

No. 97, A.]

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CHAPTER 451.

AN ACT to provide for party nominations by direct vote.

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

Definition and construction. SECTION 1. The words and phrases in this act shall, unless the same be inconsistent with the context, be construed as follows:

1. The word "primary," the primary election provided for by this act;
2. The words "September primary," the primary election held in September to nominate candidates to be voted for at the ensuing general election;
3. The word "election," a general or city election, as distinguished from a primary election;
4. The words "November election," the general election held in November;
5. The word "precinct," a district established by law within which all qualified electors vote at one polling place.

This statute shall be liberally construed, so that the real will of the electors may not be defeated by any informality or failure to comply with all provisions of law in respect to either the giving of any notice or the conducting of the primary or certifying the results thereof.

Candidates, how nominated. SECTION 2. Hereafter, all candidates for elective offices shall be nominated:

1. By a primary held in accordance with this act, or
2. By nomination papers, signed and filed as provided by existing statutes.
3. Party candidates for the office of United States senator shall be nominated in the manner provided herein for the nomination of candidates for state offices.

This act shall not apply to special elections to fill vacancies nor to the office of state superintendent, to town, village, and school district officers nor to judicial officers excepting police justices and justices of the peace in cities.

Primaries, when and where held. SECTION 3. 1. The September primary shall be held at the regular polling places in each precinct on the first Tuesday of September, 1906, and biennially thereafter for the nomination of all candidates to be voted for at the next November election.

2. Any primary other than the September primary shall be held two weeks before the election for which such primary is held.

Notice of primaries, how given. SECTION 4. 1. At least sixty days before the time of holding such September primary, the secretary of state shall prepare and transmit to each county, town, city and village clerk, a notice in writing designating the offices for which candidates are to be nominated, at such primary.

2. Upon receipt of such notice, such county clerk, shall, not less than ten days thereafter, publish so much thereof as may be applicable to his county, once in each week for six consecutive weeks in at least two, and not to exceed four, newspapers of general circulation published in said county.

3. Each town, village, and city clerk shall within ten days after the receipt of such notice cause notice of such primary to be posted in three public places in each precinct in his town, city, or village; such notice shall state the time when, and place where, the primary will be held in each precinct therein, together with the offices for which candidates are to be nominated.

4. In case of city elections, the city clerk shall cause one publication of such notice to be given, and shall also post such notice in three public places in each election precinct therein, such publication and posting to be not more than twenty and not less than ten days before such primary election.

5. Each county clerk shall, on the first Tuesday of June, 1906, and biennially thereafter, transmit to the secretary of state the name and postoffice address of each town, city, and village clerk in his county.

Nomination papers, how prepared and signed. SECTION 5. 1. The name of no candidate shall be printed upon an official ballot used at any primary unless at least thirty days prior to such primary a nomination paper shall have been filed in his behalf as provided in this act in substantially the following form;

I, the undersigned, a qualified elector of (the
precinct of the town of) or (the pre-

inct of the ward of the city of), county of and state of Wisconsin, and a member of the party, hereby nominate, who resides (at No. on street, city of) or (in the town of), in the county of as a candidate for the office of (here specify the office) to be voted for at the primary to be held on the first Tuesday of September, 19...., as representing the principles of said party, and I further declare that I intend to support the candidate named herein.

Name of Signer.	(In Cities.)		Date of Signing.
	Street.	No.	
.....
.....

2. All nomination papers shall have substantially the above form written or printed at the top thereof. No signatures shall be counted unless they be upon sheets each having such form written or printed at the top thereof.

3. Each signer of a nomination paper shall sign but one such paper for the same office, and shall declare that he intends to support the candidate named therein; he shall add his residence, with street and number, if any, and the date of signing.

4. For all nominations, except state officers, all signers of each separate nomination paper shall reside in the same precinct. For state officers, all signers on each separate nomination paper shall reside in the same county. The affidavit of a qualified elector shall be appended to each such nomination paper, stating that he is personally acquainted with all persons who have signed the same, and that he knows them to be electors of that precinct or county, as the nomination paper shall require; that he knows that they signed the same with full knowledge of the contents thereof and that their respective residences are stated therein and that each signer signed the same on the date stated opposite his name, and that he, the affiant, intends to support the candidate named therein. Such affidavit shall not be made by the candidate, but each candidate shall file with his nomination paper, or papers, a declaration that he will qualify as such officer if nominated and elected.

