

1977 Assembly Bill 884

Date published: **June 5, 1978**

CHAPTER 427, Laws of 1977
(Vetoed in Part)

AN ACT to repeal 12.13 (2) (a); to renumber 5.02 (1) to (4), (6), (7), (9), (10), (12) and (13), 6.80 (2) (d) and (e), 7.23 (1) (f), 7.38 (1) (b) to (d), 8.175

Vetoed
in Part

(3), 9.01 (1) (b) 2 and 5, 10.04 (5) and 12.13 (2) (b) and (c) 1 to 4, 6 and 7; to renumber and amend 5.02 (8) and (11), 9.01 (1) (b) 1m, 3 and 4, 12.01 and 12.13 (2) (c) 5; to amend chapter 5 (title), 5.05 (1) (c), (3), (5) and (7), 5.08 (2), 5.15 (4) (a) and (6) (b), 5.35 (2), 5.37 (5), 5.40 (1), 5.55, 5.60 (1) (a) and (8) (a), 5.62 (1) (b) and (4) (b), 5.64 (1) (c) and (3) (b), 5.70 (2), 6.95, 7.03, 7.08 (1) (b) and (d), 7.10 (1) (b), 7.15 (1) (e) and (f) and (4), 7.25 (5), 7.30 (1), (2) (a) and (b), (3) (a) and (4) (a), (b) 1 and 2 and (c), 7.33, 7.35 (2), 7.37 (3), 7.38 (1) (a), 7.50 (2) (intro.), 7.51 (1) (a) and (b), (2), (3) (a) and (c), (4) and (5), 7.53 (1), (2) and (4), 7.60 (4) (a), (5) and (6), 7.70 (3) (a), (d) and (h) and (5), 8.10 (5), 8.12 (1) (c) and (2m), (4) (b) and (7), 8.16 (2) and (3), 8.175 (2), 8.18 (1), 8.185 (1), 8.20 (3) and (6), 8.50 (intro.), (1) (d), (2) (b), (3) (a) and (b) and (4) (b), (d), (e) and (g), 9.01 (1) (a) and (b) 1 and (3) (b), 10.02 (3) (a) to (g), 10.04 (1) and (4), 12.03 (2), 12.13 (3) (a), (g) and (k), 12.60 (1) (a) and (b) and (3), 15.07 (5) (n), 17.01 (13) (intro.), 17.26 (1), 59.03 (3) (e), 59.11 (2), 117.02 (4) (e), 120.43 (4) (b), 120.73 (1) (c), 121.93 (4) and 227.026 (1) (a); and to create chapter 5, subchapters I and II (titles), 5.05 (1) (title), (2) (title), (4) (title), (8) (title) and (9), 5.09, 5.25 (4), 5.35 (4) and (5), 5.54, 6.55 (6), 6.80 (2) (d), 7.23 (1) (f), 7.38 (1) (b), 7.80, 9.01 (1) (ar), 10.06 (3) (am) and (bm), 10.07, 11.01 (12m), 11.05 (3) (n), 11.38 (2) (c), 12.01 (2), 12.02, 12.03 (3) and (4), 12.13 (3) (x) and (y), 59.025 (6) and 288.135 of the statutes, relating to requirements for election officials, ballots, nominations, vacancies, canvassing, recounts, administration of elections, prohibited election practices, granting rule-making authority, providing penalties and making appropriations.

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

SECTION 1. Chapter 5 (title) of the statutes is amended to read:

CHAPTER 5

GENERAL PROVISIONS, ~~SCOPE, DEFINITIONS, BALLOT FORM~~

SECTION 2. Chapter 5, subchapter I (title) of the statutes is created to read:

CHAPTER 5

SUBCHAPTER I

GENERAL PROVISIONS

(to precede s. 5.01)

SECTION 3. 5.02 (1) (a) and (b) of the statutes are renumbered 5.02 (4) and (16), respectively.

SECTION 4. 5.02 (2) and (3) of the statutes are renumbered 5.02 (22) and (21), respectively.

SECTION 5. 5.02 (4) of the statutes, as affected by chapter 107, laws of 1977, is renumbered 5.02 (18).

SECTION 6. 5.02 (6) (a) and (b) of the statutes are renumbered 5.02 (20) and (19), respectively.

SECTION 7. 5.02 (7) (a) of the statutes is renumbered 5.02 (8).

SECTION 8. 5.02 (7) (b) of the statutes, as affected by chapter 187, laws of 1977, is renumbered 5.02 (7).

SECTION 9. 5.02 (7) (c) and (d) of the statutes are renumbered 5.02 (24) and (3), respectively.

SECTION 10. 5.02 (8) of the statutes is renumbered 5.02 (25) and amended to read:

5.02 (25) "Ward" means a town, village or city subdivision created for the convenience of the electors therein and to facilitate the division of such municipalities

into election districts of substantially equal population numbers along common boundaries observing the community of interest of existing neighborhoods and other settlements. ~~All electors within a ward vote at the same polling place.~~

SECTION 11. 5.02 (9) (a) to (c) of the statutes are renumbered 5.02 (11), (6) and (10), respectively.

SECTION 12. 5.02 (10) of the statutes is renumbered 5.02 (2).

SECTION 13. 5.02 (11) of the statutes is renumbered 5.02 (15) and amended to read:

5.02 (15) "Polling place" means the actual location wherein the elector receives and marks his elector's ballot is cast. ~~The electors of more than one ward may vote at the same polling place.~~

SECTION 14. 5.02 (12) and (13) of the statutes are renumbered 5.02 (13) and (1), respectively.

SECTION 15. 5.05 (1) (title) of the statutes is created to read:

5.05 (1) (title) GENERAL AUTHORITY.

SECTION 16. 5.05 (1) (c) of the statutes is amended to read:

5.05 (1) (c) Bring civil actions to require forfeitures for any violation of ch. 11 under s. 11.60, and sue for injunctive relief under s. 11.66 to compel compliance with ch. 11. Actions brought by the board may concern only violations with respect to reports or statements required by law to be filed with it, and other violations arising under elections for state office or statewide referenda. Pursuant to such authority, the board is authorized to compromise and settle any civil action or potential action brought or authorized to be brought by it under ch. 11 which, in the opinion of the board, 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. 288.06, an action or proposed action authorized under this paragraph may be settled for such sum as may be agreed between the parties. Actions by the board shall be brought in the circuit court for the county wherein the violation is alleged to occur. The board shall file a report of all civil actions brought by it ~~under this paragraph~~ and the disposition of those actions to the appropriate standing committees of each house of the legislature, as determined by the presiding officer, on March 1 and September 1 of each year.

SECTION 17. 5.05 (2) (title) of the statutes is created to read:

5.05 (2) (title) AUDITING.

SECTION 18. 5.05 (3) of the statutes is amended to read:

5.05 (3) (title) INVESTIGATIONS. (a) The board shall upon complaint by any person or on its own motion investigate violations of the elections laws and shall notify the district attorney of the proper county or the attorney general where appropriate of any facts within its knowledge or evidence in its possession which may be grounds for civil action or criminal prosecution.

(b) In any case in which the board refers information relating to an apparent violation of this section, the district attorney, attorney general, or any special counsel appointed under s. 14.11 (2) shall respond by report to the board with respect to any action taken regarding such apparent violation. The report shall be transmitted no later than 40 days after the date of the referral. If the matter is not disposed of during such period, the board shall receive a further report at the close of every 30-day period until the time of final disposition.

(c) No investigation is required of any petition or complaint which is not verified. The board may summarily dismiss any complaint which it finds to be without merit.

~~(d) Notwithstanding s. 19.21 (2), materials relating to investigations of violations of the elections laws under this subsection which are in the board's custody or referred for prosecution by the board are closed to public inspection. Access to such materials may not be withheld if the request for disclosure is made by the subject of the investigation.~~

SECTION 19. 5.05 (4) (title) of the statutes is created to read:

5.05 (4) (title) EMPLOYEES.

SECTION 20. 5.05 (5) of the statutes, as affected by chapters 29 and 196, laws of 1977, is amended to read:

5.05 (5) (title) BIENNIAL REPORT. ~~In lieu of the report otherwise required under Notwithstanding s. 15.04 (1) (d), the board shall file its biennial report required by that paragraph on or before June 30 of each odd-numbered year, covering the biennium ending on the previous December 31. The board shall compile and submit to the governor and the legislature each April of the odd-numbered years a biennial report for the previous 2 calendar years ending on December 31 of the previous year which shall include the any information compiled under s. 11.21 (7) in such report.~~

SECTION 22. 5.05 (7) of the statutes is amended to read:

5.05 (7) (title) ADMINISTRATIVE MEETINGS. The board shall conduct regular information and training sessions meetings at various locations in the state for county and municipal clerks and election officials. Such sessions meetings shall be designed to explain the election laws and the forms and rules of the board, 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.

SECTION 23. 5.05 (8) (title) of the statutes is created to read:

5.05 (8) (title) VOTER REGISTRATION BULLETINS.

SECTION 23m. 5.05 (9) of the statutes is created to read:

5.05 (9) PRIOR APPROVAL OF RULES REQUIRED. This subsection does not apply to emergency rules adopted under s. 227.027.

(a) *Role of legislative council.* Prior to any public hearing on a proposed rule under chs. 5 to 12, or if no public hearing is required, prior to notification of the standing committees, the board shall submit the proposed rule to the legislative council for review. The legislative council shall act as a clearing house for rule drafting and cooperate with the board and the revisor to:

1. Review the statutory authority under which the board intends to adopt the rule. The legislative council shall notify the board, the joint committee for the review of administrative rules and the appropriate standing committee when the statutory authority is eliminated or significantly changed by repeal, amendment, court decision or for any other reason.

