

1985 Senate Bill 174

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## 1985 Wisconsin Act 304

AN ACT to repeal 5.18 (title), (1) and (2), 5.70, 6.82 (1) (c), 7.31, 7.60 (8), 8.12 (2) (b) and (2m), 8.12 (3) (a), 8.12 (3) (b) to (e), 8.30 (4), 8.50 (4) (a), 10.02 (4), 10.06 (2) (L), 17.18 (2), 17.24 (3) and 120.06 (7) (b); to renumber 5.18 (3), 5.25 (intro.), 5.25 (3), 6.20 (2), 6.78 (3), 7.23 (1) (j), 8.10 (4) and 8.12 (1) (c) and (2) (a); to renumber and amend 5.15 (3), 5.25 (1), 5.25 (4), 5.68 (1), 5.68 (2), 5.86 (1), 5.86 (2), 6.20 (1), 6.26, 6.28 (1) (a), 6.28 (1) (b), 6.55 (1), 6.87 (3), 8.12 (1) (intro.), (a) and (b), 8.12 (3) (am), 10.06 (2) (c), 10.06 (2) (f), 10.06 (2) (i), 17.18 (1), 59.715 (11) and 120.06 (7) (c); to consolidate, renumber and amend 7.51 (1) (intro.) and (a); to amend 5.01

(1), 5.02 (1m), (4e) and (6), 5.05 (1) (a), 5.06 (1), (4), (5) and (6), 5.07, 5.085 (3), 5.09, 5.15 (1) (b) and (c) and (2) (a) and (f) 4, 5.15 (6) (b) and (7), 5.35 (2), 5.35 (6) (b), 5.40, 5.51 (4) and (5), 5.54, 5.58 (1g) (a), 5.58 (2) (a), 5.60 (4) (a) and (8) (intro.) and (a), 5.62 (1) and (2), 5.64 (2) (intro.), 5.76, 5.81 (2), 5.91 (6), 6.15 (3) (b), 6.22 (2), 6.22 (4) and (5), 6.24 (4), (6) and (7), 6.27 (1), 6.275 (1) (b), 6.28 (3), 6.325, 6.33 (2) (a), 6.35 (1) (b), 6.40 (2) (b), 6.48 (1) (a), 6.50 (3), 6.50 (8), 6.55 (title), 6.55 (2) (c) 1 and (6), 6.56 (3), 6.77, 6.79 (5), 6.80 (2) (b) and (e), 6.82 (1) (a), 6.86 (1) and (2), 6.87 (1), 6.87 (4), (5) and (7), 6.925 (intro.), 6.95, 7.03, 7.08 (2) (c), 7.10 (1) (b) and (3) (a), 7.15 (1) (c) and (j), (2) (d) and (6) (b), 7.21 (1), 7.25 (title) and (4), 7.30 (3) (a), 7.30 (4) (b) 1 and 2 and (6) (b), 7.32, 7.37 (4) and (6), 7.38 (3) (c), 7.50 (1) (b) and (d) and (2) (a), (b), (d), (e) and (h), 7.51 (1) (ar), (4) (b) and (5), 7.53 (2) (a) and (4), 7.60 (2), (3), (4) (b), (5) and (6), 7.70 (1) (b), (3) (b) and (g) and (5) (a), 8.05 (1) (j), 8.10 (5), 8.11 (2m) (title), 8.12 (3) (title), 8.15 (2), 8.16 (2) (b), 8.17 (8) (b), 8.20 (5), 8.21, 8.35 (2) (c) and (d), 8.50 (1) (b) to (d) and (3) (b), 8.50 (4) (b) and (f), 8.50 (4) (h), 9.01 (1) (ag) 5 and (b) 4 and 8m, 9.01 (6) (b) and (9) (b), 9.10 (1) (b) and (c) 2 and (4) (a), (b) and (d), 10.01 (2) (a) to (e), 10.02 (2) (b) and (c) and (3) (intro.), (a), (b) 3 and (f), 10.04 (1), (2) (b) and (3) (a), 10.06 (1) (i) and (2) (a), 10.06 (2) (d), 10.06 (2) (g), 10.06 (2) (h), 10.06 (2) (j), 10.06 (2) (m) and (n), (3) (b) and (c) to (f) and (4), 10.07 (1), 12.08, 12.13 (1) (f) and (3) (e), (j) and (s), 12.60 (1) (a) and (b), 12.60 (1) (c), 13.175, 17.03 (4), 17.23 (1) (bm) and (2) (a) 1, 17.24 (1) and (2), 17.25 (1), 17.28, 19.42 (4), 19.43 (1) to (4), 59.125, 62.08 (2), 67.05 (6a) (d) and (6m) (d), 117.01 (4) (b) 5, 117.035 (1) (f), 117.043 (3) (a), 120.06 (6), 120.06 (8) (c) (intro.), 120.06 (8) (c) 3, 120.06 (9) (a), 751.03 (2), 755.01 (1), 755.03 (1), 755.04 and 800.06 (2); *to repeal and recreate* 5.55; and *to create* 5.02 (16m), 5.25 (3), 5.25 (4) (b), 5.35 (6) (a) 4 and 5, 5.40 (3) (b) and (c) and (4), 5.52, 5.68 (1), 5.68 (4) to (6), 5.81 (4), 6.10 (13), 6.21 (title), 6.22 (2) (a) 1 to 4, 6.33 (4), 6.50 (2m), 6.78 (3), 6.84, 6.87 (3) (b), 6.87 (9), 6.875, 7.36, 8.10 (4) (b), 8.125, 8.50 (4) (fm), 8.55, 10.06 (2) (gm), 12.13 (4), 17.19 (3m), 59.03 (6), 62.08 (5), 120.05 (1) (d), 120.06 (8) (c) 4, 751.03 (2) (b) and 755.18 (3) of the statutes, *relating to* special elections, ballots, nominations, canvassing, election officials, referenda, recall, registration and voting procedure, vacancies, eligibility for office, election notices and forms, administration of elections and prohibited election practices.

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

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

5.01 (1) CONSTRUCTION OF CHS. 5 TO 12. Chapters Except as otherwise provided, chs. 5 to 12 shall be construed to give effect to the will of the electors, if that can be ascertained from the proceedings, notwithstanding informality or failure to fully comply with some of its their provisions.

SECTION 1m. 5.02 (1m), (4e) and (6) of the statutes are amended to read:

5.02 (1m) "Ballot label" means the page, card or material containing the names of offices and candidates or referenda to be voted on, which is placed on a voting device. The term does not include a paster sticker applied to ballots to fill a vacancy in a nomination.

(4e) ~~In this chapter, "election~~ "Election official" means any person an individual who is charged with any duties relating to the conduct of elections under chs. 5 to 12 an election.

(6) "Governing body" means the city common council, town of a city, board of supervisors of a town or village board, and also includes the municipal board of election commissioners insofar as the powers are given to them of trustees of a village.

SECTION 2. 5.02 (16m) of the statutes is created to read:

5.02 (16m) "Recognized political party" means a political party which qualifies for a separate ballot or column under s. 5.62 (1) (b) or (2).

SECTION 3. 5.05 (1) (a) of the statutes is amended to read:

5.05 (1) (a) Employ an executive ~~secretary~~ director outside the classified service and employ legal counsel. The executive director shall serve as the chief election officer for this state.

SECTION 4. 5.06 (1), (4), (5) and (6) of the statutes are amended to read:

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

(4) The board may, on its own motion, investigate and determine whether any election official, with respect to any matter concerning nominations, qualifications of candidates, ward division and numbering or ballot preparation, has failed to comply with the law

or abused the discretion vested in him or her by law or proposes to do so.

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

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

SECTION 5. 5.07 of the statutes is amended to read:

**5.07 Action to compel compliance.** ~~The attorney general or the district attorney of the county where Whenever a violation of the laws regulating the conduct of elections or election campaigns has occurred or is alleged to occur~~ occurs or is proposed to occur, the attorney general or the district attorney of the county where the violation occurs or is proposed to occur may sue for injunctive relief, a writ of mandamus or prohibition, or other such legal or equitable relief as may be appropriate to compel compliance with the law. No bond is required in such actions.

SECTION 6. 5.085 (3) of the statutes is amended to read:

5.085 (3) Before directing the printing, publication or major revision of any form, manual, ~~bulletin~~ or other publication, the board shall refer the matter to the council for comments and suggestions.

SECTION 7. 5.09 of the statutes is amended 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~~ the certification is lawfully delegated to the executive ~~secretary~~ director, the executive ~~secretary~~ director may, personally or through an employe authorized by the ~~secretary~~ director, 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 8. 5.15 (1) (b) and (c) and (2) (a) and (f) 4 of the statutes are amended to read:

5.15 (1) (b) Except as authorized in sub. (2) (a), within 60 days after the receipt of a tentative supervisory district plan and written statement, if any, from the county board of each county in which a municipal-

ity is located, the governing body of the municipality shall adjust its wards according to the schedule shown in sub. (2). Except as authorized in sub. (2), each ward shall consist of whole enumeration districts or, where block statistics are available for blocks, of whole blocks. To suit the convenience of the voters residing therein each ward shall, as far as practicable, be kept compact and observe the community of interest of existing neighborhoods and other settlements. All territory within a ward shall be contiguous, except for island territory as defined in sub. (2) (f) 3. The division of a municipality into wards shall be made by the common council for each city, by the village board for each village, and by the town board for each town. In dividing the municipality into wards, the governing body shall give consideration to the tentative plan submitted by the county board of the county or counties in which it is located under s. 59.03 (2) (a) or (3) (b) 1. Passage of a division ordinance or resolution requires the affirmative vote of a majority of the members of the respective governing body.

(c) The wards established by municipal governing bodies under this section on the basis of the published results of ~~the 1980~~ each federal decennial census of population shall govern the adjustment of supervisory districts under s. 59.03 (2) (a) and (3) (b) and of aldermanic districts under s. 62.08 (1) for the purpose of local elections beginning on January 1, ~~1982, and thereafter unless of the 2nd year commencing after the year of the census until revised under this section on the basis of the results of the 1990 next decennial census of population or unless adjusted under sub. (2) (f) 4, (6) (a) or (7), or unless adjusted, as a matter of statewide concern, in the enactment of legislative districts under article IV, section 3, of the constitution on the basis of the most recent federal decennial census of population.~~

(2) (a) ~~No~~ Except as required by par. (d), no city electing its common council at large in which the total population is less than 1,000, and no village or town in which the total population is less than 1,000 is required to be divided into wards under this section, but any such city, village or town may divide itself into wards if the creation of wards facilitates the administration of elections and for this purpose may estimate resident population according to the best evidence as provided in par. (b) 7. No village or town located in a county having only one town is required to be divided into wards under this section.

(f) 4. New territory ~~annexed by which becomes a part of a city or~~ village or town after the adoption of a decennial ward plan.

SECTION 9. 5.15 (3) of the statutes is renumbered 5.18 and amended to read:

**5.18 (title) Enforcement of division requirement.** If any municipality fails to comply with ~~this section s. 5.15,~~ the county in which the municipality is located or any elector ~~residing in~~ of the municipality may submit to the circuit court for ~~the municipality~~ any county in

which the municipality is located within 14 days from the expiration of the 60-day period under ~~sub. s. 5.15~~ (1) (b) a proposed plan for the division of the municipality into wards in compliance with this section. If the circuit court finds that the existing division of the municipality into wards fails to comply with ~~this section s. 5.15~~, it shall review the plan submitted by the petitioner and after reasonable notice to the municipality may promulgate ~~it the plan~~, or any other plan in compliance with ~~this section s. 5.15~~, as a temporary ward plan for the ~~affected~~ municipality to remain in effect until superseded by a ward plan adopted by the governing body in compliance with ~~this section s. 5.15~~.

SECTION 10. 5.15 (6) (b) and (7) of the statutes are amended to read:

5.15 (6) (b) No later than ~~60~~ 30 days before an election the governing body of any municipality may by resolution combine 2 or more wards for voting purposes to facilitate using a common polling place. Whenever wards are so combined, the original ward numbers shall continue to be utilized for all official purposes. Except as otherwise authorized under this paragraph, every municipality having a population of 35,000 or more shall maintain separate returns for each ward so combined. In municipalities having a population of less than 35,000, the governing body may provide in the resolution that returns shall be maintained only for each group of combined wards at any election. In municipalities having a population as shown in the 1980 federal decennial census of at least 87,000 but not more than 150,000, the governing body may provide in a resolution adopted prior to 1992 that not more than 2 wards shall use common ballot boxes and ballots or voting machines and that returns shall be maintained only for each group of combined wards at any election held prior to 1992, but not more than one such resolution may be adopted. Whenever a governing body provides for common ballot boxes and ballots or voting machines, separate returns shall be maintained for each separate ballot required under ss. 5.58 to 5.64. A copy of the resolution shall be filed in the same manner as provided in sub. (4) (b). In municipalities having a population of less than 35,000, the resolution shall remain in effect for each election until modified or rescinded, or until a new division is made under this section.

