municipal election if any, on the 4th Tuesday preceding a special county or municipal referendum, and on the 3rd Tuesday preceding each special national, state, county or municipal election to fill an office which is not held concurrently with the spring or general election. The clerk of each special purpose district which calls a special election shall publish a type E notice on the 4th Tuesday preceding the primary for the special election, if any, on the 4th Tuesday preceding a special referendum, and on the 3rd Tuesday preceding a special election for an office which is not held concurrently with the spring or general election except as authorized in s. 8.55 (3).

SECTION 90. 10.06 (1) (f) of the statutes is amended to read:

10.06 (1) (f) On or before the ~~2nd~~ 3rd Tuesday in ~~May~~ March preceding a ~~September~~ partisan primary and general election the board shall send a type A notice to each county clerk.

SECTION 91. 10.06 (1) (h) of the statutes is amended to read:

10.06 (1) (h) As soon as possible after the deadline for determining ballot arrangement for the ~~September~~ partisan primary on the ~~3rd Tuesday in July~~ June 10, the board shall send a type B notice to each county clerk certifying the list of candidates for the ~~September~~ partisan primary.

SECTION 92. 10.06 (1) (i) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

10.06 (1) (i) As soon as possible after the state canvass, but no later than the 4th Tuesday in ~~September~~

August, the board shall send a type B notice certifying the list of candidates and type A and C notices certifying each question for any referendum to each county clerk for the general election.

SECTION 93. 10.06 (2) (gm) of the statutes is amended to read:

10.06 (2) (gm) On the last first Tuesday in ~~May~~ April the county clerk shall send notice of the coming ~~September~~ partisan primary and general election to each municipal clerk.

SECTION 94. 10.06 (2) (h) of the statutes is amended to read:

10.06 (2) (h) On the last 2nd Tuesday in ~~May~~ April preceding a ~~September~~ partisan primary and general election, the county clerk shall publish a type A notice based on the notice received from the board for all national and state offices to be filled at the election by any electors voting in the county and incorporating county offices.

SECTION 95. 10.06 (2) (j) of the statutes is amended to read:

10.06 (2) (j) On the Monday preceding the ~~September~~ partisan primary the county clerk shall publish a type B notice.

SECTION 96. 10.06 (3) (cm) of the statutes is amended to read:

10.06 (3) (cm) On the 4th Tuesday preceding the ~~September~~ partisan primary and general election, when held, the municipal clerk shall publish a type E notice. If there are municipal referenda, the municipal clerk shall publish a type A notice of the referenda at the same time.

SECTION 97. 11.06 (12) (a) 1. of the statutes is amended to read:

11.06 (12) (a) 1. “Election period” means the period between December 1 and the date of the spring election, the period between ~~June~~ May 1 and the day of the general election in any even-numbered year or the period between the first day for circulation of nomination papers and the day of a special election for any state office.

SECTION 98. 11.26 (17) (d) of the statutes is amended to read:

11.26 (17) (d) In the case of any candidate at the spring primary or election or the ~~September~~ partisan primary or general election, the “campaign” of the candidate ends on June 30 or December 31 following the date on which the election or primary is held in which the candidate is elected or defeated, or the date on which the candidate receives sufficient contributions to retire any obligations incurred in connection with that contest, whichever is later. In the case of any candidate at a special primary or election, the “campaign” of the candidate ends on the last day of the month following the month in which the primary or election is held in which the candidate is elected or defeated, or the date on which the candidate receives sufficient contributions to retire any obliga-

tions incurred in connection with that contest, whichever is later.

SECTION 99. 11.31 (7) (a) of the statutes is amended to read:

11.31 (7) (a) For purposes of this section, the “campaign” of a candidate extends from July 1 preceding the date on which the spring primary or election occurs or January 1 preceding the date on which the September partisan primary or general election occurs for the office which the candidate seeks, or from the date of the candidate’s public announcement, whichever is earlier, through the last day of the month following the month in which the election or primary is held.

