2021 ASSEMBLY BILL 981

February 15, 2022 – Introduced by Representatives RAMTHUN and THIESFELDT. Referred to Committee on Campaigns and Elections.

AN ACT to repeal 5.025, 5.05 (1e), 5.05 (2m) (c) a. to c., 5.05 (2m) (d) 1., 5.93, 7.41 (5), 12.01 (2), 15.06 (1) (d), 15.06 (2) (b) 1., 15.06 (3) (a) 5., 15.61, 19.42 (10) (a), 19.42 (13) (p), 20.510 (intro.) and (1) (title) and 230.08 (2) (eL); to renumber 15.06 (2) (b) 2., 20.510 (1) (bm), 20.510 (1) (br), 20.510 (1) (c), 20.510 (1) (d), 20.510 (1) (e), 20.510 (1) (jn), 20.510 (1) (m), 20.510 (1) (t) and 20.510 (1) (x); to renumber and amend 5.05 (2m) (c) 5. (intro.), 5.05 (2m) (d) 2., 20.510 (1) (a), 20.510 (1) (be), 20.510 (1) (g), 20.510 (1) (h) and 20.510 (1) (jm); to consolidate, renumber and amend 12.01 (intro.) and (1); and to amend 5.01 (4) (a), 5.05 (2m) (c) 4., 5.05 (2m) (c) 6., 5.05 (2m) (c) 7., 5.05 (2m) (c) 9., 5.05 (2m) (c) 10., 5.05 (2m) (c) 11., 5.05 (2m) (c) 12., 5.05 (2m) (c) 13., 5.05 (2m) (c) 14., 5.05 (2m) (c) 15., 5.05 (2m) (c) 16., 5.05 (2m) (c) 17., 5.05 (2m) (c) 18., 5.05 (2m) (e), 5.05 (2m) (f) (intro.), 5.05 (2m) (f) 1., 5.05 (2m) (f) 2., 5.05 (2m) (h), 5.05 (2m) (i), 5.05 (2m) (k), 5.05 (2q), 5.05 (2w), 5.05 (3d), 5.05 (3g), 5.05 (4), 5.05 (5e), 5.05 (5f), 5.05 (5s)
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**Analysis by the Legislative Reference Bureau**

This bill dissolves the Elections Commission and requires the secretary of state to assume the duties of the commission, effective June 30, 2023. Under the bill, the administrator of the commission must work with the secretary of state to ensure a smooth transition from the commission to the office of the secretary of state and to formulate an implementation plan. Under the bill, all assets, liabilities, and tangible personal property of the commission are transferred to secretary of state. In addition, all incumbent employees holding positions at the commission on the bill’s effective date, other than the administrator, are transferred to the office of the secretary of state. The bill also requires the secretary of state, upon assuming the duties of the Elections Commission, to implement the recommendations contained in the Legislative Audit Bureau’s Report 21–19 regarding the past performance of
the commission related to elections held in 2020. The secretary must report the progress in implementing those recommendations to the legislature no later than December 31, 2023.

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

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

SECTION 1. 5.01 (4) (a) of the statutes is amended to read:

5.01 (4) (a) If 2 or more candidates for the same office receive the greatest, but an equal number of votes, the winner shall be chosen by lot in the presence of the board of canvassers charged with the responsibility to determine the election, or in the case of an election for state or national office or metropolitan sewerage commissioner, if the commissioner is elected under s. 200.09 (11) (am), in the presence of the chairperson of the elections commission secretary of state or the chairperson’s secretary’s designee.

SECTION 2. 5.025 of the statutes is repealed.

SECTION 3. 5.05 (title) of the statutes is amended to read:

5.05 (title) Elections commission Secretary of state; powers and duties.

SECTION 4. 5.05 (1) (intro.) of the statutes is amended to read:

5.05 (1) General authority. (intro.) The elections commission secretary of state shall have the responsibility for the administration of chs. 5 to 10 and 12 and other laws relating to elections and election campaigns, other than laws relating to campaign financing. Pursuant to such responsibility, the commission secretary of state and the office of the secretary of state may:

SECTION 5. 5.05 (1) (b) of the statutes is amended to read:
5.05 (1) (b) In the discharge of its the duties of the secretary of state and after
providing notice to any party who is the subject of an investigation, subpoena and
bring before it the secretary any person and require the production of any papers,
books, or other records relevant to an investigation. Notwithstanding s. 885.01 (4),
the issuance of a subpoena requires action by the commission at a meeting of the
commission. In the discharge of its his or her duties, the commission secretary may
cause the deposition of witnesses to be taken in the manner prescribed for taking
depositions in civil actions in circuit court.

**SECTION 6.** 5.05 (1) (c) of the statutes is amended to read:

5.05 (1) (c) Bring civil actions to require a forfeiture for any violation of chs. 5
to 10 or 12. The commission secretary of state may compromise and settle any civil
action or potential action brought or authorized to be brought by it the secretary
which, in the his or her opinion of the commission, constitutes a minor violation, a
violation caused by excusable neglect, or which for other good cause shown, should
not in the public interest be prosecuted under such chapter. Notwithstanding s.
778.06, a civil action or proposed civil action authorized under this paragraph may
be settled for such sum as may be agreed between the parties. Any settlement made
by the commission secretary shall be in such amount as to deprive the alleged
violator of any benefit of his or her wrongdoing and may contain a penal component
to serve as a deterrent to future violations. In settling civil actions or proposed civil
actions, the commission secretary shall treat comparable situations in a comparable
manner and shall assure that any settlement bears a reasonable relationship to the
severity of the offense or alleged offense. Except as otherwise provided in sub. (2m)
c (c) 15. and 16. and ss. 5.08 and 5.081, forfeiture actions brought by the commission
secretary shall be brought in the circuit court for the county where the defendant
resides, or if the defendant is a nonresident of this state, in circuit court for the county
wherein the violation is alleged to occur. For purposes of this paragraph, a person
other than an individual resides within a county if the person’s principal place of
operation is located within that county. Whenever the commission secretary enters
into a settlement agreement with an individual who is accused of a civil violation of
chs. 5 to 10 or 12 or who is investigated by the commission office of the secretary of
state for a possible civil violation of one of those provisions, the commission secretary
shall reduce the agreement to writing, together with a statement of the commission’s
secretary’s findings and reasons for entering into the agreement and shall retain the
agreement and statement in its the office of the secretary of state for inspection.

SECTION 7. 5.05 (1e) of the statutes is repealed.

SECTION 8. 5.05 (2m) (a) of the statutes is amended to read:

5.05 (2m) (a) The commission office of the secretary of state shall investigate
violations of laws administered by the commission secretary and may prosecute
alleged civil violations of those laws, directly or through its agents under this
subsection, pursuant to all statutes granting or assigning that authority or
responsibility to the commission secretary. Prosecution of alleged criminal
violations investigated by the commission office of the secretary of state may be
brought only as provided in par. (c) 11., 14., 15., and 16. and s. 978.05 (1). For
purposes of this subsection, the commission office of the secretary of state may only
initiate an investigation of an alleged violation of chs. 5 to 10 and 12, other than an
offense described under par. (c) 12., based on a sworn complaint filed with the
commission secretary of state, as provided under par. (c). Neither the commission
secretary of state nor any member or employee of the commission, including the
commission administrator, office of the secretary of state may file a sworn complaint for purposes of this subsection.

SECTION 9. 5.05 (2m) (c) 2. of the statutes is amended to read:

5.05 (2m) (c) 2. a. Any person may file a complaint with the commission secretary of state alleging a violation of chs. 5 to 10 or 12. No later than 5 days after receiving a complaint, the commission secretary shall notify each person who or which the complaint alleges committed such a violation. Before voting on whether to take any action regarding the complaint, other than to dismiss, the commission secretary shall give each person receiving a notice under this subd. 2. a. an opportunity to demonstrate to the commission secretary, in writing and within 15 days after receiving the notice, that the commission secretary should take no action against the person on the basis of the complaint. The commission office of the secretary of state may not conduct any investigation or take any other action under this subsection solely on the basis of a complaint by an unidentified complainant.

am. If the commission office of the secretary of state finds, by a preponderance of the evidence, that a complaint is frivolous, the commission secretary of state may order the complainant to forfeit not more than the greater of $500 or the expenses incurred by the commission office in investigating the complaint.

SECTION 10. 5.05 (2m) (c) 4. of the statutes is amended to read:

5.05 (2m) (c) 4. If the commission office of the secretary of state reviews a complaint and fails to find that there is a reasonable suspicion that a violation under subd. 2. has occurred or is occurring, the commission secretary of state shall dismiss the complaint. If the commission office believes that there is reasonable suspicion that a violation under subd. 2. has occurred or is occurring, the commission secretary may by resolution authorize the commencement of an investigation. The resolution
shall specifically set forth any matter that is authorized to be investigated. To assist in the investigation, the commission secretary may elect to retain a special investigator. If the commission elects to retain a special investigator, the administrator of the commission shall submit to the commission the names of 3 qualified individuals to serve as a special investigator. The commission may retain one or more of the individuals. If the commission secretary retains a special investigator to investigate a complaint against a person who is a resident of this state, the commission secretary shall provide to the district attorney for the county in which the person resides a copy of the complaint and shall notify the district attorney that he or she has retained a special investigator to investigate the complaint. For purposes of this subdivision, a person other than an individual resides within a county if the person’s principal place of operation is located within that county. The commission secretary shall enter into a written contract with any individual who is retained as a special investigator setting forth the terms of the engagement. A special investigator who is retained by the commission secretary may request the commission secretary to issue a subpoena to a specific person or to authorize the special investigator to request the circuit court of the county in which the specific person resides to issue a search warrant. The commission may grant the request by approving a motion to that effect at a meeting of the commission if the commission finds that such action is legally appropriate.

 SECTION 11. 5.05 (2m) (c) 5. (intro.) of the statutes is renumbered 5.05 (2m) (c) 5. and amended to read:

  5.05 (2m) (c) 5. Each special investigator who is retained by the commission shall make periodic reports to the commission, as directed by the commission, but in no case may the interval for reporting exceed 30 days. If the commission authorizes
the commission administrator to investigate any matter without retaining a special investigator, the administrator shall make periodic reports to the commission, as directed by the commission, but in no case may the reporting interval exceed 30 days. During the pendency of any investigation, the commission office of the secretary of state shall meet for the purpose of reviewing the progress of the investigation at least once every 90 days. The special investigator or the administrator shall report in person to the commission office and the secretary at that meeting concerning the progress of the investigation. If, after receiving a report, the commission does not vote to continue an investigation for an additional period not exceeding 90 days, the investigation is terminated at the end of the reporting interval. The commission office of the secretary of state shall not expend more than $25,000 to finance the cost of an investigation before receiving a report on the progress of the investigation and a recommendation to commit additional resources. The commission secretary of state may vote to terminate an investigation at any time. If an investigation is terminated, any complaint from which the investigation arose is deemed to be dismissed by the commission. Unless an investigation is terminated by the commission, at the conclusion of each investigation, the administrator shall present to the commission one of the following: secretary.

**SECTION 12.** 5.05 (2m) (c) 5. a. to c. of the statutes are repealed.

**SECTION 13.** 5.05 (2m) (c) 6. of the statutes is amended to read:

5.05 (2m) (c) 6. a. If the commission office of the secretary of state finds that there is probable cause to believe that a violation under subd. 2. has occurred or is occurring, the commission secretary of state may authorize the commission administrator to file a civil complaint against the alleged violator. In such case, the administrator secretary may request the assistance of special counsel to prosecute
any action brought by the commission. If the administrator requests the assistance of special counsel with respect to any matter, the administrator shall submit to the commission the names of 3 qualified individuals to serve as special counsel. The commission may retain one of the individuals to act as special counsel office. The staff of the commission office of the secretary of state shall provide assistance to the special counsel as may be required by the counsel to carry out his or her responsibilities.

b. The commission secretary of state shall enter into a written contract with any individual who is retained as special counsel setting forth the terms of the engagement. The contract shall set forth the compensation to be paid such counsel by the state. The contract shall be executed on behalf of the state by the commission and the commission shall file the contract kept in the office of the secretary of state. The compensation shall be charged to the appropriation under s. 20.510 (1) 20.575 (2) (br).

**SECTION 14.** 5.05 (2m) (c) 7. of the statutes is amended to read:

5.05 (2m) (c) 7. No individual who is appointed or retained by the commission secretary of state to serve as special counsel or as a special investigator is subject to approval under s. 20.930.

**SECTION 15.** 5.05 (2m) (c) 9. of the statutes is amended to read:

5.05 (2m) (c) 9. At the conclusion of its investigation, the commission office of the secretary of state shall, in preliminary written findings of fact and conclusions based thereon, make a determination of whether or not probable cause exists to believe that a violation under subd. 2. has occurred or is occurring. If the commission office determines that no probable cause exists, the secretary of state shall dismiss the complaint. Whenever the commission secretary dismisses a complaint or a
complaint is deemed to be dismissed under subd. 5., the commission office shall immediately send written notice of the dismissal to the accused and to the party who made the complaint.

**SECTION 16.** 5.05 (2m) (c) 10. of the statutes is amended to read:

5.05 (2m) (c) 10. The commission office of the secretary of state shall inform the accused or his or her counsel of exculpatory evidence in its possession.

**SECTION 17.** 5.05 (2m) (c) 11. of the statutes is amended to read:

5.05 (2m) (c) 11. If the commission office of the secretary of state finds that there is probable cause to believe that a violation under subd. 2. has occurred or is occurring, the commission secretary of state may, in lieu of civil prosecution of any matter by the commission office, refer the matter to the district attorney for the county in which the alleged violator resides, or if the alleged violator is a nonresident, to the district attorney for the county where the matter arises, or if par. (i) applies, to the attorney general or a special prosecutor. For purposes of this subdivision, a person other than a natural person resides within a county if the person’s principal place of operation is located within that county.

**SECTION 18.** 5.05 (2m) (c) 12. of the statutes is amended to read:

5.05 (2m) (c) 12. The commission office of the secretary of state shall, by rule, prescribe categories of civil offenses which the commission secretary of state will agree to compromise and settle without a formal investigation upon payment of specified amounts by the alleged offender. The commission may authorize the commission administrator to compromise and settle such alleged offenses in the name of the commission if the alleged offenses by an offender, in the aggregate, do not involve payment of more than $2,500.

**SECTION 19.** 5.05 (2m) (c) 13. of the statutes is amended to read:
5.05 (2m) (c) 13. If a special investigator or the commission administrator, in the course of an investigation authorized by the commission secretary of state, discovers evidence that a violation under subd. 2. that was not within the scope of the authorized investigation has occurred or is occurring, the special investigator or the administrator may present that evidence to the commission secretary. If the commission secretary finds that there is a reasonable suspicion that a violation under subd. 2. that is not within the scope of the authorized investigation has occurred or is occurring, the commission secretary may authorize the special investigator or the administrator to investigate the alleged violation or may elect to authorize a separate investigation of the alleged violation as provided in subd. 4.

**SECTION 20.** 5.05 (2m) (c) 14. of the statutes is amended to read:

5.05 (2m) (c) 14. If a special investigator or the commission administrator, in the course of an investigation authorized by the commission secretary of state, discovers evidence of a potential violation of a law that is not administered by the commission office of the secretary of state arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, the special investigator or the administrator may present that evidence to the commission secretary. The commission secretary may thereupon refer the matter to the appropriate district attorney specified in subd. 11. or may refer the matter to the attorney general. The attorney general may then commence a civil or criminal prosecution relating to the matter.

**SECTION 21.** 5.05 (2m) (c) 15. of the statutes is amended to read:

5.05 (2m) (c) 15. Except as provided in subd. 17., if the commission secretary of state refers a matter to the district attorney specified in subd. 11. for prosecution of a potential violation under subd. 2. or 14. and the district attorney informs the
commission secretary that he or she declines to prosecute any alleged civil or criminal violation related to any matter referred to the district attorney by the commission secretary, or the district attorney fails to commence a prosecution of any civil or criminal violation related to any matter referred to the district attorney by the commission secretary within 60 days of the date of the commission’s referral, the commission secretary may refer the matter to the district attorney for another prosecutorial unit that is contiguous to the prosecutorial unit of the district attorney to whom the matter was originally referred. If there is more than one such prosecutorial unit, the chairperson of the commission shall determine the district attorney to whom the matter shall be referred by publicly drawing lots at a meeting of the commission. The district attorney may then commence a civil or criminal prosecution relating to the matter.

SECTION 22. 5.05 (2m) (c) 16. of the statutes is amended to read:

5.05 (2m) (c) 16. Except as provided in subd. 17., if the commission secretary of state refers a matter to a district attorney under subd. 15. for prosecution of a potential violation under subd. 2. or 14. and the district attorney informs the commission secretary that he or she declines to prosecute any alleged civil or criminal violation related to any matter referred to the district attorney by the commission secretary, or the district attorney fails to commence a prosecution of any civil or criminal violation related to any matter referred to the district attorney by the commission secretary within 60 days of the date of the commission’s referral, the commission secretary may refer the matter to the attorney general. The attorney general may then commence a civil or criminal prosecution relating to the matter.

SECTION 23. 5.05 (2m) (c) 17. of the statutes is amended to read:
5.05 (2m) (c) 17. The commission secretary of state is not authorized to act under subd. 15. or 16. if a special prosecutor is appointed under s. 978.045 in lieu of the district attorney specified in subd. 11.

SECTION 24. 5.05 (2m) (c) 18. of the statutes is amended to read:

5.05 (2m) (c) 18. Whenever the commission secretary of state refers a matter to special counsel or to a district attorney or to the attorney general under this subsection, the special counsel, district attorney, or attorney general shall report to the commission secretary of state concerning any action taken regarding the matter. The report shall be transmitted no later than 40 days after the date of the referral. If the matter is not disposed of during that period, the special counsel, district attorney, or attorney general shall file a subsequent report at the end of each 30-day period following the filing of the initial report until final disposition of the matter.

SECTION 25. 5.05 (2m) (d) 1. of the statutes is repealed.

SECTION 26. 5.05 (2m) (d) 2. of the statutes is renumbered 5.05 (2m) (d) and amended to read:

5.05 (2m) (d) No employee of the commission office of the secretary of state, while so employed, may become a candidate, as defined in s. 11.0101 (1), for a state or partisan local office. No individual who is retained by the commission office of the secretary of state to serve as a special investigator or as special counsel may, while so retained, become a candidate, as defined in s. 11.0101 (1), for any state or local office. A filing officer shall decline to accept nomination papers or a declaration of candidacy from any individual who does not qualify to become a candidate under this paragraph.

SECTION 27. 5.05 (2m) (e) of the statutes is amended to read:
5.05 (2m) (e) No individual who serves as an employee of the commission office of the secretary of state and no individual who is retained by the commission office of the secretary of state to serve as a special investigator or a special counsel may, while so employed or retained, make a contribution to a candidate for state or local office. No individual who serves as an employee of the commission office of the secretary of state and no individual who is retained by the commission office of the secretary of state to serve as a special investigator or as special counsel, for 12 months prior to becoming so employed or retained, may have made a contribution to a candidate for a partisan state or local office. In this paragraph, contribution has the meaning given in s. 11.0101 (8).

SECTION 28. 5.05 (2m) (f) (intro.) of the statutes is amended to read:

5.05 (2m) (f) (intro.) Pursuant to any investigation authorized under par. (c), the commission secretary of state has the power:

SECTION 29. 5.05 (2m) (f) 1. of the statutes is amended to read:

5.05 (2m) (f) 1. To require any person to submit in writing such reports and answers to questions relevant to the proceedings as the commission office of the secretary of state may prescribe, such submission to be made within such period and under oath or otherwise as the commission office may determine.

SECTION 30. 5.05 (2m) (f) 2. of the statutes is amended to read:

5.05 (2m) (f) 2. To order testimony to be taken by deposition before any individual who is designated by the commission secretary of state and has the power to administer oaths, and, in such instances, to compel testimony and the production of evidence in the same manner as authorized by sub. (1) (b).

SECTION 31. 5.05 (2m) (h) of the statutes is amended to read:
5.05 (2m) (h) If the defendant in an action for a civil violation of chs. 5 to 10 or 12 is a district attorney or a circuit judge or a candidate for either such office, the action shall be brought by the commission secretary of state. If the defendant in an action for a civil violation of chs. 5 to 10 or 12 is the attorney general or a candidate for that office, the commission secretary of state may appoint special counsel to bring suit on behalf of the state.

**SECTION 32.** 5.05 (2m) (i) of the statutes is amended to read:

5.05 (2m) (i) If the defendant in an action for a criminal violation of chs. 5 to 10 or 12 is a district attorney or a circuit judge or a candidate for either such office, the action shall be brought by the attorney general. If the defendant in an action for a criminal violation of chs. 5 to 10 or 12 is the attorney general or a candidate for that office, the commission secretary of state may appoint a special prosecutor to conduct the prosecution on behalf of the state.

**SECTION 33.** 5.05 (2m) (k) of the statutes is amended to read:

5.05 (2m) (k) The commission’s power of the secretary of state to initiate civil actions under this subsection for the enforcement of chs. 5 to 10 or 12 shall be the exclusive remedy for alleged civil violations of chs. 5 to 10 or 12.

**SECTION 34.** 5.05 (2q) of the statutes is amended to read:

5.05 (2q) **SUPPLEMENTAL FUNDING FOR ONGOING INVESTIGATIONS.** The commission secretary of state may request supplemental funds to be credited to the appropriation account under s. 20.510 (1) 20.575 (2) (be) for the purpose of continuing an ongoing investigation initiated under sub. (2m). A request under this subsection shall be filed with the secretary of administration and the cochairpersons of the joint committee on finance in writing and shall contain a statement of the action requested, the purposes therefor, the statutory provision authorizing or directing the
performance of the action, and information about the nature of the investigation for which the commission secretary of state seeks supplemental funds, excluding the name of any individual or organization that is the subject of the investigation. If the cochairpersons of the joint committee on finance do not notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the request within 14 working days after the commission secretary of state filed the request, the secretary of administration shall supplement the appropriation under s. 20.510 (1) 20.575 (2) (be) from the appropriation under s. 20.505 (1) (d) in an amount not to exceed the amount the commission secretary of state requested. If, within 14 working days after the commission secretary of state filed the request, the cochairpersons of the joint committee on finance notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the commission's secretary of state's request under this subsection, the secretary of administration may supplement the appropriation under s. 20.510 (1) 20.575 (2) (be) only with the committee's approval. The committee and the secretary of administration shall notify the commission secretary of state of all their actions taken under this subsection.

**SECTION 35.** 5.05 (2w) of the statutes is amended to read:

5.05 (2w) ELECTIONS COMMISSION SECRETARY OF STATE. The elections commission secretary of state has the responsibility for the administration of chs. 5 to 10 and 12.