(7) ~~When~~ If a new town is created or if part of a town is annexed to a city or village, the town board, without regard to the time provisions of sub. (1) (b), may adjust the ~~remaining~~ wards in that town, and shall file a copy of the ordinance or resolution, making the adjustment in compliance with ~~this section sub. (4) (b)~~.

SECTION 11. 5.18 (title), (1) and (2) of the statutes are repealed.

SECTION 12. 5.18 (3) of the statutes is renumbered 5.15 (8).

SECTION 13. 5.25 (intro.) of the statutes is renumbered 5.25 (1).

SECTION 14. 5.25 (1) of the statutes is renumbered 5.25 (2) and amended to read:

5.25 (2) In ~~1st-class cities over 500,000 population~~, polling shall be at the places established by the board of election commissioners ~~at any public schools and other public buildings which shall be made available without charge and at any fully or partially tax exempt nonsectarian private buildings offered without charge.~~ In all other cities and in villages and towns, polling shall be at the places ~~ordered~~ established by the governing body, ~~at least 30 days before the election.~~

SECTION 15. 5.25 (3) of the statutes is renumbered 5.25 (4).

SECTION 16. 5.25 (3) of the statutes is created to read:

5.25 (3) Polling places for each election shall be established at least 30 days before the election.

SECTION 17g. 5.25 (4) of the statutes, as affected by 1985 Wisconsin Act .... (this act), section 15, is renumbered 5.25 (4) (a) and amended to read:

5.25 (4) (a) ~~Wherever the inspectors do not receive ballots at the door to a polling place under s. 6.82 (1),~~ the ~~Each~~ polling place shall ~~have at least one entrance which is~~ be accessible to persons in wheelchairs.

SECTION 17r. 5.25 (4) (b) of the statutes is created to read:

5.25 (4) (b) The executive director of the board shall transmit a copy of each report concerning accessibility of polling places under 42 USC 1973ee-1 (c) (1) to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3).

SECTION 18. 5.35 (2) of the statutes is amended to read:

5.35 (2) VOTING BOOTHS. There shall be one voting booth for every 200 electors who voted at the last general election. The booths shall have a surface on which to write or work and be sufficiently enclosed to assure privacy for the elector and anyone lawfully assisting the elector while marking, or punching ~~or labeling~~ the elector's ballot.

SECTION 19. 5.35 (6) (a) 4 and 5 of the statutes are created to read:

5.35 (6) (a) 4. At each presidential election where an electronic voting system or voting machines are used, a notice advising electors who wish to vote for all the candidates of one recognized political party that they must cast a separate ballot for the offices of president and vice president.

5. Any other voting information directed to be posted by the board.

SECTION 20. 5.35 (6) (b) of the statutes is amended to read:

5.35 (6) (b) At each polling place in the state where an electronic voting system is utilized at a partisan primary election incorporating a ballot upon which electors may mark, or punch ~~or label~~ votes for candidates of more than one recognized political party or for can-

didates of a recognized political party and independent candidates, the municipal clerk or board of election commissioners shall prominently post a sign in the form prescribed by the board warning electors in substance that on any ballot with votes cast for candidates of more than one recognized political party or any ballot with votes cast for candidates of a recognized political party and independent candidates, no votes cast for any candidates for partisan office will be counted unless a preference for a party or for the independent candidates is made. If the elector designates a preference, only votes cast for candidates of that preference will be counted.

SECTION 21. 5.40 of the statutes is amended to read:

**5.40 (title) Use of voting machines or systems.** (1) Except as permitted in sub. (3) ~~or s. 7.15 (6) or as required in sub. (4)~~, the governing body or board of election commissioners of every municipality with a population of 10,000 or more before July 1, 1995, or of 7,500 or more thereafter shall require the use of voting machines or electronic voting systems in every ward in the municipality at every election. Any other governing body or board of election commissioners may adopt and purchase voting machines or electronic voting systems for use in any ward in the municipality at any election.

(2) Only voting machines complying with s. 5.37 ~~shall~~ or electronic voting systems approved under s. 5.91 may be used in any an election in this state.

(3) Notwithstanding sub. (1), ~~the use of any municipality may elect to utilize paper ballots and voting booths instead of voting machines or an electronic voting systems is optional with the municipality for system:~~

(a) ~~For any territory which is annexed to a city or village across the boundary of a legislative district if included in a portion of a congressional district, legislative district, county supervisory district, school district, vocational district, sewerage district or sanitary district contained within the municipality for so long as the population number of electors residing in the territory so annexed does not exceed the minimum population for a ward in that municipality as specified under s. 5.15 (2) 25.~~

SECTION 22. 5.40 (3) (b) and (c) and (4) of the statutes are created to read:

5.40 (3) (b) Whenever the municipality is precluded under s. 7.23 (2) from clearing the recorders on a sufficient number of voting machines to serve the electors at the election.

(c) Whenever such action is authorized under s. 7.15 (6).

(4) Notwithstanding sub. (1), a municipality which utilizes voting machines at a polling place shall not utilize a voting machine to receive the ballot of an elector who receives assistance under s. 6.82 (1) (a) or whose vote is challenged under ss. 6.92 to 6.94.

SECTION 23. 5.51 (4) and (5) of the statutes are amended to read:

5.51 (4) ~~No posters shall~~ stickers may be placed on a ballot by election officials except under s. 7.37 (6). Any other ~~posters~~ stickers applied by them shall not be counted.

(5) Official ballots shall be printed on paper of uniform color, except that different colors shall be used to distinguish office and referendum ballots. Sample ballots shall be printed on a different color paper than the official ballots, and need not have the ~~indorsement~~ endorsement and certificate.

SECTION 24. 5.52 of the statutes is created to read:

**5.52 Multi-candidate elections.** If more than one individual is to be elected to the same office from the same jurisdiction or district, the ballot shall provide at the top of the column or to the right of the row for that office: "Vote for not more than .... candidates."

SECTION 25. 5.54 of the statutes is amended to read:

**5.54 Notice to electors.** Every ballot, except a ballot label or voting machine ballot, shall bear the following information on the face: "NOTICE TO ELECTORS: This ballot may be invalid unless initialed by 2 election ~~officials serving as~~ inspectors. If cast as an absentee ballot, the ballot must bear the initials of the municipal clerk."

SECTION 26. 5.55 of the statutes is repealed and recreated to read:

**5.55 Ballot identification.** On every ballot, except a ballot label or voting machine 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 endorsement and blank certificates. The number of the ward or wards or aldermanic district, if any, and the name of the municipality may be omitted in printing and stamped or written on the ballots at any location which is clearly visible at the option of the county clerk. Printed information and initials shall appear on the back and outside of the ballot. When a ballot card is employed with an electronic voting system, the date of the election may be printed or stamped on the back of the ballot card in such a manner that the card is not reusable, at the option of the county clerk. Each ballot shall be prepared in substantially the following form:

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**OFFICIAL .... BALLOT**

(date of election)

FOR

.... Ward (Wards) (if any)

.... Aldermanic district (if any)

City (Village or Town) of ....

.... 19..

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Ballot issued by \_\_\_\_\_  
.....  
.....  
(Initials of inspectors)

Absent Elector's Ballot issued by \_\_\_\_\_  
.....  
(Initials of municipal clerk or deputy clerk)

Certification of Elector Assistance

I certify that this ballot was marked or punched by me for an elector who is authorized under the law to have assistance, upon request and as directed by the elector.

.... (Signature of assisting individual)

SECTION 27. 5.58 (1g) (a) of the statutes is amended to read:

5.58 (1g) (a) There shall be a separate ballot for city school district officers when so required. ~~Officers elected under s. 120.44 (2) (a) may be placed on the same ballot as other city officers.~~

SECTION 27m. 5.58 (2) (a) of the statutes, as affected by 1985 Wisconsin Act 29, is amended to read:

5.58 (2) (a) There shall be one separate ballot for state superintendent, judicial officers, county executive under s. 59.031 and county supervisor. In counties under 500,000 population, the ballot shall provide for the election of 2 supervisors whenever the districting plan adopted under s. 59.03 (3) (b) so provides, in accordance with the method of election specified in the plan. In counties having a population of 500,000 or more, the ballot also shall include those offices under s. 8.11 (2) and (2m). The arrangement of names of candidates for state superintendent, justice, court of appeals judge and circuit court judge shall be determined by the board in the manner specified in s. 5.60 (1) (b). The arrangement of names of candidates for county executive and county supervisor shall be determined by the county clerk or by the executive ~~secretary~~ director of the county board of election commissioners in the manner specified in s. 5.60 (1) (b). The ballot shall be titled "Official Ballot for Judicial, State Superintendent of Public Instruction, County Executive and County Supervisor Primary"; ~~except that in counties having a population of 500,000 or more, it shall be titled "Official Ballot for County Officers, Judicial, State Superintendent of Public Instruction and School Board Primary".~~

SECTION 28. 5.60 (4) (a) and (8) (intro.) and (a) of the statutes are amended to read:

5.60 (4) (a) There shall be a separate ballot for city school district officers when so required. ~~Officers elected under s. 120.44 (2) (a) may be placed on the same ballot as other city officers.~~

(8) **BALLOTS FOR PRESIDENTIAL VOTE.** (intro.) There shall be a separate ballot for each recognized political party qualified under s. 5.62 filing a certification under s. 8.12 (1), listing the names of all potential candidates of that party determined under s. 8.12 and affording, in addition, an opportunity to the voter to nominate another potential candidate by write-in vote or to vote ~~against the choices offered on the ballot for an uninstructed delegation to the party convention.~~ The order of such presidential candidates shall be determined by lot by or under the supervision of the board. Each voter shall be given the ballots of all the parties participating in the presidential preference vote, but may vote on one ballot only.

(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:

**OFFICIAL BALLOT**  
**PRESIDENTIAL PREFERENCE VOTE**  
.... Party

MARK THIS BALLOT IN ONE SPACE ONLY. You have one of 3 choices — you may either:

Express your preference for one of the persons whose names are printed on this ballot (in that case, make a cross (X) in the square after that person's name); or

Vote ~~against all of the names printed on this ballot, thus in fact expressing your preference~~ for an uninstructed delegation from Wisconsin to the national convention of the .... party (in that case, make a cross (X) in the square following "~~None of the names shown~~" "Uninstructed delegation"); or

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

- OLE CARLSON ..... ( )
- AMOS DUNCAN..... ( )
- JAMES UNDERWOOD ..... ( )
- ~~None of the names shown~~ Uninstructed delegation ..... ( )
- Write-in candidate ..... ( )

2. Form 2, to be used when there is only one candidate:

**OFFICIAL BALLOT**  
**PRESIDENTIAL PREFERENCE VOTE**  
.... Party

MARK THIS BALLOT IN ONE SPACE ONLY. You have one of 3 choices — you may either:

Express your preference for the person whose name is printed on this ballot (in that case, make a cross (X) in the square ~~marked "YES"~~ following after that person's name); or

Vote ~~against the person whose name is printed on this ballot, thus in fact expressing your preference~~ for an uninstructed delegation from Wisconsin to the

national convention of the .... party (in that case, make a cross (X) in the square marked "NO" "Uninstructed delegation" following that person's name); or

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

JOHN DOE.....YES ... ( )  
NO ... ( )

Uninstructed delegation..... ( )

Write-in candidate ..... ( )

3. Form 3, to be used when there are no candidates who have qualified to appear on the ballot:

**OFFICIAL BALLOT**

**PRESIDENTIAL PREFERENCE VOTE**

.... Party

MARK THIS BALLOT IN ONE SPACE ONLY. There are no candidates of the .... party who have qualified to have their names appear on the printed ballot. You have 2 choices — you may either:

Express your preference for an uninstructed delegation from Wisconsin to the national convention of the .... party (in that case, make a cross (X) in the square following "Uninstructed delegation"); or

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 29. 5.62 (1) and (2) of the statutes are amended to read:

5.62 (1) (a) ~~There shall be an Australian ballot~~ The ballots shall be made up of the several party tickets with each party entitled to participate in the primary under par. (b) or sub. (2) having its own ballot. The independent candidates for state office shall have a separate ballot for all such candidates as under s. 5.64 (1) (c). The several ballots shall be secured together at the bottom. The party ballot of the party receiving the most votes for governor at the last general election shall be on top with the other parties arranged in an order based on their vote for governor at the last general election. The ballot listing the independent candidates shall be placed at the bottom. At polling places where voting machines are used, each party and the independent candidates shall be represented in one or more separate columns or rows on the ballot. At polling places where an electronic voting system is used other than an electronic voting machine, each party and the independent candidates may be represented in separate columns or rows on the ballot.