2. Ensure that the procedures for the promulgation of a rule required by this subsection and ch. 227 are followed.

3. Review proposed rules for form, style and placement in the administrative code.

4. Review proposed rules to avoid conflict with or duplication of existing rules.

5. Review proposed rules to provide adequate references to relevant statutes, related rules and forms.

6. Streamline and simplify the rule-making process.

7. Review proposed rules for clarity, grammar and punctuation and to ensure plain language.

8. Review proposed rules to determine potential conflicts and to make comparisons with federal regulations.

(b) *Legislative council to assist standing committees.* The legislative council shall work with and assist the appropriate standing committees throughout the rule-making process. The legislative council may issue recommendations concerning any proposed rule which the board submits under this section.

(c) *Notification of standing committees.* The board shall notify appropriate standing committees when proposed rules under this section are in final draft form by submitting a notice to the presiding officer in each house. Each presiding officer shall

refer the notice to one standing committee. The board may withdraw a proposed rule by notifying the presiding officer in each house of the legislature of its intention not to promulgate the rule.

(d) *Form of notice.* The notice shall include the proposed rule in a form complying with s. 227.024 (1).

(e) *Standing committee review.* 1. A committee may be convened upon the call of its chairperson or a majority of its members to review a proposed rule. A committee may meet separately or jointly with the other committee to which the notice is referred, direct the board to attend the meeting and hold public hearings to review the proposed rule.

2. The standing committee review period lasts for 30 days after the notice is submitted and if within the 30-day period a standing committee directs the board to meet with it to review the proposed rule, the standing committee review period is extended for 30 days from the date of that request.

3. The board may not promulgate a proposed rule during the standing committee review period unless both committees approve the rule prior to the expiration of that period.

4. Either standing committee may disapprove the proposed rule or part of a proposed rule by taking action in executive session to disapprove the rule within the standing committee review period. If both committees fail to take this action, the proposed rule is not disapproved and the board may promulgate the rule.

(f) *Joint committee for the review of administrative rules.* 1. If either standing committee disapproves a proposed rule or part of a proposed rule, the proposed rule or its part shall be referred to the joint committee for the review of administrative rules.

2. The joint committee review period lasts for 30 days after the proposed rule is referred and the joint committee shall meet and take action in executive session during that period.

3. The board may not promulgate a proposed rule or its part which is disapproved by a standing committee unless the proposed rule is approved by the joint committee for the review of administrative rules or until the bill in subd. 5 fails of enactment. The board may promulgate portions of the rule which were not suspended, if the committee disapproved only parts of the rules.

4. The joint committee for the review of administrative rules may reverse the standing committee disapproval by taking action to approve the rule within the joint committee review period. The joint committee may uphold the standing committee disapproval by taking action to disapprove the rule within the joint committee review period. The joint committee may remand the proposed rule to the board for further consideration or public hearings or both. If the joint committee disapproves a proposed rule, the board may not promulgate the proposed rule until the bill in subd. 5 fails of enactment.

5. When the joint committee for the review of administrative rules disapproves a proposed rule or portion of the proposed rule, the committee shall as soon as possible place before the legislature, a bill to support the disapproval. If such bill is defeated, or fails of enactment in any other manner, the proposed rule or portion of the proposed rule may be promulgated. If the bill becomes law, the proposed rule or portion of the proposed rule, may not be promulgated unless a properly enacted law specifically authorizes the adoption of that rule.

SECTION 24. 5.08 (2) of the statutes is amended to read:

5.08 (2) The council shall recommend material to be covered in ~~training sessions~~ provided administrative meetings conducted by the board under s. 5.05 (7) and make suggestions for improvements in such ~~sessions~~ meetings.

SECTION 25. 5.09 of the statutes is created to read:

5.09 Certification of documents. Whenever the board is authorized or required to make a certification of any document in the custody of the board, and the authority to make such certification is lawfully delegated to the executive secretary, the executive secretary may, personally or through an employe authorized by the secretary, affix his or her signature by means of a stamp, machine impression, reproduction print or similar process. This section does not apply to certificates of election.

SECTION 26. 5.15 (4) (a) and (6) (b) of the statutes are amended to read:

5.15 (4) (a) The division order or resolution shall list the wards by number and designate the polling place ~~in~~ for each ward.

(6) (b) ~~At least~~ No later than 60 days before an election the ~~proper officers governing body~~ of any municipality may unite by resolution combine 2 or more wards for voting purposes to facilitate using a voting machine. Notice common polling place. A copy of the resolution shall be given filed in the same manner as for other changes in ward boundaries under sub. (4) (b). The resolution shall remain in effect for each election until modified or rescinded, or until a new division is made following the next census.

SECTION 27. 5.25 (4) of the statutes is created to read:

5.25 (4) All electors within a ward shall vote at the same polling place. The electors of more than one ward in the same municipality may vote at a single polling place.

SECTION 28. 5.35 (2) of the statutes is amended to read:

5.35 (2) VOTING BOOTHS. There shall be one voting booth for every ~~100~~ 200 electors who voted at the last general election. The booths shall be constructed at least 24 inches on a side, have a shelf to write on and be sufficiently enclosed to assure privacy for the elector and anyone lawfully assisting the elector while marking the elector's ballot. ~~The booths shall be placed apart from other activities in the polling place. Only the proper observers, election officials, persons assisting voters under s. 6.82 (2) and electors receiving, preparing or depositing their ballot shall be in the voting area.~~

SECTION 29. 5.35 (4) and (5) of the statutes are created to read:

5.35 (4) LAYOUT; ORGANIZATION. All voting booths and machines shall be placed apart from other activities in the polling place, with their exteriors in full view of the election officials. Only the proper election officials, observers, persons assisting voters under s. 6.82 (2) and electors receiving, preparing or depositing their ballots or casting their votes on the machines are permitted in the voting area. Except where assistance is authorized, only one elector at a time is permitted in a voting booth or machine.

(5) ACTIVITIES RESTRICTED. No polling place may be situated so as to interfere with or distract election officials from carrying out their duties. The municipal clerk and election inspectors shall prevent interference with and distraction of electors at polling places.

SECTION 30. 5.37 (5) of the statutes is amended to read:

5.37 (5) Polling places may have more than one voting machine. ~~The voting machines shall be apart from other activities in the polling place with their exteriors in full view of the election officials. Only the proper observers, election officials and one elector at a time for each machine shall be in the voting area.~~

SECTION 31. 5.40 (1) of the statutes is amended to read:

5.40 (1) The common council of every city and the trustees of every village with a population of 10,000 or more shall require the use of voting machines ~~by the September 1966 primary.~~ Any other municipal governing body may adopt and purchase voting machines for use in the various wards.

SECTION 32. Chapter 5, subchapter II (title) of the statutes is created to read:

CHAPTER 5
SUBCHAPTER II
BALLOT FORM

(to precede s. 5.51)

SECTION 33. 5.54 of the statutes is created to read:

5.54 Notice to electors. Every paper ballot shall bear the following information on the face: "NOTICE TO ELECTORS: This ballot is invalid unless initialed by 2 election officials serving as ballot clerks. If cast as an absentee ballot, the ballot must bear the initials of the municipal clerk."

SECTION 34. 5.55 of the statutes is amended to read:

5.55 (title) Ballot identification. On ~~the back and outside~~ of every paper ballot shall be printed "Official Ballot" or "Official Ballot for" followed by the designation of the polling place for which the ballot has been prepared, the date of the election, and the official indorsement and blank certificates. The number of the ward or aldermanic district, if any, and the name of the municipality may be omitted in printing and stamped or written on the ballots at the option of the county clerk. Stamped or written information may be placed at any location on the ballot which is clearly visible. Other information and initials shall appear on the back and outside of the ballot. Each ballot shall be prepared in substantially the following form:

OFFICIAL BALLOT

FOR

.... Ward (if any), Aldermanic district (if any),
City (Village or town) of,
.... 19...

....
....

Ballot Clerks

Absent Elector's Ballot issued by
.... Municipal Clerk

[I] [We] certify that the within ballot was marked by [me] [us] for an elector incapable under the law of marking the ballot and as directed by the elector.

.... (Signature of assisting elector)
.... (Signature of official)
.... of Election (Title)
.... (Signature of official)
.... of Election (Title)

I certify that the within ballot was marked by me at the request of an absentee elector incapable under the law of marking the ballot and as directed by the elector.

.... (Signature of officer authorized to administer oaths)
.... (Title)

SECTION 35. 5.60 (1) (a) and (8) (a) of the statutes are amended to read:

5.60 (1) (a) The names of candidates for the same office shall be placed in the same column. No party designation shall may appear on the official ballot. A space shall be provided on the ballot for electors to write in the name of a person for each office, regardless of whether there is a primary for that office.

(8) (a) An official ballot shall be printed and provided for use in each voting district. The form of each ballot shall be substantially as follows:

1. Form 1, to be used when there are several candidates:

Write in the name of a person to become the presidential candidate of the party (in that case, write that person's name into the space following "Write-in candidate").

Uninstructed delegation ()

Write-in candidate ()

SECTION 36. 5.62 (1) (b) and (4) (b) of the statutes are amended to read:

5.62 (1) (b) Every political organization listed as independent and every recognized political party listed on the official ballot at the last general election that received at least one ~~per cent~~ percent of the total votes cast for any ~~state-wide~~ statewide office for which they had a candidate, including presidential elector, which was contested at that election shall have a separate primary ballot and separate column on the general election ballot. The chairman and secretary of the organization which was "independent" at the last election shall certify to the board their party name, which shall not duplicate the name of an existing party.

(4) (b) The county board of election commissioners in counties having a population of ~~500,000 or more~~ than 500,000 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 board under s. 5.60 (1) (b).

SECTION 37. 5.64 (1) (e) and (3) (b) of the statutes are amended to read:

5.64 (1) (e) Within each column, each space shall state the office to be voted for directly above the candidate's first and last name. The candidate's name shall be placed in the party column by which nominated or if independent, in a column designated independent and all candidates for the same office shall appear on or between the same horizontal lines on the ballot. Independent candidates for the same office shall be listed in an order drawn by lot by or under supervision of the board. To the right of each candidate's name, in each column, shall be a square for the elector to place his or her cross (x) or other mark.