SECTION 100. 13.123 (3) (b) 1. a. of the statutes is amended to read:

13.123 (3) (b) 1. a. After the day of the September partisan primary, that the member either has not filed nomination papers for reelection or election to another legislative seat or has sought a party nomination for a legislative seat but it is generally acknowledged that the member has not won nomination.

SECTION 101. 38.16 (3) (br) 1. of the statutes, as created by 2011 Wisconsin Act 32, is amended to read:

38.16 (3) (br) 1. If a district board wishes to exceed the limit under par. (b) otherwise applicable to the district in 2011 or 2012, it shall adopt a resolution supporting inclusion in the final district budget of an amount equal to the proposed excess levy. The resolution shall be filed as provided in s. 8.37. Within 10 days after adopting the resolution, the district board shall notify the board of the scheduled date of the referendum and submit a copy of the resolution to the board. The district board shall call a special referendum for the purpose of submitting the resolution to the electors of the district for approval or rejection. In lieu of a special referendum, the district board may specify that the referendum be held at the next succeeding spring primary or election or September partisan primary or general election, if such election is to be held not sooner than 42 days after the filing of the resolution of the district board. The district board shall certify the results of the referendum to the board within 10 days after the referendum is held.

SECTION 102. 59.08 (7) (b) of the statutes is amended to read:

59.08 (7) (b) The question of the consolidation of the counties shall be submitted to the voters at the next election to be held on the first Tuesday in April, or the next regular election, or at a special election to be held on the day fixed in the order issued under par. (a), which day shall be the same in each of the counties proposing to consolidate. A copy of the order shall be filed with the county clerk of each of the counties as provided in s. 8.37. If the question of consolidation is submitted at a special election, it shall be held not less than 42 70 days nor more than ~~60 88~~ days from the completion of the consolidation

agreement, but not within 60 days of any spring or general election.

SECTION 103. 59.10 (3) (cm) 2. of the statutes is amended to read:

59.10 (3) (cm) 2. ‘Petition and referendum.’ Except as provided in subd. 3., the electors of a county may, by petition and referendum, decrease the number of supervisors at any time after the first election is held following enactment of a decennial supervisory district plan under par. (b). A petition for a change in the number of supervisors may be filed with the county clerk. Prior to circulating a petition to decrease the number of supervisors in any county, a petitioner shall register with the county clerk, giving the petitioner’s name and address and indicating the petitioner’s intent to file such a petition. No signature on a petition is valid unless the signature is obtained within the 60–day period following such registration. The petition shall specify the proposed number of supervisors to be elected. Within 14 days after the last day for filing an original petition, any other petitioner may file an alternative petition with the county clerk proposing a different number of supervisors to be elected, and, if the petition is valid, the alternative proposed in the petition shall be submitted for approval at the same referendum. An alternative petition is subject to the same registration and signature requirements as an original petition. Each petition shall be in the form specified in s. 8.40 and shall contain a number of signatures of electors of the county equal to at least 25 percent of the total votes cast in the county for the office of supervisor at the most recent spring election preceding the date of filing. The county clerk shall promptly determine the sufficiency of a petition filed under this subdivision. Upon determination that a petition is sufficient, or if one or more valid alternative petitions are filed, upon determination that the petitions are sufficient, the county clerk shall call a referendum concurrently with the next spring or general election in the county that is held not earlier than 42 70 days after the determination is made. The question proposed at the referendum shall be: “Shall the board of supervisors of County be decreased from members to members?”. If one or more alternative valid petitions are filed within 14 days after the last day that an original petition may be filed, the question relating to the number of supervisors shall appear separately. The first question shall be: “Shall the size of the county board of supervisors of County be decreased from its current membership of members?”. Any subsequent question shall be: “If so, shall the size of the board be decreased to members?”. Each elector may vote in the affirmative or negative on the first question and may then vote in the affirmative on one of the remaining questions. If the first question is not approved by a majority of the electors voting on the question, any subsequent question is of no effect. If the question is approved by a majority of the