(b) Every recognized political party listed on the official ballot at the last ~~general gubernatorial~~ election whose candidate for a any statewide office, including presidential elector, received at least one percent of the total votes cast for that office and, if the last general election was also a presidential election, every recog-

nized political party listed on the ballot at that election whose candidate for president received at least one percent of the total vote cast for that office shall have a separate primary ballot or one or more separate columns or rows on the primary ballot as prescribed in par. (a) and a separate column on the general election ballot in every ward and election district. An organization which was listed as "independent" at the last general election and whose candidate meets the same qualification shall receive the same ballot status upon petition of the chairman and secretary of the organization to the board requesting such status and specifying their party name, which may not duplicate the name of an existing party. A petition under this paragraph may be filed no later than 5 p.m. on June 1 in the year of each general election. This paragraph applies to a party only if at least one candidate of the party for a state office qualifies to have his or her name appear on the ballot under the name of the party at the last gubernatorial election.

(2) Any political organization may be represented on a separate primary ballot or one or more separate columns or rows on the primary ballot as prescribed in sub. (1) (a) and a separate column on the general election ballot in every ward and election district if, not later than 5 p.m. on June 1 in the year of a September primary, it files with the board a petition so requesting. To qualify for a separate ballot, the petition shall be signed by at least 10,000 electors, including at least 1,000 electors residing in each of at least 3 separate congressional districts. The petition shall conform to s. 8.15 insofar as applicable. No signature obtained before January 1 in the year of filing is valid. When the candidates of a political organization filing a valid petition fulfill the requirements prescribed by law, they shall appear on a separate ballot or one or more separate columns or rows on the ballot for the ~~succeeding 2-year period ending on June 1~~ following general election.

SECTION 29m. 5.64 (2) (intro.) of the statutes is amended to read:

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

SECTION 30. 5.68 (1) of the statutes is renumbered 5.68 (2) and amended to read:

5.68 (2) Except as otherwise expressly provided, all costs for ballots, supplies, ~~machines, equipment~~ notices and any other material materials necessary in

preparing or conducting any election shall be paid for by the county or municipality whose clerk or board of election commissioners is responsible for providing them ~~under ch. 7. If a ballot is prepared for a school, vocational, sewerage or sanitary district, the district shall pay for the cost of the ballot. If no other level of government is involved in a school, vocational, sewerage or sanitary district election, the district shall pay for all costs of the ballots, supplies, notices and other materials. If ballots, supplies, notices or other materials are used for elections within more than one unit of local government, the costs shall be proportionately divided between the units of local government involved in the election. In a 1st class city, all costs otherwise attributable to a school district shall be paid by the city.~~

SECTION 31. 5.68 (1) of the statutes is created to read:

5.68 (1) The cost of acquisition of ballot boxes and voting booths, voting machines or electronic voting systems and regular maintenance thereof shall be borne by the municipalities in which the boxes, booths, machines or systems are used.

SECTION 32. 5.68 (2) of the statutes is renumbered 5.68 (3) and amended to read:

5.68 (3) ~~When If~~ voting machines are used or ~~when~~ if an electronic voting system is used in which all candidates and referenda appear on the same ballot card, the ballots for all national, state and county offices and for county and state referenda shall be ~~printed prepared~~ and paid for by the county wherein they are used. ~~When If~~ the voting machine or electronic voting system ballot includes a municipal or school, vocational, sewerage or sanitary district ballot, the cost of that portion of the ballot shall be reimbursed to the county or paid for by the municipality in the school or district with the property having the highest equalized valuation. ~~When voting machine or electronic voting system ballots include 2 or more levels of government, the cost of ballot printing or preparation shall be prorated between the units of government sharing responsibility for the ballot, except as provided in a 1st class city school district under sub. (2).~~

SECTION 33. 5.68 (4) to (6) of the statutes are created to read:

5.68 (4) The cost of compensation of election officials and trainees shall be borne in the manner provided in s. 7.03.

(5) If a charge is made for the use of a polling place, the charge shall be paid by the unit of government establishing the polling place under s. 5.25 (2) or 120.06 (9) (a).

(6) The clerk of each county or municipality shall submit an invoice to the clerk of each municipality or district which is responsible for payment of election costs under this section. The municipality or district shall make payment to the county or municipal treasurer.

SECTION 34. 5.70 of the statutes is repealed.

SECTION 35. 5.76 of the statutes is amended to read:

**5.76 Adoption, experimentation or discontinuance of systems.** The governing body or board of election commissioners of any municipality may by ordinance or resolution adopt, experiment with, or discontinue any electronic voting system authorized by this subchapter and approved under s. 5.91 for use in this state, and may purchase or lease materials or equipment for such system to be used in all or some of the wards within its jurisdiction, either exclusively in combination with mechanical voting machines, or in combination with paper ballots where such ballots are authorized to be used.

SECTION 36. 5.81 (2) of the statutes is amended to read:

5.81 (2) When an electronic voting system utilizes a ballot label booklet and ballot card, ballots for candidates and ballots on referenda may be placed on the voting device by providing in the ballot booklet separate ballot label pages or series of pages distinguished by differing colors. Whenever practicable, all candidates for the same office shall appear in the booklet on the same page or facing pages. More than one question may be placed on the same ballot page or series of pages. ~~Ballot label pages for referenda shall be on paper of blue color and shall precede all other ballot label pages in the ballot label booklet. Ballot label pages for candidates shall be on paper of white color.~~ In elections where provision is made for straight party voting by marking a party circle, the designation of the political parties for straight party voting shall be on a separate page on which no names of candidates may appear. On each succeeding page of the candidate booklet, where the ballot information is listed vertically, the party affiliation of each candidate or the designation "independent" or the candidate's statement of principles, if any, shall appear immediately to the left of the candidate's name, and the name of candidates for the same office shall be listed vertically under the title of that office.

SECTION 37. 5.81 (4) of the statutes is created to read:

5.81 (4) In partisan primary elections, if a ballot contains the names of candidates of more than one party or the names of party candidates and independent candidates, it shall provide a space for electors to designate a party preference or a preference for the independent candidates. Failure to designate a preference does not invalidate any votes cast by an elector, except as provided in s. 7.50 (1) (d).

SECTION 38. 5.86 (1) of the statutes is renumbered 5.86 (2) and amended to read:

5.86 (2) At the central counting location, a team of election officials designated by the ~~municipal~~ clerk having charge of the location under sub. (1) shall check the container returned containing the ballots to determine that all seals are intact, and thereupon shall open the container, check the inspectors' slip and

compare the number of ballots so delivered against the total number of electors of each ward served by the polling place who voted, remove the ballots or record of the votes cast and deliver them to the technicians operating the automatic tabulating equipment. Any discrepancies between the number of ballots and total number of electors shall be noted on a sheet furnished for that purpose and signed by the election officials.

SECTION 39. 5.86 (2) of the statutes is renumbered 5.86 (1) and amended to read:

5.86 (1) All proceedings at the central counting location shall be under the direction of the municipal clerk unless the central counting location is at the county seat and the municipal clerk delegates the responsibility to supervise the location to the county clerk. Except for any specially trained technicians required for the operation of the automatic tabulating equipment, the employes at the central counting location shall be equally divided between members of the 2 major political parties under s. 7.30 (2) (a) and all duties performed by the employes shall be by teams consisting of an equal number of members of each political party whenever sufficient persons from each party are available.

SECTION 40. 5.91 (6) of the statutes is amended to read:

5.91 (6) The voting device or machine permits an elector in a primary election to vote for the candidates ~~in~~ of the recognized political party primary or the independent candidates of his or her choice, and the automatic tabulating equipment or machine rejects any ballot on which votes are cast in the primary of more than one recognized political party, except where a party or independent candidate designation is made or where an elector casts write-in votes for candidates of more than one party on a ballot that is distributed to the elector.

SECTION 41. 6.10 (13) of the statutes is created to read:

6.10 (13) A military elector under s. 6.22 (1) who is the spouse or dependent of another military elector may elect to take as his or her residence either the individual's most recent residence in this state or the residence of the individual's spouse or the individual providing his or her support.

SECTION 42. 6.15 (3) (b) of the statutes is amended to read:

6.15 (3) (b) *Election day.* An eligible elector may appear at the proper polling place or other location designated under s. 6.55 (2) for the ward or election district where he or she resides and make application for a ballot under sub. (2). In such case, the inspector or special registration deputy shall perform the duties of the municipal clerk. The elector shall provide identification. If the elector is qualified, he or she shall be permitted to vote. The elector shall mark, ~~or punch or label~~ the ballot and, if it is a paper ballot, the elector shall fold the ballot, and shall give it to the inspector. The inspector shall deposit it directly in the ballot box.

Voting machines or ballots utilized with electronic voting systems may only be used by electors voting under this section if they permit voting for president and vice president only.

SECTION 43. 6.20 (1) of the statutes is renumbered 6.20 and amended to read:

**6.20 Absent electors.** Any qualified elector of this state who registers where required, ~~or who swears in his vote~~ may vote by absentee ballot, under ss. ~~6.85 6.84~~ to 6.89.

SECTION 44. 6.20 (2) of the statutes is renumbered 6.21.

SECTION 45. 6.21 (title) of the statutes is created to read:

**6.21 (title) Deceased electors.**

SECTION 46. 6.22 (2) of the statutes is amended to read:

6.22 (2) (title) APPLICATION AND VOTING PROCEDURE. (a) A military elector shall vote in the ward or election district for the address of his or her residence prior to becoming a military elector, except that:

(b) Whenever an application, affidavit or other act is required in ss. 6.86 to 6.89 any military elector may fulfill the requirements by subscribing or swearing before any person authorized to administer oaths or 2 adult U.S. citizens.

SECTION 47. 6.22 (2) (a) 1 to 4 of the statutes are created to read:

6.22 (2) (a) 1. A military elector voting in this state who is the spouse of another military elector and who did not maintain a residence in this state prior to becoming a military elector shall vote in the ward or election district for the address of his or her spouse.

2. A military elector voting in this state who is the dependent of another military elector and who did not maintain a residence in this state prior to becoming a military elector shall vote in the ward or election district for the address of the individual providing his or her support.

3. A military elector who is the spouse of another military elector and whose most recent residence in this state was different than the residence of his or her spouse prior to becoming a military elector may vote in the ward or election district for the address of his or her former residence or the ward or election district for the address of his or her spouse.

4. A military elector who is the dependent of another military elector and whose most recent residence in this state was different than the residence of the individual providing his or her support prior to becoming a military elector may vote in the ward or election district for the address of his or her former residence or the ward or election district for the address of the individual providing his or her support.

SECTION 48. 6.22 (4) and (5) of the statutes are amended to read:

6.22 (4) INSTRUCTIONS AND HANDLING. A military elector may request an absentee ballot for any election

or for all elections. A military elector's application for all elections may be received at any time, but the municipal clerk shall not mail a ballot for an election if the application is received later than 5 p.m. on the Friday preceding that election. The municipal clerk shall mail a ballot, as soon as available, to each military elector by or for whom a request has been made. The board shall prescribe the instructions for marking, ~~or punching or labeling~~ and returning ballots and the municipal clerk shall enclose instructions with each ballot and shall also enclose supplemental instructions for local elections. The envelope, return envelope or explanatory note may not contain the name of any candidate appearing on the enclosed ballots other than that of the municipal clerk affixed in the fulfillment of his or her duties. The material shall be prepared and mailed to make use of the federal free postage laws. The mailing list established under this subsection shall be kept current in the same manner as provided in s. 6.86 (2) (b).

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

SECTION 49. 6.24 (4), (6) and (7) of the statutes are amended to read:

6.24 (4) REQUESTS. An overseas elector who is properly registered where registration is required may request an absentee ballot in writing under ss. 6.86 to 6.89. The board shall prescribe a special certificate affidavit form for the envelope for overseas electors under this section which shall be substantially similar to that provided in s. 6.87 ~~(3)~~ (2). An overseas elector who is not registered may request both a registration form and an absentee ballot for a specific election at the same time, and the municipal clerk shall mail the ballot automatically if the registration form is received within the time prescribed in s. 6.30 (3). Whenever an application, affidavit or other act is required in ss. 6.86 to 6.89 an overseas elector may fulfill the requirements by subscribing or swearing before any person authorized to administer oaths or 2 adult U.S. citizens.

(6) INSTRUCTIONS AND HANDLING. The municipal clerk shall mail a ballot, as soon as available, to each overseas elector by whom a request has been made. The board shall prescribe the instructions for marking, ~~or punching or labeling~~ and returning ballots and the municipal clerk shall enclose such instructions with each ballot. The envelope, return envelope and instructions may not contain the name of any candidate appearing on the enclosed ballots other than that of the municipal clerk affixed in the fulfillment of his or her duties. The municipal clerk shall mail the material postage prepaid to any place in the world. The overseas elector shall provide return postage.