(3) (b) 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 ~~alphabetically according to the presidential candidates together in an order drawn by lot by or under supervision of the board,~~ following under the party candidates. Following under the independent candidates, a space shall be left for writing in the names of a candidate for president and vice president.

SECTION 38. 5.70 (2) of the statutes is amended to read:

5.70 (2) The city board of election commissioners in ~~counties~~ cities having a population of ~~500,000 or more~~ than 500,000 may similarly provide for the printing of ~~registry~~ registration lists.

SECTION 39. 6.55 (6) of the statutes is created to read:

6.55 (6) The governing body of any municipality may provide by resolution that any of the registration duties of inspectors under sub. (2) shall be carried out in such municipality by special registration deputies appointed by the municipal clerk at any polling place whenever the clerk determines that the registration process provided for in that subsection will be facilitated thereby. Such deputies may administer the oath required for registration. The deputies shall be specially appointed by the clerk for one election only to conduct elector registration only.

SECTION 40. 6.80 (2) (d) and (e) of the statutes are renumbered 6.80 (2) (e) and (f), respectively.

SECTION 41. 6.80 (2) (d) of the statutes is created to read:

6.80 (2) (d) If an elector receives a ballot which is not initialed by 2 ballot clerks, or is defective in any other way, the elector shall return it to the ballot clerks. If the initials are missing, the ballot clerks shall supply the missing initials. If the ballot is defective, they shall destroy it and issue another ballot to the elector.

SECTION 42. 6.95 of the statutes is amended to read:

6.95 Marking challenged elector ballot. Whenever the inspectors under ss. 6.92 to 6.94 decide to receive the vote of a person offering to vote who has been challenged, before depositing the ballot they shall write on the back of the ballot the serial number of the challenged person corresponding to the ~~tally sheet or voting~~ registration or poll list number kept at the election. When the inspectors similarly decide to receive the vote of a challenged person offering to vote where voting machines are used, his or her vote shall be received only upon an absentee ballot furnished by the municipal clerk which shall similarly have the corresponding serial number from the ~~tally sheet or voting~~ registration or poll list printed on the back of the ballot before the ballot is deposited.

SECTION 43. 7.03 of the statutes is amended to read:

7.03 Compensation of election officials. A reasonable compensation of not less than \$5 per day shall be paid to each election clerk, ballot clerk, inspector, voting machine custodian, member of a board of canvassers ~~and~~, messenger ~~and~~ tabulator who is employed and performing duties under this title. ~~Alternatively, such officials may be paid by the hour at a proportionate rate for each hour actually worked. Special registration deputies appointed under s. 6.55 (6) may be paid or unpaid at the option of the municipality.~~ The amount of compensation, when authorized or required, shall be fixed by the appropriate county board of supervisors or municipal governing body. The board shall fix the amount to be paid any person employed to perform duties for the state ~~and charge the expenditures to the appropriation of the hiring official or board.~~ Where such employment is necessitated to perform duties which are the responsibility of a county or municipality, the board shall charge the expense to such unit of government.

SECTION 45. 7.08 (1) (b) of the statutes, as affected by chapter 29, laws of 1977, is amended to read:

7.08 (1) (b) Prepare and provide upon request the necessary blanks and ballot bags to make the canvass, returns, statements and tally sheet statements for all state, congressional, legislative and county elections whether general, special or judicial, and all other materials as it deems necessary. The blanks shall contain the necessary certificates of the inspectors and canvassers with notes explaining their use and statutory basis. Blanks for use at the September primary shall be forwarded to the county clerks ~~upon request~~ not later than the 2nd Friday in August. Blanks for the general election shall be forwarded to the county clerks ~~upon request~~ not later than the 2nd Friday in October. The board is required to furnish only the standard form tally sheet statement to any city or county. ~~The board shall maintain a supply of standard forms and materials required under this paragraph for distribution to county clerks upon their request. All forms and materials provided under this paragraph shall be furnished for a charge not to exceed the cost of preparation.~~

SECTION 46. 7.08 (1) (d) of the statutes is amended to read:

7.08 (1) (d) ~~With the approval of the attorney general, promulgate~~ Promulgate rules for the administration of the statutory requirements for voting machines and any other voting apparatus which may be introduced in this state for use at elections. ~~Pursuant to such responsibility, the board~~ may obtain assistance from competent persons to check the machines and apparatus and approve for use those types meeting the statutory requirements and shall establish reasonable compensation for persons performing duties under this subsection ~~paragraph.~~

SECTION 47. 7.10 (1) (b) of the statutes is amended to read:

7.10 (1) (b) The county clerk shall supply sufficient ~~registry poll~~ list blanks for municipalities that do not have elector registration and other election supplies. The ~~registry poll~~ list blanks shall contain the forms for the official oaths of the election officials. The ~~registry poll~~ list blanks and other election supplies shall be enclosed in the sealed package containing the official ballots and delivered to the municipal clerk for each ward.

SECTION 49. 7.15 (1) (e) ~~and (f)~~ and (4) of the statutes are amended to read:

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in Part

7.15 (1) (e) Instruct election officials in their duties, calling them together whenever advisable, and advise them of changes in laws, rules and procedures affecting the performance of their duties, and administer examinations as prescribed in s. 7.05. The clerk shall inspect systematically and thoroughly the conduct of elections in the municipality so that elections are honestly, efficiently and uniformly conducted.

~~(f) May discharge an election official for improper conduct or willful neglect of duties. The clerk shall notify the board and the political party submitting the nomination of the discharge of any certified official.~~

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in Part

(4) RECORDING ELECTORS. After each election where registration ~~other than permanent registration~~ is used, the municipal clerk shall make a record of each elector who has voted at the election by stamping or writing the date of the election in the appropriate space on the original registration affidavit form of the elector. Municipalities employing data processing may, in lieu of this requirement, record voting information in such a manner that it is readily available for retrieval by computer.

SECTION 50. 7.23 (1) (f) of the statutes is renumbered 7.23 (1) (g).

SECTION 51. 7.23 (1) (f) of the statutes is created to read:

7.23 (1) (f) Applications for ballots or registration, or other records and papers requisite to voting at any federal election, other than registration cards, may be destroyed after 22 months.

SECTION 52. 7.25 (5) of the statutes is amended to read:

7.25 (5) Before an election each election official serving at a polling place where voting machines are used shall be instructed in their use and their duties in connection with them by the municipal clerk, who shall call as many meetings to give instructions to the election officials as are necessary. ~~Each election official who is qualified to perform his duties shall receive at least \$1 for each meeting at which he received instructions and shall be paid in the same manner and at the same time as are those who serve on election day.~~ Officials and trainees may be compensated for attendance. Any person who does not understand the machines shall not be paid nor be allowed to serve.

SECTION 53. 7.30 (1) and (2) (a) and (b) of the statutes are amended to read:

7.30 (1) NUMBER. There shall be 3 inspectors, 2 election clerks, and 2 ballot clerks at for each polling place ward at each election held under Title II. Where voting machines are used, the ballot clerks shall be dispensed with, and, if more than one voting machine is used, additional inspectors may be appointed from. Additional inspectors shall be appointed in such a manner that the total number of inspectors is an odd number and the predominant party at the preceding general election under sub. (2) is represented by one more inspector than the other party. Election clerks ~~are not required~~ shall not be appointed in municipalities with an election board in counties cities over 500,000 population.

(2) (a) Each inspector and clerk shall be a qualified elector in the ward, ~~but for which the polling place is established.~~ Special registration deputies appointed under s. 6.55 (6) and election officials serving more than one ward or when necessary to fill a vacancy under par. (b) need not be a resident of the that ward. They, but shall be a resident of the municipality. Special registration deputies may be appointed to serve more than one polling place. Officials shall be able to read and write the English language, be capable, be of good understanding, and shall not be a candidate, other than for ~~aldermanic district or ward party~~ party committeeman, to be voted for at ~~that an~~ election at which they serve. In 1st class cities, they shall hold no public office other than notary public. All officials, except special registration deputies, shall be affiliated with one of the 2 recognized political parties which received the largest number of votes for president, or governor in nonpresidential general election years, in the ward or combination of wards served by the polling place at the last election. The party

which received the largest number of votes shall be entitled to 2 inspectors, one clerk and one ballot clerk for each ward polling place. The party receiving the next largest number of votes shall be entitled to one inspector, one clerk and one ballot clerk for each ward polling place. The same election officials may serve the electors of more than one ward where wards are combined under s. 5.15 (6) (b). If a municipality is not divided into wards, the ward requirements in this paragraph apply to the municipality at large.

(b) When a vacancy occurs, the appointment shall be filled by the municipal clerk from the remaining names on the submitted lists or from additional names submitted by the chairman of the county party committee under s. 8.17. If the vacancy is due to ~~the~~ candidacy, sickness or ~~from~~ any other temporary cause, the appointment shall be a temporary appointment and effective only for that election. The same qualifications shall be required, but vacancies may be filled in cases of emergency or because of time limitations by a person from another aldermanic district or ward within the election district so the proper balance of party representation is maintained.