electors voting on the question, or, if more than one question is submitted, if the first question is approved by a majority of the electors voting on the question, the board shall enact an ordinance prescribing revised boundaries for the supervisory districts in the county. The ordinance shall be enacted in accordance with the approved question or, if more than one question is submitted, in accordance with the choice receiving a plurality of the votes cast. The districts are subject to the same requirements that apply to districts in any plan enacted by the board under subd. 1. If the board has determined under sub. (1) (b) to adopt staggered terms for the office of supervisor, the board may change the expiration date of the term of any supervisor to an earlier date than the date provided under current ordinance if required to implement the redistricting or to maintain classes of members. The county clerk shall file a certified copy of any redistricting plan enacted under this subdivision with the secretary of state.

SECTION 104. 59.605 (3) (a) 1. of the statutes is amended to read:

59.605 (3) (a) 1. If the governing body of a county wishes to exceed the operating levy rate limit otherwise applicable to the county under this section, it shall adopt a resolution to that effect. The resolution shall specify either the operating levy rate or the operating levy that the governing body wishes to impose for either a specified number of years or an indefinite period. The governing body shall call a special referendum for the purpose of submitting the resolution to the electors of the county for approval or rejection. In lieu of a special referendum, the governing body may specify that the referendum be held at the next succeeding spring primary or election or ~~September partisan~~ primary or general election to be held not earlier than 42 70 days after the adoption of the resolution of the governing body. The governing body shall file the resolution to be submitted to the electors as provided in s. 8.37.

SECTION 105. 60.30 (1e) (b) of the statutes is amended to read:

60.30 (1e) (b) An ordinance enacted under par. (a) may not take effect until it is approved in a referendum called by the town board for that purpose at the next spring or general election, to be held not sooner than 45 70 days after the referendum is called by the town board. The referendum question shall be: “Shall the person holding the office of ... [town clerk or town treasurer, or both; or the combined office of town clerk and town treasurer] in the town of ... be appointed by the town board?”.

SECTION 106. 62.13 (6) (b) of the statutes is amended to read:

62.13 (6) (b) The provisions of this subsection shall apply only if adopted by the electors. Whenever not less than 42 70 days prior to a regular city election a petition therefor, conforming to the requirements of s. 8.40 and signed by electors equal in number to not less than 20%

of the total vote cast in the city for governor at the last general election, shall be filed with the clerk as provided in s. 8.37, the clerk shall give notice in the manner of notice of the regular city election of a referendum on the adoption of this subsection. Such referendum election shall be held with the regular city election, and the ballots shall conform with the provisions of ss. 5.64 (2) and 10.02, and the question shall be “Shall s. 62.13 (6) of the statutes be adopted?”

SECTION 107. 66.0217 (7) (a) 3. of the statutes is amended to read:

66.0217 (7) (a) 3. If the notice indicates that the petition is for a referendum on the question of annexation, the clerk of the city or village shall file the notice as provided in s. 8.37. If the notice indicates that the petition is for a referendum on the question of annexation, the town clerk shall give notice as provided in par. (c) of a referendum of the electors residing in the area proposed for annexation to be held not less than 42 70 days nor more than 72 100 days after the date of personal service or mailing of the notice required under this paragraph. If the notice indicates that the petition is for direct annexation, no referendum shall be held unless within 30 days after the date of personal service or mailing of the notice required under this paragraph, a petition conforming to the requirements of s. 8.40 requesting a referendum is filed with the town clerk as provided in s. 8.37, signed by at least 20% of the electors residing in the area proposed to be annexed. If a petition requesting a referendum is filed, the clerk shall give notice as provided in par. (c) of a referendum of the electors residing in the area proposed for annexation to be held not less than 42 70 days nor more than 72 100 days after the receipt of the petition and shall mail a copy of the notice to the clerk of the city or village to which the annexation is proposed. The referendum shall be held at a convenient place within the town to be specified in the notice.