(7) VOTING PROCEDURE. The ballot shall be marked, ~~or punched or labeled~~ and returned, deposited and recorded in the same manner as other absentee ballots. In addition, the certificate-affidavit shall have a statement of the elector's birth date. Failure to return the unused ballots in a primary election does not invalidate the ballot on which the elector casts his or her votes.

SECTION 50. 6.26 of the statutes is renumbered 6.26 (1) and amended to read:

6.26 (1) Where registration is applicable under s. 6.27, the municipal clerk or the board of election commissioners shall have control of elector registration within the municipality for which they are elected or appointed. ~~They~~ The clerk or board of election commissioners shall prepare, ~~continue~~ and ~~revise~~ maintain the registry registration list under this chapter.

SECTION 51. 6.27 (1) of the statutes is amended to read:

6.27 (1) Every municipality over 5,000 population shall keep a registry registration list consisting of all currently registered electors. Where used, registration applies to all ~~primaries and~~ elections.

SECTION 51m. 6.275 (1) (b) of the statutes is amended to read:

6.275 (1) (b) Where registration applies, the total number of electors of the municipality residing in that county who were preregistered on the deadline specified in s. 6.28 (1) ~~(a)~~, including valid mail registrations which are postmarked by that day.

SECTION 52. 6.28 (1) (a) of the statutes is renumbered 6.28 (1) and amended to read:

6.28 (1) REGISTRATION LOCATIONS; DEADLINE. Registration in person for any election shall close at 5 p.m. on the 2nd Wednesday preceding the election. Registrations made by mail under s. 6.30 (4) must be delivered to the office of the municipal clerk or postmarked no later than the 2nd Wednesday preceding the election. All applications for registration corrections and additions may be made throughout the year at the office of the city board of election commissioners, at the office of the municipal clerk, at the office of any issuing officer under s. 125.08 (2) (e) or at other locations provided by the board of election commissioners or the common council in cities ~~of the 1st class~~ over 500,000 population or by either or both the municipal clerk, or the common council, village or town board in all other municipalities and may also be made during the school year at any high school by qualified persons under sub. (2) (a). Other registration locations may include but are not limited to fire houses, police stations, public libraries, institutions of higher education, supermarkets, community centers, plants and factories, banks and savings and loan institutions. Special registration deputies shall be appointed for all locations.

SECTION 52g. 6.28 (1) (b) of the statutes is renumbered 6.26 (2) and amended to read:

6.26 (2) ~~A municipal clerk or municipal board of election commissioners may appoint any qualified elector of the state may apply to any municipal clerk or board of election commissioners to be appointed as a special registration deputy. Deputies for the purpose of registering electors prior to the close of registration. An applicant may be appointed by more than one clerk or board of election commissioners to serve more than one municipality, except for deputies appointed under s. 6.55 (6). Appointments. The municipal clerk or board of election commissioners may appoint each applicant who qualifies under this subsection, unless the applicant's appointment has been revoked by a municipality for cause. A municipal clerk or board of election commissioners may be revoked revoke an appointment for cause at any time. No individual may serve as a special registration deputy in a municipality unless the individual is appointed by the municipal clerk or board of election commissioners of the municipality. This subsection does not apply to deputies appointed under s. 6.55 (6).~~

SECTION 52r. 6.28 (3) of the statutes is amended to read:

6.28 (3) AT OFFICE OF REGISTER OF DEEDS. Any person who makes application for an identification card under s. 125.08 and who resides in a municipality requiring registration of electors shall be given an opportunity to register to vote at the same time by the issuing officer under s. 125.08. An applicant may fill out the required registration affidavit form under s. 6.33. The officer shall administer the oath upon request of any elector without compensation. Upon receipt of a completed form, the issuing officer shall forward the form within 5 days to the appropriate municipal clerk, or to the board of election commissioners in cities of the 1st class over 500,000 population. ~~The issuing officer shall forward the form shall be forwarded~~ immediately whenever registration closes within 5 days of receipt.

SECTION 53. 6.325 of the statutes is amended to read:

**6.325 Disqualification of electors.** No person may be disqualified as an elector unless the municipal clerk, board of election commissioners or a challenging elector under s. 6.48 demonstrates beyond a reasonable doubt that the person does not qualify as an elector or is not properly registered. ~~When a person's registration is canceled, the date and the reason for the cancellation shall be entered by the municipal clerk or board of election commissioners on the person's registration form.~~ If it appears that the elector or proposed elector is registered in another location, the municipal clerk or board of election commissioners may require the challenged elector to sign an authorization to cancel registration under s. 6.40 (1) (b) and shall notify the proper official at that location. The municipal clerk or board of election commissioners may require naturalized applicants to show their naturalization certificates.

SECTION 54. 6.33 (2) (a) of the statutes is amended to read:

6.33 (2) (a) The information may be recorded by any person, but the ~~elector~~ applicant shall sign his or her own name ~~or make a mark in lieu of a signature unless the applicant is unable to sign his or her name due to physical disability.~~ In such case, the applicant may authorize another elector to sign the form on his or her behalf. ~~If the applicant so authorizes, the elector signing the form shall attest to a statement that the application is made upon request and by authorization of a named elector who is unable to sign the form due to physical disability.~~ Ward and aldermanic district information shall be filled in by the clerk.

SECTION 55. 6.33 (4) of the statutes is created to read:

6.33 (4) When an individual's registration is canceled, the municipal clerk or board of election commissioners shall enter the date and reason for cancellation on the individual's registration form.

SECTION 56. 6.35 (1) (b) of the statutes is amended to read:

6.35 (1) (b) In alphabetical order according to street names, ~~by number in numerical order~~ on each street and in alphabetical order of the electors' names at each address on the street.

SECTION 56m. 6.40 (2) (b) of the statutes is amended to read:

6.40 (2) (b) In addition to the revision which is required under s. 6.50, municipal clerks may conduct door-to-door and mail registration canvasses at any time. The door-to-door canvass shall consist of both the deletion from the registration list of the names of electors who no longer reside at the address for which they are registered and the addition to the registration list of the names of electors who reside at that address. The mail canvass shall consist of the municipal clerk examining the registration records and canceling the registration of electors after the mailing of notices in accordance with s. 6.50 (1) and (2) ~~or (2m)~~. The mail canvass may also consist of adding to the registration list the names of eligible electors. Both door-to-door and mail canvasses whenever made shall be made throughout the municipality in a uniform manner.

SECTION 57. 6.48 (1) (a) of the statutes is amended to read:

6.48 (1) (a) Any registered elector of a municipality may challenge the registration of any other registered elector by submitting to the municipal clerk or executive ~~secretary~~ director of the board of election commissioners in cities of more than 500,000 population an affidavit stating that the elector is not qualified to vote and the reasons therefor. ~~Such~~ The clerk or ~~secretary~~ director, upon receipt of the affidavit, shall mail a notification of the challenge to the challenged elector, at his or her registered address.

SECTION 57m. 6.50 (2m) of the statutes is created to read:

6.50 (2m) (a) As an alternative to the procedure prescribed in subs. (1) and (2), the governing body of a municipality where registration is required may provide for revision of registration lists under this subsection.

(b) Following each presidential election, the municipal clerk of the municipality shall revise and correct the registration list by reviewing the registration of any elector who failed to vote within the past 4 years if qualified to do so during that entire period. Each such elector shall be mailed an address verification card under par. (c). If an address verification card is returned by the postal service to the clerk, the registration of such elector shall be canceled. Otherwise, the registration shall be retained notwithstanding failure of the elector to vote at any election, except as provided in subs. (4) to (7).

(c) Upon a 1st class postcard bearing the mailing legend, "DO NOT FORWARD — RETURN POSTAGE GUARANTEED", the voter address verification shall read substantially as follows:

"OFFICIAL VOTER ADDRESS VERIFICATION

The official voter registration list shows that you are registered to vote by the name and address appearing on the front of this card. If either the name or address appearing on the front of this card is incorrect, please contact this office in person or by mail. Improper registration may result in your being denied the right to vote.

[Office of clerk  
Clerk's address  
Telephone]"

SECTION 58. 6.50 (3) of the statutes is amended to read:

6.50 (3) Upon receipt of reliable information that a registered elector has ~~moved~~ changed his or her residence to a location outside of the municipality, the municipal clerk or board of election commissioners shall notify the elector by mailing a notice by 1st class mail to the elector's registration address stating the source of the information. All municipal departments and agencies receiving information that a registered elector has ~~moved~~ changed his or her residence shall notify the clerk or board of election commissioners. If the elector no longer resides in the municipality or fails to apply for continuation of registration within 30 days of the date the notice is mailed, the clerk or board of election commissioners shall cancel the elector's registration. Upon receipt of reliable information that a registered elector has ~~moved~~ changed his or her residence within the municipality, the municipal clerk or board of election commissioners shall transfer the elector's registration and mail the elector a notice of the transfer under s. 6.40 (2). This subsection does not restrict the right of an elector to challenge any registration under s. 6.325, 6.48, 6.925 or 6.93.

SECTION 58m. 6.50 (8) of the statutes is amended to read:

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

SECTION 59. 6.55 (title) of the statutes is amended to read:

**6.55 (title) Polling place registration; voting under oath.**

SECTION 60. 6.55 (1) of the statutes is renumbered 6.54 and amended to read:

**6.54 (title) Failure to register; rights.** No ~~names~~ name may be added to the registration list after the close of registration, but any person whose name is not on the registration list but who is otherwise a qualified elector is entitled to vote at the election upon compliance with s. 6.29 or ~~this section~~ 6.55.

SECTION 61. 6.55 (2) (c) 1 and (6) of the statutes are amended to read:

6.55 (2) (c) 1. As an alternative to registration at the polling place under pars. (a) and (b), the board of election commissioners, or the governing body of any municipality in which registration is required may by resolution require a person who qualifies as an elector and who is not registered and desires to register on the day of an election to do so at another readily accessible location in the same building as the polling place serving the elector's residence, instead of at that polling place. In such case, the municipal clerk shall prominently post a notice of the registration location at the polling place. The municipal clerk, deputy clerk or special registration deputy at the registration location shall require such person to execute a registration form as prescribed under par. (a) and to provide acceptable proof of residence as provided under sub. (7). If the person cannot supply such proof, the regis-

tration form shall be corroborated in the manner provided in par. (b). The signing by the corroborating elector and by the elector executing the affidavit shall be in the presence of the municipal clerk, deputy clerk or special registration deputy. The municipal clerk, deputy clerk or special registration deputy shall upon request administer oaths to any person making an affidavit under this subdivision. Upon proper completion of registration, the municipal clerk, deputy clerk or special registration deputy shall serially number the registration and give one copy to the elector for presentation at the polling place serving the elector's residence.

(6) The governing body or board of election commissioners of any municipality may provide by resolution that any of the registration duties of inspectors under sub. (2) shall be carried out in ~~such~~ the municipality by special registration deputies appointed by the municipal clerk or board of election commissioners at any polling place or other registration location whenever the clerk or board of election commissioners 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 or board of election commissioners for one election only to conduct elector registration only.

SECTION 62. 6.56 (3) of the statutes is amended to read:

6.56 (3) ~~In the case of persons registering to vote at the polling place or other registration location under s. 6.55 (2), The municipal clerk or board of election commissioners shall make an audit of all of such electors shall be made by the municipal clerk registering to vote at the polling place or other registration location under s. 6.55 (2) upon receipt of the list under sub. (1). The audit shall be made by 1st class postcard. The postcard shall be labeled "ADDRESS CORRECTION REQUESTED" or "DO NOT FORWARD--RETURN POSTAGE GUARANTEED". If any postcard is returned undelivered, or if the clerk or board of election commissioners is informed of a different address than the one specified by the elector which was apparently improper on the day of the election, the clerk or board shall remove the elector's name shall be stricken from the registration list, mail the elector a notice of the removal and provide the name shall be provided by the clerk to the district attorney for the county where the polling place is located.~~

SECTION 63. 6.77 of the statutes is amended to read:

**6.77 Place for voting.** (1) ~~Electors shall~~ An elector may vote only in at the polling place provided for his or her residence designated by the governing body or board of election commissioners.

(2) ~~Whenever territory is annexed to any which was formerly a part of one municipality, the electors who would have been entitled to vote in becomes a part of another municipality, an elector of the territory had~~

~~no annexation taken place shall vote in the municipality to in which the territory is annexed included on the day of the election.~~

SECTION 64. 6.78 (3) of the statutes is renumbered 6.78 (4).

SECTION 65. 6.78 (3) of the statutes is created to read:

6.78 (3) The polls at school elections shall be open the same hours as provided under subs. (1) and (2) in the municipality or municipalities in which the school district is located, except as authorized in s. 120.06 (9) (a).