5. Such nomination papers shall be signed,—

(a) If for a state office by at least one per cent. of the voters of the party of such candidate in at least each of six counties in

the state, and in the aggregate not less than one per cent. of the total vote of his party in the state.

(b) If for a representative in congress, by at least two per cent. of the voters of his party in at least one-tenth of the election precincts in each of at least one-half of the counties of the congressional district, and in the aggregate not less than two per cent. of the total vote of his party in such district.

(c) If for an office representing less than a congressional district in area, or a county office, by at least three per cent. of the party vote in at least one-sixth of the election precincts of such district, and in the aggregate not less than three per cent. of the total vote of his party in such district.

The basis of percentage in each case shall be the vote of the party for the presidential elector receiving the largest vote at the last preceding presidential election.

But any political organization which at the last preceding general election was represented on the official ballot by either regular party candidates or by individual nominees only, may, upon complying with the provisions of this act, have a separate primary election ticket as a political party, if any of its candidates or individual nominees received one per cent. of the total vote cast at the last preceding general election in the state, or subdivision thereof, in which the candidate seeks the nomination.

Nomination papers may also be filed for non-partisan candidates; such papers shall contain at least two per cent. of the total vote cast at the last preceding general election in the state, or subdivision thereof, in which the person is a candidate, such signers to be distributed in each case as required by the provisions of this act.

Nomination papers, where filed. SECTION 6. All nomination papers shall be filed as follows:

1. For state officers, United States senator, representatives in congress, and those members of senate and assembly whose districts comprise more than one county, in the office of the secretary of state.

2. For offices to be voted for wholly within one county, in the office of the county clerk of such county.

3. For city officers, in the office of the city clerk.

Publication of names of candidates. SECTION 7. At least twenty-five days before any primary preceding a general election, the secretary of state shall transmit to each county clerk a certified list containing the name and post office address of each person for whom nomination papers have been filed in his office, and entitled to be voted for at such primary, together with a designation of the office for which he is a candidate, and the party or principle he represents.

Such clerk shall forthwith upon receipt thereof publish under the proper party designation, the title of each office, the names and address of all persons for whom nomination papers have been filed, giving the name and address of each, the date of the primary, the hours during which the polls will be opened, and that the primary will be held at the regular polling places in each precinct.

It shall be the duty of the county clerk to publish such notice for three consecutive weeks prior to said primary.

Such clerk shall also forthwith mail copies of such notice to each town, village and city clerk of his county, who shall immediately post copies of the same in at least three public places in each precinct in his town, village or city, designating therein the location of the polling booth in each election precinct.

Publication of notices. SECTION 8. Every publication required in this act shall be made in at least two, and not to exceed four newspapers of general circulation in such county or city, one of such newspapers shall represent the political party that cast the largest vote in such county or city at the preceding general election, and one of such newspapers shall represent the political party that cast the next largest vote in such county or city at the preceding general election.

In any case where the publication of a notice cannot be made, as hereinbefore required, it may be made in any newspaper having a general circulation in the county or city in which the notice is required to be published.

Official ballots. SECTION 9. An official ballot shall be printed and provided for use at each voting precinct in the form provided herein and annexed hereto. The names of all candidates for the respective offices, for whom the nomination papers prescribed shall have been duly filed, shall be printed thereon.

Preparation and distribution of ballots. SECTION 10. 1. At least twenty days before the September primary each county clerk shall prepare sample official ballots, placing thereon, alphabetically, under the appropriate title of each office and party designation, the names of all candidates to be voted for in the precinct of his county, for whom nomination papers have been filed. Such sample ballot shall be printed upon tinted or colored paper and shall contain no blank endorsement or certificate.

2. Such clerk shall forthwith submit the ticket of each party to the county chairman thereof and mail a copy to each candidate for whom nomination papers have been filed with him as required by this act, to his postoffice address, as given in such nomination paper, and he shall post a copy of each sample ballot in a conspicuous place in his office.

3. On the tenth day before such primary the county clerk shall correct any errors or omissions in the ballot, cause the same to be printed and distributed as required by law in the case of ballots for the general election, except that the number of ballots to be furnished to each precinct shall be twice the number of votes cast thereat in the last preceding general election.