**SECTION 36.** 5.05 (3d) of the statutes is amended to read:

5.05 (3d) ADMINISTRATOR PERSONNEL. The commission shall appoint an administrator in the manner provided under s. 15.61 (1) (b). The administrator shall be outside the classified service. The administrator secretary of state shall appoint such other personnel as he or she requires to carry out the duties of the commission.
office of the secretary of state in the administration of chs. 5 to 10 and 12 and may designate an employee to serve as the commission’s legal counsel. The administrator shall perform such duties as the commission assigns to him or her in the administration of chs. 5 to 10 and 12.

**SECTION 37.** 5.05 (3g) of the statutes is amended to read:

> 5.05 (3g) CHIEF ELECTION OFFICER. The commission administrator secretary of state shall serve as the chief election officer of this state.

**SECTION 38.** 5.05 (4) of the statutes is amended to read:

> 5.05 (4) EMPLOYEES. All employees of the commission office of the secretary of state involved in the administration of chs. 5 to 10 and 12 shall be nonpartisan.

**SECTION 39.** 5.05 (5e) of the statutes is amended to read:

> 5.05 (5e) ANNUAL REPORT. The commission office of the secretary of state shall submit an annual report under s. 15.04 (1) (d) and shall include in its annual report the names and duties of all individuals employed by the commission office and a summary of its determinations and advisory opinions issued under sub. (6a). Except as authorized or required under sub. (5s) (f), the commission office shall make sufficient alterations in the summaries to prevent disclosing the identities of individuals or organizations involved in the decisions or opinions. The commission office shall identify in its report the statutory duties of the commission administrator secretary of state, together with a description of the manner in which those duties are being fulfilled. Notwithstanding sub. (5s) and s. 12.13 (5), the commission office of the secretary of state shall also specify in its report the total number of investigations conducted by the commission office since the last annual report and a description of the nature of each investigation. The commission office shall make
such further reports on the matters within its jurisdiction and such
recommendations for further legislation as it deems desirable.

SECTION 40. 5.05 (5f) of the statutes is amended to read:

5.05 (5f) ADVICE TO COMMISSION THE SECRETARY. The joint committee on
legislative organization shall be advisory to the commission secretary of state on all
matters relating to operation of the commission office of the secretary of state with
regard to the administration of chs. 5 to 10 and 12.

SECTION 41. 5.05 (5s) (intro.), (a), (am), (b), (bm), (c), (d), (e) (intro.), 1., 2. and
(f) of the statutes, as affected by 2021 Wisconsin Act 38, are amended to read:

5.05 (5s) ACCESS TO RECORDS. (intro.) Records obtained or prepared by the
commission office of the secretary of state in connection with an investigation,
including the full text of any complaint received by the commission office, are not
subject to the right of inspection and copying under s. 19.35 (1), except as follows:

(a) The commission office shall permit inspection of records that are distributed
or discussed in the course of a meeting or hearing by the commission office in open
session. The commission office shall post on its Internet site the draft minutes of
each meeting or hearing conducted by the commission office in open session no later
than 48 hours after the completion of the meeting or hearing. The commission office
shall post minutes approved by the commission office no later than 48 hours after the
minutes are approved. The commission office may indicate whether minutes posted
on its Internet site have been approved by the commission office or are in draft form.
Minutes posted pursuant to this paragraph shall include a summary of every action
that the commission voted on, a record of each member’s vote for or against every
action requiring a vote, a record of all motions and seconds made by each member,
including the full text of each motion debated and voted on by the commission, and
a record of each member’s status as being present or absent for any part of a meeting
or hearing taken by the office. The commission office shall maintain all minutes
published under this paragraph on its Internet site so that the minutes are accessible
to the public at all times.

  (am) The commission office shall provide to the joint committee on finance
records obtained or prepared by the commission office in connection with an ongoing
investigation when required under sub. (2q).

  (b) Investigatory records of the commission office may be made public in the
course of a prosecution initiated under chs. 5 to 10 or 12.

  (bm) The commission office shall provide investigatory records to the state
auditor and the employees of the legislative audit bureau to the extent necessary for
the bureau to carry out its duties under s. 13.94.

  (c) The commission office shall provide information from investigation and
hearing records that pertains to the location of individuals and assets of individuals
as requested under s. 49.22 (2m) by the department of children and families or by a
county child support agency under s. 59.53 (5).

  (d) If the commission office commences a civil prosecution of a person for an
alleged violation of chs. 5 to 10 or 12 as the result of an investigation, the person who
is the subject of the investigation may authorize the commission office to make
available for inspection and copying under s. 19.35 (1) records of the investigation
pertaining to that person if the records are available by law to the subject person and
the commission office shall then make those records available.

  (e) (intro.) The following records of the commission office are open to public
inspection and copying under s. 19.35 (1):
1. Any record of the action of the commission office authorizing the filing of a civil complaint under sub. (2m) (c) 6.

2. Any record of the action of the commission office referring a matter to a district attorney or other prosecutor for investigation or prosecution.

(f) The commission office shall make public formal and informal advisory opinions and records obtained in connection with requests for formal or informal advisory opinions relating to matters under the jurisdiction of the commission office, including the identity of individuals requesting such opinions or organizations or governmental bodies on whose behalf they are requested.

SECTION 42. 5.05 (5t) of the statutes is amended to read:

5.05 (5t) GUIDANCE FOLLOWING BINDING COURT DECISIONS. Within 2 months following the publication of a decision of a state or federal court that is binding on the commission secretary of state and this state, the commission secretary of state shall issue updated guidance or formal advisory opinions, commence the rule-making procedure to revise administrative rules promulgated by the commission, or request an opinion from the attorney general on the applicability of the court decision.

SECTION 43. 5.05 (6a) of the statutes is amended to read:

5.05 (6a) ADVISORY OPINIONS. (a) 1. Any individual, either personally or on behalf of an organization or governmental body, may make a request of the commission the secretary of state in writing, electronically, or by telephone for a formal or informal advisory opinion regarding the propriety under chs. 5 to 10 or 12 of any matter to which the person is or may become a party. Any appointing officer, with the consent of a prospective appointee, may request of the commission secretary a formal or informal advisory opinion regarding the propriety under chs. 5 to 10 or
12 of any matter to which the prospective appointee is or may become a party. The commission secretary shall review a request for an advisory opinion and may issue a formal or informal written or electronic advisory opinion to the person making the request. Except as authorized or required for opinions specified in sub. (5s) (f), the commission's deliberations and actions of the secretary and the office of the secretary upon such requests shall be in meetings not open to the public. A member of the commission may, by written request, require the commission to review an advisory opinion.

2. To have legal force and effect, each formal and informal advisory opinion issued by the commission secretary of state must be supported by specific legal authority under a statute or other law, or by specific case or common law authority. Each formal and informal advisory opinion shall include a citation to each statute or other law and each case or common law authority upon which the opinion is based, and shall specifically articulate or explain which parts of the cited authority are relevant to the commission's conclusion of the secretary and why they are relevant.

3. No person acting in good faith upon a formal or informal advisory opinion issued by the commission secretary of state under this subsection is subject to criminal or civil prosecution for so acting, if the material facts are as stated in the opinion request.

4. At each regular meeting of the commission, the administrator shall review informal advisory opinions requested of and issued by the administrator and that relate to recurring issues or issues of first impression for which no formal advisory opinion has been issued. The commission secretary of state may determine to issue a formal advisory opinion adopting or modifying the informal advisory opinion. If the commission secretary disagrees with a formal or informal advisory opinion that
has been issued by or on behalf of the commission secretary, the commission secretary may withdraw the opinion, issue a revised formal or informal advisory opinion, or request an opinion from the attorney general. No person acting after the date of the withdrawal or issuance of the revised advisory opinion is exempted from prosecution under this subsection if the opinion upon which the person’s action is based has been withdrawn or revised in relevant degree.

5. Except as authorized or required under sub. (5s) (f), no member or employee of the commission office of the secretary of state may make public the identity of the individual requesting a formal or informal advisory opinion or of individuals or organizations mentioned in the opinion.

(b) 1. The commission may authorize the commission administrator or his or her designee to issue an informal written advisory opinion or transmit an informal advisory opinion electronically on behalf of the commission, subject to such limitations as the commission deems appropriate. Every informal advisory opinion shall be consistent with applicable formal advisory opinions issued by the commission secretary of state, statute or other law, and case law.

2. Any individual may request in writing, electronically, or by telephone an informal advisory opinion from the commission secretary of state under this paragraph. The commission’s designee secretary shall provide a written response, a written reference to an applicable statute or law, or a written reference to a formal advisory opinion of the commission secretary to the individual, or shall refer the request to the commission for review and the issuance of a formal advisory opinion.

3. Any person receiving an informal advisory opinion under this paragraph may, at any time, request a formal advisory opinion from the commission secretary of state on the same matter.
(c) 1. Any individual may request in writing, electronically, or by telephone a formal advisory opinion from the commission secretary of state or the review or modification of a formal advisory opinion issued by the commission secretary under this paragraph. The individual making the request shall include all pertinent facts relevant to the matter. The commission secretary shall review a request for a formal advisory opinion and may issue a formal advisory opinion to the individual making the request. Except as authorized or required for opinions specified in sub. (5s) (f), the commission’s deliberations and actions of the secretary and the office of the secretary of state upon such requests shall be in meetings not open to the public.

2. Any person requesting a formal advisory opinion under this paragraph may request a public or private hearing before the commission secretary of state to discuss the opinion. The commission secretary shall grant a request for a public or private hearing under this paragraph.

3. Promptly upon issuance of each formal advisory opinion, the commission secretary of state shall publish the opinion together with the information specified under sub. (5s) (f) on the commission’s Internet site of the office of the secretary of state.

4. If the commission secretary of state declines to issue a formal advisory opinion, it the secretary may refer the matter to the attorney general or to the standing legislative oversight committees.

SECTION 44. 5.05 (7) of the statutes is amended to read:

5.05 (7) ADMINISTRATIVE MEETINGS AND CONFERENCES. The commission office of the secretary of state shall conduct regular information and training meetings at various locations in the state for county and municipal clerks and other election officials. Administrative meetings shall be designed to explain the election laws and
the forms and rules of the commission, opinions, and guidance issued by the office, to promote uniform procedures and to assure that clerks and other officials are made aware of the integrity and importance of the vote of each citizen. The commission office may conduct conferences relating to election laws, practice, and procedure. The commission office may charge persons attending the administrative meetings and conferences for its costs incurred in conducting the meetings and conferences at a rate not exceeding the per capita cost incurred by the commission office.

SECTION 45. 5.05 (9) of the statutes is amended to read:

5.05 (9) STANDING. The commission secretary of state has standing to commence or intervene in any civil action or proceeding for the purpose of enforcing the laws regulating the conduct of elections or election campaigns, other than laws regulating campaign financing, or ensuring their proper administration.

SECTION 46. 5.05 (10) of the statutes is amended to read:

5.05 (10) STATE ELECTION ADMINISTRATION PLAN. With the approval of the joint committee on finance as provided in this subsection, the commission secretary of state shall adopt and modify as necessary a state plan that meets the requirements of P.L. 107-252 to enable participation by this state in federal financial assistance programs authorized under that law. The commission secretary shall adopt the plan and any modifications only after publishing a class 1 notice under ch. 985 or posting on the Internet a statement describing the proposed plan or modification and receiving public comment thereon. After approval of the proposed plan or any modification of the plan by the commission secretary, the commission secretary shall submit the proposed plan or modification to the joint committee on finance for the approval of the committee. The commission secretary may adopt the proposed plan or modification only if the committee approves the proposed plan or modification.
SECTION 47. 5.05 (11) of the statutes is amended to read:

5.05 (11) AIDS TO COUNTIES AND MUNICIPALITIES. From the appropriations under s. 20.510 (1) 20.575 (2) (t) and (x), the commission secretary of state may provide financial assistance to eligible counties and municipalities for election administration costs in accordance with the plan adopted under sub. (10). As a condition precedent to receipt of assistance under this subsection, the commission secretary shall enter into an agreement with the county or municipality receiving the assistance specifying the intended use of the assistance and shall ensure compliance with the terms of the agreement. Each agreement shall provide that if the federal government objects to the use of any assistance moneys provided to the county or municipality under the agreement, the county or municipality shall repay the amount of the assistance provided to the commission secretary.

SECTION 48. 5.05 (12) of the statutes is amended to read:

5.05 (12) VOTER EDUCATION. The commission secretary of state may conduct or prescribe requirements for educational programs to inform electors about voting procedures, voting rights, and voting technology. The commission secretary shall conduct an educational program for the purpose of educating electors who cast paper ballots, ballots that are counted at a central counting location, and absentee ballots of the effect of casting excess votes for a single office.

SECTION 49. 5.05 (13) (a) of the statutes is amended to read:

5.05 (13) (a) The commission secretary of state shall maintain one or more toll-free telephone lines for electors to report possible voting fraud and voting rights violations, to obtain general election information, and to access information concerning their registration status, current polling place locations, and other information relevant to voting in elections.
SECTION 50. 5.05 (13) (b) of the statutes is amended to read:

5.05 (13) (b) The commission secretary of state may maintain a free access system under which an elector who votes under s. 6.96 or 6.97 may ascertain current information concerning whether the elector’s vote has been counted, and, if the vote will not be counted, the reason that it will not be counted.

SECTION 51. 5.05 (13) (c) of the statutes is amended to read:

5.05 (13) (c) The commission secretary of state shall maintain a freely accessible system under which a military elector, as defined in s. 6.34 (1), or an overseas elector who casts an absentee ballot may ascertain whether the ballot has been received by the appropriate municipal clerk.

SECTION 52. 5.05 (13) (d) (intro.) of the statutes is amended to read:

5.05 (13) (d) (intro.) The commission secretary of state shall designate and maintain at least one freely accessible means of electronic communication which shall be used for the following purposes:

SECTION 53. 5.05 (14) of the statutes is amended to read:

5.05 (14) INFORMATION FROM COUNTY AND MUNICIPAL CLERKS. (a) The commission secretary of state may request information from county and municipal clerks relating to election administration, performance of electronic voting systems and voting machines, and use of paper ballots in elections.

(b) The commission office of the secretary of state shall establish a subscription service whereby a person may electronically access the absentee ballot information provided under s. 6.33 (5) (a), including semiweekly updates of such information.

(c) On election night the commission office of the secretary of state shall provide a link on its Internet site to the posting of each county’s election returns on each county’s Internet site.
SECTION 54. 5.05 (15) of the statutes is amended to read:

5.05 (15) Registration list. The commission office of the secretary of state is responsible for the design and maintenance of the official registration list under s. 6.36. The commission secretary of state shall require all municipalities to use the list in every election and may require any municipality to adhere to procedures established by the commission office of the secretary of state for proper maintenance of the list.

SECTION 55. 5.05 (16) of the statutes is amended to read:

5.05 (16) Policies and procedures. (a) Annually, the commission office of the secretary of state shall adopt written policies and procedures in order to govern its internal operations and management and shall annually report such policies and procedures to the appropriate standing committees of the legislature under s. 13.172 (3).

(b) Notwithstanding par. (a), the commission office of the secretary of state may reconsider at any time any policy or procedure adopted as provided under par. (a). If, upon reconsideration, the commission office revises a previously reported policy or procedure, the commission office shall report the revision to the appropriate standing committees of the legislature under s. 13.172 (3).

(c) The commission secretary of state may reconsider at any time any written directives or written guidance provided to the general public or to any person subject to the provisions of chs. 5 to 10 and 12 with regard to the enforcement and administration of those provisions.

SECTION 56. 5.05 (17) of the statutes is amended to read:

5.05 (17) Payments. The commission office of the secretary of state may accept payment by credit card, debit card, or other electronic payment mechanism for any
amounts owed pursuant to the administration of chs. 5 to 10 or 12, and may charge
a surcharge to the payer to recover charges associated with the acceptance of that
electronic payment.

SECTION 57. 5.05 (18) of the statutes is amended to read:

5.05 (18) ELECTRONIC POLL LISTS. The commission secretary of state may
facilitate the creation and maintenance of electronic poll lists for purposes of s. 6.79
including entering into contracts with vendors and establishing programs for
development and testing.

SECTION 58. 5.055 of the statutes is amended to read:

5.055 Election assistance commission standards board. The commission
administrator secretary of state shall, in consultation with the commission, appoint
an individual to represent this state as a member of the federal election assistance
commission standards board. The administrator secretary shall also conduct and
supervise a process for the selection of an election official by county and municipal
clers and boards of election commissioners to represent local election officials of this
state as a member of the federal election assistance commission standards board.
The administrator secretary shall ensure that the members of the federal election
assistance commission standards board representing this state shall at no time be
members of the same political party. Upon appointment or election of any new
member of the federal election assistance commission standards board representing
this state, the administrator secretary shall transmit a notice of that member’s
appointment or election to the officer or agency designated by federal law.

SECTION 59. 5.056 of the statutes is amended to read:

5.056 Matching program with secretary of transportation. The
commission administrator secretary of state shall enter into the agreement with the
secretary of transportation specified under s. 85.61 (1) to match personally identifiable information on the official registration list maintained by the commission secretary of state under s. 6.36 (1) and the information specified in s. 6.34 (2m) with personally identifiable information maintained by the department of transportation.

**SECTION 60.** 5.06 (1) of the statutes is amended to read:

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

**SECTION 61.** 5.06 (2) of the statutes is amended to read:

5.06 (2) No person who is authorized to file a complaint under sub. (1), other than the attorney general or a district attorney, may commence an action or
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proceeding to test the validity of any decision, action, or failure to act on the part of any election official with respect to any matter specified in sub. (1) without first filing a complaint under sub. (1), nor prior to disposition of the complaint by the commission secretary of state. A complaint is deemed disposed of if the commission secretary fails to transmit an acknowledgment of receipt of the complaint within 5 business days from the date of its receipt or if the commission secretary concludes its an investigation without a formal decision.

SECTION 62. 5.06 (4) of the statutes is amended to read:

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

SECTION 63. 5.06 (5) of the statutes is amended to read:

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

SECTION 64. 5.06 (6) of the statutes is amended to read:
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5.06 (6) The commission secretary of state may, after such investigation as it the secretary deems appropriate, summarily decide the matter before it the secretary and, by order, require any election official to conform his or her conduct to the law, restrain an official from taking any action inconsistent with the law or require an official to correct any action or decision inconsistent with the law. The commission secretary shall immediately transmit a copy of the order to the official. An order issued under this subsection is effective immediately or at such later time as may be specified in the order.

Section 65. 5.06 (7) of the statutes is amended to read:

5.06 (7) The commission secretary of state may withdraw, modify, or correct an order issued under sub. (6) within a timely period if it the secretary finds such action to be appropriate.

Section 66. 5.06 (8) of the statutes is amended to read:

5.06 (8) Any election official or complainant who is aggrieved by an order issued under sub. (6) may appeal the decision of the commission secretary of state to circuit court for the county where the official conducts business or the complainant resides no later than 30 days after issuance of the order. Pendency of an appeal does not stay the effect of an order unless the court so orders.

Section 67. 5.06 (9) of the statutes is amended to read:

5.06 (9) The court may not conduct a de novo proceeding with respect to any findings of fact or factual matters upon which the commission secretary of state has made a determination, or could have made a determination if the parties had properly presented the disputed matters to the commission secretary for its his or her consideration. The court shall summarily hear and determine all contested issues of law and shall affirm, reverse or modify the determination of the commission
SECTION 67. The commission secretary, according due weight to the experience, technical competence, and specialized knowledge of the commission secretary, pursuant to the applicable standards for review of agency decisions under s. 227.57.

SECTION 68. 5.061 (1) of the statutes is amended to read:

5.061 (1) Whenever any person believes that a violation of Title III of P.L. 107-252 has occurred, is occurring, or is proposed to occur with respect to an election for national office in this state, that person may file a written, verified complaint with the commission secretary of state.

SECTION 69. 5.061 (2) of the statutes is amended to read:

5.061 (2) If the commission secretary of state receives more than one complaint under sub. (1) relating to the same subject matter, the commission secretary may consolidate the complaints for purposes of this section.

SECTION 70. 5.061 (3) of the statutes is amended to read:

5.061 (3) A complainant under sub. (1) or any of the complainants in a consolidated complaint under sub. (2) may request a hearing and the matter shall then be treated as a contested case under ch. 227, except that the commission secretary of state shall make a final determination with respect to the merits of the complaint and issue a decision within 89 days of the time that the complaint or the earliest of any complaints was filed, unless the complainant, or each of any complainants whose complaints are consolidated, consents to a specified longer period.

SECTION 71. 5.061 (4) of the statutes is amended to read:

5.061 (4) If the commission secretary of state finds the complaint to be without merit, it the secretary shall issue a decision dismissing the complaint. If the commission secretary finds that the violation alleged in the complaint has occurred,
is occurring, or is proposed to occur, the commission secretary shall order appropriate relief, except that the commission secretary shall not issue any order under this subsection affecting the right of any person to hold an elective office or affecting the canvass of an election on or after the date of that election.

**SECTION 72.** 5.25 (4) of the statutes is amended to read:

5.25 (4) (a) Each polling place shall be accessible to all individuals with disabilities. The commission secretary of state shall ensure that the voting system used at each polling place will permit all individuals with disabilities to vote without the need for assistance and with the same degree of privacy that is accorded to nondisabled electors voting at the same polling place. This paragraph does not apply to any individual who is disqualified from voting under s. 6.03 (1) (a).

(b) In any jurisdiction that is subject to the requirement under 42 USC 1973aa-1a to provide voting materials in any language other than English, the commission secretary of state shall ensure that the voting system used at each polling place in that jurisdiction is in compliance with 42 USC 1973aa-1a.

(d) No later than June 30 of each odd-numbered year, the commission office of the secretary of state shall submit a report on impediments to voting faced by elderly and handicapped individuals to the appropriate standing committees of the legislature under s. 13.172 (3). In preparing its report under this paragraph, the commission office shall consult with appropriate advocacy groups representing the elderly and handicapped populations.

**SECTION 73.** 5.35 (6) (a) 2m. of the statutes is amended to read:

5.35 (6) (a) 2m. General information prescribed by the commission secretary of state on federal laws relating to election fraud and misrepresentation in federal elections.
SECTION 74. 5.35 (6) (a) 4a. of the statutes is amended to read:

5.35 (6) (a) 4a. Instructions prescribed by the commission secretary of state for electors for whom proof of identification is required under s. 6.79 (2) or for whom proof of residence under s. 6.34 is required under s. 6.55 (2).

SECTION 75. 5.35 (6) (a) 4b. of the statutes is amended to read:

5.35 (6) (a) 4b. General information prescribed by the commission secretary of state concerning voting rights under applicable state and federal laws, including the method of redress for any alleged violations of those rights.