SECTION 55. 7.30 (3) (a) and (4) (a), (b) 1 and 2 and (c) of the statutes are amended to read:

7.30 (3) (a) Not less than 30 days before any election the governing body of any municipality, by resolution, may authorize the municipal clerk to select and employ tabulators ~~at a compensation fixed by the governing body for any election. Such authorization applies to the elections specified in the resolution, and if not specified, applies until the authorization is modified or revoked.~~

(4) (a) Except in cities where there is a board of election commissioners, the mayor, president or chairman of each municipality shall nominate to the governing body ~~at no later than their first last~~ regular meeting in February ~~December~~ of each ~~odd-numbered~~ even-numbered year the necessary election officials for each election ward. If no regular meeting is scheduled, ~~he the mayor, president or chairman~~ shall call a special meeting for the purpose ~~on the first Tuesday in February no later than December 31.~~

(b) 1. In cities where there is a board of election commissioners, the ~~elected~~ aldermanic district committeemen of each of the 2 dominant recognized political parties shall submit a certified list no later than November 30 of each even-numbered year containing the names of at least ~~5 times~~ twice as many electors as there are inspectors from that party for each of the voting wards in an the aldermanic district. The board of election commissioners shall appoint, during February no later than December 31 of odd-numbered even-numbered years, three-fifths of the list as at least 5 inspectors and two-fifths as ballot clerks giving the first choices and for each ward, and may designate such alternates for each ward as it deems advisable.

2. In municipalities other than 1st class cities the party committees shall submit a list containing at least twice as many names as there are needed appointees from that party. The list shall be submitted by the ~~aldermanic district or town~~ chairman of each of the 2 regular party committees ~~to their county, city, aldermanic district or ward committee~~ under s. 8.17 to the mayor, president or chairman of the municipality. Only if committees are organized in subdivisions of a city, the list shall be submitted through the chairman of the city committee under s. 8.17. If there is no municipal committee, the list shall be submitted by the chairman of the county or legislative district committee. Except as provided in par. (c), only those persons selected submitted by the chairman of each aldermanic district or town committee shall under s. 8.17 may act as election officials. The list shall contain the signature of the chairman and secretary of the submitting ~~county, city, town or ward~~ committee. Upon submission of each nominee's name, the governing body shall approve or disapprove the nomination. If any nominees are disapproved, the mayor, president or chairman of the municipality shall immediately nominate another person from the appropriate lists submitted and continue until the necessary number of election officials from each party is achieved at that meeting.

(c) If the lists are not submitted by ~~December 15~~ November 30 of the year ~~prior to the time for in which an~~ appointment is to be made, the board of election commissioners shall appoint, ~~and~~ or the mayor, president or chairman of a municipality shall nominate as appears appropriate.

SECTION 56. 7.33 of the statutes is amended to read:

7.33 Change of election official numbers and power. ~~By ordinance or resolution—~~ Notwithstanding s. 7.30 (1), the governing body of any municipality may ~~by ordinance or resolution~~ reduce the number of election officials, provide a redistribution of duties among the remaining officials, and modify or rescind any similar previous action.

SECTION 57. 7.35 (2) of the statutes is amended to read:

7.35 (2) IMPROPER CONDUCT. Any election official who intentionally fails to properly indorse a ballot or who intentionally gives an elector a ballot not properly indorsed shall be ~~disqualified from acting removed~~ as an election official ~~and fined \$5.~~

SECTION 58. 7.37 (3) of the statutes is amended to read:

7.37 (3) PRESERVE ORDER. The inspectors shall possess full authority to maintain order and to enforce obedience to their lawful commands during the election and the canvass of the votes. They shall permit only one person in a voting booth at a time and shall prevent any person from taking notice of how another person has voted, except when assistance is given under s. 6.82. They shall enforce s. 5.35 (5) and prevent electioneering from taking place in violation of s. 12.03. If any person refuses to obey the lawful commands of an inspector, or is disorderly in the presence or hearing of the inspectors, interrupts or disturbs the proceedings, they may order any ~~constable or other proper person law enforcement officer~~ to remove ~~him the person~~ from the premises voting area or to take him the person into custody ~~during the election.~~

SECTION 59. 7.38 (1) (a) of the statutes is amended to read:

7.38 (1) (a) For every election ward each recognized political party may appoint 2 party observers and an alternate for each, as observers of the election proceedings and the canvassing of the ballots. The appointments may be made by the county committee of the party that nominated the candidates. Party appointments shall be filled by the chairman of the party. ~~Candidates nominated by nomination papers or~~ Except at primary elections, observers appointed by a party shall serve as observers for all candidates appearing on the ballot of that party. Candidates at partisan primary elections, independent candidates at partisan elections and candidates for city offices at nonpartisan elections may similarly appoint observers one observer for each ward to represent them. If a municipality is not divided into wards, observers shall be appointed for the municipality.

SECTION 60. 7.38 (1) (b) of the statutes is renumbered 7.38 (1) (c).

SECTION 61. 7.38 (1) (b) of the statutes is created to read:

7.38 (1) (b) The board may by rule prescribe procedures and standards whereby nonpartisan and bipartisan organizations of electors not affiliated with any candidate may be authorized to appoint observers under this subsection.

SECTION 62. 7.38 (1) (c) and (d) of the statutes are renumbered 7.38 (1) (d) and (e), respectively.

SECTION 63. 7.50 (2) (intro.) of the statutes is amended to read:

7.50 (2) (intro.) ASCERTAINMENT OF INTENT. All ballots cast at an election which bear the initials of 2 ballot clerks shall be counted for the person or referendum question for whom or for which they were intended, so far as the electors' intent can be ascertained from the ballots notwithstanding informality or failure to fully comply with ~~the other provisions of Title II this title.~~ To determine intent:

SECTION 64. 7.51 (1) (a) of the statutes is amended to read:

7.51 (1) (a) Where paper ballots are used, they shall then open the ballot box and remove and count the number of ballots therein without examination except as is necessary to ascertain that each is a single ballot. If 2 or more ballots are folded together so as to appear as a single ballot, they shall be laid aside until the count is completed; and if, after a comparison of the count and the appearance of the ballots it appears to a majority of the inspectors that the ballots folded together were voted by the same person they shall be destroyed. If, after any ballots folded together have been destroyed, the number of ballots exceeds the total number of electors recorded on the ~~registry~~ registration or poll lists the ballots shall be placed in the ballot box and one of the inspectors shall publicly draw therefrom by chance, and without examination, destroy the number of ballots equal to the excess number. When the number of ballots and total shown on the registry lists agree, the inspectors shall open, count and record the number of votes.

SECTION 65. 7.51 (1) (b) of the statutes, as affected by chapter 29, laws of 1977, is amended to read:

7.51 (1) (b) Immediately after the polls close, where voting machines are used, they shall open the registering or recording compartments and canvass, record, announce and return on the provided return sheets and certificates furnished. In recording the votes registered on any counter which, before the opening of the polls, did not register 000, the inspectors shall upon the return sheets subtract the number registered before the polls opened from the number registered when the polls closed. The difference between the 2 numbers shall be the correct vote for the candidate whose name was represented by the counter, except if the number registered on the counter when the polls closed is smaller than the number registered thereon when the polls opened, the number 1,000 shall be added to the number registered when the polls closed, before the subtraction is made.

SECTION 66. 7.51 (2) of the statutes is amended to read:

7.51 (2) DEFECTIVE AND IRREGULAR BALLOTS. When, during the counting of the ballots cast at an election, the inspectors find a ballot which is so defective that it cannot be determined with reasonable certainty for whom it was cast, a majority of the inspectors shall determine whether the ballot is defective, and if so, it shall be so marked, preserved and not counted. No ballot may be counted unless it bears the initials of 2 ballot clerks. A ballot which does not bear 2 initials is void. Such ballot shall be marked "defective", and shall be laid aside and preserved. During the count the inspectors shall place count those ballots cast by challenged electors and marked "Objected to" ~~apart from the same as~~ the other ballots and, The inspectors shall keep a written statement, in duplicate, of the number of defective and objected to ballots. The officials shall certify that the statement is correct, sign it, and attach it to the canvass statements.

SECTION 67. 7.51 (3) (a) of the statutes, as affected by chapter 29, laws of 1977, is amended to read:

7.51 (3) (a) The inspectors shall place together all ballots counted by them, ~~except those marked "Objected to"~~, and secure them together so that they cannot be untied or tampered with without breaking the seal. The secured ballots together with any ballots marked "Defective" ~~or "Objected to"~~, shall then be secured by the inspectors in the container provided in such a manner that the containers cannot be opened without breaking the seals or locks. The ballots returned to the county clerk shall be delivered in the bag provided or a bag similar to that provided at the same time as the other election materials under s. 7.08 (1) (b).

SECTION 68. 7.51 (3) (c), (4) and (5) of the statutes are amended to read:

7.51 (3) (c) Where voting machines are used, as soon as the count is complete and fully recorded, the inspectors shall seal, close and lock the machine, or remove the record so it cannot be voted on or tampered with. They shall then proceed to separately canvass and return as for paper ballots, any write-in votes, absentee ballots or challenged ballots which shall be designated irregular ballots. Challenged ballots

~~shall be counted the same as other ballots.~~ Upon completion of the canvass, the inspectors shall return them in a properly sealed container indorsed "Irregular Ballots" indicating the ward and county. The irregular ballots along with any tally sheets taken from the machines shall be returned to the proper clerk.

(4) ANNOUNCE AND REPORT. (a) When the canvass is complete, the inspectors shall publicly announce the results from the tally sheets. They shall state the total number of votes cast for each office and for each person receiving votes for that office and shall state the vote for and against each proposition voted on. They shall immediately complete the inspectors' statements in duplicate, which shall be combined with the tally sheet setting forth in written words as well as figures, the total number of votes for each office, the names of all persons receiving votes, the number of votes each person received, and the number of votes for and against any proposition at the election. They shall state the excess by which the number of ballots exceeds the number of electors voting as shown by the poll or registration list, if any, and shall state the number of the last elector as shown by the registry lists registration or poll list. The inspectors shall then certify to the correctness of the statements and sign their names. All other election officials assisting with the canvass shall also certify to the correctness of the tally sheets.

(b) The inspectors' chairman, or one of the inspectors appointed by him or her, immediately after the votes are tabulated or counted at each election, shall report the returns of the election to the proper clerk who shall then make ~~it~~ them public.