SECTION 66. 6.79 (5) of the statutes is amended to read:

6.79 (5) POLL LIST FORMS. Poll lists shall be kept on forms designed by the board to be substantially similar to the standard ~~registry~~ registration list forms used in municipalities where registration is required and shall require, for each person offering to vote, the entry of the person's full name and address.

SECTION 67. 6.80 (2) (b) and (e) of the statutes are amended to read:

6.80 (2) (b) After preparing his or her ballot, unless the ballot is intended for counting with automatic tabulating equipment, the elector shall fold it so its face will be concealed. ~~The elector shall then turn the ballot so the inspector's printed endorsement and initials may be seen.~~

(e) ~~After turning the completed~~ Upon voting his or her ballot, the elector shall publicly and in person deposit it in the ballot box or deliver it to an inspector for deposit in the box.

SECTION 68. 6.82 (1) (a) of the statutes is amended to read:

6.82 (1) (a) When any ward inspectors are informed that an elector is at the door who as a result of disability is unable to enter the polling place without assistance, they ~~may~~ shall appoint 2 of their number to take an official ballot to the entrance, and present it to the ~~physically disabled person and assist elector. If the elector requests assistance, the elector may be assisted in marking or punching the ballot if the elector desires assistance. The 2 persons chosen to assist shall not be of the same political party by any individual selected by the elector, except the elector's employer or an agent of that employer or an officer or agent of a labor organization which represents the elector. When the ballot is marked or punched, if it is a paper ballot it shall be folded, and the assisting individual shall immediately taken take the ballot into the polling place and give the ballot to an inspector. The inspector shall distinctly announce that he or she has "a ballot offered by ... (stating person's name), an elector physically disabled from entering who, as a result of disability, is unable to enter the room without assistance". The inspector shall then ask, "Does any one object to the reception of this ballot"? If no objection is made, the inspectors shall record the elector's name~~

under s. 6.79 and deposit the ballot shall be deposited in the ballot box, and shall make a notation made on the registration or poll list: "Ballot received at the door".

SECTION 68m. 6.82 (1) (c) of the statutes is repealed.

SECTION 68n. 6.84 of the statutes is created to read:

**6.84 Construction.** (1) LEGISLATIVE POLICY. The legislature finds that voting is a constitutional right, the vigorous exercise of which should be strongly encouraged. In contrast, voting by absentee ballot is a privilege exercised wholly outside the traditional safeguards of the polling place. The legislature finds that the privilege of voting by absentee ballot must be carefully regulated to prevent the potential for fraud or abuse; to prevent overzealous solicitation of absent electors who may prefer not to participate in an election; to prevent undue influence on an absent elector to vote for or against a candidate or referendum; or other similar abuses.

(2) INTERPRETATION. Notwithstanding s. 5.01 (1), with respect to matters relating to the absentee ballot process, ss. 6.86, 6.87 (3) to (7), and 9.01 (1) (b) 2 and 4 shall be construed as mandatory. Ballots cast in contravention of the procedures specified in those provisions may not be counted. Ballots counted in contravention of the procedures specified in those provisions may not be included in the certified result of any election.

SECTION 69. 6.86 (1) and (2) of the statutes are amended to read:

6.86 (1) (a) Any elector, qualifying under ss. 6.20 (4) and 6.85 as an absent elector may apply to the municipal clerk for an official ballot either in writing, in person at the office of the municipal clerk, by completing an affidavit application as provided in sub. (2) or by agent as provided in sub. (3). An elector who is unable to write his or her name due to physical disability may authorize an application to be made by another elector on his or her behalf. In such case, the application shall state that it is made on request and by authorization of a named elector who is unable to sign the application due to physical disability.

(b) Except as provided in s. 6.22 (4) and sub. (3), if application is made in writing, the application, signed by the elector, shall be received no sooner than the first of the month 3 months day of the 6th month commencing before the election nor after 5 p.m. on the Friday immediately preceding the election. If application is made in person, the application shall not be made sooner than the first of the month 3 months day of the 6th month commencing before the month of the election nor later than 5 p.m. on the day preceding the election. If the elector is making written application and the reason for requesting an absentee ballot is that the elector is a sequestered juror, the application shall be received no sooner than 7 days before the election nor after 5 p.m. on election day. If the application is

received after 5 p.m. on the Friday immediately preceding the election, the municipal clerk or the clerk's agent shall immediately take the ballot to the court in which the elector is serving as a juror and deposit it with the judge. The judge shall recess court, as soon as convenient, and give the elector the ballot. The judge shall then notarize the affidavit as provided in s. 6.87 and shall turn the ballot over to the clerk or agent of the clerk who shall deliver it to the polling place as required in s. 6.88. If application is made ~~by completing an affidavit as provided in~~ under sub. (2), the affidavit application may be received at any time before 5 p.m. on the Friday immediately preceding the election.

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

(b) The mailing list established under this subsection shall be kept current through all possible means. If an elector fails to cast and return an absentee ballot received under this subsection, the clerk shall notify the elector by 1st class letter or postcard that his or her name will be removed from the mailing list unless the clerk receives a renewal of the application within 30 days of the notification. The clerk shall remove from the list the name of each elector who does not apply for renewal within the 30-day period. The clerk shall remove the name of any other elector from the list upon request of the elector or upon receipt of reliable information that an elector no longer qualifies for the service. The clerk shall notify the elector of such action not taken at the elector's request within 5 days, if possible. ~~An elector who fails to cast and return an absentee ballot received under this subsection shall be removed from the mailing list, and the instructions shall so indicate.~~

SECTION 70. 6.87 (1) of the statutes is amended to read:

6.87 (1) Upon proper request, ~~within the time requirements of~~ made within the period prescribed in s. 6.86, the municipal clerk or a deputy clerk authorized by the municipal clerk shall write on the official ballot, in the space for official ~~indorsement, his~~ endorsement, the clerk's initials and his official title.

SECTION 71. 6.87 (3) of the statutes is renumbered 6.87 (3) (a) and amended to read:

6.87 (3) (a) ~~The~~ Except as otherwise provided in s. 6.875, the municipal clerk shall mail the absentee ballot postage prepaid for return to the elector's resi-

dence unless otherwise directed, or shall deliver it to the elector personally at the clerk's office.

(c) ~~If the an elector's~~ ballot is mailed to a location other than the elector's residence, it shall be prepaid for return when mailed within the United States. If the ballot is delivered to the elector at the clerk's office, the ballot shall be voted at the office and may not be removed therefrom.

SECTION 72. 6.87 (3) (b) of the statutes is created to read:

6.87 (3) (b) No elector may direct that a ballot be sent to the address of a candidate, political party or other registrant under s. 11.05 unless the elector permanently or temporarily resides at that address. Upon receipt of reliable information that an address given by an elector is not eligible to receive ballots under this paragraph, the municipal clerk shall refrain from sending ballots to that address. Whenever possible, the municipal clerk shall notify an elector if his or her ballot cannot be mailed to the address directed by the elector.

SECTION 73. 6.87 (4), (5) and (7) of the statutes are amended to read:

6.87 (4) The Except as otherwise provided in s. 6.875, the elector voting absentee shall either make and subscribe to the affidavit before a person authorized to administer oaths or make and subscribe to the certification before 2 witnesses. The absent elector, in the presence of the administrator of the oath or witnesses, shall mark or punch the ballot in a manner that will not disclose how the elector's vote is cast. The elector shall then, still in the presence of the administrator of the oath or the 2 witnesses, fold the ballots if they are paper ballots so each is separate and conceals the markings or punches thereon and deposit them in the proper envelope, but may receive assistance under sub. (5). The return envelope shall then be sealed. The witnesses or the official oath administrator may not be a candidate. The envelope shall be mailed by the elector, postage prepaid, or delivered in person, to the municipal clerk issuing the ballot. Failure to return an unused ballot in a primary does not invalidate the ballot on which the elector's votes are cast. Return of more than one marked or punched ballot in a primary or return of a ballot used with an electronic voting system in a primary which is marked or punched for candidates of more than one party invalidates all votes cast by the elector for candidates in the primary.

~~(5) If a person requests assistance, an officer authorized to administer oaths shall assist an absentee~~ the absent elector declares that he or she is unable to read, has difficulty in reading, writing or understanding English or due to disability is unable to mark or punch his or her ballot, the elector who is unable to read, or who by reason of physical disability is unable to mark, punch or label his or her may select any individual, except the elector's employer or an agent of that employer or an officer or agent of a labor organization which represents the elector, to assist in marking

or punching the ballot, and the assistant shall then sign his or her name to a certification on the back of the ballot, substantially as provided under s. 5.55.

(7) No individual who is a candidate at the election in which absentee ballots are cast may administer the oath or serve as a witness. Any candidate who administers the oath or serves as a witness shall be penalized by the discounting of a number of votes for his or her candidacy equal to the number of certificate-affidavit envelopes bearing his or her signature.

SECTION 74. 6.87 (9) of the statutes is created to read:

6.87 (9) If a municipal clerk receives an absentee ballot with an improperly completed certificate-affidavit or with no certificate-affidavit, the clerk may return the ballot to the elector, inside the sealed envelope when an envelope is received, together with a new envelope if necessary, whenever time permits the elector to correct the defect and return the ballot within the period prescribed in sub. (6).

SECTION 74m. 6.875 of the statutes is created to read:

**6.875 Absentee voting in nursing homes.** (1) In this section:

(a) "Nursing home" means a facility occupied by 10 or more unrelated individuals for the primary purpose of obtaining full-time personal or nursing care which is necessitated by their physical or mental conditions, but does not include a hospital.

(b) "Relative" means a spouse or individual related within the 1st, 2nd or 3rd degree of kinship under s. 852.03 (2).

(2) The procedures prescribed in this section are the exclusive means of absentee voting for electors who are occupants of nursing homes.

(3) An occupant of a nursing home who qualifies as an absent elector and desires to receive an absentee ballot shall make application under s. 6.86 (1) or (2) with the municipal clerk or board of election commissioners of the municipality in which the elector is a resident. The clerk or board of election commissioners of a municipality receiving an application from an elector who is an occupant of a nursing home located in a different municipality shall, as soon as possible, notify and transmit an absentee ballot for the elector to the clerk or board of election commissioners of the municipality in which the nursing home is located. The clerk or board of election commissioners of a municipality receiving an application from an elector who is an occupant of a nursing home located in the municipality but who is a resident of a different municipality shall, as soon as possible, notify and request transmission of an absentee ballot from the clerk or board of election commissioners of the municipality in which the elector is a resident. The clerk or board of election commissioners shall make a record of all absentee ballots to be transmitted, delivered and voted under this section.

(4) For the purpose of absentee voting in nursing homes, the municipal clerk or board of election commissioners of each municipality in which one or more nursing homes are located shall appoint at least 2 special voting deputies for the municipality in the manner prescribed in s. 7.30 (4). Upon application under s. 6.86 (1) or (2) by one or more qualified electors who are occupants of such a nursing home, the clerk or board of election commissioners shall dispatch 2 special voting deputies to visit the nursing home for the purpose of supervising absentee voting procedure by occupants of the nursing home. The 2 deputies designated to visit each nursing home shall be affiliated with different political parties whenever deputies representing different parties are available. Nominations for deputy positions shall be submitted by the 2 recognized political parties whose candidates for governor or president received the greatest numbers of votes in the municipality at the most recent general election. The deputies shall be specially appointed to carry out duties under this section for the period specified in s. 7.30 (6) (a). The clerk or board of election commissioners may revoke an appointment at any time. No individual who is employed or retained, or within the 2 years preceding appointment has been employed or retained at a nursing home in the municipality, or any member of the immediate family of such an individual as defined in s. 19.42 (7), may be appointed to serve as a deputy.

(5) Prior to entering upon his or her duties, each individual appointed to serve as a deputy under this section shall file the oath required by s. 7.30 (5). In the oath, the individual shall swear that he or she is qualified to act as a deputy under this section, that he or she has read the statutes governing absentee voting, that he or she understands the proper absentee voting procedure, that he or she understands the penalties for noncompliance with the procedure under s. 12.13, that his or her sacred obligation will be to fully and fairly implement the absentee voting law and seek to have the intent of the electors ascertained. In addition, the oath shall state that the individual realizes that any error in conducting the voting procedure may result in invalidation of an elector's vote under s. 7.51 (1) (ar) and that the individual realizes that absentee voting is a privilege and not a constitutional right. The form of the oath shall be prescribed by the board.