SECTION 76. 5.35 (6) (a) 5. of the statutes is amended to read:

5.35 (6) (a) 5. Any other voting information directed to be posted by the commission secretary of state.

SECTION 77. 5.35 (6) (b) of the statutes is amended to read:

5.35 (6) (b) At each polling place in the state where a consolidated ballot under s. 5.655 is used or an electronic voting system is utilized at a partisan primary election incorporating a ballot upon which electors may mark votes for candidates of more than one recognized political party, the municipal clerk or board of election commissioners shall prominently post a sign in the form prescribed by the commission secretary of state warning electors in substance that on any ballot with votes cast for candidates of more than one recognized political party, no votes cast for any candidates for partisan office will be counted unless a preference for a party is made. If the elector designates a preference, only votes cast for candidates of that preference will be counted.

SECTION 78. 5.40 (5m) of the statutes is amended to read:

5.40 (5m) Notwithstanding sub. (1), the governing body of a municipality which uses voting machines or an electronic voting system may petition the
SECTION 78. commission secretary of state for permission to use paper ballots and voting booths for a specific election, and the commission secretary may grant such a request.

SECTION 79. 5.40 (7) of the statutes is amended to read:

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

SECTION 80. 5.51 (6) of the statutes is amended to read:

5.51 (6) All candidates' names for the same office shall be placed, projected or composed on the ballot in the same size, style and color of type. The style and size of type shall conform substantially to the official ballot forms prescribed by the commission secretary of state under s. 7.08 (1) (a).

SECTION 81. 5.51 (8) of the statutes is amended to read:

5.51 (8) Unless otherwise specifically provided, the form of all ballots shall conform to the ballot forms prescribed by the commission secretary of state under s. 7.08 (1) (a).

SECTION 82. 5.58 (1b) (bm) of the statutes is amended to read:

5.58 (1b) (bm) For all cities the official spring primary ballot shall be arranged by the municipal clerk, using the same method as that used by the commission secretary of state under s. 5.60 (1) (b).

SECTION 83. 5.58 (1b) (cm) of the statutes is amended to read:
5.58 (1b) (cm) Towns and villages holding a primary under s. 8.05 shall arrange the ballot in accordance with the form prescribed by the commission secretary of state under s. 7.08 (1) (a), which shall be the same form as provided in s. 5.60 (5) and (6), insofar as possible.

SECTION 84. 5.58 (2) of the statutes is amended to read:

5.58 (2) STATE SUPERINTENDENT OF PUBLIC INSTRUCTION; JUDICIARY; COUNTY EXECUTIVE; COUNTY COMPTROLLER; AND COUNTY SUPERVISORS. There shall be one separate ballot for state superintendent, judicial officers, county executive under s. 59.17, and county supervisor, except as authorized in s. 5.655. In counties having a population of 750,000 or more, the ballot shall also include the office of comptroller and those offices under s. 8.11 (2) (b) and (2m). The arrangement of names of candidates for state superintendent, justice, court of appeals judge, and circuit court judge shall be determined by the commission secretary of state in the manner specified in s. 5.60 (1) (b). Arrangement of the names of candidates for county executive, county comptroller, and county supervisor shall be determined by the county clerk or by the executive director of the county board of election commissioners in the manner specified in s. 5.60 (1) (b).

SECTION 85. 5.58 (2m) of the statutes is amended to read:

5.58 (2m) METROPOLITAN SEWERAGE COMMISSION. Except as authorized in s. 5.655, there shall be a separate ballot for members of the metropolitan sewerage commission if commissioners are elected under s. 200.09 (11) (am), with candidates for different seats listed in separate columns or rows if more than one seat is contested at any election. Arrangement of the names on the ballot shall be determined by the elections commission secretary of state.

SECTION 86. 5.60 (1) (b) of the statutes is amended to read:
5.60 (1) (b) The elections commission secretary of state shall certify the candidates’ names and designate the official ballot arrangement for candidates for state superintendent, justice, court of appeals judge, and for circuit judge and for metropolitan sewerage commission commissioners elected under s. 200.09 (11) (am). The arrangement of names of all candidates on the ballot whose nomination papers are filed with the elections commission secretary of state shall be determined by the elections commission secretary by the drawing of lots not later than the 2nd Tuesday in January, or the next day if the first Tuesday is a holiday. Whenever a primary is held for an office, a 2nd drawing of all candidates for that office shall be held by or under the supervision of the elections commission secretary of state not later than the 3rd day following the completion of the primary canvass to determine the arrangement of candidates on the election ballot.

SECTION 87. 5.60 (3) (ag) of the statutes is amended to read:

5.60 (3) (ag) Except as authorized in s. 5.655, there shall be a separate ballot giving the names of all candidates for city offices, printed in the same form as prescribed by the commission secretary of state under s. 7.08 (1) (a). City election ballots may vary in form to conform to the law under which an election is held.

SECTION 88. 5.60 (5) (ar) of the statutes is amended to read:

5.60 (5) (ar) The offices to be filled shall be arranged on the official ballot in the order they are named in the statutes creating them. The names of the candidates shall be arranged by using the same method as that used by the commission secretary of state under sub. (1) (b). Sufficient space shall be left under each office for write-in candidates.

SECTION 89. 5.60 (6) (a) of the statutes is amended to read:
5.60 (6) (a) Except as authorized in s. 5.655, there shall be a separate ballot giving the names of all candidates for elective town offices in the form prescribed by the commission secretary of state under s. 7.08 (1) (a). There shall be 2 ballot forms. One ballot form shall be used for the election of supervisors to numbered seats and one ballot form shall be used for the election of supervisors to unnumbered seats. On the ballot used for the election of supervisors to unnumbered seats, all supervisor candidates shall be listed together and the voting instructions shall state “Vote for not more than.... [insert number of supervisors to be elected] candidates”. All towns shall elect their supervisors to unnumbered seats unless the annual town meeting adopts a plan to elect supervisors to numbered seats. The names of candidates for town office shall be arranged by using the same method as that used by the commission secretary of state under sub. (1) (b). A space shall be provided under each office on the ballot for a write-in candidate.

Section 90. 5.60 (8) (am) of the statutes is amended to read:

5.60 (8) (am) Except as authorized in s. 5.655, there shall be a separate ballot for each recognized political party filing a certification under s. 8.12 (1), listing the names of all potential candidates of that party determined under s. 8.12 and affording, in addition, an opportunity to the voter to nominate another potential candidate by write-in vote or to vote for an uninstructed delegation to the party convention. The order of presidential candidates on the ballot shall be determined by lot by or under the supervision of the commission secretary of state. Each voter shall be given the ballots of all the parties participating in the presidential preference vote, but may vote on one ballot only.

Section 91. 5.62 (1) (a) of the statutes is amended to read:
5.62 (1) (a) At 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 commission secretary of state 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 commission secretary of state. 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 92. 5.62 (1) (b) 1. 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 percent 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 percent 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 commission secretary of state 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 April 1 in the year of each general election.

**SECTION 93.** 5.62 (2) (a) 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 April 1 in the year of the partisan primary, file with the commission secretary of state 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.

**SECTION 94.** 5.62 (3) of the statutes is amended to read:
5.62 (3) The commission secretary of state 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 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 95.** 5.62 (4) (ar) of the statutes is amended to read:

5.62 (4) (ar) Within a county the county clerk shall arrange the names of all candidates filing nomination papers with the clerk's office using the same method as that used by the commission secretary of state under s. 5.60 (1) (b).

**SECTION 96.** 5.62 (4) (b) of the statutes is amended to read:

5.62 (4) (b) The county board of election commissioners in counties having a population of more than 750,000 shall prepare the official primary ballot. The commissioners shall arrange the names of all candidates for each office whose nomination papers are filed at the county level, using the same method as that used by the elections commission secretary of state under s. 5.60 (1) (b).

**SECTION 97.** 5.64 (1) (ag) of the statutes is amended to read:

5.64 (1) (ag) Except as authorized in s. 5.655, there shall be a separate ballot giving the names of all candidates for president and vice president and for statewide, congressional, legislative, and county offices in the same form as prescribed by the commission secretary of state under s. 7.08 (1) (a).

**SECTION 98.** 5.64 (1) (b) of the statutes is amended to read:
5.64 (1) (b) The names of the candidates for the offices of president and vice
president that are certified under s. 8.16 (7) or that are contained in nomination
papers filed under s. 8.20 shall appear on the ballot in the form prescribed in s. 7.08
(2) (a). The names of the candidates on the regular party tickets nominated at the
primary or replacements appointed under s. 8.35 (2) shall appear in a separate
column under the party designation. The columns shall be arranged from left to right
according to rank, based on the number of votes received by each party’s candidate
for president or governor at the last general election beginning with the party that
received the most votes. To the right of the columns for parties qualifying under s.
5.62 (1) (b) shall be placed the columns for parties qualifying under s. 5.62 (2) in the
same order in which the parties filed petitions with the commission secretary of
state. Any column required under par. (e) 2. shall be placed next in order. To the right
of the party columns shall be a column for the names of independent candidates for
each office, or more than one column if the first column does not provide sufficient
space for the names of all such candidates.

Section 99. 5.64 (1) (es) of the statutes is amended to read:

5.64 (1) (es) The party candidates shall be arranged consecutively from top to
bottom based on the number of votes received by their party’s candidate for governor
at the last election beginning with the party that received the most votes. The
independent president–vice president candidates shall be listed together in an order
drawn by lot by or under supervision of the commission secretary of state, following
under the party candidates. Along with the names of the independent candidates
shall appear the party or principle of the candidates, if any, in 5 words or less, as
shown on their nomination papers. Following under the independent candidates, a
space shall be left for writing in the names of a candidate for president and vice
president.

**SECTION 100.** 5.64 (2) of the statutes is amended to read:

5.64 (2) **REFERENDUM BALLOT.** (am) There shall be a separate ballot when any
proposed constitutional amendment or any other measure or question is submitted
to a vote of the people, except as authorized in s. 5.655. The ballot shall give a concise
statement of each question in accordance with the act or resolution directing
submission in the same form as prescribed by the commission secretary of state
under s. 7.08 (1) (a). The question may not be worded in such a manner as to require
a negative vote to approve a proposition or an affirmative vote to disapprove a
proposition. Unless otherwise expressly provided, this ballot form shall be used at
all elections when questions are submitted to a vote of the people.

(c) The official referendum ballot prescribed under this subsection shall be
utilized at every election, except that the format shall be altered to the extent
provided or required by other laws establishing or authorizing referenda to be
conducted. Except as authorized in s. 5.655, all referenda shall appear on a separate
ballot, but more than one referendum question may appear on the same referendum
ballot whenever the questions are numbered and all electors voting the ballot are
entitled to vote upon all questions appearing thereon. When more than one state
referendum is placed on the same ballot, the commission secretary of state shall
number the questions in chronological sequence. If the legislature submits questions
on different dates, the commission secretary of state shall number the questions
sequentially based on the date on which the questions are submitted by the
legislature. Except as authorized in s. 5.655, state and county referenda shall appear
on a separate ballot from municipal or special district referenda. The form of all
referendum ballots shall be substantially the same as that prescribed by the
commission secretary of state under s. 7.08 (1) (a).

SECTION 101. 5.655 (3) of the statutes is amended to read:

5.655 (3) The commission secretary of state shall prescribe notices and
instructions to be given to electors who use a ballot that is authorized under sub. (2)
in lieu of any notices and instructions that are applicable only to municipalities
employing separate paper ballots.

SECTION 102. 5.72 of the statutes is amended to read:

5.72 Correcting ballot errors. (1) As soon as possible after ballots are
delivered to the county clerk or to the municipal clerk if the municipality is preparing
ballots under s. 7.15 (2), but not later than 3 weeks before any election relating to a
state or national office or statewide referendum, the county or municipal clerk
preparing the ballots shall submit one copy of each ballot to the commission secretary
of state for review of possible errors. If the contractor preparing the ballots supplies
proofs in advance of ballot preparation, the clerk shall submit one copy of the proofs
in lieu of actual ballots. If a voting machine ballot or other ballot combining local
candidates or referenda with state or national candidates or referenda is used, the
entire ballot shall be submitted, but if ballots intended for distribution to electors are
used, only those ballots relating to state or national offices and statewide referenda
need be submitted. This subsection does not require delay of ballot distribution or
mailing of absentee ballots.

(2) The commission secretary of state shall review ballots and proof copies
submitted under sub. (1) and shall notify the county and municipal clerk of any error
as soon as possible but in no event later than 7 days after submission. The clerk is
not required to correct a ballot error upon receipt of notice of the error, unless ordered
to do so under sub. (3) or s. 5.06 (6).

(3) Whenever an affidavit is filed by the commission secretary of state or any
elector alleging an error or omission in the preparation of a ballot, the circuit court
for the county where the ballot is proposed to be used or its presiding judge, by order,
may summarily require a county or municipal clerk to correct the error, or show
cause why it should not be corrected and, by order, after the hearing, have the
correction made.

SECTION 103. 5.83 of the statutes is amended to read:

5.83 Preparation for use of voting devices; comparison of ballots.
Where voting devices are used at a polling place, the municipal clerk shall cause the
voting devices to be put in order, set, adjusted, and made ready for voting when
delivered to the polling place. Before the opening of the polls the inspectors shall
compare the ballots used in the voting devices with the sample ballots furnished and
see that the names, numbers, and letters thereon agree and shall certify thereto on
forms provided by the commission secretary of state.

SECTION 104. 5.87 (2) of the statutes is amended to read:

5.87 (2) The commission shall, by rule, prescribe uniform standards for determining the validity of votes cast or attempted to be cast
with each electronic voting system approved for use in this state under s. 5.91. The
rules shall apply only to situations that may arise in which the validity
of a vote or attempted vote cast by an elector utilizing a particular system cannot be
determined under s. 7.50.

SECTION 105. 5.905 (2) of the statutes is amended to read:
5.905 (2) The commission secretary of state shall determine which software components of an electronic voting system it he or she considers to be necessary to enable review and verification of the accuracy of the automatic tabulating equipment used to record and tally the votes cast with the system. The commission secretary shall require each vendor of an electronic voting system that is approved under s. 5.91 to place those software components in escrow with the commission secretary within 90 days of the date of approval of the system and within 10 days of the date of any subsequent change in the components. The commission secretary shall secure and maintain those software components in strict confidence except as authorized in this section. Unless authorized under this section, the commission secretary shall withhold access to those software components from any person who requests access under s. 19.35 (1).

SECTION 106. 5.905 (3) of the statutes is amended to read:

5.905 (3) The commission shall promulgate rules the commission secretary of state shall prescribe standards to ensure the security, review, and verification of software components used with each electronic voting system approved by the commission secretary. The verification procedure shall include a determination that the software components correspond to the instructions actually used by the system to count votes.

SECTION 107. 5.905 (4) of the statutes is amended to read:

5.905 (4) If a valid petition for a recount is filed under s. 9.01 in an election at which an electronic voting system was used to record and tally the votes cast, each party to the recount may designate one or more persons who are authorized to receive access to the software components that were used to record and tally the votes in the election. The commission secretary of state shall grant access to the software
components to each designated person if, before receiving access, the person enters
into a written agreement with the commission secretary that obligates the person to
exercise the highest degree of reasonable care to maintain the confidentiality of all
proprietary information to which the person is provided access, unless otherwise
permitted in a contract entered into under sub. (5).

**SECTION 107.** 5.91 (intro.) of the statutes is amended to read:

5.91 **Requisites for approval of ballots, devices and equipment.** (intro.)

No ballot, voting device, automatic tabulating equipment, or related equipment and
materials to be used in an electronic voting system may be utilized in this state
unless it is certified by the commission secretary of state. The commission secretary
may revoke its his or her certification of any ballot, device, equipment, or materials
at any time for cause. The commission secretary may certify any such voting device,
automatic tabulating equipment, or related equipment or materials regardless of
whether any such item is approved by the federal election assistance commission,
but the commission secretary of state may not certify any ballot, device, equipment,
or material to be used in an electronic voting system unless it fulfills the following
requirements:

**SECTION 109.** 5.93 of the statutes is repealed.

**SECTION 110.** 5.95 of the statutes is amended to read:

5.95 **Elector information.** The commission secretary of state shall prescribe
information to electors in municipalities and counties using various types of
electronic voting systems to be published in lieu of the information specified in s.
10.02 (3) in type B notices whenever the type B notice information is inapplicable.

**SECTION 111.** 6.06 of the statutes is amended to read:
6.06 Information for uniformed service members. The commission office of the secretary of state is the agency designated by this state under 42 USC 1973ff-1 to provide information regarding voter registration and absentee balloting procedures to absent members of the uniformed services and overseas voters with respect to elections for national office.

SECTION 112. 6.22 (4) (d) of the statutes is amended to read:

6.22 (4) (d) The commission secretary of state shall prescribe the instructions for marking and returning ballots and the municipal clerk shall enclose instructions with each ballot and shall also enclose supplemental instructions for local elections. The envelope, return envelope and instructions may not contain the name of any candidate appearing on the enclosed ballots other than that of the municipal clerk affixed in the fulfillment of his or her duties.

SECTION 113. 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 in the format prescribed by the commission secretary of state. 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. 6.34 (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 one copy of the list to the each polling place in the municipality for use on election day.
SECTION 114. 6.24 (3) of the statutes is amended to read:

6.24 (3) Registration. The overseas elector shall register in the municipality where he or she was last domiciled or where the overseas elector’s parent was last domiciled on a form prescribed by the commission secretary of state designed to ascertain the elector’s qualifications under this section. The commission secretary shall ensure that the form is substantially similar to the original form under s. 6.33 (1), insofar as applicable. Registration shall be accomplished in accordance with s. 6.30 (4) or (5).

SECTION 115. 6.24 (4) (d) of the statutes is amended to read:

6.24 (4) (d) An overseas elector, regardless of whether the elector qualifies as a resident of this state under s. 6.10, who is not registered may request both a registration form and an absentee ballot at the same time, and the municipal clerk shall send or transmit the ballot automatically if the registration form is received within the time prescribed in s. 6.28 (1). The commission secretary of state shall prescribe a special certificate form for the envelope in which the absentee ballot for such overseas electors is contained, which shall be substantially similar to that provided under s. 6.87 (2). The overseas elector shall make and subscribe to the special certificate form before a witness who is an adult.

SECTION 116. 6.24 (5) of the statutes is amended to read:

6.24 (5) Ballots. The commission secretary of state shall prescribe a special ballot for use under this section whenever necessary. Official ballots prescribed for use in the presidential preference primary may also be used. The ballot shall be designed to comply with the requirements prescribed under ss. 5.60 (8), 5.62, and 5.64 (1) insofar as applicable. All ballots shall be limited to national offices only.

SECTION 117. 6.24 (6) of the statutes is amended to read:
6.24 (6) INSTRUCTIONS AND HANDLING. The municipal clerk shall send a ballot, as soon as available, to each overseas elector by whom a request has been made. The commission secretary of state shall prescribe the instructions for marking and returning ballots and the municipal clerk shall enclose such instructions with each ballot. The envelope, return envelope, and instructions may not contain the name of any candidate appearing on the enclosed ballots other than that of the municipal clerk affixed in the fulfillment of his or her duties. Except as authorized in s. 6.87 (3), the municipal clerk shall mail the material, with sufficient postage to ensure that the elector receives the ballot, unless the material qualifies for mailing free of postage under federal free postage laws. 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 overseas elector from within the United States, the overseas elector shall provide return postage.

SECTION 118. 6.275 (1) (intro.) of the statutes is amended to read:

6.275 (1) (intro.) Except as provided in par. (f), no later than 30 days after each primary and election at which a state or national office is filled or a statewide referendum is held, including any special election, the municipal clerk or board of election commissioners shall submit electronically a report to the commission secretary of state and the county clerk or board of election commissioners of each county in which the municipality is located specifying:

SECTION 119. 6.275 (1) (f) of the statutes is amended to read:

6.275 (1) (f) The total number of postcards sent by the municipal clerk or board of election commissioners under s. 6.56 (3), the total number of such postcards
returned to the municipal clerk or board of election commissioners because the
elector did not reside at the address given on the postcard, the total number of
electors whose status was changed from eligible to ineligible on the registration list
as a result of the audit under s. 6.56 (3), and the number of individuals referred to
the district attorney under s. 6.56 (3). The municipal clerk or board of election
commissioners shall provide the information described under this paragraph to the
elections commission secretary of state and the county clerk or county board of
election commissioners at the earliest practicable time after, but no later than 90
days after, each primary and election at which a state or national office is filled or
a statewide referendum is held, including any special election. The municipal clerk
or board of election commissioners shall update the information described under this
paragraph on a monthly basis and shall submit, on a monthly basis, any such
updated information to the elections commission secretary of state and the county
clerk or county board of election commissioners.

SECTION 120. 6.275 (2) of the statutes is amended to read:

6.275 (2) Upon receipt of each report filed under this section, the commission
secretary of state shall, within 7 days of receiving the report, publish the information
on its the Internet site of the secretary of state. The commission secretary shall
update the information published under this subsection on a monthly basis.

SECTION 121. 6.276 (2) of the statutes is amended to read:

6.276 (2) Within 30 days after each general election, each municipal clerk shall
transmit to the commission secretary of state a report of the number of absentee
ballots transmitted by the clerk to absent military electors and overseas electors for
that election and the combined number of those ballots that were cast by those
electors in that election.
SECTION 122. 6.276 (3) of the statutes is amended to read:

6.276 (3) Within 90 days after each general election, the commission secretary of state shall compile the information contained in the reports received from municipal clerks under sub. (2) and transmit the information to the federal Election Assistance Commission.

SECTION 123. 6.29 (2) (am) of the statutes is amended to read:

6.29 (2) (am) The commission secretary of state shall provide to each municipal clerk a list prepared for use at each municipal clerk’s office showing the name and address of each person whose name appears on the list provided by the department of corrections under s. 301.03 (20m) as ineligible to vote on the date of the election, whose address is located in the municipality, and whose name does not appear on the registration list for that municipality. Prior to permitting an elector to register to vote under this subsection, the municipal clerk shall review the list. If the name of an elector who wishes to register to vote appears on the list, the municipal clerk shall inform the elector that the elector is ineligible to register to vote. If the elector maintains that he or she is eligible to vote in the election, the municipal clerk shall permit the elector to register to vote but shall mark the elector’s registration form as “ineligible to vote per Department of Corrections.” If the elector wishes to vote, the municipal clerk shall challenge the elector’s ballot in the same manner as provided for inspectors who challenge ballots under s. 6.79 (2) (dm).