(5) RETURNS. The inspectors shall make full and accurate return of the votes cast for each candidate and proposition on blanks provided for the purpose. After recording the votes, one tally sheet statement and ~~registry registration or poll list~~ shall be properly sealed for delivery to the county clerk and one tally sheet statement and ~~registry registration or poll list~~ shall be properly sealed for the municipal clerk. The envelopes and all ballots and materials shall be delivered immediately to the municipal clerk. The municipal clerk shall deliver the appropriate election materials for his or her municipality to the county clerk by 2 p.m. the day following each election. The person delivering the returns shall be paid out of the municipal treasury ~~as each governing body determines.~~

SECTION 69. 7.53 (1), (2) and (4) of the statutes are amended to read:

7.53 (1) MUNICIPALITIES WITH ONE WARD. Where the municipality constitutes one ward, the canvass shall be conducted publicly under s. 7.51. Upon completion of the canvass and ascertainment of the results by the inspectors, the clerk shall publicly read to the meeting the names of the persons voted for, the number of votes for each person for each office, and the persons' names declared to be duly elected by the inspectors to each office. ~~The public reading shall be sufficient notice to every person elected of his election.~~

(2) MUNICIPALITIES WITH 2 OR MORE WARDS. The governing body in every municipality comprised of 2 or more ~~election~~ wards shall canvass publicly the returns of every local election. The canvass shall begin within 24 hours after the polls close. When annual elections are held, the results shall be declared on or before the 2nd Tuesday of April in each year. In cities of the 1st class more than 500,000 population, the board of election commissioners shall perform these duties.

(4) CERTIFICATE OF ELECTION. The municipal clerk shall issue promptly, a certificate of election to each person elected to any office. When a valid petition for a recount is filed, the municipal clerk shall not issue the certificate of election for the office in question until the recount has been completed and the time allowed for filing an appeal has passed.

SECTION 71. 7.60 (4) (a) and (5) of the statutes, as affected by chapter 187, laws of 1977, are amended to read:

7.60 (4) (a) The board of canvassers shall make separate duplicate statements for the president and vice president; the state officials; the U.S. senators and representatives in congress; the state legislators; the ~~supreme court~~ justices; court of

appeals judges; circuit judges; and county judges where the district consists of more than one county. Each statement shall state in numbers written out 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; and the number of votes cast for each. One statement shall be used to report to the elections board under sub. (5) and the other statement shall be filed in the office of the county clerk.

(5) REPORTING. Immediately following the canvass the county clerk shall send the elections board, by ~~registered~~ certified mail with return receipt requested, a certified copy of each statement of the county board of canvassers for president and vice president, state officials, senators and representatives in congress, ~~candidates for the state legislature, supreme court legislators,~~ justice, court of appeals judge, circuit judge, and county judge if the district consists of more than one county. Following primaries the county clerk shall enclose on blanks furnished by the elections board, the names, party or principle designation, if any, and number of votes received by each candidate by voting wards or by municipalities, if not divided into wards.

SECTION 72. 7.60 (6) of the statutes is amended to read:

7.60 (6) CERTIFICATE OF ELECTION. Immediately after expiration of the time allowed to file a petition for a recount the county clerk shall issue a certificate of election to each person having the largest number of votes for any county office and any county judgeship unless the district consists of more than one county. The certificate notice shall state the amount of the required official bond, if any. ~~Personal service of the notice for all statutory and legal purposes is official notification to a person of election to the office.~~ When a petition for a recount is filed, the county clerk shall not issue the certificate of election for the office in question until the recount has been completed and the time allowed for filing an appeal has passed.

SECTION 73. 7.70 (3) (a) of the statutes is amended to read:

7.70 (3) (a) The board of state canvassers shall meet publicly at the state capitol or at the office of the elections board on or before the 2nd Thursday following a spring primary, the 15th day of May following a spring election, the 3rd Thursday following a September primary, the first day of December following a general election, the 2nd Thursday following a special primary, or within 25 days after any special election to canvass the returns and determine the election results.

SECTION 74. 7.70 (3) (d) of the statutes, as affected by chapter 187, laws of 1977, is amended to read:

7.70 (3) (d) When the certified statements and returns are received, the board of state canvassers 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 or any other state office; for U.S. senator; ~~for~~ representative in congress for each congressional district; ~~for~~ the state legislature; ~~supreme court~~ justice; court of appeals judgeship; circuit judge; county judge when the district consists of more than one county; and for any referenda questions submitted by the legislature.

SECTION 75. 7.70 (3) (h) of the statutes, as affected by chapter 107, laws of 1977, is amended to read:

7.70 (3) (h) Whenever a referendum question submitted to a vote of the people is approved, the elections board shall record it and the secretary of state 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 validating or ratifying referendum which is adopted by the people does not expressly state the date of effectiveness, it shall become effective on the day ~~the certificate of the board of state canvassers shows the result of the vote cast for the referendum after the last day which~~

is allowed to file a petition for recount. If a recount is made, it shall become effective on the day after the last day which is allowed to file an appeal. If an appeal is filed, it shall become effective at the time the appellate court issues its decision unless the court finds any legal impediment to implementation.

SECTION 76. 7.70 (5) of the statutes is amended to read:

7.70 (5) (a) The elections board shall record in its office each certified statement and determination made by the board of state canvassers. ~~It~~ Immediately after the expiration of the time allowed to file a petition for recount, it shall make and transmit to each person declared elected, a certificate of election under the seal of the elections board and cause a copy of the certified statements and determinations to be published once in a newspaper under ch. 985. It shall also prepare similar certificates, attested by the ~~chairman~~ executive secretary of the elections board, addressed to the ~~respective United States senate and U.S. house of representatives, stating the names of those persons elected as representatives to the congress from this state and the house to which elected.~~ In the case of U.S. senators, the board 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 state. When a valid petition for recount is filed, the elections board shall not certify a nomination or issue a certificate of election or determination until the recount has been completed and the time allowed for filing an appeal has passed.

(b) For presidential electors, the elections board shall prepare ~~3 lists of the names of the presidential electors, have 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 deliver the signed certificates 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 77. 7.80 of the statutes is created to read:

7.80 Notice of election. Personal service or service by first class mail of a certificate of election is official notification for all legal purposes to any person of his or her election to office.

SECTION 78. 8.10 (5) of the statutes is amended to read:

8.10 (5) Each candidate shall file with his or her nomination papers a sworn declaration in the manner prescribed by s. 8.15 (4) (b) that he the candidate will qualify for the office, if he is elected.

SECTION 79. 8.12 (1) (c) and (2m) of the statutes are amended to read:

8.12 (1) (c) The board shall forthwith contact each person whose name has been placed in nomination under par. (a) and notify him or her that his or her name will be printed on the Wisconsin presidential preference ballot unless he or she files, no later than 5 p.m. on the last day in February of ~~said~~ such year, with the board, 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 board by ~~registered~~ certified mail, telegram or in person.

(2m) DELEGATE INFORMATION. The state ~~chairperson~~ chairman of each recognized political party having a presidential preference ballot shall certify to the board, no later than 5 p.m. on the 2nd Tuesday in March of presidential election years, the number of delegates who will be entitled to serve at the party's convention from this state. At least two-thirds of such number shall be designated by congressional district and the remainder, if any, shall be designated at-large delegates. The number of at-large delegates and the number of district delegates certified by the party shall be the total number of delegates and the total number of alternates certified for such party by the board under sub. (3) (d).

SECTION 80. 8.15 (4) (b) of the statutes is amended to read:

8.15 (4) (b) Each candidate shall file with his or her nomination papers, a declaration, sworn to before any officer authorized to administer oaths, that ~~he is a resident of the district or county, if he is seeking an office elected on a district or county basis and the candidate meets or will at the time he or she assumes office meet applicable age, citizenship, residency or voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and of this state, and that he or she will otherwise qualify for office if nominated and elected. In the case of candidates for state and local office, the candidate shall also swear that he or she has not been convicted of any felony for which he or she has not been pardoned.~~ The nomination papers and the candidate's sworn declaration are valid with or without the seal impression of the authorized officer who administered the oath.

SECTION 81. 8.15 (7) of the statutes, as affected by chapter 107, laws of 1977, is amended to read:

8.15 (7) A candidate may not run in more than one party primary at the same time. No filing official may accept nomination papers for the same person in the same election for more than one party. An independent candidate at a partisan primary or other election may not file nomination papers as the candidate of a recognized political party for the same office at the same election. A person who files nomination papers as the candidate of a recognized political party may not file nomination papers as an independent candidate for the same office at the same election.

SECTION 82. 8.16 (2) of the statutes, as affected by chapter 107, laws of 1977, is amended to read:

8.16 (2) A person who receives only write-in votes shall not appear on the ballot as the candidate of a recognized political party for an office unless the person receives at least 5% of the vote cast in the jurisdiction or district for the party's gubernatorial candidate at the last general election, and files a registration statement under s. 11.05 (2g) or (2r) and declaration of acceptance under s. 8.15 (4) (b), within 2 days after the person receives notification of his or her nomination. Independent candidates may not be nominated by write-in votes but shall file nomination papers under s. 8.20.

SECTION 83. 8.16 (3) of the statutes is amended to read:

8.16 (3) Where the boundaries of a district in which the candidate of a political party seeks office have been changed since the most recent gubernatorial election such that it is not possible to calculate the exact percentage of write-in votes, under sub. (2), which are needed by that candidate to become the nominee of the party, the number of votes cast for a political party's nominee for governor at the last general election in each ward or aldermanic district, or each municipality where there are no wards, which is wholly contained within the boundaries of the newly formed district shall be calculated. If a candidate of a political party in a newly formed district does not obtain 5% of the number of votes calculated, the candidate shall not appear on the ballot as the candidate of that party for the office sought.

SECTION 84. 8.175 (2) of the statutes is amended to read:

8.175 (2) Within 10 days following any change in the position of state or county chairman, a subsequent written notice shall be filed.