(6) Special voting deputies in each municipality shall, not later than 5 p.m. on the Friday preceding an election, arrange one or more convenient times with the administrator of each nursing home in the municipality from which one or more occupants have filed an application under s. 6.86 to conduct absentee voting for the election. The time may be no earlier than the 4th Monday preceding the election and no later than 5 p.m. on the Monday preceding the election. Upon request of a relative of a nursing home occupant, the administrator may notify the relative of the time or times at which special voting deputies will conduct

absentee voting at the home, and permit the relative to be present in the room where the voting is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit the nursing home and personally offer each elector who has filed a proper application the opportunity to cast his or her absentee ballot. The deputies shall administer the oath and may, upon request of the elector, assist the elector in marking or punching the elector's ballot. Upon request of the elector, a relative of the elector who is present in the room may assist the elector in marking or punching the elector's ballot. All voting shall be conducted in the presence of the deputies. No individual other than a deputy may administer the oath and no individual other than a deputy or relative of an elector may render voting assistance to the elector. Upon completion of the voting, the deputies shall promptly deliver, either personally or by 1st class mail, the sealed certificate-affidavit envelope containing each ballot to the clerk or board of election commissioners of the municipality in which the elector casting the ballot resides, within such time as will permit delivery to the polling place serving the elector's residence on election day. Personal delivery may be made by the deputies no later than noon on election day.

SECTION 75. 6.925 (intro.) of the statutes is amended to read:

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

SECTION 76. 6.95 of the statutes is amended to read:

**6.95 Voting procedure for challenged electors.** Whenever the inspectors under ss. 6.92 to 6.94 receive the vote of a person offering to vote who has been challenged, before they shall give the elector a ballot. Before depositing the ballot, the inspectors shall write on the back of the ballot the serial number of the challenged person corresponding to the number kept at the election on the registration or poll list, or other list maintained under s. 6.79. ~~When the inspectors similarly receive the vote of a challenged person offering to vote where~~ If voting machines are used, his or her in the municipality where the person is voting, the person's vote may be received only upon an absentee bal-

lot furnished by the municipal clerk which shall ~~similarly~~ have the corresponding serial number from the registration or poll list or other list maintained under s. 6.79 written on the back of the ballot before the ballot is deposited. The inspectors shall indicate on the list the reason for the challenge. The challenged ballots shall be counted under s. 5.85 or 7.51. The municipal board of canvassers may decide any challenge when making its canvass under s. 7.53. If the returns are reported under s. 7.60, a challenge may be reviewed by the county board of canvassers. If the returns are reported under s. 7.70, a challenge may be reviewed by the board of state canvassers. The decision of the canvassers may be appealed under s. 9.01. The standard for disqualification specified in s. 6.325 shall be used to determine the validity of challenged ballots.

SECTION 77. 7.03 of the statutes is amended to read:

**7.03 Compensation of election officials and trainees.**  
(1) (a) A reasonable daily compensation of ~~not less than \$5 per day~~ shall be paid to each inspector, voting machine custodian, automatic tabulating equipment technician, member of a board of canvassers, messenger and tabulator who is employed and performing duties under chs. 5 to 12. Alternatively, such officials may be paid by the hour at a proportionate rate for each hour actually worked.

(b) Payment shall be made by the municipality in which the election is held, except that any technician, messenger, tabulator or member of the board of canvassers who is employed to perform services for the county shall be paid by the county and any messenger or tabulator who is employed to perform services for the state shall be paid by the board.

(c) If a central counting location serving more than one municipality is utilized under s. 7.51 (1), the compensation of election officials at the location shall be proportionately divided between the municipalities utilizing the location, except that if all municipalities within a county utilize the location, the compensation shall be paid by the county.

(d) Special registration deputies appointed under s. 6.55 (6) may be paid or unpaid at the option of the municipality. Officials, special voting deputies appointed under s. 6.875 (4) and officials and trainees who attend training sessions under s. 7.15 (1) (e) or 7.25 (5) may also be compensated for such attendance at municipal the option of the municipality.

(2) The amount of compensation of election officials, when authorized or required, shall be fixed by the appropriate county board of supervisors or municipal governing body, or municipal board of election commissioners in cities over 500,000 population. The board shall fix the amount to be paid any person employed to perform duties for the state. If such employment is necessitated the board employs an individual to perform duties which are the responsibil-

ity of a county or municipality, the board shall charge the expense to ~~such unit of government~~ the county or municipality.

SECTION 78. 7.08 (2) (c) of the statutes is amended to read:

7.08 (2) (c) As soon as possible after the canvass of the spring and September primary votes, but no later than the first Tuesday in March and ~~the Thursday after~~ the 4th Tuesday in September, transmit to the state treasurer a certified list of all eligible candidates for state office who have filed applications under s. 11.50 (2) and whom the board determines to be eligible to receive payments from the Wisconsin election campaign fund. The list shall contain each candidate's name, the mailing address indicated upon the candidate's registration form, the office for which the individual is a candidate and the party or principle which he or she represents, if any.

SECTION 79. 7.10 (1) (b) and (3) (a) of the statutes are amended to read:

7.10 (1) (b) The county clerk shall supply sufficient poll list blanks for municipalities that do not have elector registration and other election supplies. ~~The poll list blanks shall contain the forms for the official oaths of the election officials for national, state and county elections.~~ The 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.~~

(3) (a) The county clerk shall distribute the ballots to the municipal clerks ~~3 weeks~~ no later than 31 days before each September primary and general election and no later than 22 days before any each other primary or and election. Election blanks prepared by the board shall be distributed at the same time. If the board transmits an amended certification under s. 7.08 (2) (a) or if the board or a court orders a ballot error to be corrected under s. 5.06 (6) or 5.72 (3) after ballots have been distributed, the county clerk shall distribute corrected ballots to the municipal clerks as soon as possible.

SECTION 80. 7.15 (1) (c) and (j), (2) (d) and (6) (b) of the statutes are amended to read:

7.15 (1) (c) Distribute ballots and provide other supplies for conducting elections. ~~Materials~~ The clerk shall mail an absentee ballot to each elector who has requested one no later than the 30th day before each September primary and general election and no later than the 21st day before each other primary and election if the request is made before that day; otherwise, the clerk shall mail the absentee ballot within one day of the time the elector's request is received. The clerk shall deliver materials received from the county clerk ~~shall be delivered to the polling places~~ with the ballots before the polls open.

(j) Send an absentee ballot automatically to each person making an authorized request therefor in accordance with s. 6.22 (4) or 6.86 (2).

(2) (d) ~~Whenever by ordinance or resolution~~ the governing body of any municipality submits any question ~~or ordinance~~ to a vote of the electors or whenever a proper recall petition and certificate are filed under s. 9.10, the municipal clerk shall issue a call for the election and prepare and distribute ballots as required in the authorization of submission or as provided in s. 9.10. The date of the referendum shall be fixed by the municipal clerk or board of election commissioners unless otherwise provided by law or unless the governing body fixes a date. The ballot for any referendum shall conform to s. 5.64 (2). If there is already an official municipal referendum ballot for the election, the question ~~or ordinance~~ may appear on the same ballot.

(6) (b) Upon receiving the substitute paper ballots accompanied by a statement made under oath by the municipal clerk that the ballots have been prepared and furnished by the clerk to replace the original ballots which are not available, or to substitute for a voting machine or electronic voting system which has been rendered inoperable by a malfunction which occurred within ~~24~~ 72 hours of the time set for opening of the polls, the election officials shall use the substitute ballots in the same manner as if they had been original ballots.

SECTION 81. 7.21 (1) of the statutes is amended to read:

7.21 (1) All powers and duties and provisions of chs. 5 to 12 for elections assigned to the municipal or county clerk, or the municipal or county board of canvassers, or the municipal or county governing body under chs. 5 to 12 shall be carried out by the proper municipal or county board of election commissioners or its executive secretary director, unless specially specifically retained or assigned in this section or s. 7.22.

SECTION 82. 7.23 (1) (j) of the statutes is renumbered 7.23 (1) (k).

SECTION 83. 7.25 (title) and (4) of the statutes are amended to read:

**7.25 (title) Voting machine officials' duties.**

(4) When a voting machine is properly prepared for an election and delivered to the election ward, it shall be locked and sealed against any movement and the ~~officials or governing body or board of election commissioners~~ shall provide proper protection to prevent tampering with the machines. The custodians preparing the machines shall deliver the keys for the machines to the municipal clerk or executive director of the board of election commissioners together with a written report of each machine's condition.

SECTION 84. 7.30 (3) (a) of the statutes are amended to read:

7.30 (3) (a) Not less than 30 days before any election the governing body or board of election commissioners of any municipality, by resolution, may authorize the municipal clerk or executive director of the board of election commissioners to select and employ tabulators for any election. Such authoriza-

tion applies to the elections specified in the resolution, and if not specified, applies until the authorization is modified or revoked.

SECTION 84m. 7.30 (4) (b) 1 and 2 and (6) (b) of the statutes are amended to read:

7.30 (4) (b) 1. In cities where there is a board of election commissioners, the aldermanic district committeemen under s. 8.17 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 twice as many electors as there are inspectors from that party for each of the voting wards in the aldermanic district. The chairperson of the city committee, or if there is none, the chairperson of the county committee shall submit a certified list no later than November 30 of each even-numbered year containing the names of at least twice as many special voting deputies under s. 6.875 (4) as are required to be appointed in the city. The board of election commissioners shall appoint, no later than December 31 of even-numbered years, the required number of special voting deputies and at least 5 inspectors for each ward, ~~and.~~ The board of election commissioners may designate such alternates for each ward as it deems advisable.

2. In municipalities other than cities and villages located in counties having a population of more than 500,000, the committees organized under s. 8.17 from each of the 2 dominant parties under sub. (2) 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 chairman of each of the 2 committees to the mayor, president or chairman of the municipality. If committees are organized in subdivisions of a city, the list shall be submitted through the chairman of the city committee. 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 submitted by the chairman of each committee under s. 8.17 may act as election officials. The list shall contain the signature of the chairman and secretary of the submitting committee. In cities or villages located in counties having a population of more than 500,000, other than cities where there is a board of election commissioners, the aldermanic district or village committeeman or committeewoman for the ward or wards where each polling place is located, if there is one, shall submit a list containing at least twice as many names as there are needed appointees for inspector positions from the party represented by the committeeman or committeewoman. If For appointments of special voting deputies under s. 6.875 (4) and appointments of inspectors in cities and villages where there is no aldermanic district or village committeeman or committeewoman, nominations shall proceed in the same manner as in municipalities located in counties having a population of 500,000 or less. The list shall be submitted to the mayor or president. Except as

provided in par. (c), only those persons ~~submitted by the aldermanic district or village committeeman or committeewoman, if there is one, whose names are submitted as provided in this paragraph~~ may act as election officials. The list shall contain the signature of the aldermanic district or village committeeman or committeewoman or the chairperson of the appropriate 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.

SECTION 85. 7.31 of the statutes is repealed.

SECTION 86. 7.32 of the statutes is amended to read:

**7.32 Change of election official numbers.** Notwithstanding s. 7.30 (1), the governing body or board of election commissioners of any municipality may by ~~ordinance or~~ resolution reduce the number of election officials and modify or rescind any similar previous action. No such action may reduce the number of officials at a polling place to less than 3.

SECTION 87. 7.36 of the statutes is created to read:

**7.36 Chief inspector's duties.** Subject to the supervision of the municipal clerk or executive director of the board of election commissioners, the chief inspector shall direct the conduct of activities assigned to the inspectors at the polling place. The chief inspector shall refer any question as to the proper procedure to be employed in carrying out the inspectors' duties to the municipal clerk or executive director.

SECTION 88. 7.37 (4) and (6) of the statutes are amended to read:

7.37 (4) (title) **BALLOTING PROCEDURE.** At polling places which utilize paper ballots or electronic voting systems in which ballots are distributed to electors, 2 inspectors shall be assigned to take charge of the official ballots. They shall write their initials on the back of each ballot and deliver to each elector as he or she enters the voting booth one ballot properly endorsed by each of them. Where paper ballots are used, the inspectors shall fold each ballot in the proper manner to be deposited before delivering it to the elector. If asked, inspectors may instruct any elector as to the proper manner of marking, or punching or labeling the ballot, but they may not give advice, suggestions, express any preferences or make any requests as to the person for whom, the question on which or the ballot on which the elector shall vote.

(6) (title) **ATTACH STICKERS.** Whenever a vacancy occurs in a nomination after the ballots have been printed and ~~pasters stickers~~ are provided under s. 7.38 (3) or 8.35 (2), the inspectors shall properly paste apply them on to the official ballots before ~~indorsement endorsement~~.

SECTION 89. 7.38 (3) (c) of the statutes is amended to read:

7.38 (3) (c) If the vacancy occurs after ballots have been printed in any county or municipality, the chairman of the committee filling the vacancy shall supply the municipal clerk with ~~pasters stickers~~ containing the name of the new nominee only. The pasters stickers may be no larger than the space provided on the ballot for the original candidate's name and office.

SECTION 90. 7.50 (1) (b) and (d) and (2) (a), (b), (d), (e) and (h) of the statutes are amended to read:

7.50 (1) (b) When an elector casts more votes for any office or measure than he or she is entitled to cast at ~~any an~~ election, all the elector's votes for that office or measure are invalid and the elector is deemed to have voted for none of them, except as provided in par. (c) and sub. (2) (d). If an elector casts less votes for any office or measure than he or she is entitled to cast at an election, all votes cast by the elector shall be counted but no vote shall be counted more than once.