SECTION 124. 6.30 (4) of the statutes is amended to read:

6.30 (4) By mail. Any eligible elector may register by mail on a form prescribed by the commission secretary of state and provided by each municipality. The form shall be designed to obtain the information required in s. 6.33 (1). The form shall contain a certification by the elector that all statements are true and correct. The
form shall be prepostpaid for return when mailed at any point within the United States. The form shall be available in the municipal clerk's office and may be distributed by any elector of the municipality. The clerk shall mail a registration form to any elector upon written or oral request.

SECTION 125. 6.30 (5) of the statutes is amended to read:

6.30 (5) BY ELECTRONIC APPLICATION. An eligible elector who holds a current and valid operator's license issued under ch. 343 or a current and valid identification card issued under s. 343.50 may register electronically in the manner prescribed by the commission secretary of state. The commission secretary shall maintain on the Internet a secure registration form that enables the elector to enter the information required under s. 6.33 (1) electronically. An elector who registers electronically under this subsection must authorize the commission secretary to obtain from the department of transportation an electronic copy of the elector's signature, which signature shall constitute an affirmation that all information provided by the elector is correct and shall have the same effect as if the elector had signed the application personally. The commission secretary of state shall include on the registration form a place for the elector to give this authorization. Upon submittal of the electronic application, the commission secretary shall obtain from the department of transportation a copy of the electronic signature of the elector. The commission secretary of state shall maintain the application on file and shall notify the municipal clerk or board of election commissioners of the municipality where the elector resides of its receipt of each completed application. The commission secretary shall also permit any elector who has a current and valid operator’s license issued to the elector under ch. 343 or a current and valid identification card issued under s. 343.50 to make changes in his or her registration at the same Internet site that is used by
electors for original registration under this subsection. An elector shall attest to the correctness of any changes in the same manner as provided in this subsection for information entered on an application for original registration.

SECTION 126. 6.32 of the statutes is amended to read:

6.32 Verification of certain registrations. (1) Upon receipt of a registration form that is submitted by mail under s. 6.30 (4) or by electronic application under s. 6.30 (5), the commission secretary of state or municipal clerk shall examine the form for sufficiency.

(2) If the form is insufficient to accomplish registration or the commission secretary or clerk knows or has reliable information that the proposed elector is not qualified, the commission secretary or clerk shall notify the proposed elector within 5 days, if possible, and request that the elector appear at the clerk's office or another registration location to complete a proper registration or substantiate the information presented.

(3) If the form is submitted later than the close of registration, the commission secretary or clerk shall make a good faith effort to notify the elector that he or she may register at the clerk's office under s. 6.29 or at the proper polling place or other location designated under s. 6.55 (2).

(4) If the form is sufficient to accomplish registration and the commission secretary or clerk has no reliable information to indicate that the proposed elector is not qualified, the commission secretary or clerk shall enter the elector's name on the registration list and transmit a 1st class letter or postcard to the registrant, specifying the elector's ward or aldermanic district, or both, if any, and polling place. The letter or postcard shall be sent within 10 days of receipt of the form. If the letter or postcard is returned, or if the commission secretary or clerk is informed of a
different address than the one specified by the elector, the commission secretary or clerk shall change the status of the elector on the list from eligible to ineligible. The letter or postcard shall be marked in accordance with postal regulations to ensure that it will be returned to the commission secretary or clerk if the elector does not reside at the address given on the letter or postcard.

**SECTION 127.** 6.33 (1) of the statutes is amended to read:

6.33 (1) The commission secretary of state shall prescribe the format, size, and shape of registration forms. All nonelectronic forms shall be printed and each item of information shall be of uniform font size, as prescribed by the commission secretary. Except as otherwise provided in this subsection, electronic forms shall contain the same information as nonelectronic forms. The municipal clerk shall supply sufficient forms to meet voter registration needs. The commission secretary of state shall design the form to obtain from each elector information as to name; date; residence location; location of previous residence immediately before moving to current residence location; citizenship; date of birth; age; the number of a current and valid operator’s license issued to the elector under ch. 343 or the last 4 digits of the elector’s social security account number; whether the elector has resided within the ward or election district for the number of consecutive days specified in s. 6.02 (1); whether the elector has been convicted of a felony for which he or she has not been pardoned, and if so, whether the elector is incarcerated, or on parole, probation, or extended supervision; whether the elector is disqualified on any other ground from voting; and whether the elector is currently registered to vote at any other location. The commission secretary of state shall include on the nonelectronic form a space for the elector’s signature and on the electronic form the authorization specified under s. 6.30 (5). Below the space for the signature or authorization, respectively, the
commission secretary shall include the following statement: “Falsification of information on this form is punishable under Wisconsin law as a Class I felony.” The commission secretary shall include on the form a space to enter the name of any inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form and a space for the inspector, clerk, or deputy clerk to sign his or her name, affirming that the inspector, clerk, or deputy clerk has accepted the form. The commission secretary shall include on the form a space for entry of the ward and aldermanic district, if any, where the elector resides and any other information required to determine the offices and referenda for which the elector is certified to vote. The commission secretary shall also include on the form a space where the clerk may record an indication of whether the form is received by mail or by electronic application, a space where the clerk shall record an indication of the type of identifying document submitted by the elector as proof of residence under s. 6.34 or an indication that the elector’s information in lieu of proof of residence was verified under s. 6.34 (2m), the name of the entity or institution that issued the identifying document, and, if the identifying document includes a number that applies only to the individual holding that document, that number. The commission secretary shall also include on the form a space where the clerk, for any elector who possesses a valid voting identification card issued to the person under s. 6.47 (3), may record the identification serial number appearing on the voting identification card. Each county clerk shall obtain sufficient registration forms for completion by an elector who desires to register to vote at the office of the county clerk under s. 6.28 (4).

SECTION 128. 6.33 (5) (a) of the statutes is amended to read:

6.33 (5) (a) 1. Except as provided in par. (b) and this paragraph, whenever a municipal clerk receives a valid registration or valid change of a name or address
under an existing registration or changes a registration from eligible to ineligible status the municipal clerk or the clerk’s designee shall promptly enter electronically on the list maintained by the commission secretary of state under s. 6.36 (1) the information required under that subsection.

2. Except as provided in par. (b) and this paragraph, whenever a municipal clerk mails an absentee ballot to an elector or receives an in-person absentee ballot application or an absentee ballot the municipal clerk shall, no later than 48 hours after mailing an absentee ballot or receiving an in-person absentee ballot application or an absentee ballot, enter electronically on the list maintained by the commission secretary of state under s. 6.36 (1) the information required under that subsection or submit the information to the clerk’s designee who shall, no later than 24 hours after receiving the information from the clerk, enter electronically on the list maintained by the commission secretary of state under s. 6.36 (1) the information required under that subsection. If a deadline under this subdivision falls on a Saturday or Sunday, the deadline is extended to the next business day.

3. Except as provided in par. (b) and this paragraph, the municipal clerk or the clerk’s designee shall update any entries that change on the date of an election other than a general election within 30 days after the date of that election, and shall update any entries that change on the date of a general election within 45 days after the date of that election. The commission administrator secretary of state may, upon request of a municipal clerk, permit the clerk to update entries that change on the date of a general election within 60 days after that election.

4. The municipal clerk shall provide to the commission secretary of state information that is confidential under s. 6.47 (2) in such manner as the commission secretary prescribes.
SECTION 129. 6.33 (5) (b) of the statutes is amended to read:

6.33 (5) (b) The municipal clerk of any municipality may, by mutual consent, designate any other municipal clerk or any county clerk as the clerk's agent to carry out the functions of the municipal clerk under this section for that municipality. The municipal clerk shall notify the county clerk of each county in which the municipality is located and the secretary of state of any such designation in writing. The municipal clerk may, by similar notice to the clerk's agent at least 14 days prior to the effective date of any change, discontinue the designation. If the municipal clerk designates another municipal clerk or a county clerk as his or her agent, the municipal clerk shall immediately forward all registration changes filed with the clerk and voting record information obtained by the clerk to the clerk's agent for electronic entry on the registration list.

SECTION 130. 6.34 (2m) of the statutes is amended to read:

6.34 (2m) An elector who registers by electronic application under s. 6.30 (5) is not required to provide proof of residence under sub. (2) if, at the time of registration, the elector provides the number of a current and valid operator's license issued under ch. 343, or the number of a current and valid identification card issued under s. 343.50, together with the elector's name and date of birth and the secretary of state is able to verify the information specified under sub. (3) (b) using the system maintained under sub. (4).

SECTION 131. 6.34 (4) of the statutes is amended to read:

6.34 (4) The secretary of state shall maintain a system that electronically verifies, on an instant basis, information specified under sub. (3) (b) from the information submitted in lieu of proof of residence under sub. (2m), using the information maintained by the department of transportation pursuant to the
commission's secretary of state's agreement with the secretary of transportation under s. 85.61 (1). If a prospective elector enters information specified under sub. (3) (b) 2. into the system that does not match such information maintained by the department of transportation, the system shall redirect the elector to the department of transportation's Internet site so that the elector may update his or her information with the department of transportation.

SECTION 132. 6.35 (2) of the statutes is amended to read:

6.35 (2) The commission secretary of state shall prescribe, by rule, the procedure and methods by which municipal clerks and boards of election commissioners shall maintain records of registrations that are entered electronically under s. 6.30 (5).

SECTION 133. 6.36 (1) (a) (intro.) of the statutes is amended to read:

6.36 (1) (a) (intro.) The commission secretary of state shall compile and maintain electronically an official registration list. The list shall contain all of the following:

SECTION 134. 6.36 (1) (a) 4. of the statutes is amended to read:

6.36 (1) (a) 4. For each elector, a unique registration identification number assigned by the commission secretary of state.

SECTION 135. 6.36 (1) (a) 9. of the statutes is amended to read:

6.36 (1) (a) 9. Any information relating to the elector that appears on the current list transmitted to the commission secretary of state by the department of corrections under s. 301.03 (20m).

SECTION 136. 6.36 (1) (am) of the statutes is amended to read:
6.36 (1) (am) The list under par. (a) may contain such other information as may be determined by the commission secretary of state to facilitate administration of elector registration requirements.

SECTION 137. 6.36 (1) (b) 1. a. of the statutes is amended to read:

6.36 (1) (b) 1. a. Except as provided in pars. (ae), (bm), and (bn), no person other than an employee of the commission secretary of state, a county clerk, a deputy county clerk, an executive director of a county board of election commissioners, a deputy designated by the executive director, a municipal clerk, a deputy municipal clerk, an executive director of a city board of election commissioners, or a deputy designated by the executive director may view the date of birth, operator’s license number, or social security account number of an elector, the address of an elector to whom an identification serial number is issued under s. 6.47 (3), or any indication of an accommodation required under s. 5.25 (4) (a) to permit voting by an elector.

SECTION 138. 6.36 (1) (b) 1. b. of the statutes is amended to read:

6.36 (1) (b) 1. b. No person other than an employee of the commission secretary of state, a municipal clerk, or an election official who is authorized by a municipal clerk may make a change in the list.

SECTION 139. 6.36 (1) (bm) of the statutes is amended to read:

6.36 (1) (bm) The commission secretary of state or any municipal clerk or board of election commissioners may transfer any information in the registration list to which access is restricted under par. (b) 1. a. to a law enforcement agency, as defined in s. 165.77 (1) (b), to be used for law enforcement purposes.

SECTION 140. 6.36 (1) (bn) of the statutes is amended to read:
6.36 (1) (bn) The commission secretary of state may transfer any information in the registration list to which access is restricted under par. (b) 1. a. to a subunit of the state government of another state to be used for official purposes.

SECTION 141. 6.36 (1) (d) of the statutes is amended to read:

6.36 (1) (d) Upon receipt of official notification by the appropriate election administrative authority of another state, territory, or possession that an elector whose name appears on the list has registered to vote in that state, territory, or possession, the commission secretary of state or the municipal clerk of the municipality where the elector formerly resided shall change the elector’s registration from eligible to ineligible status.

SECTION 142. 6.36 (1) (e) of the statutes is amended to read:

6.36 (1) (e) If the commission secretary of state adds the name of any elector to the list, the commission secretary shall promptly notify the municipal clerk of the municipality where the elector resides. If the commission secretary changes the registration of any elector from eligible to ineligible status, the commission secretary shall promptly notify the municipal clerk of the municipality where the elector resides or, if the elector has changed his or her residence from one municipality to another municipality in this state, shall promptly notify the municipal clerk of the municipality where the elector resided prior to the change. Notification shall be made in writing or by electronic transmission. If the commission secretary changes the registration of any elector from eligible to ineligible status, the commission secretary shall make an entry on the list giving the date of and the reason for the change.

SECTION 143. 6.36 (1) (f) of the statutes is amended to read:
6.36 (1) (f) The commission secretary of state shall make all reasonable efforts to ensure that the list is maintained in a manner that precludes unauthorized persons from making alterations to the list.

**SECTION 144.** 6.36 (2) (a) of the statutes is amended to read:

6.36 (2) (a) Except as provided in par. (b), each registration list prepared for use as a poll list at a polling place or for purposes of canvassing absentee ballots at an election shall contain the full name and address of each registered elector; a blank column for the entry of the serial number of the electors when they vote or the poll list number used by the municipal board of absentee ballot canvassers in canvassing absentee ballots; an indication next to the name of each elector for whom proof of residence under s. 6.34 is required; a space for entry of the type of and the name of the entity or institution that issued the identifying document submitted by the elector as proof of residence when proof of residence under s. 6.34 is required; a space for entry of the elector’s signature, or if another person signed the elector’s registration form for the elector by reason of the elector’s physical disability, the word “exempt”; and a form of certificate bearing the certification of the commission administrator secretary of state stating that the list is a true and complete registration list of the municipality or the ward or wards for which the list is prepared. The commission secretary of state shall, by rule, prescribe the space and location for entry of each elector’s signature on the poll list which shall provide for entry of the signature without changing the orientation of the poll list from the orientation used by the election officials.

**SECTION 145.** 6.36 (6) of the statutes is amended to read:

6.36 (6) The commission secretary of state shall establish by rule the fee for obtaining a copy of the official registration list, or a portion of the list, including
access to the subscription service established under s. 5.05 (14) (b). The amount of
the fee shall be set, after consultation with county and municipal election officials,
at an amount estimated to cover both the cost of reproduction and the cost of
maintaining the list at the state and local level. The rules secretary shall require
that revenues from fees received be shared between the state and municipalities or
their designees under s. 6.33 (5) (b), and shall specify a method for such allocation.

SECTION 146. 6.47 (1) (ag) of the statutes is amended to read:

6.47 (1) (ag) “Domestic abuse victim service provider” means an organization
that is certified by the department of children and families as eligible to receive
grants under s. 49.165 (2) and whose name is included on the list provided by the
commission secretary of state under s. 7.08 (10).

SECTION 147. 6.47 (1) (am) 2. of the statutes is amended to read:

6.47 (1) (am) 2. An individual who files an affidavit with the municipal clerk
of the municipality where the individual resides, on a form prescribed by the
commission secretary of state, that is signed by a sheriff, the chief of a police
department, or a district attorney or the authorized representative of a sheriff, chief,
or district attorney and directed to the municipal clerk, and that verifies that a
person has been charged with or convicted of an offense relating to domestic abuse,
sexual assault, or stalking in which the individual was a victim and reasonably
continues to be threatened by that person.

SECTION 148. 6.47 (1) (dm) of the statutes is amended to read:

6.47 (1) (dm) “Sexual assault victim service provider” means an organization
that is certified by the department of justice as eligible to receive grants under s.
165.93 (2) and whose name is included on the list provided by the commission
secretary of state under s. 7.08 (10).
Section 149. 6.47 (2) of the statutes is amended to read:

6.47 (2) Except as authorized in sub. (8), the commission secretary of state, each municipal clerk, each agent designated under s. 6.33 (5) (b), and each election official shall withhold from public inspection under s. 19.35 (1) the name and address of any eligible individual whose name appears on a poll list or registration list if the individual provides the municipal clerk with a valid written request to protect the individual’s confidentiality. To be valid, a request under this subsection must be accompanied by a copy of a protective order that is in effect, an affidavit under sub. (1) (am) 2. that is dated within 30 days of the date of the request, confirmation from the department of justice that the person is a program participant, as provided under s. 165.68 (4) (c), a statement signed by the operator or an authorized agent of the operator of a shelter that is dated within 30 days of the date of the request and that indicates that the operator operates the shelter and that the individual making the request resides in the shelter, or a statement signed by an authorized representative of a domestic abuse victim service provider or a sexual assault victim service provider under sub. (1) (am) 4. that is dated within 30 days of the date of the request. A physically disabled individual who appears personally at the office of the municipal clerk accompanied by another elector of this state may designate that elector to make a request under this subsection on his or her behalf.

Section 150. 6.47 (3) of the statutes is amended to read:

6.47 (3) Upon receiving a valid written request from an elector under sub. (2), the municipal clerk shall issue to the elector a voting identification card on a form prescribed by the commission secretary of state that shall contain the name of the elector’s municipality of residence and, in the case of a town, the county in which the town is located, the elector’s name, the ward in which the elector resides, if any, and
a unique identification serial number issued by the commission secretary. The number issued to an elector under this subsection shall not be changed for so long as the elector continues to qualify for a listing under sub. (2).

**SECTION 151.** 6.50 (1) (intro) of the statutes is amended to read:

6.50 (1) (intro.) No later than June 15 following each general election, the commission secretary of state shall examine the registration records for each municipality and identify each elector who has not voted within the previous 4 years if qualified to do so during that entire period and shall mail a notice to the elector in substantially the following form:

**SECTION 152.** 6.50 (2) of the statutes is amended to read:

6.50 (2) If an elector to whom a notice of suspension was mailed under sub. (1) has not applied for continuation of registration within 30 days of the date of mailing, the commission secretary of state shall change the registration status of that elector from eligible to ineligible on the day that falls 30 days after the date of mailing.

**SECTION 153.** 6.50 (2g) of the statutes is amended to read:

6.50 (2g) The commission secretary of state may delegate to a municipal clerk or board of election commissiongers of a municipality the responsibility to change the registration status of electors when required under sub. (2).

**SECTION 154.** 6.50 (2r) (intro.) of the statutes is amended to read:

6.50 (2r) (intro.) As soon as practicable, but no later than August 1 following the completion of the process under subs. (1) and (2), the commission secretary of state shall publish on its the Internet site of the office of secretary of state the following information obtained through that process:

**SECTION 155.** 6.50 (2r) (b) of the statutes is amended to read:
6.50 (2r) (b) The number of notices described under par. (a) that were returned to the commission secretary of state as undeliverable.

**SECTION 156.** 6.50 (2r) (h) of the statutes is amended to read:

6.50 (2r) (h) Any other information requested by the legislature or that the commission secretary of state considers relevant.

**SECTION 157.** 6.50 (7) of the statutes is amended to read:

6.50 (7) When an elector’s registration is changed from eligible to ineligible status, the commission secretary of state, municipal clerk, or board of election commissioners shall make an entry on the registration list, giving the date of and reason for the change.

**SECTION 158.** 6.55 (2) (a) (intro.) of the statutes is amended to read:

6.55 (2) (a) (intro.) Except where the procedure under par. (c) or (cm) is employed, any person who qualifies as an elector in the ward or election district where he or she desires to vote, but has not previously filed a registration form, or was registered at another location, may request permission to vote at the polling place for that ward or election district, or at an alternate polling place assigned under s. 5.25 (5) (b). When a proper request is made, the inspector shall require the person to execute a registration form prescribed by the commission secretary of state. The registration form shall be completed in the manner provided under s. 6.33 (2) and shall contain all information required under s. 6.33 (1), together with the following certification:

**SECTION 159.** 6.55 (2) (cs) of the statutes is amended to read:

6.55 (2) (cs) The commission secretary of state shall provide to each municipal clerk a list prepared for use at each polling place showing the name and address of each person whose name appears on the list provided by the department of
corrections under s. 301.03 (20m) as ineligible to vote on the date of the election, whose address is located in the area served by that polling place, and whose name does not appear on the poll list for that polling place. Prior to permitting an elector to register to vote under this subsection or s. 6.86 (3) (a) 2., the inspectors or election registration officials shall review the list. If the name of an elector who wishes to register to vote appears on the list, the inspectors or election registration officials shall inform the elector or the elector’s agent that the elector is ineligible to register to vote. If the elector or the elector’s agent maintains that the elector is eligible to vote in the election, the inspectors or election registration officials shall permit the elector to register but shall mark the elector’s registration form as “ineligible to vote per Department of Corrections.” If the elector wishes to vote, the inspectors shall require the elector to vote by ballot and shall challenge the ballot as provided in s. 6.79 (2) (dm).

**SECTION 160.** 6.55 (3) (b) of the statutes is amended to read:

6.55 (3) (b) Prior to permitting an elector to vote under this subsection, the inspectors shall review the list provided by the commission secretary of state under sub. (2) (cs). If the name of the elector appears on the list, the inspectors shall inform the elector that he or she is ineligible to vote at the election. If the elector maintains that he or she is eligible to vote in the election, the inspectors shall permit the elector to vote, but shall require the elector to vote by ballot, and shall challenge the ballot as provided in s. 6.79 (2) (dm).

**SECTION 161.** 6.56 (3) of the statutes is amended to read:

6.56 (3) Upon receipt of the list under sub. (1), the municipal clerk or board of election commissioners shall make an audit of all electors registering to vote at the polling place or other registration location under s. 6.55 (2) and all electors
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registering by agent on election day under s. 6.86 (3) (a) 2. unless the clerk or board of election commissioners receives notice from the elections commission secretary of state under sub. (7) that the elections commission office of the secretary of state will perform the audit. The audit shall be made by 1st class postcard. The postcard shall be marked in accordance with postal regulations to ensure that it will be returned to the clerk, board of election commissioners, or elections commission secretary of state if the elector does not reside at the address given on the postcard. If any postcard is returned undelivered, or if the clerk, board of election commissioners, or elections commission secretary of state is informed of a different address than the one specified by the elector which was apparently improper on the day of the election, the clerk, board of election commissioners, or elections commission secretary of state shall change the status of the elector from eligible to ineligible on the registration list, mail the elector a notice of the change in status, and provide the name of the elector to the district attorney for the county where the polling place is located and the elections commission secretary of state.

SECTION 162. 6.56 (3m) of the statutes is amended to read:

6.56 (3m) As soon as possible after all information relating to registrations after the close of registration for an election is entered on the registration list following the election under s. 6.33 (5) (a), the commission secretary of state shall compare the list of new registrants whose names do not appear on the poll lists for the election because the names were added after the commission secretary certified the poll lists for use at the election with the list containing the names transmitted to the commission secretary by the department of corrections under s. 301.03 (20m) as of election day. If the commission secretary finds that the name of any person whose name appears on the list transmitted under s. 301.03 (20m) has been added
to the registration list, the commission secretary shall enter on the list the information transmitted to the commission secretary under s. 301.03 (20m) and shall notify the district attorney for the county where the polling place is located that the person appears to have voted illegally at the election.