SECTION 108. 66.0219 (4) (b) of the statutes is amended to read:

66.0219 (4) (b) The referendum election shall be held not less than 42 70 days nor more than 72 100 days after the filing of the order as provided in s. 8.37, in the territory proposed for annexation, by the electors of that territory as provided in s. 66.0217 (7), so far as applicable. The ballots shall contain the words “For Annexation” and “Against Annexation”. The certification of the election inspectors shall be filed with the clerk of the court, and the clerk of any municipality involved, but need not be filed or recorded with the register of deeds.

SECTION 109. 66.0227 (3) of the statutes is amended to read:

66.0227 (3) The governing body of a city, village or town involved may, or if a petition conforming to the requirements of s. 8.40 signed by a number of qualified electors equal to at least 5% of the votes cast for governor in the city, village or town at the last gubernatorial elec-

tion, demanding a referendum, is presented to it within 30 days after the passage of either of the ordinances under sub. (2) shall, submit the question to the electors of the city, village or town whose electors petitioned for detachment, at a referendum election called for that purpose not less than ~~42~~ 70 days nor more than ~~72~~ 100 days after the filing of the petition, or after the enactment of either ordinance. The petition shall be filed as provided in s. 8.37. If a number of electors cannot be determined on the basis of reported election statistics, the number shall be determined in accordance with s. 60.74 (6). The governing body of the municipality shall appoint 3 election inspectors who are resident electors to supervise the referendum. The ballots shall contain the words "For Detachment" and "Against Detachment". The inspectors shall certify the results of the election by their attached affidavits and file a copy with the clerk of each town, village or city involved, and none of the ordinances may take effect nor be in force unless a majority of the electors approve the question. The referendum election shall be conducted in accordance with chs. 6 and 7 to the extent applicable.

SECTION 110. 66.0305 (6) (b) of the statutes is amended to read:

66.0305 (6) (b) The advisory referendum shall be held not less than ~~42~~ 70 days nor more than ~~72~~ 100 days after adoption of the resolution under par. (a) calling for the referendum or not less than ~~42~~ 70 days nor more than ~~72~~ 100 days after receipt of the petition under par. (a) by the municipal or county clerk. The municipal or county clerk shall give notice of the referendum by publishing a notice in a newspaper of general circulation in the political subdivision, both on the publication day next preceding the advisory referendum election and one week prior to that publication date.

SECTION 111. 66.0307 (4) (e) 2. of the statutes is amended to read:

66.0307 (4) (e) 2. The advisory referendum shall be held not less than ~~42~~ 70 days nor more than ~~72~~ 100 days after adoption of the resolution under subd. 1. calling for the referendum or not less than ~~42~~ 70 days nor more than ~~72~~ 100 days after receipt of the petition by the municipal clerk. The municipal clerk shall give notice of the referendum by publishing a notice in a newspaper of general circulation in the municipality, both on the publication day next preceding the advisory referendum election and one week prior to that publication date.

SECTION 112. 66.0602 (4) (a) of the statutes is amended to read:

66.0602 (4) (a) A political subdivision may exceed the levy increase limit under sub. (2) if its governing body adopts a resolution to that effect and if the resolution is approved in a referendum. The resolution shall specify the proposed amount of increase in the levy beyond the amount that is allowed under sub. (2), and shall specify whether the proposed amount of increase is for the next

fiscal year only or if it will apply on an ongoing basis. With regard to a referendum relating to the 2005 levy, or any levy in an odd-numbered year thereafter, the political subdivision may call a special referendum for the purpose of submitting the resolution to the electors of the political subdivision for approval or rejection. With regard to a referendum relating to the 2006 levy, or any levy in an even-numbered year thereafter, the referendum shall be held at the next succeeding spring primary or election or ~~September~~ partisan primary or general election.

SECTION 113. 66.0619 (2m) (b) of the statutes is amended to read:

66.0619 (2m) (b) If a referendum is to be held on a resolution, the municipal governing body shall file the resolution as provided in s. 8.37 and shall direct the municipal clerk to call a special election for the purpose of submitting the resolution to the electors for a referendum on approval or rejection. In lieu of a special election, the municipal governing body may specify that the election be held at the next succeeding spring primary or election or ~~September~~ partisan primary or general election.