Expenses of primary, how paid. SECTION 11. All ballots, blanks, and other supplies to be used at any primary, and all expenses necessarily incurred in the preparation for or conducting such primary, shall be paid out of the treasury of the city, county, or state, as the case may be, in the same manner, with like effect, and by the same officers as in the case of elections.

Conduct of primaries—manner of voting. SECTION 12. 1. The provisions of chapter 5, statutes of 1898, shall be applicable to the conduct of primaries where not otherwise provided. Section 47, statutes of 1898, is hereby amended so that all election officers shall be chosen or appointed in the manner therein provided, except that such choice shall be made in the month of August instead of September, as therein now provided.

2. The polls at primaries shall be open:

(a) In cities, from six o'clock in the morning until nine o'clock in the evening;

(b) In all other precincts, from eight o'clock in the morning until eight o'clock in the evening.

3. At all primaries there shall be an Australian ballot made up of the several party tickets herein provided for, all of which shall be securely fastened together at the top and folded, provided that there shall be as many separate tickets as there are parties entitled to participate in said primary election. There shall also be attached a non-partisan ticket upon which, under the appropriate title of each office shall be printed the names of all persons for whom nomination papers shall have been filed, as required by this act, who are not designated on such nomination papers as candidates of any political party, as defined by this act. The names of all candidates shall be arranged alphabetically according to surnames under the appropriate title of the respective offices and under the proper party designation upon the party ticket or upon the non-partisan ticket as the case may be. If any elector write upon his ticket the name of any person who is a candidate for the same office upon some other ticket than that upon which his name is so written, this ballot shall be counted for such person only as a candidate of the party upon whose ticket his name is written, and shall in no case be counted for such person as a candidate upon any other ticket. In case the person is nominated upon more than one ticket, he shall forthwith file with the proper officer, or officers in charge of the preparation of the ballots, a written declaration indicating the party designation under which his name is to be printed on the official ballot. The ballots with the endorsements shall be in substantially the form heretofore annexed, provided that ballots for any city primary may be varied as to the title of the offices to be printed thereon, so as to conform to the law under which each such primary is held. The provisions of section 51, statutes of 1898, so far as applicable shall govern the preparation of the ballot. After preparing his ballot, the elector shall detach the same from the remaining tickets and fold it so that its face will be concealed and the printed endorsements and signatures or initials thereon seen. The remaining tickets attached together shall be folded in like manner by the elector who shall thereupon, without leaving the polling place, vote the marked ballot forthwith, and deposit the remaining tickets in the separate ballot box to be marked and designated as the blank ballot box. Immediately after the canvass, the inspectors shall, without examination, destroy the tickets deposited in the blank ballot box.

Vacancies, how filled. SECTION 13. Vacancies occurring after the holding of any primary shall be filled by the party

committee of the city, district, county or state, as the case may be.

Voting and registration at primaries. SECTION 14. 1. No person shall be entitled to vote at any primary unless a qualified elector of the precinct and duly registered therein, if registration thereat be required by law.

2. Every primary election day and the Monday next preceding it, shall be registration days, where registration is required, on which the inspectors shall exercise the powers prescribed by sections 25 and 26, statutes of 1898; but no person shall be registered on or after the day of holding the primary without personally appearing before the inspectors.

3. The inspectors shall register any person who shall on any registration day file an oath or affirmation to the effect that he is a qualified elector in such precinct, or when they personally know him to be such.

4. Any person registered on either of said days as prescribed herein, shall be entitled to vote at the succeeding election without other registration.

5. There shall be no other registration day or days for either a primary, a general or a city election, except that prescribed by section 27, of the statutes of 1898.

6. No voter shall be required to register under the provisions of this act where registration is not now required by law.

7. The inspectors shall be in session for the purpose of registration from nine o'clock in the morning until eight o'clock in the evening, except that on the day of holding the primary they shall be in session from six o'clock in the morning until nine o'clock in the evening. No inspector or clerk shall be paid to exceed three dollars as compensation for his services on any registration, primary, general or city election day.

Challenges. SECTION 15. The party committee of each precinct may appoint in writing over their signatures, two party agents or representatives, with an alternate for each, who shall act as challengers for their respective parties, and have the power prescribed by section 46, statutes of 1898. The right of any person to vote at a primary may be challenged upon the same ground and his right to vote be determined in the same manner as at an election. The chairman of each party committee of any precinct may represent his party at the polling booth during the canvass and return of the vote at a primary,

or he may appoint an agent or designate a member of his committee for that purpose.