**SECTION 163.** 6.56 (4) of the statutes is amended to read:

> 6.56 (4) After each election, the municipal clerk shall perform an audit to assure that no person has been allowed to vote more than once. Whenever the municipal clerk has good reason to believe that a person has voted more than once in an election, the clerk shall send the person a 1st class letter marked in accordance with postal regulations to ensure that it will be returned to the clerk if the elector does not reside at the address given on the letter. The letter shall inform the person that all registrations relating to that person may be changed from eligible to ineligible status within 7 days unless the person contacts the office of the clerk to clarify the matter. A copy of the letter and of any subsequent information received from or about the addressee shall be sent to the district attorney for the county where the person resides and the commission secretary of state.

**SECTION 164.** 6.56 (7) of the statutes is amended to read:

> 6.56 (7) The commission secretary of state may elect to perform the duties of municipal clerks to conduct the audits required under subs. (3) and (4) for any election on behalf of all municipalities in the state. If the commission secretary so elects, the commission secretary shall, no later than the date of the election for which the audits will be performed, notify the municipal clerk of each municipality that the commission secretary will perform the audits.

**SECTION 165.** 6.57 of the statutes is amended to read:
6.57 Registration list for special elections. The municipal clerk of each municipality where a special election is held nonconcurrently with a regularly scheduled election shall obtain a copies of the current registration list from the commission secretary of state for use in the special election.

SECTION 166. 6.79 (1m) of the statutes is amended to read:

6.79 (1m) SEPARATE POLL LISTS. The municipal clerk may elect to maintain the information on the poll list manually or electronically. If the clerk elects to maintain the list electronically, an election official at each election ward shall be in charge of and shall maintain the poll list. The system employed to maintain the list electronically is subject to the approval of the commission secretary of state. If the clerk elects to maintain the information manually, 2 election officials at each election ward shall be in charge of and shall maintain 2 separate poll lists.

SECTION 167. 6.86 (2) (a) of the statutes is amended to read:

6.86 (2) (a) An elector who is indefinitely confined because of age, physical illness or infirmity or is disabled for an indefinite period may by signing a statement to that effect require that an absentee ballot be sent to the elector automatically for every election. The application form and instructions shall be prescribed by the commission secretary of state, and furnished upon request to any elector by each municipality. The envelope containing the absentee ballot shall be clearly marked as not forwardable. If any elector is no longer indefinitely confined, the elector shall so notify the municipal clerk.

SECTION 168. 6.86 (2m) (a) of the statutes is amended to read:

6.86 (2m) (a) Except as provided in this subsection, any elector other than an elector who receives an absentee ballot under sub. (2) or s. 6.22 (4) or 6.24 (4) (c) may by written application filed with the municipal clerk of the municipality where the
elector resides require that an absentee ballot be sent to the elector automatically for
every election that is held within the same calendar year in which the application is
filed. The application form and instructions shall be prescribed by the commission
secretary of state, and furnished upon request to any elector by each municipal clerk.
The municipal clerk shall thereupon mail an absentee ballot to the elector for all
elections that are held in the municipality during the same calendar year that the
application is filed, except that the clerk shall not send an absentee ballot for an
election if the 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 any envelope containing
the absentee ballot is clearly marked as not forwardable. If an 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. The
municipal clerk shall discontinue mailing absentee ballots to an elector under this
subsection upon receipt of reliable information that the elector no longer qualifies as
an elector of the municipality. In addition, the municipal clerk shall discontinue
mailing absentee ballots to an elector under this subsection if the elector fails to
return any absentee ballot mailed to the elector. The municipal clerk shall notify the
elector of any such action not taken at the elector’s request within 5 days, if possible.
An elector who fails to cast an absentee ballot but who remains qualified to receive
absentee ballots under this subsection may then receive absentee ballots for
subsequent elections by notifying the municipal clerk that the elector wishes to
continue receiving absentee ballots for subsequent elections.

SECTION 169. 6.86 (3) (a) 1. of the statutes is amended to read:
6.86 (3) (a) 1. Any elector who is registered and who is hospitalized, may apply for and obtain an official ballot by agent. The agent may apply for and obtain a ballot for the hospitalized absent elector by presenting a form prescribed by the commission secretary of state and containing the required information supplied by the hospitalized elector and signed by that elector, unless the elector is unable to sign due to physical disability. In this case, the elector may authorize another elector to sign on his or her behalf. Any elector signing an application on another elector’s behalf shall attest to a statement that the application is made on request and by authorization of the named elector, who is unable to sign the application due to physical disability. The agent shall present this statement along with all other information required under this subdivision. Except as authorized for an elector who has a confidential listing under s. 6.47 (2) or as authorized under s. 6.87 (4) (b) 4., the agent shall present any proof of identification required under sub. (1) (ar). The form shall include a space for the municipal clerk or deputy clerk to enter his or her initials indicating that the agent presented proof of identification to the clerk on behalf of the elector.

SECTION 170. 6.869 of the statutes is amended to read:

6.869 Uniform instructions. The commission secretary of state 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. 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 171.** 6.87 (3) (d) of the statutes is amended to read:

6.87 (3) (d) A municipal clerk shall, if the clerk is reliably informed by a military
elector, as defined in s. 6.34 (1), or an overseas elector, regardless of whether the
elector qualifies as a resident of this state under s. 6.10, 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 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 and has filed a valid application
for the ballot as provided in s. 6.86 (1). If the clerk transmits an absentee ballot to
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 commission
secretary of state. The instructions shall require the 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 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 sub. (4) and in accordance with the
instructions provided by the commission secretary of state.
SECTION 172. 6.875 (5) of the statutes is amended to read:

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

SECTION 173. 6.92 (1) of the statutes is amended to read:

6.92 (1) Except as provided in sub. (2), each inspector shall challenge for cause any person offering to vote whom the inspector knows or suspects is not a qualified elector or who does not adhere to any voting requirement under this chapter. If a person is challenged as unqualified by an inspector, one of the inspectors shall administer the following oath or affirmation to the person: “You do solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding your place of residence and qualifications as an elector of this election”; and shall then ask questions which are appropriate as determined by the commission, by rule, secretary of state to test the person’s qualifications.

SECTION 174. 6.925 of the statutes is amended to read:
6.925 Elector making challenge in person. Any elector may challenge for
cause any person offering to vote whom the elector knows or suspects is not a
qualified elector. If a person is challenged as unqualified by an elector, one of the
inspectors may administer the oath or affirmation to the challenged elector under s.
6.92 and ask the challenged elector the questions under that section which are
appropriate to test the elector’s qualifications. In addition, one of the inspectors shall
administer the following oath or affirmation to the challenging elector: “You do
solemnly swear (or affirm) that you will fully and truly answer all questions put to
you regarding the challenged person’s place of residence and qualifications as an
elector of this election”; and shall then ask questions which are appropriate as
determined by the commission, by rule, secretary of state to test the qualifications
of the challenged elector.

SECTION 175. 6.95 of the statutes is amended to read:

6.95 Voting procedure for challenged electors. Whenever the inspectors
under ss. 6.92 to 6.94 receive the vote of a person offering to vote who has been
challenged, the inspectors shall, before giving the elector a ballot, write on the back
of the ballot the serial number of the challenged person corresponding to the number
kept at the election on the poll list, or other list maintained under s. 6.79, and the
notation “s. 6.95”. If voting machines are used in the municipality where the person
is voting, the person’s vote may be received only upon an absentee ballot furnished
by the municipal clerk which shall have the corresponding serial number from the
poll list or other list maintained under s. 6.79 and the notation “s. 6.95” written on
the back of the ballot by the inspectors before the ballot is given to the elector. The
inspectors shall indicate on the list the reason for the challenge. The inspectors shall
then deposit the ballot. The challenged ballots shall be counted under s. 5.85 or 7.51.
The municipal board of canvassers may decide any challenge when making its canvass under s. 7.53. If the returns are reported under s. 7.60, a challenge may be reviewed by the county board of canvassers. If the returns are reported under s. 7.70, a challenge may be reviewed by the chairperson of the commission secretary of state or the chairperson’s secretary’s designee. The decision of any board of canvassers or of the chairperson or chairperson’s secretary or secretary’s designee may be appealed under s. 9.01. The standard for disqualification specified in s. 6.325 shall be used to determine the validity of challenged ballots.

SECTION 176. 6.96 of the statutes is amended to read:

6.96 Voting procedure for electors voting pursuant to federal court order. Whenever any elector is allowed to vote at a polling place pursuant to a federal court order after the closing time provided under s. 6.78, the inspectors shall, before giving the elector a ballot, write on the back of the ballot the notation “s. 6.96”. If voting machines are used in the municipality where the elector is voting, the elector’s vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the notation “s. 6.96” written on the back of the ballot by the inspectors before the ballot is given to the elector. When receiving the elector’s ballot, the inspectors shall provide the elector with the written voting information prescribed by the commission secretary of state under s. 7.08 (8). The inspectors shall indicate on the list the fact that the elector is voting pursuant to a federal court order. The inspectors shall then deposit the ballot. The ballot shall be counted under s. 5.85 or 7.51 unless the order is vacated. If the order is vacated after the ballot is counted, the appropriate board or boards of canvassers or the chairperson of the commission secretary of state or his or her designee shall reopen
the canvass to discount any ballots that were counted pursuant to the vacated order and adjust the statements, certifications, and determinations accordingly.

**SECTION 177.** 6.97 (1) of the statutes is amended to read:

6.97 (1) Whenever any individual who is required to provide proof of residence under s. 6.34 in order to be permitted to vote appears to vote at a polling place and cannot provide the required proof of residence, the inspectors shall offer the opportunity for the individual to vote under this section. Whenever any individual, other than a military elector, as defined in s. 6.34 (1), an overseas elector, or an elector who has a confidential listing under s. 6.47 (2), appears to vote at a polling place and does not present proof of identification under s. 6.79 (2), whenever required, the inspectors or the municipal clerk shall similarly offer the opportunity for the individual to vote under this section. If the individual wishes to vote, the inspectors shall provide the elector with an envelope marked “Ballot under s. 6.97, stats.” on which the serial number of the elector is entered and shall require the individual to execute on the envelope a written affirmation stating that the individual is a qualified elector of the ward or election district where he or she offers to vote and is eligible to vote in the election. The inspectors shall, before giving the elector a ballot, write on the back of the ballot the serial number of the individual corresponding to the number kept at the election on the poll list or other list maintained under s. 6.79 and the notation “s. 6.97”. If voting machines are used in the municipality where the individual is voting, the individual’s vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the corresponding number from the poll list or other list maintained under s. 6.79 and the notation “s. 6.97” written on the back of the ballot by the inspectors before the ballot is given to the elector. When receiving the individual’s ballot, the inspectors shall provide the
individual with written voting information prescribed by the commission secretary of state under s. 7.08 (8). The inspectors shall indicate on the list the fact that the individual is required to provide proof of residence or proof of identification under s. 6.79 (2) but did not do so. The inspectors shall notify the individual that he or she may provide proof of residence or proof of identification to the municipal clerk or executive director of the municipal board of election commissioners. The inspectors shall also promptly notify the municipal clerk or executive director of the name, address, and serial number of the individual. The inspectors shall then place the ballot inside the envelope and place the envelope in a separate carrier envelope.

**SECTION 178.** 7.03 (1) (a) of the statutes is amended to read:

7.03 (1) (a) Except as authorized under this paragraph, a reasonable daily compensation shall be paid to each inspector, voting machine custodian, automatic tabulating equipment technician, member of a board of canvassers, messenger, and tabulator who is employed and performing duties under chs. 5 to 12. Daily compensation shall also be provided to inspectors and inspector trainees for attendance at training programs conducted by the commission secretary of state and municipal clerks under ss. 7.31 and 7.315. Alternatively, such election officials and trainees may be paid by the hour at a proportionate rate for each hour actually worked. Any election official or trainee may choose to volunteer his or her services by filing with the municipal clerk of the municipality in which he or she serves a written declination to accept compensation. The volunteer status of the election official or trainee remains effective until the official or trainee files a written revocation with the municipal clerk.

**SECTION 179.** 7.03 (1) (b) of the statutes is amended to read:
7.03 (1) (b) Except as provided in par. (bm), any compensation owed shall be paid by the municipality in which the election is held, except that any compensation payable to a technician, messenger, tabulator, or member of the board of canvassers who is employed to perform services for the county shall be paid by the county and compensation payable to any messenger or tabulator who is employed to perform services for the state shall be paid by the commission secretary of state.

SECTION 180. 7.03 (2) of the statutes is amended to read:

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

SECTION 181. 7.08 (intro.) of the statutes is amended to read:

7.08 Elections commission Secretary of state. (intro.) In addition to its duties for ballot arrangement under ch. 5 and date and notice requirements under ch. 10, the commission secretary of state shall:

SECTION 182. 7.08 (1) of the statutes is amended to read:

7.08 (1) Election forms, voting apparatus. (a) Prescribe all official ballot forms necessary under chs. 5 to 10 and 12 and revise the official ballot forms to harmonize with legislation and the current official status of the political parties whenever necessary. The commission secretary of state shall include on each ballot form, in the space for official endorsement, markings or spaces for identifying a ballot
as an overvoted ballot, a duplicate overvoted ballot, a damaged ballot, or a duplicate
damaged ballot, and for writing an identifying serial number. The commission
secretary shall provide one copy of each ballot form without charge to each county
and municipal clerk and board of election commissioners. The commission secretary
shall distribute or arrange for distribution of additional copies. The prescribed forms
shall be substantially followed in all elections under chs. 5 to 10 and 12.

(b) Prescribe the necessary standard sample forms and ballot containers to
make the canvass, returns, statements and tally sheet statements for all elections
the results of which are reportable to the commission secretary of state under s. 7.60
(4) (a), and all other materials as it deems necessary to conduct the elections. The
sample forms shall contain the necessary certificates of the inspectors and
canvassers with notes explaining their use and statutory basis.

(c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4) and (5), 6.33 (1), 6.47
(1) (am) 2. and (3), 6.55 (2), and 6.86 (2) to (3). All such forms shall contain a
statement of the penalty applicable to false or fraudulent registration or voting
through use of the form. Forms are not required to be furnished by the commission
secretary of state.

(d) Promulgate rules for the administration of the statutory requirements for
voting machines and electronic voting systems and any other voting apparatus
which may be introduced in this state for use at elections. Pursuant to such
responsibility, the commission secretary of state may obtain assistance from
competent persons to check the machines, systems and apparatus and approve for
use those types meeting the statutory requirements and shall establish reasonable
compensation for persons performing duties under this paragraph.

SECTION 183. 7.08 (2) (a) of the statutes is amended to read:
7.08 (2) (a) As soon as possible after the closing date for filing nomination papers or after the canvass of the primary vote, but no later than the deadlines established in s. 10.06, transmit to each county clerk a certified list of all candidates on file in its office for which electors in that county may vote. The list shall designate the order of arrangement and contain each candidate's first name, middle initial or initials and last name, unless the candidate on his or her nomination papers or declaration of candidacy specifies that the middle initial be deleted, that a full middle name or former legal surname be substituted for the middle initial, that an initial be substituted for the candidate's first name or that a nickname be substituted for a first or middle name or for a first initial or middle initial or initials, but no other abbreviations or titles are permitted. The list shall also include each candidate's residence and post-office address; the office for which the person is a candidate; and, the party or principle the candidate represents, if any, in 5 words or less. Names of candidates nominated under s. 7.38 or 8.35 shall be certified by the commission secretary of state upon filing of the necessary papers with it. At any time prior to an election, the commission secretary may transmit an amended certification if a candidate dies or is determined not to qualify for ballot placement.

SECTION 184. 7.08 (2) (d) of the statutes is amended to read:

7.08 (2) (d) As soon as possible after the last Tuesday in January of each year in which there is a presidential election, the commission secretary of state shall transmit to each county clerk a certified list of candidates for president who have qualified to have their names appear on the presidential preference primary ballot.

SECTION 185. 7.08 (3) (intro.) of the statutes is amended to read:

7.08 (3) ELECTION MANUAL. (intro.) Prepare and publish separate from the election laws an election manual written so as to be easily understood by the general
public explaining the duties of the election officials, together with notes and references to the statutes as the commission secretary of state considers advisable. The election manual shall:

**SECTION 186.** 7.08 (3) (a) of the statutes is amended to read:

>7.08 (3) (a) Be compiled by the commission secretary of state.

**SECTION 187.** 7.08 (4) of the statutes is amended to read:

>7.08 (4) ELECTION LAWS. Publish the election laws. The commission secretary of state shall sell or distribute or arrange for the sale or distribution of copies of the election laws to county and municipal clerks and boards of election commissioners and members of the public.

**SECTION 188.** 7.08 (6) of the statutes is amended to read:

>7.08 (6) ENFORCEMENT OF FEDERAL VOTING SYSTEM STANDARDS. Following each general election, audit the performance of each voting system used in this state to determine the error rate of the system in counting ballots that are validly cast by electors. If the error rate exceeds the rate permitted under standards of the federal election commission in effect on October 29, 2002, the commission secretary of state shall take remedial action and order remedial action to be taken by affected counties and municipalities to ensure compliance with the standards. Each county and municipality shall comply with any order received under this subsection.

**SECTION 189.** 7.10 (1) (a) of the statutes is amended to read:

>7.10 (1) (a) Each county clerk shall provide ballots for every election in the county for all national, state and county offices, including metropolitan sewerage commission elections under s. 200.09 (11) (am), for municipal judges elected under s. 755.01 (4) and for state and county referenda. The official and sample ballots shall
be prepared in substantially the same form as those prescribed by the commission secretary of state under s. 7.08 (1) (a).

**SECTION 190.** 7.10 (2) of the statutes is amended to read:

7.10 (2) Preparing Ballots. The county clerk shall prepare copy for the official ballots immediately upon receipt of the certified list of candidates’ names from the commission secretary of state. Names certified by the commission secretary shall be arranged in the order certified. The county clerk shall place the names of all candidates filed in the clerk’s office or certified to the clerk by the commission secretary on the proper ballot or ballots under the appropriate office and party titles. The county clerk shall prepare a special ballot under s. 5.60 (8) showing only the candidates in the presidential preference primary.

**SECTION 191.** 7.10 (3) (a) of the statutes is amended to read:

7.10 (3) (a) The county clerk shall distribute the ballots to the municipal clerks no later than 48 days before each partisan primary and general election and no later than 22 days before each other primary and election, except that the clerk shall distribute the ballots under sub. (2) for the presidential preference primary no later than 48 days before the presidential preference primary. Election forms prepared by the commission secretary of state shall be distributed at the same time. If the commission secretary transmits an amended certification under s. 7.08 (2) (a) or if the commission secretary 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 192.** 7.10 (4) of the statutes is amended to read:
7.10 (4) **RESOLVING NOTICE DOUBTS.** When in doubt as to compliance with the statutory requirements for election notices or the correct fees to be paid for them, the county clerk may consult the commission secretary of state.

**SECTION 193.** 7.10 (7) of the statutes is amended to read:

7.10 (7) **VOTER EDUCATION.** Each county clerk shall assist the commission secretary of state in conducting educational programs under s. 5.05 (12) to inform electors about the voting process.

**SECTION 194.** 7.10 (8) of the statutes is amended to read:

7.10 (8) **FREE ELECTION INFORMATION EXCHANGE.** Each county clerk shall assist the commission secretary of state and municipal clerks in maintaining toll-free telephone lines and other free access systems under s. 5.05 (13) for exchange of voting information.

**SECTION 195.** 7.10 (9) of the statutes is amended to read:

7.10 (9) **TRAINING OF ELECTION OFFICIALS.** Each county clerk shall assist the commission secretary of state in the training of election officials under s. 5.05 (7).

**SECTION 196.** 7.10 (10) **INFORMATION TO COMMISSION SECRETARY OF STATE.** Each county clerk shall provide to the commission secretary of state any information requested under s. 5.05 (14).

**SECTION 197.** 7.15 (1) (e) of the statutes is amended to read:

7.15 (1) (e) **Train election officials in their duties, calling them together whenever advisable, advise them of changes in laws, rules and procedures affecting the performance of their duties, and administer examinations as authorized under s. 7.30 (2) (c).** The training shall conform with the requirements prescribed in rules promulgated by the commission secretary of state under ss. 7.31 and 7.315. The clerk
shall assure that officials who serve at polling places where an electronic voting
system is used are familiar with the system and competent to instruct electors in its
proper use. The clerk shall inspect systematically and thoroughly the conduct of
elections in the municipality so that elections are honestly, efficiently and uniformly
conducted.

SECTION 198. 7.15 (1) (g) of the statutes is amended to read:

7.15 (1) (g) In the manner prescribed by the commission secretary of state,
report suspected election frauds, irregularities, or violations of which the clerk has
knowledge to the district attorney for the county where the suspected activity occurs
and to the commission secretary. The commission secretary shall annually report the
information obtained under this paragraph to the legislature under s. 13.172 (2).

SECTION 199. 7.15 (1m) of the statutes is amended to read:

7.15 (1m) ATTEND TRAINING. Each municipal clerk shall, at least once every 2
years during the period beginning on January 1 of each even-numbered year and
ending on December 31 of the following year, attend a training program sponsored
by the commission secretary of state under ss. 7.31 and 7.315.

SECTION 200. 7.15 (8) of the statutes is amended to read:

7.15 (8) RESOLVING NOTICE DOUBTS. When in doubt as to compliance with the
statutory requirements for election notices or the correct fees to be paid for them, the
municipal clerk may consult the commission secretary of state.

SECTION 201. 7.15 (9) of the statutes is amended to read:

7.15 (9) VOTER EDUCATION. Each municipal clerk shall assist the commission
secretary of state in conducting educational programs under s. 5.05 (12) to inform
electors about the voting process.

SECTION 202. 7.15 (10) of the statutes is amended to read:
7.15 (10) FREE ELECTION INFORMATION EXCHANGE. Each municipal clerk shall assist the commission secretary of state in maintaining toll-free telephone lines and any other free access systems under s. 5.05 (13) for exchange of voting information.

SECTION 203. 7.15 (13) of the statutes is amended to read:

7.15 (13) INFORMATION TO COMMISSION SECRETARY OF STATE. Each municipal clerk shall provide to the commission secretary of state any information requested under s. 5.05 (14).

SECTION 204. 7.30 (2) (c) of the statutes is amended to read:

7.30 (2) (c) The governing body of any municipality may require all persons serving as election officials to prove their ability to read and write English and to have a general knowledge of the election laws. Examinations may be given to prove the qualifications can be met. The municipal clerk shall ensure that all training meets the training requirements prescribed in rules promulgated by the commission secretary of state under ss. 7.31 and 7.315.