(d) Whenever an electronic voting system is used at a polling place in a partisan primary, and the same ballot is utilized to cast votes for candidates of more than one recognized political party or candidates of a party and independent candidates, if an elector designates a preference for a party or for independent candidates, only votes cast within that preference category may be counted. If an elector does not designate a preference and makes a mark or punch or affixes a ballot label or paster sticker opposite candidates of more than one recognized political party or opposite a candidate in the independent candidates' column and a candidate of a recognized political party, no votes cast by the elector for any candidate for partisan office are valid, ~~but votes.~~ Votes for other candidates and votes on ballot questions, if any, shall be counted if otherwise valid.

(2) (a) At a general election, if the elector places a mark, symbol or ~~label sticker~~ or punches a hole under a party designation at the head of a column in or near the space indicated for that purpose, it is a vote for all the candidates whose names appear in the marked, ~~labeled~~ or punched column except as otherwise provided in this paragraph. If a name is stricken, it is not a vote for that candidate. If a name is written in, it is a vote for the write-in candidate. If a sticker is attached it is a vote for the candidate whose name appears on the sticker. If in some other column there is a mark, ~~label~~ or punch in the square to the right of a specific candidate's name or at the place designated or the ballot for marking, ~~labeling~~ or punching a vote for a specific candidate for the same office, it is a vote for that specific candidate and no vote may be counted for the candidate for the same office in the column marked, ~~labeled~~ or punched for a straight party vote.

(b) A ballot cast without any marks, ~~labels stickers~~ or punches may not be counted. A ballot without a mark, ~~label~~ or punch at the top of a party column may

be counted only for persons for whom marks, ~~labels~~ or punches are applicable.

(d) If an elector writes a person's name in the proper space for write-in candidates for an office, it is a vote for the person written in for the office indicated, ~~even if regardless of whether the elector fails to strike~~ strikes the name names appearing in the same column for the same office, or places a mark, or punch ~~or label~~ by the same or any other name for the same office, or omits placing a mark, or punch ~~or label~~ to the right of the name written in. If an elector is permitted to vote for more than one candidate for the same office in an election and casts one or more write-in votes which, when added to the votes cast for candidates whose names appear on the ballot, exceed the number of votes authorized to be cast for the office, the write-in votes shall be counted and the votes for candidates whose names appear on the ballot may not be counted, unless there are more write-in votes than votes authorized to be cast, in which case no votes may be counted for the office.

(e) No ~~ballot~~ write in vote shall be regarded as defective due to misspelling a candidate's name, or by abbreviation, addition, omission or use of a wrong initial in the name. Every ~~ballot~~ vote shall be counted for the candidate for whom it was intended, if the elector's intent can be ascertained from the ballot itself.

(h) In the general election or a partisan special election, a write-in vote may not be counted for any candidate if the candidate's name appears on the official ballot, except a write-in vote cast for the same office under which the candidate's name appears if ~~the name is clearly spelled and~~ no other similar name appears on the ballot for any office.

SECTION 91. 7.51 (1) (intro.) and (a) of the statutes are consolidated, renumbered 7.51 (1) (a) and amended to read:

7.51 (1) (a) Immediately after the polls close the inspectors shall proceed to canvass publicly all votes received at ~~that~~ the polling place. In any municipality where an electronic voting system is used, the municipal governing body or board of election commissioners ~~may, by ordinance,~~ provide or authorize the municipal clerk or executive director of the board of election commissioners to provide for the adjournment of the canvass to one or more central counting locations for specified polling places in the manner prescribed in subch. III of ch. 5. No central counting location may be used to count votes at a polling place where an electronic voting system is not employed. The canvass, whether conducted at the polling place or at the central counting location, shall continue without adjournment until the canvass is completed and the return statements are made.

(ad) The inspectors shall first compare the poll or registration lists, correcting any mistakes until the poll or registration lists agree and verify their correctness by each signing their name thereto. ~~(a)~~ Where ballots are distributed to electors, the inspectors 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~~ may not be counted but shall be marked as to the reason for removal, set aside and carefully preserved. The inspectors shall then proceed under par. (ag).

SECTION 92. 7.51 (1) (ar), (4) (b) and (5) of the statutes are amended to read:

7.51 (1) (ar) If, after any ballots have been ~~destroyed or~~ laid aside, the number of ballots still exceeds the total number of electors recorded on the registration or poll list, the inspectors shall separate the absentee ballots from the other ballots. If there is an excess number of absentee ballots, the absentee ballots shall be placed in the ballot box and one of the inspectors shall publicly and without examination draw therefrom by chance the number of ballots equal to the excess number of absentee ballots. If there is an excess number of other ballots, those ballots shall be placed in the ballot box and one of the inspectors shall publicly and without examination draw therefrom by chance the number of ballots equal to the excess number of those ballots. All ballots so removed may not be counted but shall be specially marked as having been removed by the canvassers on original canvass due to an excess number of ballots, set aside and carefully preserved. When the number of ballots and total shown on the poll or registration list agree, the inspectors shall return all ballots to be counted to the ballot box and shall turn the ballot box in such manner as to thoroughly mix the ballots. The inspectors shall then open, count and record the number of votes. When the ballots are counted, they shall be separated into piles for ballots similarly voted. Objections may be made to placement of ballots in the piles at the time the separation is made.

(4) (b) The chief inspector, 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 municipal clerk or to the school district clerk for school district elections ~~in common, union high and unified districts,~~ except in 1st class cities. The clerk shall then make the returns 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. Each tally sheet shall record the returns for each office or referendum by ward, unless combined returns are authorized in accordance with s. 5.15 (6) (b) in which case the tally sheet shall record the returns for each group of combined wards. After recording the votes, the inspectors shall seal in a carrier envelope outside

the ballot bag or container one tally sheet statement and registration or poll list for delivery to the county clerk, unless the election relates only to municipal and or school district offices or referenda. The inspectors shall also seal one tally sheet statement and registration or poll list for delivery to the municipal clerk. For school district elections in common, union high and unified school districts at which no other officers are elected and no other referenda are voted upon, except in 1st class cities, the inspectors shall seal one tally sheet statement and registration or poll list for delivery to the school district clerk in lieu of the municipal clerk. The inspectors shall immediately deliver all ballots, statements, lists and envelopes to the municipal clerk or, for ballots relating only to school district elections, to the school district clerk, as appropriate. The municipal clerk shall deliver the ballots, statements, lists and envelopes for his or her municipality relating to any county, vocational district, state or national election to the county clerk by 2 p.m. on the day following each such election. The person delivering the returns shall be paid out of the municipal treasury.

SECTION 93. 7.53 (2) (a) and (4) of the statutes are amended to read:

7.53 (2) (a) Except as provided in par. (c), the municipal board of canvassers for municipal elections in each municipality utilizing more than one polling place shall be composed of the municipal clerk and 2 other ~~reputable citizens~~ qualified electors of the municipality appointed by the clerk prior to the date of the election being canvassed. The members of the board of canvassers shall serve for 2-year terms commencing on January 1 of each odd-numbered year, except that any member who is appointed to fill a permanent vacancy shall serve for the unexpired term of the original appointee. If the municipal clerk's office is vacant, if the clerk cannot perform his or her duties or if the clerk is a candidate at the an election being canvassed, the other 2 members mayor, president or board chairperson of the municipality shall designate a 3rd member another qualified elector of the municipality to serve in lieu of the clerk for that election. If any other member of the board of canvassers is a candidate at the election being canvassed, the clerk shall appoint another qualified elector of the municipality to temporarily fill the vacancy.

(4) CERTIFICATE OF ELECTION. As soon as the deadline for filing a petition for a recount has passed, 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, or if appealed until the appeal is decided.

SECTION 94. 7.60 (2), (3), (4) (b), (5) and (6) of the statutes are amended to read:

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

(3) CANVASSING. Not later than 9 a.m. on the Thursday after each election the county board of canvassers shall open and publicly examine the returns. If returns have not been received from any election district or ward in the county, they shall dispatch a messenger and the person having them shall deliver the returns to the messenger. If, on examination, any of the returns received are so informal or ~~incomplete defective~~ that the board cannot intelligently canvass them, they shall dispatch a messenger to deliver the returns back to the ~~inspectors~~ municipal board of canvassers with written specifications of the informalities ~~and or~~ defects and command them to immediately complete the ~~forms~~ returns or remedy the defects in the manner required and deliver them to the messenger. Every messenger shall safely keep all returns, show them to no one but the ~~inspectors~~ municipal clerk and board of canvassers and deliver them to the county clerk with all possible dispatch. To acquire the necessary full returns and remedy any informalities or defects the county board of canvassers may adjourn not longer than one day at a time nor more than 2 days in all.

(4) (b) The board of canvassers shall then prepare a written determination, in duplicate where necessary, giving ~~those the names of the persons receiving the highest number of votes and therefore~~ the names of the persons receiving the highest number of votes and therefore elected to any county office. The board of canvassers shall likewise prepare a written determination showing the results of any county referendum. Following any primary elec-

tion, the board of canvassers shall prepare a statement certifying the names of all persons who have won nomination to any county office. The board of canvassers shall file all statements and determinations in the office of the county clerk or board of election commissioners.

(5) REPORTING. Immediately following the canvass the county clerk shall deliver or send to the elections board, by certified 1st class 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, state legislators, justice, court of appeals judge, circuit judge and metropolitan sewerage commissioners, if the commissioners are elected under s. 66.23 (11) (am). The statement shall record the returns for each office or referendum by ward, unless combined returns are authorized under s. 5.15 (6) (b) in which case the statement shall record the returns for each group of combined wards. Following primaries the county clerk shall enclose on blanks furnished by the elections board the names, party or principle designation, if any, and number of votes received by each candidate recorded in the same manner. The county clerk shall deliver or transmit the certified statement to the elections board no later than 7 days after each primary and no later than ~~13~~ 10 days after any other election. The board of canvassers shall deliver or transmit a certified copy of each statement for any vocational district referendum to the secretary of the district board of vocational, technical and adult education. If the board of canvassers becomes aware of a material mistake in the canvass of an election for state or national office or a statewide or vocational district referendum prior to the close of business on the day the elections board receives returns from the last county board of canvassers with respect to that canvass, the board of canvassers may petition the elections board to reopen and correct the canvass. The elections board shall direct the canvass to be reopened and corrected if it determines that the public interest so requires. If the elections board directs the canvass to be reopened, the board of canvassers shall reconvene and transmit a certified corrected copy of the canvass statement to the elections board or secretary of the district board of vocational, technical and adult education.

(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. The certificate notice shall state the amount of the required official bond, if any. 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, or if appealed until the appeal is decided.

SECTION 95. 7.60 (8) of the statutes is repealed.

SECTION 96. 7.70 (1) (b), (3) (b) and (g) and (5) (a) of the statutes are amended to read:

7.70 (1) (b) If any county clerk fails or neglects to forward any statements, the elections board may require the clerk to do so immediately and if not received ~~within 7 days by the 8th day~~ after a primary, or ~~within 14 days by the 11th day~~ after any other election, the elections board may dispatch a special messenger to obtain them. Whenever it appears upon the face of any statement that an error has been made in reporting or computing, the elections board may return it to the county clerk for correction.

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

(g) The board of state canvassers shall certify the statements to be correct and shall determine which persons, ~~by the largest number of votes~~, have been elected to the various offices. They shall likewise determine the outcome of any referenda questions. Following each primary election, the board of state canvassers shall prepare a statement certifying the names of those persons who have won nomination to any state or national office. Except for the primary election statements, each statement shall have the certificate of determination attached to it and shall be delivered to the elections board.

(5) (a) The elections board shall record in its office each certified statement and determination made by the board of state canvassers. 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. It shall also prepare similar certificates, attested by the executive ~~secretary~~ director of the elections board, addressed to the U.S. house of representatives, stating the names of those persons elected as representatives to the congress from this state. In the case of U.S. senators, the 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 may not certify a nomination ~~or, and the governor or elections board may not issue a certificate of election or determination~~ until the recount has been completed and the time allowed for filing an appeal has passed, or if appealed until the appeal is decided.