SECTION 114. 66.0921 (2) of the statutes is amended to read:

66.0921 (2) FACILITIES AUTHORIZED. A municipality may enter into a joint contract with a nonprofit corporation organized for civic purposes and located in the municipality to construct or otherwise acquire, equip, furnish, operate and maintain a facility to be used for municipal and civic activities if a majority of the voters voting in a referendum at a special election or at a spring primary or election or ~~September~~ partisan primary or general election approve the question of entering into the joint contract.

SECTION 115. 66.1113 (2) (g) of the statutes is amended to read:

66.1113 (2) (g) The village of Sister Bay may enact an ordinance or adopt a resolution declaring itself to be a premier resort area under par. (a) even if less than 40 percent of the equalized assessed value of the taxable property within Sister Bay is used by tourism-related retailers. The village may not impose the tax authorized under par. (b) unless the village board adopts a resolution proclaiming its intent to impose the tax and the resolution is approved by a majority of the electors in the village voting on the resolution at a referendum, to be held at the first spring primary or election or ~~September~~ partisan primary or general election following by at least 45 days the date of adoption of the resolution.

SECTION 116. 66.1113 (2) (h) of the statutes is amended to read:

66.1113 (2) (h) The village of Ephraim may enact an ordinance or adopt a resolution declaring itself to be a premier resort area under par. (a) even if less than 40 percent of the equalized assessed value of the taxable property within Ephraim is used by tourism-related retailers.

The village may not impose the tax authorized under par. (b) unless the village board adopts a resolution proclaiming its intent to impose the tax and the resolution is approved by a majority of the electors in the village voting on the resolution at a referendum, to be held at the first spring primary or election or ~~September~~ partisan primary or general election following by at least 45 days the date of adoption of the resolution.

SECTION 117. 67.05 (6m) (b) of the statutes is amended to read:

67.05 (6m) (b) If a referendum is to be held on an initial resolution, the district board shall direct the technical college district secretary to call a special election for the purpose of submitting the initial resolution to the electors for a referendum on approval or rejection. In lieu of a special election, the district board may specify that the election be held at the next succeeding spring primary or election or ~~September~~ partisan primary or general election.

SECTION 118. 67.12 (12) (e) 5. of the statutes is amended to read:

67.12 (12) (e) 5. Within 10 days of the adoption by a technical college district board of a resolution under subd. 1. to issue a promissory note for a purpose under s. 38.16 (2), the secretary of the district board shall publish a notice of such adoption as a class 1 notice, under ch. 985. The notice need not set forth the full contents of the resolution, but shall state the amount proposed to be borrowed, the method of borrowing, the purpose thereof, that the resolution was adopted under this subsection and the place where and the hours during which the resolution is available for public inspection. If the amount proposed to be borrowed is for building remodeling or improvement and does not exceed \$1,500,000 or is for movable equipment, the district board need not submit the resolution to the electors for approval unless, within 30 days after the publication or posting, a petition conforming to the requirements of s. 8.40 is filed with the secretary of the district board requesting a referendum at a special election to be called for that purpose. Such petition shall be signed by electors from each county lying wholly or partially within the district. The number of electors from each county shall equal at least 1.5% of the population of the county as determined under s. 16.96 (2) (c). If a county lies in more than one district, the technical college system board shall apportion the county's population as determined under s. 16.96 (2) (c) to the districts involved and the petition shall be signed by electors equal to the appropriate percentage of the apportioned population. In lieu of a special election, the district board may specify that the referendum shall be held at the next succeeding spring primary or election or ~~September~~ partisan primary or general election. Any resolution to borrow amounts of money in excess of \$1,500,000 for building remodeling or improvement shall be submitted to the electors of the district for approval. If a referendum is held or required

under this subdivision, no promissory note may be issued until the issuance is approved by a majority of the district electors voting at such referendum. The referendum shall be noticed, called and conducted under s. 67.05 (6a) insofar as applicable, except that the notice of special election and ballot need not embody a copy of the resolution and the question which shall appear on the ballot shall be "Shall (name of district) be authorized to borrow the sum of \$.... for (state purpose) by issuing its general obligation promissory note (or notes) under section 67.12 (12) of the Wisconsin Statutes?"