SECTION 205. 7.30 (4) (e) of the statutes is amended to read:

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

SECTION 206. 7.30 (6) (b) of the statutes is amended to read:

7.30 (6) (b) Prior to the first election following the appointment of the inspectors, the municipal clerk shall appoint one of the inspectors at each polling place, other than an inspector who is appointed under sub. (1) (b), to serve as chief inspector. No person may serve as chief inspector at any election who is not certified
by the commission secretary of state under s. 7.31 at the time of the election. The chief inspector shall hold the position for the remainder of the term unless the inspector is removed by the clerk or the inspector ceases to be certified under s. 7.31, except that whenever wards are combined or separated under s. 5.15 (6) (b), the municipal clerk shall appoint another inspector who is certified under s. 7.31 to serve as chief inspector at each polling place designated under s. 5.15 (6) (b). If a vacancy occurs in the position of chief inspector at any polling place, the municipal clerk shall appoint one of the other inspectors who is certified under s. 7.31 to fill the vacancy.

**SECTION 207.** 7.31 of the statutes is amended to read:

7.31 Training and certification of chief inspectors. (1) The commission secretary of state shall establish requirements for certification of individuals to serve as chief inspectors. The requirements shall include a requirement to attend at least one training session held under sub. (5) before beginning service.

(2) No individual may serve as a chief inspector at a polling place in an election unless the individual is certified by the commission secretary of state to hold that office on the date of the election at which the individual serves.

(3) The commission secretary of state shall, upon application, issue certificates to qualified individuals who meet the requirements to be certified as chief inspectors. Each certificate shall carry an expiration date.

(4) The commission secretary of state shall require each individual to whom a certificate is issued under this section to meet requirements to maintain that certification. The requirements shall include a requirement to attend at least one training session held under sub. (5) every 2 years during the period beginning on January 1 of each even-numbered year and ending on December 31 of the following
year. The commission secretary shall renew the certificate of any individual who requests renewal and who meets the requirements prescribed under this subsection.

(5) The commission secretary of state shall conduct regular training programs to ensure that individuals who are certified by the commission secretary under this section are knowledgeable concerning their authority and responsibilities. The commission secretary shall pay all costs required to conduct the training programs from the appropriation under s. 20.510(1) 20.575(2) (bm).

SECTION 208. 7.315 (1) (a) of the statutes is amended to read:

7.315 (1) (a) The commission secretary of state shall, by rule, prescribe the contents of the training that municipal clerks must provide to inspectors, other than chief inspectors, and to special voting deputies appointed under s. 6.875.

SECTION 209. 7.315 (2) of the statutes is amended to read:

7.315 (2) The commission secretary of state shall, by rule, prescribe requirements for, and the content of, training required of municipal clerks under s. 7.15 (1m). The commission secretary may provide such training directly or arrange for such training to be provided by other organizations. The rules secretary shall provide a method for notifying the relevant municipal governing body if a municipal clerk fails to attend required training.

SECTION 210. 7.315 (3) of the statutes is amended to read:

7.315 (3) The commission secretary of state may produce and periodically reissue as necessary a video program for the purpose of training election officials, including special voting deputies and election registration officials. The commission secretary shall make any such program available for viewing electronically through an Internet–based system.

SECTION 211. 7.38 (5) of the statutes is amended to read:
7.38 (5) In the event of failure to file the name of a current state chairperson, as required under s. 8.17 (12), the commission secretary of state may not recognize the state committee for the purpose of filling vacancies under sub. (1).

SECTION 212. 7.41 (5) of the statutes is repealed.

SECTION 213. 7.52 (1) (a) of the statutes is amended to read:

7.52 (1) (a) The governing body of any municipality may provide by ordinance that, in lieu of canvassing absentee ballots at polling places under s. 6.88, the municipal board of absentee ballot canvassers designated under s. 7.53 (2m) shall, at each election held in the municipality, canvass all absentee ballots received by the municipal clerk by 8 p.m. on election day. Prior to enacting an ordinance under this subsection, the municipal clerk or board of election commissioners of the municipality shall notify the elections commission secretary of state in writing of the proposed enactment and shall consult with the elections commission secretary concerning administration of this section. At every election held in the municipality following enactment of an ordinance under this subsection, the board of absentee ballot canvassers shall, any time after the opening of the polls and before 10 p.m. on election day, publicly convene to count the absentee ballots for the municipality. The municipal clerk shall give at least 48 hours’ notice of any meeting under this subsection. Any member of the public has the same right of access to a meeting of the municipal board of absentee ballot canvassers under this subsection that the individual would have under s. 7.41 to observe the proceedings at a polling place. The board of absentee ballot canvassers may order the removal of any individual exercising the right to observe the proceedings if the individual disrupts the meeting.

SECTION 214. 7.60 (4) (a) of the statutes is amended to read:
7.60 (4) (a) The board of canvassers shall make separate duplicate statements showing the numbers of votes cast for the offices of president and vice president; state officials; U.S. senators and representatives in congress; state legislators; justice; court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a municipal judge elected under s. 755.01 (4) serves a municipality that is located partially within the county and candidates for that judgeship file nomination papers in another county, the board of canvassers shall prepare a duplicate statement showing the numbers of votes cast for that judgeship in that county for transmittal to the other county. For partisan candidates, the statements shall include the political party or principle designation, if any, next to the name of each candidate. The board of canvassers shall also prepare a statement showing the results of any county, technical college district, or statewide referendum. Each statement shall state the total number of votes cast in the county for each office; the names of all persons for whom the votes were cast, as returned; the number of votes cast for each person; and the number of votes cast for and against any question submitted at a referendum. The board of canvassers shall use one copy of each duplicate statement to report to the elections commission secretary of state, technical college district board, or board of canvassers of any other county and shall file the other statement in the office of the county clerk or board of election commissioners.

SECTION 215. 7.60 (5) of the statutes is amended to read:

7.60 (5) REPORTING. (a) Immediately following the canvass, the county clerk shall deliver or transmit to the elections commission secretary of state, 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 elections commission secretary
of state 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 elections commission secretary of
state no later than 9 days after each primary except the partisan primary, no later
than 10 days after the 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.

(b) If the board of canvassers becomes aware of a material mistake in the
canvass of an election for state or national office or a statewide or technical college
district referendum prior to the close of business on the day the elections commission
secretary of state receives returns from the last county board of canvassers with
respect to that canvass, the board of canvassers may petition the elections
commission secretary of state to reopen and correct the canvass. The elections
commission secretary of state shall direct the canvass to be reopened and corrected
if it the secretary determines that the public interest so requires. If the elections
commission secretary of state directs the canvass to be reopened, the board of
canvassers shall reconvene and transmit a certified corrected copy of the canvass
statement to the elections commission secretary of state or secretary of the technical college district board.

Section 216. 7.70 (1) of the statutes is amended to read:

7.70 (1) Recording and preserving returns. (a) Upon receipt of the certified statements from the county clerks, the commission secretary of state shall record the election results by counties and file and carefully preserve the statements.

(b) If any county clerk fails or neglects to forward any statements, the commission secretary of state may require the clerk to do so immediately and if not received by the 8th day after a primary, or by the 11th day after any other election, the commission secretary of state may dispatch a special messenger to obtain them. Whenever it appears upon the face of any statement that an error has been made in reporting or computing, the commission secretary of state may return it to the county clerk for correction.

Section 217. 7.70 (3) (a), (b), (c), (d), (e), (g), (h) and (i) of the statutes are amended to read:

7.70 (3) (a) The chairperson of the commission secretary of state or a designee of the chairperson secretary of state appointed by the chairperson secretary 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 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.

(b) The commission chairperson secretary of state or the chairperson's secretary's designee shall examine the certified statements of the county boards of
canvassers. If it appears that any material mistake has been made in the
computation of votes, or any county board of canvassers failed to canvass the votes
or omitted votes from any ward or election district in the county, the commission
chairperson secretary of state or the chairperson’s secretary’s designee may dispatch
a messenger to the county clerk with written instructions to certify the facts
concerning the mistake or the reason why the votes were not canvassed. A clerk to
whom such instructions are delivered shall immediately make a true and full
answer, sign it, affix the county seal and deliver it to the messenger. The messenger
shall deliver it with all possible dispatch to the commission secretary of state.

(c) The chairperson of the commission secretary of state or the chairperson’s
secretary’s designee shall conclude the state canvass within 10 days after its
commencement.

(d) When the certified statements and returns are received, the chairperson of
the commission secretary of state or the chairperson’s secretary’s designee shall
proceed to examine and make a statement of the total number of votes cast at any
election for the offices involved in the election for president and vice president; a
statement for each of the offices of governor, lieutenant governor, if a primary, and
a joint statement for the offices of governor and lieutenant governor, if a general
election; a statement for each of the offices of secretary of state, state treasurer,
attorney general, and state superintendent; for U.S. senator; representative in
congress for each congressional district; the state legislature; justice; court of appeals
judge; circuit judge; district attorney; metropolitan sewerage commission, if the
commissioners are elected under s. 200.09 (11) (am); and for any referenda questions
submitted by the legislature.
(e) The chairperson of the commission or the chairperson's designee shall make a special statement to the commission as soon as possible after the canvass of the general election certifying the name of each political party which receives at least one percent of the vote cast in such election for any statewide office.

(g) Following each primary election, the chairperson of the commission or the chairperson's designee shall prepare a statement certifying the results of the primary, which shall indicate the names of the persons who have won nomination to any state or national office. Following each other election, the chairperson of the commission or the chairperson's designee shall prepare a statement certifying the results of the election and shall attach to the statement a certificate of determination which shall indicate the names of persons who have been elected to any state or national office. The chairperson of the commission or the chairperson's designee shall likewise prepare a statement and certificate for any statewide referendum. The chairperson of the commission or the chairperson's designee shall deliver each statement and determination to the commission.

(h) Whenever a referendum question submitted to a vote of the people is approved, the commission shall record it and the secretary of state legislative reference bureau shall have the record bound in the volume containing the original enrolled laws passed at the next succeeding session of the legislature and have the record published with the laws thereof. Whenever a constitutional amendment or other statewide validating or ratifying referendum question which is approved by the people does not expressly state the date of effectiveness, it shall become effective at the time the chairperson of the commission or the chairperson's designee shall deliver each statement and determination to the commission.
the chairperson's secretary's designee certifies that the amendment or referendum question is approved.

(i) The commission chairperson, secretary of state or the chairperson's secretary's designee shall canvass only regular returns made by the county board of canvassers and shall not count or canvass any additional or supplemental returns or statements made by the county board or any other board or person. The commission chairperson, secretary of state or the chairperson's secretary's designee shall not count or canvass any statement or return which has been made by the county board of canvassers at any other time than that provided in s. 7.60. This provision does not apply to any return made subsequent to a recount under s. 9.01, when the return is accepted in lieu of any prior return from the same county for the same office; or to a statement given to the commission chairperson, secretary of state or chairperson's secretary's designee or a messenger sent by the chairperson secretary or designee to obtain a correction.

SECTION 218. 7.70 (5) of the statutes is amended to read:

7.70 (5) Certificates of election. (a) The commission, secretary of state shall record in its office each certified statement and determination made by the commission, chairperson, secretary or the chairperson's secretary's designee. Immediately after the expiration of the time allowed to file a petition for recount, the commission, secretary of state shall make and transmit to each person declared elected a certificate of election under the seal of the commission, secretary of state, except that the commission, secretary need not wait until expiration of the time allowed to file a petition for recount if there is no aggrieved party, as defined in s. 9.01 (1) (a) 5. It The secretary of state shall also prepare similar certificates, attested by the commission, administrator secretary, addressed to the U.S. house of
representatives, stating the names of those persons elected as representatives to the congress from this state. In the case of U.S. senators, the commission secretary of state shall prepare a certificate of election for the governor’s signature, and the governor shall sign and affix the great seal of the state and transmit the certificate to the president of the U.S. senate. The certificate shall be countersigned by the secretary of state. If a person elected was elected to fill a vacancy, the certificate shall so indicate. When a valid petition for recount is filed, the commission chairperson or the chairperson’s designee may not certify a nomination, and the governor or commission secretary of state may not issue a certificate of election until the recount has been completed and the time allowed for filing an appeal has passed, or if appealed until the appeal is decided.

(b) For presidential electors, the commission secretary of state shall prepare a certificate showing the determination of the results of the canvass and the names of the persons elected, and the governor shall sign, affix the great seal of the state, and transmit the certificate by registered mail to the U.S. administrator of general services. The governor shall also prepare 6 duplicate originals of such certificate and deliver them to one of the presidential electors on or before the first Monday after the 2nd Wednesday in December.

SECTION 219. 8.07 of the statutes is amended to read:

8.07 Validity of nomination papers. The commission secretary of state shall promulgate rules prescribe procedures under this chapter for use by election officials in determining the validity of nomination papers and signatures thereon.

SECTION 220. 8.10 (6) (a) of the statutes is amended to read:
8.10 (6) (a) For state offices or seats on a metropolitan sewerage commission, if the commissioners are elected under s. 200.09 (11) (am), in the office of the elections commission secretary of state.

SECTION 221. 8.12 (1) of the statutes is amended to read:

8.12 (1) SELECTION OF NAMES FOR BALLOT. (a) No later than 5 p.m. on the 2nd Tuesday in December of the year before each year in which electors for president and vice president are to be elected, the state chairperson of each recognized political party listed on the official ballot at the last gubernatorial election whose candidate for governor received at least 10 percent of the total votes cast for that office may certify to the commission secretary of state that the party will participate in the presidential preference primary. For each party filing such a certification, the voters of this state shall at the spring election be given an opportunity to express their preference for the person to be the presidential candidate of that party.

(b) On the first Tuesday in January of each year, or the next day if Tuesday is a holiday, in which electors for president and vice president are to be elected, there shall be convened in the capitol a committee consisting of, for each party filing a certification under this subsection, the state chairperson of that state party organization or the chairperson’s designee, one national committeeman and one national committeewoman designated by the state chairperson; the speaker and the minority leader of the assembly or their designees, and the president and the minority leader of the senate or their designees. All designations shall be made in writing to the commission secretary of state. This committee shall organize by selecting an additional member who shall be the chairperson and shall determine, and certify to the commission secretary of state, no later than on the Friday following the date on which the committee convenes under this paragraph, the names of all
candidates of the political parties represented on the committee for the office of
president of the United States. The committee shall place the names of all
candidates whose candidacy is generally advocated or recognized in the national
news media throughout the United States on the ballot, and may, in addition, place
the names of other candidates on the ballot. The committee shall have sole discretion
to determine that a candidacy is generally advocated or recognized in the national
news media throughout the United States.

(c) No later than 5 p.m. on the last Tuesday in January of each presidential
election year, any person seeking the nomination by the national convention of a
political party filing a certification under this subsection for the office of president
of the United States, or any committee organized in this state on behalf of and with
the consent of such person, may submit to the commission secretary of state a
petition to have the person’s name appear on the presidential preference ballot. The
petition may be circulated no sooner than the first Tuesday in January of such year,
or the next day if Tuesday is a holiday, and shall be signed by a number of qualified
electors equal in each congressional district to not less than 1,000 signatures nor
more than 1,500 signatures. The form of the petition shall conform to the
requirements of s. 8.40. All signers on each separate petition paper shall reside in
the same congressional district.

(d) The commission secretary of state shall forthwith contact each person
whose name has been placed in nomination under par. (b) and notify him or her that
his or her name will appear on the Wisconsin presidential preference ballot unless
he or she files, no later than 5 p.m. on the last Tuesday in January of such year, with
the commission secretary of state, a disclaimer stating without qualification that he
or she is not and does not intend to become a candidate for the office of president of
the United States at the forthcoming presidential election. The disclaimer may be
filed with the commission secretary by certified mail, telegram, or in person.

**SECTION 222.** 8.12 (2) of the statutes is amended to read:

8.12 (2) **BALLOTS.** The form of the official ballots shall be prescribed by the
commision secretary of state. The ballot shall provide to an elector the opportunity
to vote for an uninstructed delegation to represent this state at the presidential
nominating convention of his or her party, or to write in the name of a candidate for
the presidential nomination of his or her party.

**SECTION 223.** 8.12 (3) of the statutes is amended to read:

8.12 (3) **REPORTING OF RESULTS.** No later than May 15 following the presidential
preference primary, the commission secretary of state shall notify each state party
organization chairperson under sub. (1) (b) of the results of the presidential
preference primary within the state and within each congressional district.

**SECTION 224.** 8.15 (8) (a) of the statutes is amended to read:

8.15 (8) (a) For state offices and the offices of U.S. senator and representative
in congress, in the office of the commission secretary of state.

**SECTION 225.** 8.16 (2) (b) of the statutes is amended to read:

8.16 (2) (b) If the person is a candidate for state office, the person files a
statement of economic interests under s. 19.43 (4), no later than 4:30 p.m. on the 3rd
day after notification of nomination is mailed or personally delivered to the person
by the commission secretary of state; and

**SECTION 226.** 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 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 commission secretary of state 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 227.** 8.17 (9) (a) of the statutes is amended to read:

8.17 (9) (a) If a county has no committee as provided by sub. (5) (a), residents of that county may voluntarily form a committee, which, upon approval of the state committee and certification by the secretary of the state committee to the commission secretary of state and the county clerk or board of election commissioners, shall then become the county committee with equal standing as if it had been organized under sub. (5) (a). This standing shall remain unless and until a committee is organized under sub. (5) (a).

**SECTION 228.** 8.17 (12) of the statutes is amended to read:

8.17 (12) The secretary of the state committee of each recognized political party under s. 5.62 (1) (b) or (2) shall notify the commission secretary of state in writing of the name and address of the elected state committee chairperson within 10 days of his or her election.

**SECTION 229.** 8.18 (2) of the statutes is amended to read:

8.18 (2) The purpose of the convention is to nominate one presidential elector from each congressional district and 2 electors from the state at large. The names of the nominees shall be certified immediately by the chairperson of the state committee of each party to the commission secretary of state.

**SECTION 230.** 8.185 (1) of the statutes is amended to read:

8.185 (1) The names of candidates for president and vice president may be written in, in the place provided, on the general ballot at the general election for
choosing the president and vice president of the United States. Write-in votes shall
be listed as scattering unless the person whose name is written in has a list of
presidential electors on file with the commission secretary of state in accordance
with this section or unless the person whose name is written in has received more
than 10 percent of the total vote cast in the ward, or in the municipality if not divided
into wards.

Section 231. 8.185 (2) of the statutes is amended to read:

8.185 (2) Any candidates for the office of president and vice president of the
United States as write-in candidates shall file a list of presidential electors and a
declaration of candidacy in the manner prescribed in s. 8.21 with the commission
secretary of state no later than 4:30 p.m. on the 2nd Tuesday preceding the day of the
general election to choose the president and vice president of the United States. The
list shall contain one presidential elector from each congressional district and 2
electors from the state at large and the names of the candidates for president and vice
president for whom they intend to vote, if elected. Compliance with this subsection
may be waived by the commission secretary of state but only if the results of the
general election indicate that a write-in candidate for the office of president is
eligible to receive the electoral votes of this state except for noncompliance with this
subsection. In such event, the write-in candidate shall have until 4:30 p.m. on the
Friday following the general election to comply with the filing requirements of this
subsection.

Section 232. 8.185 (3) of the statutes is amended to read:

8.185 (3) If more than one list of presidential electors is filed with the
commission secretary of state by any write-in candidates for the offices of president
and vice president of the United States, the first list filed shall be considered the valid
list, provided that this list meets the additional requirements of this section.

SECTION 233. 8.19 (1) of the statutes is amended to read:

8.19 (1) The state committee of any party polling less than 75,000 presidential
votes in this state in the last election may change the name of the party. The new
name may not duplicate that of an existing national party. A certificate of approval
by the party’s national committee which has been certified by the national committee
secretary, the state committee chairperson and the state committee secretary shall
be filed with the commission secretary of state.

SECTION 234. 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 partisan primary and general election ballots has exclusive right to the use of the
name designating it at any election involving political parties. The commission
secretary of state 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 235. 8.20 (7) of the statutes is amended to read:

8.20 (7) Nomination papers shall be filed in the office of the commission
secretary of state for all state offices and the offices of U.S. senator and
representative in congress, and in the office of county clerk or board of election
commissioners for all county offices.

SECTION 236. 8.30 (2m) of the statutes is amended to read:

8.30 (2m) The official or agency with whom nomination papers and
declarations of candidacy are required to be filed shall not place a candidate’s name
on the ballot if the candidate’s name is ineligible for ballot placement under s. 5.05 (2m) (d) 2., 15.61 (3), or 19.49 (2) (c) 2.

SECTION 237. 8.40 (3) of the statutes is amended to read:

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

SECTION 238. 8.50 (1) (a) of the statutes is amended to read:

8.50 (1) (a) When there is to be a special election, the special election for county office shall be ordered by the county board of supervisors except as provided in s. 17.21 (5); the special election for city office shall be ordered by the common council; the special election for village office shall be ordered by the board of trustees; the special election for town office shall be ordered by the town board of supervisors; the special election for school board member in a school district organized under ch. 119 shall be ordered by the school board; the special election for municipal judge shall be ordered by the governing body of the municipality, except in 1st class cities, or if the judge is elected under s. 755.01 (4) jointly by the governing bodies of all municipalities served by the judge; and all other special elections shall be ordered by the governor. When the governor or attorney general issues the order, it shall be filed and recorded in the office of the commission secretary of state. When the county board of supervisors issues the order, it shall be filed and recorded in the office of the county clerk. When the county executive issues the order, it shall be filed in the office of the county board of election commissioners. When the common council issues the order, it shall be filed in the office of the city clerk. When the board of trustees issues the order, it shall be filed in the office of the village clerk. When the town board of
supervisors issues the order, it shall be filed in the office of the town clerk. When the
school board of a school district organized under ch. 119 issues the order, it shall be
filed and recorded in the office of the city board of election commissioners. If a
municipal judge is elected under s. 755.01 (4), the order shall be filed in the office of
the county clerk or board of election commissioners of the county having the largest
portion of the population of the jurisdiction served by the judge.

**SECTION 239.** 8.50 (1) (b) of the statutes is amended to read:

8.50 (1) (b) Notice of any special election shall be given upon the filing of the
order under par. (a) by publication in a newspaper under ch. 985. If the special
election concerns a national or state office, the commission secretary of state shall
give notice as soon as possible to the county clerks. Upon receipt of notice from the
commission secretary or when the special election is for a county office or a municipal
judgeship under s. 755.01 (4), the county clerk shall give notice as soon as possible
to the municipal clerks of all municipalities in which electors are eligible to vote in
the election and publish one type A notice for all offices to be voted upon within the
county as provided in s. 10.06 (2) (n). If the special election is for a city, village, or
town office, the municipal clerk shall publish one type A notice as provided under s.
10.06 (3) (f).