(3) In the event of failure to file the name of a current county chairman, it is presumed that no organized political party committee exists in the county. In such case, the state ~~committee party~~ is entitled to fill any vacancy occurring on the party ballot under s. 7.38 (3) and nomination of election officials shall proceed as under s. 7.30 (4) (c).

SECTION 85. 8.175 (3) of the statutes is renumbered 8.175 (4).

SECTION 86. 8.18 (1) of the statutes is amended to read:

8.18 (1) Candidates for ~~state offices~~ and the senate and assembly nominated by each political party at the primary, the state officers and the holdover state senators of each political party shall meet in the state capitol at 10 a.m. on the first Tuesday in October of each year in which there is a presidential election.

SECTION 87. 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 board in accordance with this section or unless the person whose name is written in has received more than 10% of the total vote cast in the ward, or in the municipality if not divided into wards.

SECTION 88. 8.20 (3) and (6) of the statutes are amended to read:

8.20 (3) The affidavit of an elector under s. 8.15(4) (a) shall be appended to each nomination paper.

(6) Each candidate shall file with his or her nomination papers a sworn declaration in the manner prescribed in s. 8.15 (4) (b) that ~~he~~ the candidate will qualify for the office, if elected.

SECTION 89. 8.50 (intro.), (1) (d), (2) (b) and (3) (a) of the statutes are amended to read:

8.50 Special elections. (intro.) Unless otherwise provided, this section applies to filling vacancies in the ~~United States U.S.~~ senate and house of representatives, executive, judicial and legislative state offices and county offices. In addition to filling vacancies in public office by appointment, vacancies may be filled by election under this section, but no special election ~~shall~~ may be held after February 1 preceding the spring election unless it is held on the same day as the spring election, nor after September 1 preceding the general election unless it is held on the same day as the general election, until the day after that election. If the special election is held on the day of the general election, the primary, ~~if any,~~ for the special election, ~~if any,~~ shall be held on the day of the September primary for the general election. If the special election is held on the day of the spring election, the primary for the special election, if any, shall be held on the day of the spring primary.

(1) (d) When the primary election concerns a state office under par. (b) or an office to be filled from a district which includes more than one county, the board shall transmit to each county clerk at least 15 days before the special primary a certified list of all persons for whom nomination papers have been filed in its office. If no primary is required, the list shall be transmitted at least 42 days prior to the day of the 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. ~~The~~ If there is a primary, the county clerk shall publish 2 type B notices in a newspaper under ch. 10. ~~As~~ 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, ~~and.~~ The clerk shall publish 2 type B notices in a newspaper under ch. 10 for the election.

(2) (b) ~~The~~ If a primary is required, the primary shall be on the day 4 weeks before the day of the special election except when the special election is held on the same day as the general election the special primary shall be held on the same day as the ~~general~~ September primary or if the special election is held concurrently with the spring election, the primary shall be held concurrently with the spring primary. Notwithstanding par. (a), if a special election is held concurrently with the spring election, the date for the special election shall be not less than 69 nor more than 84 days from the date of the order.

(3) (a) Nomination papers shall be circulated no sooner than the day the order for the special election is filed and shall be filed not later than 5 p.m. 18 days before the day ~~of that~~ the special primary will or would be held, if required.

SECTION 90. 8.50 (3) (b) of the statutes, as affected by chapter 107, laws of 1977, is amended to read:

8.50 (3) (b) ~~The~~ Except as otherwise provided in this section, the provisions for September primaries under s. 8.15 are applicable to all primaries held under this section, ~~except that independent.~~ Independent candidates for state office at a special partisan election shall not appear on the primary ballot. No primary is required for a nonpartisan election in which not more than 2 candidates appear on the ballot or for a partisan election in which not more than one candidate appears on the ballot of each recognized political party. In every special election, a space for write-in votes shall be provided on the ballot, regardless of whether a special primary is held.

SECTION 91. 8.50 (4) (b), (d), (e) and (g) of the statutes are amended to read:

8.50 (4) (b) A vacancy in the office of representative in congress occurring ~~after July 1 but before~~ within 60 days of the 3rd 2nd Tuesday in September July preceding a general election shall be filled at the September primary and general election. Any vacancy occurring before ~~July 1~~ or after ~~the 3rd Tuesday in September before that period prior to~~ a general election may be filled at a special primary and election. If no special primary and election is held the vacancy shall be filled at the next general election.

(d) A vacancy in ~~any other elective state~~ the office of secretary of state, state treasurer, attorney general or state superintendent, occurring more than 6 months before the expiration of the current term, may be filled at a special election ~~held not later than September 1 preceding the next general election or on the day of the general election.~~

(e) ~~Any vacancy in the office of state senator may be filled by election as a vacancy in the office of United States senator is filled, except as provided by this subsection.~~ Any vacancy in the office of state senator or representative to the assembly occurring before ~~February 1~~ the first 2nd Tuesday in May in the year of his term in which a regular election is held to fill that seat shall be filled as promptly as possible by special election. ~~Any~~ However, any vacancy in the office of state senator or representative to the assembly occurring after the close of the last regular session floorperiod of the legislature held during his or her term shall be filled only if a special session or extraordinary floorperiod of the legislature is called or a veto review period is scheduled during the remainder of the term. The special election to fill the vacancy shall be ordered, if possible, so the new member may participate in the special session or floorperiod.

(g) Whenever through neglect or failure ~~to choose either a member of the congress or legislature at a general election or any county officer,~~ an elected officer who should have been chosen at the spring or general election is not chosen at that election, a special election may be held to fill the vacancy; but no special election ~~shall~~ may be held for any school or county officer after the time when ~~his~~ the officer's term would have commenced had ~~he~~ such person been elected at the proper ~~April~~ spring or ~~November~~ general election.

SECTION 92. 9.01 (1) (a) of the statutes is amended to read:

9.01 (1) (a) Any candidate voted for at any election or any elector who voted upon any referendum question at any election may request a recount. A verified petition or petitions and \$2 for each ward for which the petition requests a ballot recount shall be filed with the proper clerk under par. (ar) not earlier than the time of completion of the canvass and not later than 5 p.m. on the 3rd business day following the last meeting day of ~~the~~ each municipal or county board of canvassers that determined the election for that office or on that referendum question. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between affirmative and negative votes cast upon any referendum question is less than one-half of one per cent of the total votes cast for the office or on the question, respectively, the petitioner shall not be required to pay the \$2 per ward fee. The deadline applies to the county boards of canvassers in the case of a statewide office or statewide referendum in which a statewide recount affecting all wards and municipalities is requested, even though the petition is not filed with them. Each verified petition shall state that at the election he the petitioner was a candidate for

the office in question or that he or she voted on the referendum question in issue; that ~~he~~ the petitioner is informed and believes that a mistake or fraud has been committed in a specified ward or municipality in the counting and return of the votes cast for the office or upon the question; or shall specify any other defect, irregularity or illegality in the conduct of the election. The petition shall specify each ward, or each municipality where no wards exist, in which a recount is desired. If a recount is requested for all wards within a jurisdiction, each ward need not be specified.

SECTION 93. 9.01 (1) (ar) of the statutes is created to read:

9.01 (1) (ar) 1. In the event of a recount for any office, the petition shall be filed with the clerk or body with whom nomination papers are filed for that office.

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 county clerk of each county any part of which is petitioned to be recounted, except in the case of a request for a statewide recount, the petition shall be filed only with the elections board.

3. Upon receipt of a valid petition, the clerk shall thereupon notify the proper board of canvassers. Upon receipt of a valid petition by the elections board, the board shall promptly by certified mail order the proper boards of canvassers to commence the recount. Returns from a statewide recount shall be transmitted to the office of the board as soon as possible, but in no case later than 14 days from the date of the order of the board directing the recount. The board of state canvassers shall not make a determination in any election if a recount is pending before any county board of canvassers in that election. The board of state canvassers shall not recount actual ballots, but shall verify the returns of the county boards of canvassers in making its determinations.

SECTION 94. 9.01 (1) (b) 1 of the statutes is amended to read:

9.01 (1) (b) 1. The board of canvassers shall first compare the ~~registry~~ registration or poll lists and determine the number of voting electors.

SECTION 95. 9.01 (1) (b) 1m of the statutes is renumbered 9.01 (1) (b) 2 and amended to read:

9.01 (1) (b) 2. The board of canvassers shall then examine the absentee ballot envelopes. Any defective absentee ballot envelopes shall be laid aside, properly marked and carefully preserved. The number of voting electors shall be reduced by the number of ballot envelopes set aside under this subdivision. An absentee ballot envelope is defective only if it is neither ~~notarized~~ sworn nor witnessed, if it is not signed by the voter or if the affidavit supporting the absentee ballot envelope has such a number of technical errors that the board of canvassers is doubtful of the legal effect of the affidavit.

SECTION 96. 9.01 (1) (b) 2 of the statutes is renumbered 9.01 (1) (b) 3.

SECTION 97. 9.01 (1) (b) 3 and 4 of the statutes are renumbered 9.01 (1) (b) 4 and 5, respectively, and amended to read:

9.01 (1) (b) 4. When the container or bag has been checked, it shall be opened and the contents removed. The board of canvassers shall, without examination other than is necessary to determine that each is a single ballot, count the number of ballots therein. If the number of ballots and the totals recorded under subd. 1 do not agree, this fact shall be noted. When the number of ballots exceeds the number of electors, the board of canvassers shall proceed to place all ballots face down to check the ballot clerks' initials. Any ballots not properly initialed by 2 ballot clerks shall be laid aside, properly marked and carefully preserved. If the number of ballots still exceeds the number of electors, the remaining ballots shall be returned to the container or bag and a number of ballots equal to the excess number of ballots shall be drawn by chance and without inspection from the container or bag. These ballots shall be specially marked as having been removed by the canvassers on recount due to an excess number of ballots and carefully preserved.