SECTION 119. 86.21 (2) (a) of the statutes is amended to read:

86.21 (2) (a) Before any such toll bridge is constructed or acquired under this section, a resolution authorizing the construction or acquisition thereof, and specifying the method of payment therefor, shall be adopted by a majority of the members of the governing body of such county, town, village or city at a regular meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The resolution shall include a general description of the property it is proposed to acquire or construct. Any county, town, village or city constructing or acquiring a toll bridge under this section may provide for the payment of the same or any part thereof from the general fund, from taxation, or from the proceeds of either municipal bonds, revenue bonds or as otherwise provided by law. Such resolution shall not be effective until 15 days after its passage and publication. If within said 15 days a petition conforming to the requirements of s. 8.40 is filed with the clerk of such municipality, and filed as provided in s. 8.37, signed by at least 20% of the electors thereof requesting that the question of acquiring such toll bridge be submitted to the said electors, such question shall be submitted at the next general or regular municipal election that is held not sooner than ~~42~~ 70 days from the date of filing such petition. The question submitted to the electors shall specify the method of payment for such toll bridge as provided in the resolution for the acquisition thereof. If no such petition is filed, or if the majority of votes cast at such referendum election are in favor of the acquisition of such toll bridge, then the resolution of the governing body for the acquisition of such toll bridge shall be in effect.

SECTION 120. 92.11 (4) (c) of the statutes is amended to read:

92.11 (4) (c) *Wording of ballot question; procedure.* The county board shall include the wording of the question to be placed before the electors in the referendum as a part of the ordinance adopted under this section or the revision to an ordinance adopted under this section. Upon the adoption of the ordinance or revision the county board shall forward a copy of the ordinance or revision to the county clerk who shall cause the question to be placed before the voters of the affected area in the next spring or general election occurring not less than ~~45~~ 70

days after the adoption of the ordinance or revision. The form of the ballot shall correspond substantially to the form prescribed under s. 5.64 (2).

SECTION 121. 117.22 (2) (e) of the statutes is amended to read:

117.22 (2) (e) If a primary election for the school board positions is required under s. 120.06 (7) (b), it shall be held on the day which is 4 weeks before the election, except that if the school board election is held on the day of the general election, the primary shall be held on the day of the ~~September~~ partisan primary, and if the school board election is held on the day of the spring election, the primary shall be held on the day of the spring primary. The school district clerk shall notify the clerk of each city, village or town, any part of which is contained within an affected school district, of the primary election. The school district clerk shall give the notices under s. 120.06 (8) (c) on the Monday before the primary election, if one is held, and on the Monday before the school board election.

SECTION 122. 120.02 (1) of the statutes is amended to read:

120.02 (1) CHANGE IN NUMBER OF SCHOOL BOARD MEMBERS. If, at least 30 days prior to the day of the annual school district meeting, in a common or union high school district, or at least ~~45~~ 70 days prior to the day of the election of school board members in a unified school district, a petition conforming to the requirements of s. 8.40 requesting a change in the number of school board members is filed with the school district clerk the clerk shall incorporate in the notice of the annual meeting or election a statement that at the meeting or election the question of changing the number of school board members to the number requested in the petition will be voted upon. The petition shall be signed by not less than 100 electors residing in the school district, except that in school districts which contain, in whole or in part, a city of the 2nd or 3rd class in which one or more electors of the school district reside, the petition shall be signed by not less than 500 electors residing in the school district. If, at the meeting or election of school board members, a resolution based on a petition requesting a change in the number of school board members is adopted by a majority vote, school board members shall be elected at the next school board election and thereafter in accordance with sub. (3).