**SECTION 240.** 8.50 (1) (d) of the statutes is amended to read:

8.50 (1) (d) When the election concerns a national office or a special election for
state office is held concurrently with the general election, the commission secretary
of state shall transmit to each county clerk a certified list of all persons for whom
nomination papers have been filed in its his or her office at least 62 days before the
special primary, and in other cases the commission secretary of state shall transmit
the list to each county clerk at least 22 days before the special primary. 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 241.** 8.50 (3) (e) of the statutes is amended to read:

8.50 (3) (e) In a special election for a state or national office, the county clerk or board of election commissioners shall transmit the statement of the county board of canvassers to the elections commission secretary of state no later than 7 days after the special primary and 13 days after the special election.

**SECTION 242.** 9.01 (1) (a) 1. of the statutes is amended to read:

9.01 (1) (a) 1. Any candidate voted for at any election who is an aggrieved party, as determined under subd. 5., 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 following canvassing of any valid provisional ballots under s. 6.97 (4) and, except as provided in this subdivision, 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 following canvassing of all valid provisional ballots 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 following canvassing of all valid provisional ballots. If the commission chairperson secretary of state or chairperson’s secretary’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 following canvassing of all valid provisional ballots and not later than 5 p.m. on the 3rd business day following the day on which the commission secretary of state receives the last statement from a county board of canvassers for the election or referendum following canvassing of all valid provisional ballots. With regard to an election for president, the petitioner shall file the petition not later than 5 p.m. on the first business day following the day on which the commission secretary of state receives the last statement from a county board of canvassers for the election following canvassing of all valid provisional ballots.

SECTION 243. 9.01 (1) (a) 4. of the statutes is amended to read:

9.01 (1) (a) 4. The petition under subd. 1. may be amended to include information discovered as a result of the investigation of the board of canvassers or the commission chairperson secretary of state or chairperson’s secretary’s designee after the filing of the petition if the petitioner moves to amend the petition as soon as possible after the petitioner discovers, or reasonably should have discovered, the information that is the subject of the amendment and if the petitioner was unable to include the information in the original petition.

SECTION 244. 9.01 (1) (ag) 2. of the statutes is amended to read:
9.01 (1) (ag) 2. If subd. 1 does not apply to 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 following canvassing of all valid provisional and absentee ballots, 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 requests a recount where no wards exist, plus the actual cost incurred by the commission secretary of state to provide services for performing the recount.

**SECTION 245.** 9.01 (1) (ag) 4. of the statutes is amended to read:

9.01 (1) (ag) 4. The commission secretary of state shall deposit all moneys received by it into the account under s. 20.510 (1) 20.575 (2) (g), and shall pay the fees required for each recount to the county clerks of the counties in which the recount is to be held and shall retain the amount necessary to pay for the actual cost incurred by the commission secretary of state to provide services for performing the recount. The county clerk shall deposit fees received by him or her with the county treasurer. The municipal clerk shall deposit fees received by him or her with the municipal treasurer.

**SECTION 246.** 9.01 (1) (ar) 2. of the statutes is amended to read:

9.01 (1) (ar) 2. In the event of a recount for a referendum, the petition shall be filed with the clerk of the jurisdiction in which the referendum is called, and, in the case of the state, with the commission secretary of state.

**SECTION 247.** 9.01 (1) (ar) 3. of the statutes is amended to read:

9.01 (1) (ar) 3. Whenever a clerk receives a valid petition and any payment under par. (ag) 3., the clerk shall thereupon notify the proper board of canvassers. Whenever the commission secretary of state receives a valid petition and any
payment under par. (ag) 3., the commission secretary shall promptly by certified mail or other expeditious means order the proper county boards of canvassers to commence the recount. County boards of canvassers shall convene no later than 9 a.m. on the 3rd day after receipt of an order and may adjourn for not more than one day at a time until the recount is completed in the county, except that the commission secretary may permit extension of the time for adjournment. Returns from a recount ordered by the commission secretary of state shall be transmitted to the office of the commission secretary as soon as possible, but in no case later than 13 days from the date of the order of the commission secretary directing the recount. The commission chairperson secretary of state or the chairperson’s secretary’s designee may not make a determination in any election if a recount is pending before any county board of canvassers in that election. The commission chairperson secretary of state or the chairperson’s secretary’s designee need not recount actual ballots, but shall verify the returns of the county boards of canvassers in making his or her determinations.

Section 248. 9.01 (5) (a) of the statutes is amended to read:

9.01 (5) (a) The board of canvassers or the commission chairperson secretary of state or the chairperson’s secretary’s designee shall keep complete minutes of all proceedings before the board of canvassers or the chairperson secretary or designee. The minutes shall include a record of objections and offers of evidence. If the board of canvassers or the commission chairperson secretary of state or the chairperson’s secretary’s designee receives exhibits from any party, the board of canvassers or the chairperson secretary or designee shall number and preserve the exhibits. The board of canvassers or the chairperson secretary or chairperson’s secretary’s designee shall make specific findings of fact with respect to any irregularity raised in the petition or discovered during the recount. Any member of the board of canvassers or the
chairperson secretary or chairperson’s secretary’s designee may administer oaths, 
certify official acts, and issue subpoenas for purposes of this section. Witness fees 
shall be paid by the county. In the case of proceedings before the commission 
chairperson secretary of state or chairperson’s the secretary’s designee, witness fees 
shall be paid by the commission secretary of state.

SECTION 249. 9.01 (5) (bm) of the statutes is amended to read:

9.01 (5) (bm) Upon the completion of its proceedings, a board of canvassers 
shall deliver to the commission secretary of state one copy of the minutes of the 
proceedings kept under par. (a). In addition, in the case of a recount of an election 
for state or national office, for each candidate whose name appears on the ballot for 
that office under the name of a political party, the board of canvassers shall deliver 
one copy of the minutes to the chief officer, if any, who is named in any registration 
statement filed under s. 11.0302 by the state committee of that political party, and 
in the case of a recount of an election for county office, for each candidate whose name 
appears on the ballot for that office under the name of a political party, the board of 
canvassers shall deliver one copy of the minutes to the chief officer, if any, who is 
named in any registration statement filed under s. 11.0302 by the county committee 
of that political party.

SECTION 250. 9.01 (5) (c) of the statutes is amended to read:

9.01 (5) (c) If the recount is made by a municipal or county board of canvassers 
and the result is required to be reported to a county board of canvassers or to the 
commission chairperson secretary of state or the chairperson’s secretary’s designee, 
the board of canvassers making the initial recount shall immediately certify the 
results to the county board of canvassers or to the commission chairperson secretary 
of state or designee. If a county board of canvassers receives such results, it shall
then convene not later than 9 a.m. on the next business day following receipt to
examine the returns and determine the results. If the commission chairperson
secretary of state or the chairperson’s secretary’s designee receives such results, the
chairperson secretary or designee shall publicly examine the returns and determine
the results not later than 9 a.m. on the 3rd business day following receipt, but if that
day is earlier than the latest day permitted for that election under s. 7.70 (3) (a), the
commission chairperson secretary or designee may examine the returns and
determine the results not later than the day specified in s. 7.70 (3) (a).

SECTION 251. 9.01 (6) (a) of the statutes is amended to read:

9.01 (6) (a) Within 5 business days after completion of the recount
determination by the board of canvassers in all counties concerned, or within 5
business days after completion of the recount determination by the commission
chairperson secretary of state or the chairperson’s secretary’s designee whenever a
determination is made by the chairperson secretary or designee, any candidate, or
any elector when for a referendum, aggrieved by the recount may appeal to circuit
court. The appeal shall commence by serving a written notice of appeal on the other
candidates and persons who filed a written notice of appearance before each board
of canvassers whose decision is appealed, or in the case of a statewide recount, before
the commission chairperson secretary of state or the chairperson’s secretary’s
designee. The appellant shall also serve notice on the commission secretary of state
if the commission chairperson secretary or the chairperson’s secretary’s designee is
responsible for determining the election. The appellant shall serve the notice by
certified mail or in person. The appellant shall file the notice with the clerk of circuit
court together with an undertaking and surety in the amount approved by the court,
conditioned upon the payment of all costs taxed against the appellant.
SECTION 252. 9.01 (7) (a) of the statutes is amended to read:

9.01 (7) (a) The court with whom an appeal is filed shall forthwith issue an order directing each affected county, municipal clerk, or board, and the commission secretary of state, to transmit immediately all ballots, papers and records affecting the appeal to the clerk of court or to impound and secure such ballots, papers and records, or both. The order shall be served upon each affected county, municipal clerk, or board, the commission secretary of state, and all other candidates and persons who filed a written notice of appearance before any board of canvassers involved in the recount.

SECTION 253. 9.01 (8) (a) of the statutes is amended to read:

9.01 (8) (a) Unless the court finds a ground for setting aside or modifying the determination of the board of canvassers or the commission chairperson secretary of state or chairperson’s secretary’s designee, it shall affirm the determination.

SECTION 254. 9.01 (8) (c) of the statutes is amended to read:

9.01 (8) (c) The court may not receive evidence not offered to the board of canvassers or the commission chairperson secretary of state or the chairperson’s secretary’s designee except for evidence that was unavailable to a party exercising due diligence at the time of the recount or newly discovered evidence that could not with due diligence have been obtained during the recount, and except that the court may receive evidence not offered at an earlier time because a party was not represented by counsel in all or part of a recount proceeding. A party who fails to object or fails to offer evidence of a defect or irregularity during the recount waives the right to object or offer evidence before the court except in the case of evidence that was unavailable to a party exercising due diligence at the time of the recount or newly discovered evidence that could not with due diligence have been obtained
during the recount or evidence received by the court due to unavailability of counsel during the recount.

**SECTION 255.** 9.01 (8) (d) of the statutes is amended to read:

9.01 (8) (d) The court shall set aside or modify the determination of the board of canvassers or the commission chairperson secretary of state or the chairperson’s secretary’s designee if it finds that the board of canvassers or the chairperson secretary or chairperson’s secretary’s designee has erroneously interpreted a provision of law and a correct interpretation compels a particular action. If the determination depends on any fact found by the board of canvassers or the commission chairperson secretary of state or the chairperson’s secretary’s designee, the court may not substitute its judgment for that of the board of canvassers or the chairperson secretary or designee as to the weight of the evidence on any disputed finding of fact. The court shall set aside the determination if it finds that the determination depends on any finding of fact that is not supported by substantial evidence.

**SECTION 256.** 9.01 (10) of the statutes is amended to read:

9.01 (10) STANDARD FORMS AND METHODS. The commission secretary of state shall prescribe standard forms and procedures for the making of recounts under this section. The procedures prescribed by the commission secretary shall require the boards of canvassers in recounts involving more than one board of canvassers to consult with the commission staff office of the secretary of state prior to beginning any recount in order to ensure that uniform procedures are used, to the extent practicable, in such recounts.

**SECTION 257.** 10.01 (1) of the statutes is amended to read:
10.01 (1) The form of the various election notices shall be prescribed by the commission secretary of state to standardize election notices. To accomplish this purpose, the commission secretary shall make rules and draft whatever forms it the secretary considers necessary. Notification or certification lists of candidates or referenda questions sent to the county clerks shall prescribe the form in which the county clerks shall publish the relevant portions of the notice and any additional county offices and referenda questions. The commission secretary of state shall also prescribe the provisions for municipal notices which shall be sent to each county clerk who shall immediately forward them to each municipal clerk.

**SECTION 258.** 10.01 (2) (intro) of the statutes is amended to read:

10.01 (2) (intro.) For election purposes there shall be 5 basic types of notices, modified as necessary to apply to the various elections, which shall be published in substantially the same form as prescribed by the commission secretary of state. The 5 types of notices are:

**SECTION 259.** 10.02 (1) of the statutes is amended to read:

10.02 (1) Before any election an appropriate type B notice shall be published in substantially the form prescribed by the commission secretary of state at the times prescribed in s. 10.06. The type B notice shall include the following relevant sections and be within the guidelines established in this section.

**SECTION 260.** 10.02 (2) (c) of the statutes is amended to read:

10.02 (2) (c) The facsimile ballots shall follow the voting instructions. The size and style of type and the general display of the facsimile ballots shall be prescribed by the commission secretary of state and shall conform to the form prescribed by the commission secretary under s. 7.08 (1) (a). The party columns shall not exceed 2-1/6 inches in width and the ballot size may be reduced. Voting machine facsimile ballots
shall show a reduced diagram of the front of the voting machine and instructions to electors on how to vote on the machine. If the ballots in the wards or election districts within a county or municipality are identical but for the names of different candidates, districts or seats, the facsimile ballot may show the ballot for one ward or election district, accompanied by a list of candidates, districts and seats to be voted upon in the other wards or election districts.

SECTION 261. 10.02 (3) (intro.) of the statutes is amended to read:

10.02 (3) (intro.) The notice shall contain the following:

FACSIMILE BALLOT NOTICE

OF .... ELECTION

Office of .... [County] [Municipal] Clerk.

To the Electors of .... [County] [Municipality]:

Notice is hereby given of a .... election to be held in the several wards in the [county] [municipality] of ...., on the .... day of ...., .... (year), at which the officers named below shall be chosen. The names of the candidates for each office to be voted for, whose nominations have been certified to or filed in this office, are given under the title of the office and under the appropriate party or other designation, each in its proper column, together with the questions submitted to a vote, in the sample ballot below.

INFORMATION TO ELECTORS

Except where a different statement is prescribed by the commission secretary of state for use in whole or in part by municipalities using electronic voting systems under s. 5.95, the voting instructions shall be given substantially as follows:

SECTION 262. 10.06 (1) of the statutes is amended to read:
10.06 (1) ELECTIONS COMMISSION SECRETARY OF STATE. (a) On or before November 15 preceding a spring election the commission secretary of state shall send a type A notice to each county clerk.

(c) As soon as possible after the deadline for filing nomination papers for the spring election, but no later than the 2nd Tuesday in January, the commission secretary of state shall send a type B notice certifying the list of candidates to each county clerk if a primary is required.

(e) As soon as possible following the state canvass of the spring primary vote, but no later than the first Tuesday in March, the commission secretary of state shall send a type B notice certifying to each county clerk the list of candidates for the spring election. When no state spring primary is held, this notice shall be sent under par. (c). When there is a referendum, the commission secretary shall send type A and C notices certifying each question to the county clerks as soon as possible, but no later than the first Tuesday in March.

(f) On or before the 3rd Tuesday in March preceding a partisan primary and general election the commission secretary of state shall send a type A notice to each county clerk.

(h) As soon as possible after the deadline for determining ballot arrangement for the partisan primary on June 10, the commission secretary of state shall send a type B notice to each county clerk certifying the list of candidates for the partisan primary.

(i) As soon as possible after the state canvass, but no later than the 4th Tuesday in August, the commission secretary of state 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 263. 10.06 (2) (a) of the statutes is amended to read:

10.06 (2) (a) On the 4th Tuesday in November preceding a spring election each county clerk shall publish a type A notice based on the notice received from the commission secretary of state for all state offices to be filled at the election by any electors voting in the county and a similar notice incorporating any county offices.

SECTION 264. 10.06 (2) (b) of the statutes is amended to read:

10.06 (2) (b) Upon receipt of the type B notice from the commission secretary of state preceding the spring election each county clerk shall add any county offices, prepare the ballots, and send notice to each municipal clerk of the spring primary. When there is no state spring primary within the county, but there is to be a county spring primary, the county clerk shall prepare the ballots and send notice to each municipal clerk.

SECTION 265. 10.06 (2) (e) of the statutes is amended to read:

10.06 (2) (e) Upon receipt of the type B notice from the commission secretary of state each county clerk shall add any county offices and referenda, prepare the ballots and send notice to each municipal clerk of the coming spring election.

SECTION 266. 10.06 (2) (h) of the statutes is amended to read:

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

SECTION 267. 10.06 (2) (k) of the statutes is amended to read:

10.06 (2) (k) Upon receipt of the type B notice from the commission secretary of state preceding the general election, the county clerk shall add county offices and
referenda, if any, and send notice to each municipal clerk of the coming general election and prepare the ballots.

**SECTION 268.** 12.01 (intro.) and (1) of the statutes are consolidated, renumbered 12.01 and amended to read:

12.01 Definitions. The definitions given under s. 11.0101 apply to this chapter, except as follows: (1) “Candidate” that “candidate” includes a candidate for national office.

**SECTION 269.** 12.01 (2) of the statutes is repealed.

**SECTION 270.** 12.13 (5) (a) of the statutes is amended to read:

12.13 (5) (a) Except as specifically authorized by law and except as provided in par. (b), no investigator, prosecutor, employee of an investigator or prosecutor, or member or employee of the commission secretary of state may disclose information related to an investigation or prosecution under chs. 5 to 10 or 12, or any other law specified in s. 978.05 (1) or (2) or provide access to any record of the investigator, prosecutor, or the commission secretary of state that is not subject to access under s. 5.05 (5s) to any person other than an employee or agent of the prosecutor or investigator or a member, an employee, or agent of the commission secretary of state prior to presenting the information or record in a court of law.

**SECTION 271.** 12.13 (5) (b) (intro.) of the statutes is amended to read:

12.13 (5) (b) (intro.) This subsection does not apply to any of the following communications made by an investigator, prosecutor, employee of an investigator or prosecutor, or member or employee of the commission secretary of state:

**SECTION 272.** 12.13 (5) (b) 3. of the statutes is amended to read:

12.13 (5) (b) 3. Communications made to the attorney of an investigator, prosecutor, or employee, or member of the commission secretary of state or to a
person or the attorney of a person who is investigated or prosecuted by the
commission secretary of state.

SECTION 273. 13.123 (3) (b) 2. of the statutes is amended to read:

13.123 (3) (b) 2. In making the determination under subd. 1., the chief clerk is
bound by the determination of the chairperson of the elections commission secretary
of state or the chairperson's secretary's designee if such determination has been
issued.

SECTION 274. 13.23 of the statutes is amended to read:

13.23 Election contests; notice. Any person wishing to contest the election
of any senator or member of the assembly shall, within 30 days after the decision of
the board of canvassers, serve a notice in writing on the person whose election the
contestant intends to contest, stating briefly that the election will be contested and
the cause of such contest, and shall file a copy thereof in the office of the elections
commission secretary of state at least 10 days before the day fixed by law for the
meeting of the legislature. The elections commission secretary of state shall then
send a copy of s. 13.24 to both contestants. If any contestant fails to so file a copy of
such notice, the contestant shall not be entitled to any mileage or salary in case
payment has been made therefor to the sitting member.

SECTION 275. 14.38 (10m) of the statutes is amended to read:

14.38 (10m) Notification of constitutional amendment. If an amendment to
the Wisconsin Constitution is approved that requires the legislature to provide for
temporary succession to the powers and duties of public offices for the period of an
emergency resulting from a cause other than an enemy action, within 30 days after
the elections commission secretary of state records the approval under s. 7.70 (3) (h),
notify the legislature that the amendment has been approved.
SECTION 276. 15.01 (2) of the statutes is amended to read:

15.01 (2) “Commission” means a 3-member governing body in charge of a department or independent agency or of a division or other subunit within a department, except for the employment relations commission which shall consist of one chairperson, the Wisconsin waterways commission which shall consist of 5 members, the elections commission which shall consist of at least 6 members, the ethics commission which shall consist of at least 6 members, and the parole commission which shall consist of 4 members. A Wisconsin group created for participation in a continuing interstate body, or the interstate body itself, shall be known as a “commission”, but is not a commission for purposes of s. 15.06. The parole commission created under s. 15.145 (1) shall be known as a “commission”, but is not a commission for purposes of s. 15.06.

SECTION 277. 15.06 (1) (d) of the statutes is repealed.

SECTION 278. 15.06 (2) (b) 1. of the statutes is repealed.

SECTION 279. 15.06 (2) (b) 2. of the statutes is renumbered 15.06 (2) (b).

SECTION 280. 15.06 (3) (a) 5. of the statutes is repealed.

SECTION 281. 15.06 (5) of the statutes is amended to read:

15.06 (5) FREQUENCY OF MEETINGS; PLACE. Every commission shall meet on the call of the chairperson or a majority of its members. Every commission shall maintain its offices in Madison, but may meet or hold hearings at such other locations as will best serve the citizens of this state. The elections commission and the ethics commission shall meet in person at least 4 times each year and shall conduct meetings in accordance with accepted parliamentary procedure.

SECTION 282. 15.06 (6) of the statutes is amended to read:
15.06 (6) QUORUM. A majority of the membership of a commission constitutes a quorum to do business, except that vacancies shall not prevent a commission from doing business. This subsection does not apply to the parole commission, elections commission, or ethics commission.

SECTION 283. 15.06 (10) of the statutes is amended to read:

15.06 (10) COMPENSATION. A member of the elections commission and a member of the ethics commission shall receive a per diem of $115 for each day on which the member attends or participates by audio or video conference call in a meeting of the member’s commission.

SECTION 284. 15.61 of the statutes is repealed.

SECTION 285. 16.79 (2) of the statutes is amended to read:

16.79 (2) The department shall distribute in pamphlet form copies of the constitution and such laws as may be required to meet the public demand, including the election laws. The department shall distribute election manuals, forms, and supplies specified by the elections commission secretary of state. The laws, manuals, forms, and supplies shall be sold by the department at cost, including distribution cost as determined under s. 35.80. The elections commission secretary of state shall inform the department in writing as to which election manuals, forms, and supplies shall be offered for distribution under this subsection.

SECTION 286. 16.96 (3) (b) of the statutes is amended to read:

16.96 (3) (b) Maintain and keep current throughout the decade the maps of congressional and legislative district boundaries received from the legislative reference bureau under s. 13.92 (1) (a) 6. and provide copies thereof to the elections commission secretary of state.

SECTION 287. 17.17 (1) of the statutes is amended to read:
17.17 (1) SENATORS AND MEMBERS OF CONGRESS. In the office of United States senator or member of congress from this state, by the county clerk of the county wherein such officer resided at the time of election, to the elections commission secretary of state.

SECTION 288. 17.17 (4) of the statutes is amended to read:

17.17 (4) JUSTICES AND JUDGES. In the office of justice of the supreme court, court of appeals judge, or judge of a circuit court, by the director of state courts to the governor and the elections commission secretary of state.

SECTION 289. 19.42 (10) (a) of the statutes is repealed.

SECTION 290. 19.42 (13) (p) of the statutes is repealed.