Canvass of votes. SECTION 16. Canvass of votes cast shall, except as herein otherwise provided, be made in the same manner and by the same officers as the canvass of an election. The party chairman of the precinct in a precinct canvass, of the county in a county canvass, of the state in a state canvass, or some duly appointed agent to represent each party shall be allowed to be present and observe the proceedings.

1. The precinct inspectors of election shall, on separate sheets, on blanks to be provided for that purpose, make full and accurate returns of the votes cast for each candidate, and shall within twenty-four hours cause to be delivered one copy of such returns as to each political party, to the county chairman of that party and also cause such returns to be delivered to the county clerk, if a September primary, or to the chairman of the city committee and city clerk if a city primary, provided always, that such returns shall be sent by registered mail where practicable.

2. The county canvass of the returns of a September primary shall be made by the same officers and in the manner provided in chapter 5, statutes of 1898, for the canvass of the returns of a November election. The canvassers shall meet and canvass such returns at ten o'clock on the Friday following the September primary. The returns shall contain the whole number of votes cast for each candidate of each political party, and a duplicate as to each political party shall be delivered to the county chairman of such party.

3. The canvassers shall also make an additional duplicate return in the same form as provided in subdivision 2, showing the votes cast for each candidate not voted for wholly within the limits of the county. The county clerk shall forthwith send to the secretary of state by registered mail one complete copy of all returns as to such candidates, and he shall likewise send to the chairman of the state central committee of each party a duplicate copy of the returns last described relating to such candidates of each party.

State board of canvassers, how constituted and governed. SECTION 17. The board of canvassers provided for by section 93, statutes of 1898, to canvass returns of a November election, shall constitute the state board of canvassers of September primaries, and all the provisions of section 94 and 94b

inclusive of said statutes relating to the canvass of the return of a November election, shall, as far as applicable, apply to the canvass, return, and certification to the secretary of state of such primary. Such board shall meet at the office of the secretary of state at ten o'clock a. m. on the third Tuesday of September next after the September primary.

Party candidates. SECTION 18. 1. The person receiving the greatest number of votes at a primary as the candidate of a party for an office, shall be the candidate of that party for such office, and his name as such candidate shall be placed on the official ballot at the following election.

2. As soon as a state canvass of a primary shall be certified to him, the secretary of state shall publish in the official state paper a certified statement of the result of such primary as to candidates for state offices, United States senators and representatives in congress, and any other candidate whose district extends beyond the limits of a single county, and shall mail to the chairman of the state central committee of each party so much of such certificate as relates to his party.

Secretary of state to certify to county clerks. SECTION 19.

1. Not less than fourteen days before any November election the secretary of state shall certify to the county clerk of each county within which any of the electors may vote for the candidates for such offices, the name and description of each person nominated for any such office as specified in the nomination papers.

City board of canvassers; quorum; meetings, when held.

SECTION 20. The canvass of the returns of a city primary shall be made by the mayor, the city clerk, and the treasurer of such city, any two of whom shall constitute a quorum. Such board of canvassers shall meet at eleven o'clock in the forenoon of the day following the city primary and canvass the vote substantially as provided by sections 82 and 83, statutes of 1898. They shall make and certify duplicate returns as to the votes cast for the candidates and forthwith certify and file one complete return with the city clerk and deliver so much of the other as relates to each party to the respective city chairman. So far as applicable and not otherwise provided herein, the provisions of this act shall apply to all city primaries, provided that the nomination papers therefor shall be filed at least fifteen days, a list of candidates posted and published at least ten days, and

the official ballot printed at least four days before the day of holding such primaries.

Party committees. SECTION 21. 1. At the September primary each voter may write in the space left on his ticket for that purpose the names of not to exceed three qualified electors of the precinct for members of his party precinct committee. The three having the highest number of votes shall constitute such committee, and the one having the largest vote shall be chairman. The official return made by the inspectors shall show the name and address of each party committeeman chosen.

2. The party committee of each city and county and of each assembly district shall consist of the party chairman of each precinct in such city, county, or district; the state senatorial district committee of the chairman of the assembly district committees in such senatorial district; the congressional committees of the party chairman of the senatorial district committees, wholly or partially, within such congressional district; the state central committee as hereinafter provided. Each such committee shall choose its officers by ballot excepting as herein provided.