SECTION 123. 120.02 (2) (a) of the statutes is amended to read:

120.02 (2) (a) If, at least 30 days prior to the day of the annual meeting, in a common or union high school district, or at least ~~45~~ 70 days prior to the day of the election of school board members in a unified school district, a petition conforming to the requirements of s. 8.40 requesting the establishment of a plan of apportionment of school board members is filed with the school district clerk the clerk shall incorporate notice of receipt of such

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

SECTION 124. 120.02 (4) of the statutes is amended to read:

120.02 (4) ELECTION TO NUMBERED SEATS. If, at least 30 days prior to the day of the annual meeting, in a common or union high school district, or at least ~~45~~ 70 days prior to the day of the election of school board members in a unified school district, a petition conforming to the requirements of s. 8.40 which sets forth a plan for the assignment of a number to each seat on the school board is filed with the school district clerk, the school district clerk shall incorporate notice of receipt of such petition in the notice of the annual meeting or election required under s. 120.06 (8) (c). The petition shall be signed by not less than 100 electors residing in the school district, except that in school districts which contain, in whole or in part, a city of the 2nd or 3rd class in which one or more electors of the school district reside, the petition shall be signed by not less than 500 electors residing in the school district. If a majority vote of the annual meeting or election approves the plan set forth in the petition, the plan shall remain in operation until revised by the same procedure.

SECTION 125. 121.91 (3) (a) of the statutes is amended to read:

121.91 (3) (a) If a school board wishes to exceed the limit under sub. (2m) otherwise applicable to the school district in any school year, it shall promptly adopt a resolution supporting inclusion in the final school district budget of an amount equal to the proposed excess revenue. The resolution shall specify whether the proposed excess revenue is for a recurring or nonrecurring purpose, or, if the proposed excess revenue is for both recurring and nonrecurring purposes, the amount of the proposed excess revenue for each purpose. The resolution shall be filed as provided in s. 8.37. Within 10 days after adopting the resolution, the school board shall notify the department of the scheduled date of the referendum and submit a copy of the resolution to the department. The

school board shall call a special referendum for the purpose of submitting the resolution to the electors of the school district for approval or rejection. In lieu of a special referendum, the school board may specify that the referendum be held at the next succeeding spring primary or election or ~~September~~ partisan primary or general election, if such election is to be held not sooner than ~~42~~ 70 days after the filing of the resolution of the school board. The school district clerk shall certify the results of the referendum to the department within 10 days after the referendum is held.

SECTION 126. 125.05 (1) (b) 5. of the statutes is amended to read:

125.05 (1) (b) 5. The petition shall be filed with the clerk of the municipality at least ~~42~~ 70 days prior to the first Tuesday of April.

SECTION 127. 197.04 (1) (b) of the statutes is amended to read:

197.04 (1) (b) If within either of the 90-day periods described in par. (a) a petition conforming to the requirements of s. 8.40 is filed with the clerk of the municipality as provided in s. 8.37 and the petition has been signed by 5% of the electors of a 1st class city or by 10% of the electors of all other municipalities requesting that the question of discontinuing the proceeding to acquire the plant or equipment of the public utility be submitted to the electors of the municipality, the applicable question under par. (c) shall be submitted to the electors at any general or regular municipal election that is held not less than ~~42~~ 70 and not more than ~~47~~ 75 days from the date of the filing of the petition. If no general election or regular municipal election is to be held within the stated periods, the governing body of the municipality shall order the holding of a special election, to be held not less than ~~42~~ 70 days from the date of filing of the petition, for the purpose of submitting the question to the electors.

SECTION 128. 229.824 (15) of the statutes is amended to read:

229.824 (15) Impose, by the adoption of a resolution, the taxes under subch. V of ch. 77, except that the taxes imposed by the resolution may not take effect until the resolution is approved by a majority of the electors in the district's jurisdiction voting on the resolution at a referendum, to be held at the first spring primary or ~~September~~ partisan primary following by at least 45 days the date of adoption of the resolution. Two questions shall appear on the ballot. The first question shall be: "Shall a sales tax and a use tax be imposed at the rate of 0.5% in County for purposes related to football stadium facilities in the Professional Football Stadium District?" The 2nd question shall be: "Shall excess revenues from the 0.5% sales tax and use tax be permitted to be used for property tax relief purposes in County?" Approval of the first question constitutes approval of the resolution of the district board. Approval of the 2nd question is not effective unless the first question is approved. The clerk of the dis-