SECTION 291. 19.43 (4) of the statutes is amended to read:

19.43 (4) A candidate for state public office shall file with the commission a statement of economic interests meeting each of the requirements of s. 19.44 (1) no later than 4:30 p.m. on the 3rd day following the last day for filing nomination papers for the office which the candidate seeks, or no later than 4:30 p.m. on the next business day after the last day whenever that candidate is granted an extension of time for filing nomination papers or a declaration of candidacy under s. 8.05 (1) (j), 8.10 (2) (a), 8.15 (1), or 8.20 (8) (a); no later than 4:30 p.m. on the 5th day after notification of nomination is mailed or personally delivered to the candidate by the municipal clerk in the case of a candidate who is nominated at a caucus; or no later than 4:30 p.m. on the 3rd day after notification of nomination is mailed or personally delivered to the candidate by the appropriate official or agency in the case of a write-in candidate or candidate who is appointed to fill a vacancy in nomination under s. 8.35 (2) (a). The information contained on the statement shall be current as of December 31 of the year preceding the filing deadline. Before certifying the
name of any candidate for state public office under s. 7.08 (2) (a), the elections commission secretary of state, municipal clerk, or board of election commissioners shall ascertain whether that candidate has complied with this subsection. If not, the elections commission secretary of state, municipal clerk, or board of election commissioners may not certify the candidate’s name for ballot placement.

SECTION 292. 19.85 (1) (h) of the statutes is amended to read:

19.85 (1) (h) Consideration of requests for confidential written advice from the elections commission secretary of state under s. 5.05 (6a) or the ethics commission under s. 19.46 (2), or from any county or municipal ethics board under s. 19.59 (5).

SECTION 293. 19.851 (title) of the statutes is amended to read:

19.851 (title) Closed sessions by ethics or elections commission.

SECTION 294. 19.851 (1) of the statutes is amended to read:

19.851 (1) Prior to convening under this section or under s. 19.85 (1), the ethics commission and the elections commission shall vote to convene in closed session in the manner provided in s. 19.85 (1). The ethics commission shall identify the specific reason or reasons under sub. (2) and s. 19.85 (1) (a) to (h) for convening in closed session. The elections commission shall identify the specific reason or reasons under s. 19.85 (1) (a) to (h) for convening in closed session. No business may be conducted by the ethics commission or the elections commission at any closed session under this section except that which relates to the purposes of the session as authorized in this section or as authorized in s. 19.85 (1).

SECTION 295. 20.505 (1) (d) of the statutes is amended to read:

20.505 (1) (d) Special counsel. A sum sufficient, subject to s. 5.05 (2q), for supplementing the appropriation under s. 20.510 (1) 20.575 (2) (be) for ongoing investigations; subject to s. 19.49 (2q), for supplementing the appropriation under
s. 20.521 (1) (be) for ongoing investigations; and, subject to the procedures established in s. 14.11 (2) (c), for the compensation of special counsel appointed as provided in ss. 14.11 (2) and 321.42.

**SECTION 296.** 20.510 (intro.) and (1) (title) of the statutes are repealed.

**SECTION 297.** 20.510 (1) (a) of the statutes is renumbered 20.575 (2) (a) and amended to read:

20.575 (2) (a) **General program operations; general purpose revenue.** Biennially, the amounts in the schedule for general program operations of the secretary of state with regard to election administration, including the printing of forms, materials, manuals, and election laws under s. 7.08 (1) (b), (3), and (4), and the training of election officials under s. 5.05 (7).

**SECTION 298.** 20.510 (1) (be) of the statutes is renumbered 20.575 (2) (be) and amended to read:

20.575 (2) (be) **Investigations.** The amounts in the schedule for the purpose of financing the costs of investigations authorized by the secretary of state of potential violations of chs. 5 to 10 and 12.

**SECTION 299.** 20.510 (1) (bm) of the statutes is renumbered 20.575 (2) (bm).

**SECTION 300.** 20.510 (1) (br) of the statutes is renumbered 20.575 (2) (br).

**SECTION 301.** 20.510 (1) (c) of the statutes is renumbered 20.575 (2) (c).

**SECTION 302.** 20.510 (1) (d) of the statutes is renumbered 20.575 (2) (d).

**SECTION 303.** 20.510 (1) (e) of the statutes is renumbered 20.575 (2) (e).

**SECTION 304.** 20.510 (1) (g) of the statutes is renumbered 20.575 (2) (g) and amended to read:

20.575 (2) (g) **Recount fees.** The amounts in the schedule to be apportioned to the secretary of state and the county clerks or county board of election
SECTION 304. All moneys received on account of recount petitions filed with the commission shall be credited to this appropriation account.

SECTION 305. 20.510 (1) (h) of the statutes is renumbered 20.575 (2) (h) and amended to read:

20.575 (2) (h) Materials and services. The For the purpose of administering elections, the amounts in the schedule for the costs of publishing documents, locating and copying records, and conducting administrative meetings and conferences, for compiling, disseminating, and making available information prepared by and filed with the commission, and for supplies, postage, and shipping. All With regard to election administration, all moneys received by the commission from collections for sales of publications, for copies of records, for supplies, for postage, for shipping and records location fees, and for charges assessed to participants in administrative meetings and conferences, except moneys received from requesters from sales of copies of the official registration list, shall be credited to this appropriation account.

SECTION 306. 20.510 (1) (jm) of the statutes is renumbered 20.575 (2) (jm) and amended to read:

20.575 (2) (jm) Gifts and grants. The amounts in the schedule to carry out the purposes, not inconsistent with the law, for which gifts, grants, and bequests to the commission are made. All moneys received by the commission from gifts, grants, and bequests shall be credited to this appropriation account.

SECTION 307. 20.510 (1) (jn) of the statutes, as created by 2021 Wisconsin Act 58, is renumbered 20.575 (2) (jn).
1 **SECTION 308.** 20.510 (1) (m) of the statutes is renumbered 20.575 (2) (m).

2 **SECTION 309.** 20.510 (1) (t) of the statutes is renumbered 20.575 (2) (t).

3 **SECTION 310.** 20.510 (1) (x) of the statutes is renumbered 20.575 (2) (x).

4 **SECTION 311.** 20.575 (1) (g) of the statutes is amended to read:

5 20.575 (1) (g) *Program fees.* The amounts in the schedule for the purpose of carrying out general program operations. Except as provided under par. (ka) and sub. (2), all amounts received by the secretary of state, including all moneys transferred from the appropriation under s. 20.144 (1) (g), shall be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), any unencumbered balance at the close of a fiscal year exceeding 10 percent of that fiscal year’s expenditures under this appropriation shall lapse to the general fund.

6 **SECTION 312.** 20.575 (1) (ka) of the statutes is amended to read:

7 20.575 (1) (ka) *Agency collections.* The amounts in the schedule for photocopying and microfilm copying of documents, generation of copies of documents from optical disc or electronic storage, publication of books, and other services provided in carrying out the functions of the office. All except for moneys received under sub. (2) (h), all moneys received by the office as fees or other charges for photocopying, microfilm copying, generation of copies of documents from optical disc or electronic storage, sales of books, and other services provided in carrying out the functions of the office shall be credited to this appropriation.

8 **SECTION 313.** 38.16 (3) (br) 3. of the statutes is amended to read:

9 38.16 (3) (br) 3. The referendum shall be held in accordance with chs. 5 to 12. The district board shall provide the election officials with all necessary election supplies. The form of the ballot shall correspond substantially with the standard form for referendum ballots prescribed by the election commission secretary of state.
under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall be whether the limit under this subsection may be exceeded by a specified amount. The limit otherwise applicable to the district under this subsection is increased by the amount approved by a majority of those voting on the question.

**SECTION 314.** 49.165 (4) (a) of the statutes is amended to read:

49.165 (4) (a) The department shall certify to the elections commission secretary of state, on a continuous basis, a list containing the name and address of each organization that is eligible to receive grants under sub. (2).

**SECTION 315.** 59.605 (3) (a) 3. of the statutes is amended to read:

59.605 (3) (a) 3. The referendum shall be held in accordance with chs. 5 to 12. The governing body shall provide the election officials with all necessary election supplies. The form of the ballot shall correspond substantially with the standard form for referendum ballots prescribed by the elections commission secretary of state under ss. 5.64 (2) and 7.08 (1) (a). If the resolution under subd. 1. specifies the operating levy rate, the question shall be submitted as follows: “Under state law, the operating levy rate for the .... (name of county), for the tax to be imposed for the year .... (year), is limited to $.... per $1,000 of equalized value. Shall the .... (name of county) be allowed to exceed this rate limit for .... (a specified number of years) (an indefinite period) by $.... per $1,000 of equalized value that results in an operating levy rate of $.... per $1,000 of equalized value?” If the resolution under subd. 1. specifies the operating levy, the question shall be submitted as follows: “Under state law, the operating levy rate for the .... (name of county), for the tax to be imposed for the year .... (year), is limited to $.... per $1,000 of equalized value. Notwithstanding the operating levy rate limit, shall the .... (name of county) be allowed to levy an amount not to exceed $.... (operating levy) for operating purposes for the year ....
SECTION 315. ASSEMBLY BILL 981 (year), which may increase the operating levy rate for .... (a specified number of years) (an indefinite period)? This would allow a ....% increase above the levy of $.... (preceding year operating levy) for the year .... (preceding year).”

SECTION 316. 67.05 (3) (b) of the statutes is amended to read:

67.05 (3) (b) The clerk of the jurisdiction in which the referendum is held shall prepare or arrange for the preparation of the ballots. If the jurisdiction in which the referendum is held is not a city, village, or town, and the clerk of the jurisdiction in which the referendum is held prepares the ballots, the clerk shall deliver the ballots to the municipal clerk of each city, village, or town which is wholly or partly contained within the jurisdiction in which the referendum is held. The form of the ballot shall correspond with the form prescribed by the elections commission secretary of state under ss. 5.64 (2) and 7.08 (1) (a).

SECTION 317. 67.05 (6) of the statutes is amended to read:

67.05 (6) REFERENDUM IN OTHER CASES. Whenever an initial resolution has been adopted by the governing body of any municipality other than a county, a town, a city, a village, a technical college district, a metropolitan sewerage district created under ss. 200.01 to 200.15 or 200.21 to 200.65, a town sanitary district, a public inland lake protection and rehabilitation district, or a board of park commissioners, the clerk of such municipality shall immediately record the resolution and call a special meeting for the purpose of submitting it to the electors of the municipality for ratification or rejection. The calling and conduct of the meeting shall be governed by those statutes, so far as applicable, which govern the calling and conduct of special meetings in general. The notice of the meeting, which shall be publicly read before the balloting shall commence, and the ballot used, shall embody a copy of the resolution; the form of the ballot shall correspond with the form prescribed by the elections commission...
SECRETARY OF STATE under ss. 5.64 (2) and 7.08 (1) (a); and the question submitted shall be whether the resolution shall be approved.

SECTION 318. 85.61 (1) of the statutes is amended to read:

85.61 (1) The secretary of transportation and the administrator of the elections commission secretary of state shall enter into an agreement to match personally identifiable information on the official registration list maintained by the commission secretary of state under s. 6.36 (1) and the information specified in s. 6.34 (2m) with personally identifiable information in the operating record file database under ch. 343 and vehicle registration records under ch. 341 to the extent required to enable the secretary of transportation and the administrator of the elections commission secretary of state to verify the accuracy of the information provided for the purpose of voter registration.

SECTION 319. 117.20 (2) of the statutes is amended to read:

117.20 (2) The clerk of each affected school district shall publish notice, as required under s. 8.55, in the territory of that school district. The procedures for school board elections under s. 120.06 (9), (11), (13), and (14) apply to a referendum held under this section. The school board and school district clerk of each affected school district shall each perform, for that school district, the functions assigned to the school board and the school district clerk, respectively, under those subsections. The form of the ballot shall correspond to the form prescribed by the elections commission secretary of state under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school district shall file with the secretary of the commission state a certified statement prepared by the school district board of canvassers of the results of the referendum in that school district.

SECTION 320. 117.27 (2) (b) (intro.) of the statutes is amended to read:
117.27 (2) (b) (intro.) The school district clerk shall include in the notice of the
spring election a statement that the election ballot will include a question on the
change requested by the petition. The form of the ballot shall correspond to the form
prescribed by the elections commission secretary of state under ss. 5.64 (2) and 7.08
(1) (a) and the question on the ballot shall be:

SECTION 321. 121.91 (3) (c) of the statutes is amended to read:

121.91 (3) (c) A referendum under this subsection shall be held in accordance
with chs. 5 to 12. The school district clerk shall provide the election officials with all
necessary election supplies. The form of the ballot shall correspond substantially
with the standard form for referendum ballots prescribed by the elections
commission secretary of state under ss. 5.64 (2) and 7.08 (1) (a). The question
submitted shall be whether the limit under sub. (2m) may be exceeded by a specified
amount. If the resolution provides that any of the excess revenue will be used for a
nonrecurring purpose, the ballot in the election shall so state and shall specify the
amount that will be used for a nonrecurring purpose. The limit otherwise applicable
to the school district under sub. (2m) is increased by the amount approved by a
majority of those voting on the question.

SECTION 322. 165.93 (4) (a) of the statutes is amended to read:

165.93 (4) (a) The department shall certify to the elections commission
secretary of state, on a continuous basis, a list containing the name and address of
each organization that is eligible to receive grants under sub. (2).

SECTION 323. 198.08 (10) of the statutes is amended to read:

198.08 (10) ELECTION STATISTICS. The clerk of the district shall seasonably
obtain, compile, and file in his or her office, for the information of the public, a
statement showing the total number of votes cast for the office of governor in the last
preceding general election in each subdistrict of the district. The clerk of every
municipality and the elections commission secretary of state shall furnish such
information so far as obtainable from their records, duly certified, to the clerk of the
district upon request therefor by the clerk of the district. If the total number of votes
cast in any subdistrict for the office of governor in the last preceding election cannot,
because of an intervening change of boundaries of election wards or for any reason,
be ascertained from any official record the clerk of the district shall fairly estimate
such number for the purposes of such statement to be filed in his or her office.

**SECTION 324.** 200.09 (11) (am) 2. of the statutes is amended to read:

200.09 (11) (am) 2. No resolution passed under subd. 1. may authorize election
of commissioners sooner than 6 months after the date of passage. The metropolitan
sewerage district commission shall immediately notify the elections commission
secretary of state under s. 5.05 upon passage of a resolution under subd. 1.

**SECTION 325.** 200.09 (11) (am) 3. of the statutes is amended to read:

200.09 (11) (am) 3. If the governing bodies of each city, town, and village
comprising the district pass a resolution to discontinue election of commissioners,
each commissioner may hold office until a successor is appointed and qualified. The
metropolitan sewerage district commission shall immediately notify the elections commission
secretary of state under s. 5.05 upon passage of a resolution under this
subdivision.

**SECTION 326.** 227.03 (6) of the statutes is amended to read:

227.03 (6) Orders of the elections commission secretary of state under s. 5.06
(6) are not subject to this chapter.

**SECTION 327.** 227.52 (6) of the statutes is amended to read:
227.52 (6) Decisions of the chairperson of the elections commission secretary of state or the chairperson's secretary's designee.

SECTION 328. 230.08 (2) (eL) of the statutes is repealed.

SECTION 329. 301.03 (20m) of the statutes is amended to read:

301.03 (20m) Transmit to the elections commission secretary of state, on a continuous basis, a list containing the name of each living person who has been convicted of a felony under the laws of this state and whose civil rights have not been restored, together with his or her residential address and the date on which the department expects his or her civil rights to be restored.

SECTION 330. 342.06 (1) (eg) of the statutes is amended to read:

342.06 (1) (eg) Except as provided in par. (eh), if the applicant is an individual, the social security number of the applicant. The department of transportation may not disclose a social security number obtained under this paragraph to any person except to the department of children and families for the sole purpose of administering s. 49.22, to the department of workforce development for the sole purpose of enforcing or administering s. 108.22, to the department of revenue for the purposes of administering state taxes and collecting debt, and to the elections commission secretary of state for the sole purpose of allowing the chief election officer secretary of state to comply with the terms of the agreement under s. 6.36 (1) (ae).

SECTION 331. 343.027 of the statutes is amended to read:

343.027 Confidentiality of signatures. Any signature collected under this chapter may be maintained by the department and shall be kept confidential, except that the department shall release a signature or a facsimile of a signature to the department of revenue for the purposes of administering state taxes and collecting debt, to the elections commission secretary of state, in electronic or digital format,
for the purposes specified in s. 6.30 (5), to the person to whom the signature relates, to a court, district attorney, county corporation counsel, city, village, or town attorney, to a law enforcement agency, or to the driver licensing agency of another jurisdiction.

**SECTION 332.** 343.11 (2m) of the statutes is amended to read:

343.11 (2m) Within 30 days following surrender of a license under sub. (1), the department shall provide notice to the elections commission secretary of state of the person’s name and address, the name of the jurisdiction issuing the surrendered license, and the date on which the license was surrendered.

**SECTION 333.** 343.14 (2j) of the statutes is amended to read:

343.14 (2j) Except as otherwise required to administer and enforce this chapter, the department of transportation may not disclose a social security number obtained from an applicant for a license under sub. (2) (bm) to any person except to the department of children and families for the sole purpose of administering s. 49.22, to the department of workforce development for the sole purpose of enforcing or administering s. 108.22, to the department of revenue for the purposes of administering state taxes and collecting debt, to the driver licensing agency of another jurisdiction, or to the elections commission secretary of state for the sole purpose of allowing the chief election officer secretary of state to comply with the terms of the agreement under s. 6.36 (1) (ae).

**SECTION 334.** 343.50 (8) (c) 3. of the statutes is amended to read:

343.50 (8) (c) 3. Notwithstanding par. (b) and s. 343.14 (2j), the department may, upon request, provide to the elections commission secretary of state for the sole purpose of allowing the chief election officer secretary of state to comply with the terms of the agreement under s. 6.36 (1) (ae) any applicant information or
identification card holder information maintained by the department of
transportation and identified in s. 343.14 (2).

**SECTION 335.** 756.04 (2) (c) 1. of the statutes is amended to read:

756.04 (2) (c) 1. A list of registered voters from the **elections commission**
secretary of state.

**SECTION 336.** 778.135 of the statutes is amended to read:

**778.135 Campaign finance, lobbying, and ethics forfeitures; how recovered.** Notwithstanding s. 778.13, whenever any action or proposed action by
the **elections commission** secretary of state under s. 5.05 (1) (c) or the ethics
commission under s. 19.49 (1) (b) is settled as a result of agreement between the
parties without approval of the court, the moneys accruing to the state on account
of such settlement shall be paid to the **secretary of state or the ethics** commission,
as appropriate, and deposited with the **secretary of administration**.

**SECTION 337.** 978.05 (1) of the statutes is amended to read:

978.05 (1) **Criminal actions.** Except as otherwise provided by law, prosecute
all criminal actions before any court within his or her prosecutorial unit and have
sole responsibility for prosecution of all criminal actions arising from violations of
chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 and from violations of other
laws arising from or in relation to the official functions of the subject of the
investigation or any matter that involves elections, ethics, or lobbying regulation
under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, that are alleged to be
committed by a resident of his or her prosecutorial unit, or if alleged to be committed
by a nonresident of this state, that are alleged to occur in his or her prosecutorial unit
unless another prosecutor is substituted under s. 5.05 (2m) (i) or 19.49 (2) (h) or this
chapter or by referral of the **elections commission** secretary of state under s. 5.05 (2m)
(c) 15. or 16. or the ethics commission under s. 19.49 (2) (b) 13. or 14. For purposes of this subsection, a person other than an individual is a resident of a prosecutorial unit if the person’s principal place of operation is located in that prosecutorial unit.

**SECTION 338.** 978.05 (2) of the statutes is amended to read:

978.05 (2) **FORFEITURES.** Except as otherwise provided by law, prosecute all state forfeiture actions, county traffic actions and actions concerning violations of county ordinances which are in conformity with state criminal laws in the courts within his or her prosecutorial unit and have joint responsibility, together with the elections commission, secretary of state and the ethics commission, for prosecution of all forfeiture actions arising from violations of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 and from violations of other laws arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, ethics, or lobbying regulation under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 that are alleged to be committed by a resident of his or her prosecutorial unit, or if alleged to be committed by a nonresident of this state, that are alleged to occur within his or her prosecutorial unit unless another prosecutor is substituted under s. 5.05 (2m) (h) or 19.49 (2) (g) or this chapter or by referral of the elections commission, secretary of state under s. 5.05 (2m) (c) 15. or 16. or the ethics commission under s. 19.49 (2) (b) 13. or 14. For purposes of this subsection, a person other than an individual is a resident of a prosecutorial unit if the person’s principal place of operation is located in that prosecutorial unit.

**SECTION 339.** Nonstatutory provisions.

(1) **AUDIT REPORT RECOMMENDATIONS.** The secretary of state and the secretary’s employees shall, to the extent practicable within their responsibilities, implement the recommendations contained in the legislative audit bureau’s Report 21–19
regarding the past performance of the elections commission. The secretary of state shall report the progress in implementing those recommendations to the legislature no later than December 31, 2023.

(2) Assets and Liabilities. On the effective date of this subsection, all assets and liabilities of the elections commission are transferred to the secretary of state.

(3) Positions and Employees.

(a) On the effective date of this paragraph, all full-time equivalent positions of the elections commission are transferred to the secretary of state.

(b) All incumbent employees holding positions at the elections commission on the effective date of this paragraph, except the incumbent employee holding the position of administrator, are transferred on the effective date of this paragraph to the secretary of state.

(c) Employees transferred under par. (b) have all the rights and the same status under subch. V of ch. 111 at the office of the secretary of state that they enjoyed at the elections commission immediately before the transfer. Notwithstanding s. 230.28 (4), no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(4) Tangible Personal Property. On the effective date of this subsection, all tangible personal property, including records, of the elections commission is transferred to the secretary of state.

(5) Contracts. All contracts entered into by the elections commission that are in effect on the effective date of this subsection shall remain in effect and are transferred to the secretary of state. The secretary of state shall carry out all contractual obligations under each contract until the contract is modified or rescinded by the secretary of state to the extent allowed under the contract.
(6) Orders and formal opinions. All formal opinions and orders issued by the elections commission that are in effect on the effective date of this subsection are transferred to the secretary of state and shall remain in effect until the secretary of state repeals an order or changes or withdraws a formal opinion.

(7) Pending matters. All matters pending with the elections commission on the effective date of this subsection are transferred to the secretary of state, and all materials submitted to or actions taken by the elections commission with respect to any pending matter are considered as having been submitted to or taken by the secretary of state.

(8) Transition. Notwithstanding s. 15.61, 2019 stats., the terms of office of all members of the elections commission holding office on the effective date of this subsection shall expire on the effective date of this subsection.

(9) Implementation plan. The individual who is serving as the administrator of the elections commission on the date of publication of this act shall work in concert with the secretary of state to ensure a smooth transition and shall participate in formulating an implementation plan.

SECTION 340. Effective dates. This act takes effect on June 30, 2023, except as follows:

(1) Section 339 (9) of this act takes effect on the day after publication.

(END)