5. When the number of ballots and electors agree, or after noting that there ~~are fewer~~ is a different number of ballots than electors, the ~~board of canvassers shall proceed to place all ballots face down to check the ballot clerks' initials. Any ballots not properly initialed by 2 ballot clerks shall be laid aside, properly marked and carefully preserved. After ascertaining that all the remaining ballots have been properly indorsed, the canvass~~ recanvass shall begin.

SECTION 98. 9.01 (1) (b) 5 of the statutes is renumbered 9.01 (1) (b) 6.

SECTION 99. 9.01 (3) (b) of the statutes is amended to read:

9.01 (3) (b) When a recount proceeding affects ~~candidates in districts of a state or national office defined in s. 11.01 or other office which serves~~ more than one county, the county clerk shall immediately notify the board.

SECTION 100. 10.02 (3) (a) and (b) 1 of the statutes are amended to read:

10.02 (3) (a) Upon entering the polling place, an elector shall give his or her name and address before ~~receiving the ballot from the ballot clerk being permitted to vote.~~ The Where paper ballots are used, the initials of 2 ballot clerks must appear on the ballot. Upon ~~receiving the ballot being permitted to vote,~~ the elector shall retire alone to a voting booth or machine and mark cast his or her ballot. A ballot clerk An election official may inform the elector of the proper manner for marking casting a ballot, but ~~he the official~~ shall not in any manner advise or indicate for whom to vote.

(b) 1. If an elector wishes to vote for all candidates nominated by any party, ~~he the elector~~ shall make a cross or other mark in the circle or depress the lever or button under the party designation printed at the top of the ballot. Unless a name has been erased or crossed out, another name written in, a mark placed to the right of a candidate for the same office in another column or a sticker applied, a mark in the circle at the top of the column is a vote for all the party's candidates listed in the column. If an elector does not wish to vote for all the candidates nominated by one party, ~~he the elector~~ shall make a cross or mark in the square at the right of or separately depress the levers or buttons next to each candidate's name for whom he or she intends to vote, or ~~by inserting or writing shall insert or write~~ in the name of a candidate.

SECTION 101. 10.02 (3) (b) 2 of the statutes, as affected by chapter 107, laws of 1977, is amended to read:

10.02 (3) (b) 2. At a special partisan primary, the elector shall select the party ballot of his or her choice and shall make a cross or other mark in the square at the right of or depress the lever or button next to the candidate's name for each office for whom the elector intends to vote, or shall insert or write in the name of the elector's choice for a candidate.

SECTION 102. 10.02 (3) (b) 2m of the statutes, as created by chapter 107, laws of 1977, is amended to read:

10.02 (3) (b) 2m. At the September primary, the elector shall select the party ballot of his or her choice or the ballot containing the names of the independent candidates for state office, and make a cross or other mark in the square at the right of or depress the lever or button next to the candidate's name for each office for whom ~~he or she the elector~~ intends to vote or insert or write in the name of ~~his or her the elector's~~ choice for a party candidate, if any. In order to qualify for ~~minimum~~ participation in the Wisconsin election campaign fund, a candidate for state office at the September primary must receive at least 6% of all votes cast on all ballots for the office for which he or she is a candidate, in addition to other requirements.

SECTION 103. 10.02 (3) (b) 3 and 4 and (c) to (g) of the statutes are amended to read:

10.02 (3) (b) 3. When casting a presidential preference vote, the elector shall select the party ballot of his or her choice and make a cross or other mark in the space at the right of or depress the button or lever next to the candidate's name for whom he or she intends to vote or shall, in the alternative, make such a cross or mark in the

space at the right of or depress the button or lever next to the word "no" when only one candidate is shown on the ballot or "none of the names shown" when several candidates are shown on the ballot, or shall write in the name of his or her choice for a candidate.

4. At a nonpartisan primary, the elector shall place a cross or other mark in the square at the right of or depress the button or lever next to the candidate's name for each office for whom he or she intends to vote, or insert or write in the name of his or her choice for a candidate.

(c) In presidential elections, the elector shall place a cross or other mark in the square at the right of or depress the button or lever next to the set of candidates for president and vice president for whom he or she intends to vote. The vote shall be counted for all the candidates for presidential electors of those candidates.

(d) On referenda questions, the elector shall make a cross or other mark in the square at the right of or depress the button or lever next to the answer which he or she intends to give.

(e) The ~~ballot~~ vote should not be ~~marked~~ cast in any other manner. If the elector spoils a ballot, he or she shall return it to an election official who shall issue another in its place, but not more than 3 ballots shall be issued to any one elector. If the ballot has not been initialed by 2 ballot clerks or is defective in any other way, the elector shall return it to the election official, who shall issue a proper ballot in its place. Not more than 5 minutes' time shall be allowed ~~to mark the ballot inside a voting booth or machine.~~ Unofficial ballots or a memorandum to assist the elector in marking his or her ballot may be taken into the booth and copied. The sample ballot shall not be shown to anyone so as to reveal how the ballot is marked.

(f) After ~~the~~ an official paper ballot is marked, it shall be folded so the inside marks do not show but so the printed indorsements and ballot clerks' initials on the outside do show. After ~~folding the casting his or her~~ casting his or her ballot, the elector shall leave the machine or booth, and where paper ballots are used, give his or her name to the inspector in charge of the ballot box, hand him the inspector his or her folded ballot to be placed in the ballot box, and shall leave the polling place promptly.

(g) An elector may be assisted by 2 election officials of different political parties in ~~marking the ballot casting his or her~~ vote if the elector declares to the presiding official that he or she is unable to read, has difficulty reading, writing or understanding English or that due to physical disability is unable to ~~mark the cast his or her~~ ballot. Alternatively, an elector making such declaration may have another elector of the county assist in marking the ballot or operating a voting machine. The presiding official may administer an oath to a person making such declaration.

SECTION 104. 10.04 (1) and (4) of the statutes are amended to read:

10.04 (1) All election notices ~~or certificates of election, including all election results,~~ required by ~~statutes~~ law to be published shall be published in one or more newspapers qualified under ch. 985.

(4) Compensation for publishing all notices ~~and certificates of elections shall~~ may not exceed that authorized for legal notices under s. 985.08.

SECTION 105. 10.04 (5) of the statutes is renumbered 10.07 (2).

SECTION 106. 10.06 (3) (am) and (bm) of the statutes are created to read:

10.06 (3) (am) As soon as possible following the deadline for filing nomination papers for any municipal election when there is to be an election for a county or state office or a county or statewide referendum, but no later than 2 days after such deadline, the municipal clerk of each municipality in which voting machines are used shall certify the list of candidates for municipal office to the county clerk if a primary is required.

(bm) As soon as possible following the municipal canvass of the primary vote or the municipal caucus when there is to be an election for a county or state office or a county or statewide referendum, but no later than 2 days after such date, the

municipal clerk of each municipality in which voting machines are used shall certify the list of candidates for municipal office and municipal referenda appearing on the ballot to the county clerk.

SECTION 107. 10.07 of the statutes is created to read:

10.07 Combination of notices; cost. (1) Except as provided in sub. (2) in the case of voting machine ballots, whenever any county clerk or municipal clerks within the same county are directed to publish any notice or portion of a notice under this chapter on the same date in the same newspaper, the text of which is identical, the clerks may publish one notice only. The cost of publication of such notice or the portion of the notice required shall be apportioned equally between the county and each municipality sharing in its publication.

SECTION 107e. 11.01 (12m) of the statutes is created to read:

11.01 (12m) "Labor organization" means any employe organization in which employes participate and which exists primarily for the purpose of engaging in collective bargaining with any employer concerning grievances, labor disputes, wages, hours or conditions of employment, or the promotion and advancement of the professional or occupational standards and the welfare of its members and families and any organization established for the same purposes composed of individuals or affiliates of any such employe organization.

SECTION 107m. 11.05 (3) (n) of the statutes is created to read:

11.05 (3) (n) In the case of a labor organization or separate segregated fund under s.11.38 (1) (a) 2 created by a labor organization, a statement as to whether the organization is incorporated, and if so, the date of incorporation and whether or not such incorporation is under ch. 181.

SECTION 107s. 11.38 (2) (c) of the statutes is created to read:

11.38 (2) (c) This section does not apply to any labor organization which is incorporated under ch. 181 prior to January 1, 1978.

SECTION 108. 12.01 of the statutes is renumbered 12.01 (1) and amended to read:

12.01 (1) The definitions given under s. 11.01 apply to this chapter, except that a "candidate" includes candidates for national office. ~~In this chapter, criminal intent shall be construed in accordance with s. 939.23.~~

SECTION 109. 12.01 (2) of the statutes is created to read:

12.01 (2) In this chapter, "election official" means any person charged with any duties relating to the conduct of elections under this title.

SECTION 110. 12.02 of the statutes is created to read:

12.02 Construction. In this chapter, criminal intent shall be construed in accordance with s. 939.23.

SECTION 111. 12.03 (2) of the statutes is amended to read:

12.03 (2) No person may ~~solicit votes for a candidate or political party~~ or engage in electioneering during polling hours on election day within 500 feet of an entrance to a building containing a polling place.

SECTION 112. 12.03 (3) and (4) of the statutes are created to read:

12.03 (3) A municipal clerk, election inspector or law enforcement officer may remove posters or other advertising which is placed in violation of this section.

(4) In this section, "electioneering" means any activity which is intended to influence voting at an election.

SECTION 113. 12.13 (2) (a) of the statutes is repealed.

SECTION 114. 12.13 (2) (b) and (c) 1 to 4 of the statutes are renumbered 12.13 (2) (a) and (b) 1 to 4, respectively.

SECTION 115. 12.13 (2) (c) 5 of the statutes is renumbered 12.13 (2) (b) 5 and amended to read:

12.13 (2) (b) 5. Wilfully alter or destroy a poll or registration list.