trict shall publish the notices required under s. 10.06 (4) (c), (f) and (i) for any referendum held under this subsection. Notwithstanding s. 10.06 (4) (c), the type A notice under s. 10.01 (2) (a) relating to the referendum is valid even if given and published late as long as it is given and published prior to the election as early as practicable. A district may not levy any taxes that are not expressly authorized under subch. V of ch. 77. The district may not levy any taxes until the professional football team and the governing body of the municipality in which the football stadium facilities are located agree on how to fund the maintenance of the football stadium facilities. The district may not levy any taxes until the professional football team and the governing body of the municipality in which the football stadium facilities are located agree on how to distribute the proceeds, if any, from the sale of naming rights related to the football stadium facilities. If a district board adopts a resolution that imposes taxes and the resolution is approved by the electors, the district shall deliver a certified copy of the resolution to the secretary of revenue at least 120 days before its effective date. If a district board adopts a resolution that imposes taxes and the resolution is not approved by the electors, the district is dissolved.

SECTION 129. 343.50 (5m) of the statutes, as affected by 2011 Wisconsin Act 23, is amended to read:

343.50 (5m) CARD ISSUANCE FEE. In addition to any other fee under this section, for the issuance of an original identification card or duplicate identification card or for the renewal or reinstatement of an identification card after cancellation under sub. (10), a card issuance fee of \$10 shall be paid to the department. The fee under this subsection does not apply to an applicant if the department may not charge the applicant a fee under sub. (5) (a) 2. or 3. or (7).

SECTION 130. 343.50 (7) of the statutes is amended to read:

343.50 (7) DUPLICATE. The fee for a duplicate card is \$6 except that, if the card holder satisfies the requirements for an applicant specified in sub. (5) (a) 3., there is no fee for a duplicate card.

SECTION 131. 995.20 of the statutes is amended to read:

995.20 Legal holidays. January 1, January 15, the 3rd Monday in February (which shall be the day of celebration for February 12 and 22), the last Monday in May (which shall be the day of celebration for May 30), June 19, which shall be the day of observation for Juneteenth Day, July 4, the 1st Monday in September which shall be known as Labor day, the 2nd Monday in October, November 11, the 4th Thursday in November (which shall be the day of celebration for Thanksgiving), December 25, the day of holding the ~~September~~ partisan primary election, and the day of holding the general election in November are legal holidays. On Good Friday the period from 11 a.m. to 3 p.m. shall uniformly be observed

for the purpose of worship. In every 1st class city the day of holding any municipal election is a legal holiday, and in every such city the afternoon of each day upon which a primary election is held for the nomination of candidates for city offices is a half holiday and in counties having a population of 500,000 or more the county board may by ordinance provide that all county employees shall have a half holiday on the day of such primary election and a holiday on the day of such municipal election, and that employees whose duties require that they work on such days be given equivalent time off on other days. Whenever any legal holiday falls on Sunday, the succeeding Monday shall be the legal holiday.

SECTION 132. Initial applicability.

(1) The treatment of sections 6.24 (4) (c), 6.86 (1) (a) 3., 6.865 (title), (3), and (3m) (a), (b), and (c), and 7.15

(1) (j) of the statutes first applies with respect to requests for absentee ballots made for voting at elections held on or after the effective date of this subsection.

(2) The treatment of section 343.50 (5m) and (7) of the statutes first applies to applications for duplicate identification cards received by the department of transportation on the effective date of this subsection.

SECTION 133. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 6.24 (4) (c), 6.86 (1) (a) 3., 6.865 (title), (3), and (3m) (a), (b), and (c), and 7.15 (1) (j) of the statutes and SECTION 132 (1) of this act take effect on the 90th day beginning after publication.

(2) The treatment of section 343.50 (5m) and (7) of the statutes and SECTION 132 (2) of this act take effect on the 30th day after the day of publication.