3. Each committee and its officers shall have the powers usually exercised by such committees, and by the officers thereof, in so far as is consistent with this act. The various officers and committees now in existence shall exercise the powers and perform the duties herein prescribed until their successors are chosen in accordance with this act. At all meetings of said city, county and assembly district committees, each precinct chairman shall have one vote for every fifty votes, or major fraction thereof, cast by his party in his precinct at the last general election, each such chairman to have at least one vote, the vote at such general election to be determined as provided in section 5 of this act. The duties of the party precinct chairman, when he shall be unable to perform the same, shall be performed by a member of his party precinct committee designated by him. The duties of the chairman or secretary of any other committee may be performed by members of such committee, selected by such chairman or secretary. Any vacancy in any committee office shall be filled in the same manner as that in which such officer was originally chosen, except that in the case of a vacancy in the chairmanship of a precinct committee, the committee shall elect one of its members to fill such vacancy.

Party platform. SECTION 22. The candidates for the various state offices, and for senate and assembly nominated by each political party at such primary, shall meet at the capitol at twelve o'clock noon on the fourth Tuesday of September after the date on which any primary is held preliminary to any general election. They shall forthwith formulate the state platform of their party. They shall thereupon proceed to elect a state central committee of at least two members from each congressional district and a chairman of such committee, and perform such other business as may be properly be brought before such meeting. The platform of each party shall be framed at such time that it shall be made public, not later than six o'clock in the afternoon of the following day.

Miscellaneous provisions. SECTION 23. 1. In case of a tie vote, the tie shall forthwith be determined by lot by the canvassers.

2. It shall be the duty of the secretary of state and attorney general, on or before July 1st, 1905, to prepare all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all primaries held in pursuance hereof. Such forms shall be printed with copies of this act for public use and distribution. Every day on which a September primary shall be held shall be a legal holiday.

The penal provision. SECTION 24. 1. Any person who shall offer, or with knowledge of the same, permit any person to offer for his benefit any bribe to a voter to induce him to sign an election paper to any person who shall accept any such bribe or promise of gain of any kind in the nature of a bribe as consideration for signing the same, whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after such signing, shall be guilty of a misdemeanor, and upon trial and conviction thereof be punished by a fine of not less than twenty-five nor more than five hundred dollars, or by imprisonment in the county jail of not less than ten days nor more than six months, or by both fine and imprisonment.

2. Any act declared an offense by the general laws of this state concerning caucuses and elections shall also, in like case, be an offense in all primaries, and shall be punished in the same form and manner as therein provided, and all the penalties and provisions of the law as to such caucuses and elections, except as herein otherwise provided, shall apply in such case with equal

force, and to the same extent as though fully set forth in this act.

3. Any person who shall forge any name of a signer or witness to a nomination paper shall be deemed guilty of forgery, and on conviction punished accordingly. Any person who, being in possession of nomination papers entitled to be filed under this act, or any act of the legislature, shall wrongfully either suppress, neglect, or fail to cause the same to be filed at the proper time in the proper office shall on conviction be punished by imprisonment in the county jail not to exceed six months, or by a fine not to exceed five hundred dollars, or by both such fine and imprisonment in the discretion of the court.

General election law to apply. SECTION 25. The provisions of the statutes now in force in relation to the holding of elections, the solicitation of voters at the polls, the challenging of voters, the manner of conducting elections, of counting the ballots and making return thereof, and all other kindred subjects, shall apply to all primaries in so far as they are consistent with this act, the intent of this act being to place the primary under the regulation and protection of the laws now in force as to elections.

Submission of act to vote of people: when to take effect if approved. SECTION 26. The question whether the foregoing provisions of this act shall take effect and be in force shall be submitted to the people of this state, in the manner provided by law for the submission of an amendment to the constitution, at the next general election to be held in November, 1904. If approved by a majority of the votes cast upon that question, it shall go into effect and be in force from and after such ratification by the people; otherwise it shall not take effect or be in force. Upon the ballot shall be printed "Shall Chapter (insert on the ballot the number of chapter) of the laws of 1903, entitled 'An act to provide for party nomination by direct vote' be adopted."

Conflicting laws repealed. SECTION 27. All acts or parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed.

SECTION 28. This act shall take effect and be in force from and after its passage and publication subject to all provisions herein contained for its submission to the people for their ratification or rejection.

Approved May 23, 1903.