SECTION 116. 12.13 (2) (c) 6 and 7 of the statutes are renumbered 12.13 (2) (b) 6 and 7, respectively.

SECTION 117. 12.13 (3) (a), (g) and (k) of the statutes are amended to read:

12.13 (3) (a) Falsely make, make an oath to or fraudulently deface or destroy a certificate of nomination or nomination paper; or file or receive for filing a certificate of nomination or nomination paper knowing any part is falsely made;

(g) Falsify any affidavit or other statement relating to voter registration under this title.

(k) Forge or falsely make the official indorsement on a ballot or knowingly deposit a ballot in the ballot box upon which the names or initials of the ballot clerks, or those of issuing clerks do not appear. ~~In the canvass of the votes a ballot which is not indorsed by the clerks shall be void, not counted and treated and preserved as a defective ballot.~~

SECTION 118. 12.13 (3) (x) and (y) of the statutes are created to read:

12.13 (3) (x) Refuse to obey a lawful order of an inspector made for the purpose of enforcing the election laws; engage in disorderly behavior at or near a polling place; or interrupt or disturb the voting or canvassing proceedings.

(y) After an election, break the locks or seals or reset the counters on a voting machine except in the course of official duties carried out at the time and in the manner prescribed by law; or disable a voting machine so as to prevent an accurate count of the votes from being obtained; or open the registering or recording compartments of a machine with intent to do any such act.

SECTION 119. 12.60 (1) (a) and (b) and (3) of the statutes are amended to read:

12.60 (1) (a) Whoever violates ~~ss. s.~~ 12.05, 12.09, 12.11 ~~and or~~ 12.13 (1), (2) ~~and or~~ (3) (a), (e), (f), (j), (k), (L) ~~and~~, (m) or (y) may be fined not more than \$10,000, or imprisoned not more than 3 years in the state prison, or both.

(b) Whoever violates ~~ss. s.~~ 12.03, 12.07 ~~and or~~ 12.13 (3) (b), (c), (d), (g), (i) ~~and or~~ (n) to ~~(w)~~ (x) may be fined not more than \$1,000, or imprisoned not more than 6 months, or both.

(3) Any election ~~officer official~~ who is convicted of any violation of this chapter shall, in addition to the punishment otherwise provided, be disqualified to act as an election official for a term of 5 years from the time of ~~his~~ conviction.

SECTION 120. 15.07 (5) (n) of the statutes is amended to read:

15.07 (5) (n) Members of the elections board ~~who are not state employees~~, \$25 per day.

SECTION 120g. 17.01 (13) (intro.) of the statutes is amended to read:

17.01 (13) (intro.) Resignations shall be made in writing, shall be addressed and delivered to the officer or body prescribed in this section and shall take effect, in the case of an officer who is not a school district officer and whose term of office continues by law until ~~his~~ a successor is chosen and qualifies, upon the qualification of ~~his~~ the successor; and in the case of other officers including school district officers, at the time indicated in the written resignation, or if no time is therein indicated, then upon delivery of the written resignation. Delivery shall be made by leaving a copy of the written resignation with the officer to whom it is required to be addressed and delivered at his or her public office or ~~his~~ usual place of business, or if required to be addressed and delivered to a body, by leaving a copy with the following officer at his or her public office or ~~his~~ usual place of business:

SECTION 120r. 17.26 (1) of the statutes is amended to read:

17.26 (1) In the case of common, unified and union high school districts and school districts organized under ch. 119, by appointment by the remaining members. Such appointees shall hold office until a successor is elected and takes office pursuant to under s. 119.08 (4), 120.06 (4) or 120.73 (1). ~~The appointment shall not be for the unexpired term but shall be until such successor is elected and qualifies. When a vacancy occurs in the office of a board member who is in the last year of his or her term, or when a vacancy occurs after the spring election but on or before the 2nd Tuesday in December in the office of a board member who is not in the last year of his or her term, the successor shall be elected at the next spring election. When a vacancy occurs between the 2nd Tuesday in December and the next spring election in the office of a board member who is not in the last year of his or her term, the successor shall be elected at the 2nd following spring election.~~

SECTION 123. 59.025 (6) of the statutes is created to read:

59.025 (6) ELIGIBILITY FOR COUNTY OFFICE. No person is eligible to become a candidate for county elective office who is not a resident of the county at the time of filing nomination papers. In addition, candidates for county supervisor to which s. 59.03 (3) (d) applies shall be qualified as provided in that paragraph.

SECTION 123m. 59.03 (3) (e) of the statutes is amended to read:

59.03 (3) (e) *Vacancies*. In the event of a vacancy on the ~~county board caused by death, resignation or removal from office~~, the county board chairman, with the approval of the county board, shall appoint a person, who is a qualified elector and resident of the supervisory district, to fill the vacancy for the unexpired portion of the term to which ~~he~~ the person is appointed and until his or her successor is elected and qualified.

SECTION 124. 59.11 (2) of the statutes is amended to read:

59.11 (2) If two-fifths of the legal voters of any county, to be determined by the registration or poll lists of the last previous general election held therein, the names of which voters shall appear on some one of the registration or poll lists of ~~said such~~ election, shall present to the county board a petition signed by them asking a change of the county seat to some other place designated in such petition, such board shall submit the question of removal of the county seat to a vote of the qualified voters of the county. Such election shall be held only on the day of the general election, notice thereof shall be given and the same shall be conducted as in the case of the election of officers on that day, and the votes shall be canvassed, certified and returned in the same manner as other votes at such election. The question to be submitted shall be "Shall the county seat of county be removed to," and the ~~ballots on such~~ question shall ~~be deposited in~~ appear on a separate ballot box.

SECTION 125. 117.02 (4) (e) of the statutes is amended to read:

117.02 (4) (e) The election officials shall be selected by the governing body of the municipality where the polling place is located pursuant to s. 7.30. Each municipality shall compensate the election officials and shall provide the necessary voting machines or ballot boxes and voting booths. The county clerk shall provide for the printing and distribution of ballots and other election supplies at county expense. The form of the ballot shall correspond, so far as possible, to form "D" annexed to s. 5.64. The referendum shall be conducted and the votes canvassed and the results returned to the county clerk as at a general election.

SECTION 126. 120.43 (4) (b) of the statutes is amended to read:

120.43 (4) (b) Voting machines may be used in an election of school board members if an entire ward is included. For a partial ward a special registration or poll list shall be prepared by the appropriate municipal clerk and printed ballots shall be supplied by the city clerk.

SECTION 126m. 120.73 (1) (c) of the statutes is amended to read:

120.73 (1) (c) All vacancies shall be filled by appointment, in accordance with s. 17.26 (1). ~~An election to fill the unexpired term shall be held at the next spring election. The appointee shall serve only until the 4th Monday in April when the person elected to the unexpired term takes office and has qualified.~~

SECTION 127. 121.93 (4) of the statutes is amended to read:

121.93 (4) The clerk of the school board shall provide the election officials with all necessary election supplies, registration lists if the district has a register of its electors, and, for a special election, shall provide or arrange for the necessary voting machines or ballot boxes and booths and shall select the necessary election officials. The form of the ballot shall correspond substantially with form "D1" annexed to s. 5.64 (2). The notice of the election and the ballot to be used thereat shall embody a copy of the resolution, and the question submitted shall be whether the resolution shall ~~be~~ or shall not be approved.

SECTION 127m. 227.026 (1) (a) of the statutes, as affected by chapter 84, laws of 1977, is amended to read:

227.026 (1) (a) The statute pursuant to which the rule was ~~created~~ adopted, amended or repealed provides for an effective date subsequent to legislative review of the proposed action or otherwise prescribes a different effective date; or

SECTION 128. 288.135 of the statutes is created to read:

288.135 Elections board forfeitures; how recovered. Notwithstanding s. 288.13, whenever any action or proposed action by the elections board under s. 5.05 (1) (c) 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 board and deposited with the state treasurer.

SECTION 129. **Appropriation increase.** The appropriation to the elections board under section 20.510 (1) (a) of the statutes, as affected by the laws of 1977, is increased by \$18,000 for the 1978-79 fiscal year to provide for the cost of preparation and distribution of blanks, ballot bags and other materials at state expense under section 7.08 (1) (b) of the statutes, as affected by this act, for revisions in publications under section 7.08 of the statutes, as affected by this act, and for additional meeting programs under section 5.05 (7) of the statutes, as affected by this act.

SECTION 130. **Nonseverability.** If chapter 107, laws of 1977, or any part thereof which is affected by this act is declared invalid by the Wisconsin supreme court at any time prior to January 1, 1979, then the treatment by this act of any portion of the statutes so invalidated shall thereafter be void and of no effect. Any portion of chapter 107, laws of 1977, which is not affected by this act or which is not invalidated by the Wisconsin supreme court prior to January 1, 1979, shall be governed by section 990.001 (11) of the statutes.

SECTION 131. **Program citations.** (1) Under the listing of program responsibilities specified for the executive office in section 14.011 (intro.) of the statutes, reference to section "7.70 (5)" is inserted.

(2) Under the listing of program responsibilities specified for the office of the secretary of state in section 14.361 of the statutes, reference to section "7.70 (5) (a)" is inserted.

SECTION 132. **Cross reference changes.** In the sections of the statutes listed in Column A, the cross references shown in Column B are changed to the cross references shown in Column C:

A	B	C
Statute Sections	Old Cross References	New Cross References
6.80 (2)(f), as renumbered	6.80 (2)(d)	6.80 (2)(e)
11.26 (8)	5.02 (12)	5.02 (13)
15.61	5.02 (12)	5.02 (13)
67.05 (5)(a)	5.02 (3)	5.02 (21)

SECTION 133. **Effective date.** This act shall take effect on July 1, 1978, or on the day after publication, whichever is later.