SECTION 96m. 8.05 (1) (j) of the statutes is amended to read:

8.05 (1) (j) The municipal clerk shall notify in writing each candidate whose name is certified as a nominee under par. (h) of his or her nomination. Upon receipt of the notice, each candidate shall file a declaration of candidacy in the manner prescribed by s. 8.21 with the municipal clerk making the notification ~~within 5 days~~ no later than 5 p.m. on the 5th day after the notification is mailed or personally delivered to the candidate by the municipal clerk. If the candidate has not filed a registration statement under s. 11.05 at the time of the notification, the candidate shall file the statement with the declaration. A candidate for municipal judge shall also file a statement of economic interests with the ethics board under s. 19.43 (4) no later than 4:30 p.m. on the 5th day after notification of nomination is mailed or personally delivered to the candidate by the municipal clerk. Upon receipt of the declaration of candidacy and registration statement of each qualified candidate, and upon filing of a statement of economic interests by each candidate for municipal judge, the municipal clerk shall place the name of the candidate on the ballot.

SECTION 97. 8.10 (4) of the statutes is renumbered 8.10 (4) (a).

SECTION 98. 8.10 (4) (b) of the statutes is created to read:

8.10 (4) (b) Only one signature per person for the same office is valid. In addition to his or her signature, each signer of a nomination paper shall list his or her municipality of residence for voting purposes, the street and number, if any, on which the signer resides, and the date of signing.

SECTION 98m. 8.10 (5) of the statutes is amended to read:

8.10 (5) Nomination papers shall be accompanied by a declaration of candidacy under s. 8.21. If a candidate has not filed a registration statement under s. 11.05 at the time he or she files nomination papers, the candidate shall file the statement with the papers. A candidate for state office or municipal judge shall also file a statement of economic interests with the ethics board under s. 19.43 (4) no later than the end of 4:30 p.m. on the 3rd day following the last day for filing nomination papers under sub. (2) (a).

SECTION 99. 8.11 (2m) (title) of the statutes is amended to read:

8.11 (2m) (title) FIRST CLASS CITY SCHOOL BOARD.

SECTION 100. 8.12 (1) (intro.), (a) and (b) of the statutes are renumbered 8.12 (1) (a), (b) and (c) and amended to read:

8.12 (1) (a) ~~In~~ No later than 5 p.m. on the first Tuesday in January, or the next day if Tuesday is a holiday, in each year in which electors for president and vice president are to be elected, the state chairperson of each recognized political party listed on the official ballot at the last gubernatorial election whose candidate for governor received at least 10% of the total votes cast for that office may certify to the board that the party will participate in the presidential preference primary. For each party filing such a certification, the voters of this state shall at the spring election be given an opportunity to express their preference for the person to be the presidential candidate of ~~their~~ that party.

(b) On the last Tuesday in January in each year in which electors for president and vice president are to be elected, there shall be convened in the capitol a committee consisting of, for each ~~political party recognized under s. 5.62~~ filing a certification under this subsection, the state chairman of that state party organization or the chairman's designee, one national committeeman and one national committeewoman designated by the state chairman; the speaker ~~and~~ or the minority leader of the assembly or their designees, and the president ~~and~~ or minority leader of the senate or their designees. All designations shall be made in writing to the board. This committee shall organize by selecting an additional member who shall be the chairman and shall determine, and certify to the board no later than on the Friday following the last Tuesday in January, the names of all candidates of the political parties ~~recognized under s. 5.62~~ represented on the committee for the office of president of the United States. The committee shall place the names of all candidates whose candidacy is generally advocated or recognized in the national news media throughout the United States on the ballot, and may, in addition, place the names of other candidates on the ballot. The committee shall have sole discretion to determine that a candidacy is generally advocated or recognized in the national news media throughout the United States.

(c) No later than 5 p.m. on the 3rd Tuesday in February of each presidential election year, any person seeking the nomination by the national convention of a political party ~~recognized under s. 5.62~~ filing a certification under this subsection for the office of president of the United States, or any committee organized in this state on behalf of and with the consent of such person, may submit to the board a petition to have the person's name appear on the presidential preference ballot. ~~Such~~ The petition may be circulated no sooner than the last Tuesday in January of such year and shall be signed by a number of qualified electors equal in each congressional district to not less than 1,000 signatures nor more than 1,500 signatures. The form of the petition shall be the same as provided in s. 8.15 insofar as applicable. All signers on each separate

petition paper shall reside in the same congressional district.

SECTION 101. 8.12 (1) (c) and (2) (a) of the statutes are renumbered 8.12 (1) (d) and (2).

SECTION 102. 8.12 (2) (b) and (2m) of the statutes are repealed.

SECTION 103. 8.12 (3) (title) of the statutes is amended to read:

8.12 (3) (title) REPORTING OF RESULTS.

SECTION 104. 8.12 (3) (a) of the statutes is repealed.

SECTION 105. 8.12 (3) (am) of the statutes is renumbered 8.12 (3) and amended to read:

8.12 (3) No later than the last Monday in April following the presidential preference vote, the board shall notify each state party organization chairperson under sub. (1) (a) of the results of the presidential preference vote cast within ~~his or her party, and the number of delegates from the state and within each congressional district and from the state at large which are to be pledged to each presidential candidate and the number which are to be uninstructed.~~

SECTION 106. 8.12 (3) (b) to (e) of the statutes are repealed.

SECTION 106m. 8.125 of the statutes is created to read:

**8.125 Accessibility of presidential caucuses.** Any political party which holds a caucus open to the public for the purpose of selecting delegates to the national presidential nominating convention of the party shall hold the caucus in a place which is accessible to persons in wheelchairs.

SECTION 107. 8.15 (2) of the statutes is amended to read:

8.15 (2) Only one signature per person for the same office is valid. In addition to his or her signature, each signer of a nomination paper shall list his or her municipality of residence, including for voting purposes, the street and number, if any, on which the signer resides, and the date of signing.

SECTION 107m. 8.16 (2) (b) of the statutes is amended to read:

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

SECTION 108. 8.17 (8) (b) of the statutes is amended to read:

8.17 (8) (b) The state committee may consist solely of members elected under par. (a) or may consist of those ~~plus members and~~ as many other members called for and chosen in the manner prescribed in the constitution of the state committee.

SECTION 109. 8.20 (5) of the statutes is amended to read:

8.20 (5) Only one signature per person for the same office is valid. In addition to his or her signature, each signer shall list his or her municipality of residence, including for voting purposes, the street and number, if any, on which the signer resides, and the date of signing. Signers of each nomination paper shall reside in the same jurisdiction or district which the candidate named therein will represent, if elected.

SECTION 110. 8.21 of the statutes is amended to read:

**8.21 Declaration of candidacy.** Each candidate, except a candidate for presidential elector under s. 8.20 (2) (d), shall file with his or her nomination papers; a declaration of candidacy, sworn to before any officer authorized to administer oaths, that he or she is a candidate for a named office, that he or she meets or will at the time he or she assumes office meet applicable age, citizenship, residency or voting qualification requirements, if any, prescribed by the constitutions and laws of the United States and of this state, and that he or she will otherwise qualify for office if nominated and elected. Each candidate for state and local office shall include in the declaration a statement that he or she has not been convicted of any felony infamous crime for which he or she has not been pardoned and a list of all felony convictions for which he or she has not been pardoned. Each candidate for state or local office shall also include in the declaration a statement that discloses his or her municipality of residence for voting purposes, including and the street and number, if any, on which the candidate resides. The declaration is valid with or without the seal of the officer who administers the oath. A candidate for state or local office shall file an amended declaration under oath with the officer or agency with whom nomination papers are filed if he or she changes his or her residence for voting purposes to a location outside the jurisdiction or district in which the candidate seeks office at any time after the original declaration is filed and prior to assuming office or being defeated for election or nomination.

SECTION 111. 8.30 (4) of the statutes is repealed.

SECTION 112. 8.35 (2) (c) and (d) of the statutes are amended to read:

8.35 (2) (c) The official or agency with whom a proper certificate is filed under par. (b) shall promptly notify the candidate who is nominated and transmit to the candidate a declaration of candidacy form and, in the case of a candidate for state or local office, a financial registration statement form under s. 11.05. Within 3 days No later than 5 p.m. on the 3rd day after notification of the nomination is mailed or personally delivered to the new nominee by the official or agency, the new nominee shall file a declaration of candidacy and, in the case of a candidate for state or local office, a registration statement under s. 11.05. Within 3 days No later than 4:30 p.m. on the 3rd day after notification of the nomination, is mailed or personally delivered to a new nominee for state office or

municipal judge by the official or agency, the nominee shall file a statement of economic interests under s. 19.43 (4). If the nominee fails to file the declaration of candidacy, the official or agency may refuse to place the candidate's name on the ballot. If the nominee fails to file the registration statement or statement of economic interests, the official or agency may not place the candidate's name on the ballot.

(d) If the ballots have been prepared, the committees or body filling the vacancy shall supply ~~pasters stickers~~ as provided under s. 7.38 (3) (c). No vacancy in a nomination occurs prior to the time of the primary election for an office, unless no primary is required for the office for which the nomination is made.

SECTION 113. 8.50 (1) (b) to (d) and (3) (b) of the statutes are amended to read:

8.50 (1) (b) Notice of any special election shall be given upon the filing of the order under par. (a) by publication in a newspaper under ch. 985. If the special election concerns a national or state office, the board shall give notice as soon as possible to the county clerks. Upon receipt of notice from the board, or when the special election is for a county office, the county clerk shall give notice as soon as possible to all municipal clerks and publish ~~2 notices~~ one type A notice for all offices to be voted upon within the county. ~~The notices shall include the provisions of par. (c) and be a type A notice under ch. 10 in substantially the form prescribed by the board as provided in s. 10.06 (2) (n) and (3) (f).~~

(c) The order and notice shall specify the office to be filled, the expiration date of the remaining term of office, the date of the election, the earliest date for circulating and deadline for filing nomination papers, the area involved in the election, the name of the incumbent before the vacancy occurred and a description of how the vacancy occurred, or for an election held under sub. (4) (e), the name of the incumbent and a description of how and when the vacancy is expected to occur. Except as otherwise provided in this paragraph, the notice shall include the information specified in s. 10.01 (2) (a).

(d) When the election concerns a national or state office, the board shall transmit to each county clerk at least 22 days before the special primary a certified list of all persons for whom nomination papers have been filed in its office. If no primary is required, the list shall be transmitted at least 42 days prior to the day of the election. Immediately upon receipt of the certified list, the county clerk shall prepare his or her ballots. For a county special election, the county clerk shall certify the candidates and prepare the ballots. If there is a primary, the county clerk shall publish ~~2 one type B notices~~ notice in a newspaper under ch. 10. When a primary is held, as soon as possible after the primary, the county clerk shall certify the candidates and prepare the ballots for the following special election. The

clerk shall publish ~~2 one type B notices~~ notice in a newspaper under ch. 10 for the election.

(3) (b) 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. 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 for an office appear on the ballot or for a partisan election in which not more than one candidate for an office appears on the ballot of each recognized political party. In every special election except a special election for nonpartisan state office where no candidate is certified to appear on the ballot, a space for write-in votes shall be provided on the ballot, regardless of whether a special primary is held.

SECTION 113g. 8.50 (4) (a) of the statutes is repealed.

SECTION 113r. 8.50 (4) (b) and (f) of the statutes are amended to read:

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

(f) A vacancy in the office of judge or justice, court of appeals judge or circuit judge occurring in any year after the date of the spring election and on or before December 1 shall be filled, if in the office of circuit judge, at the succeeding spring election; if in the office of court of appeals judge, at the first spring election when no other court of appeals judge is to be elected from the same court of appeals district; or, if in the office of justice, at the first spring election when no other justice is to be elected. A vacancy in the office of circuit judge occurring after December 1 and on or before the date of the spring election shall be filled at the 2nd succeeding spring election; in the office of court of appeals judge, at the first spring election, beginning with the 2nd succeeding spring election, when no other court of appeals judge is to be elected from the same court of appeals district; or in the office of justice, at the first spring election, beginning with the 2nd succeeding spring election, when no other justice is to be elected.

SECTION 114. 8.50 (4) (fm) of the statutes is created to read:

8.50 (4) (fm) A permanent vacancy in the office of municipal judge may be filled by temporary appointment of the municipal governing body. The office shall then be permanently filled by special election,

held concurrently with the next spring election following the occurrence of the vacancy, except that a vacancy occurring during the period after December 1 and on or before the date of the spring election shall be filled at the 2nd succeeding spring election, and no such election may be held after the expiration of the term of office nor at the time of holding the regular election for the office.

SECTION 114m. 8.50 (4) (h) of the statutes is amended to read:

8.50 (4) (h) Whenever the right to office of any person who is elected to the legislature or the U.S. senate or house of representatives ceases before the commencement of the term of office to which he or she is elected, a special election ~~may~~ shall be held to fill the vacancy.

SECTION 115. 8.55 of the statutes is created to read:

**8.55 Special referenda.** (1) Whenever a special referendum is held at an election where no office is to be filled, the clerk or secretary of the jurisdiction holding the referendum shall publish a notice under s. 10.04 of the date of the referendum, the text of the question to be voted upon at the referendum and the procedure for obtaining an absentee ballot at least 30 days prior to the date of the referendum.

(2) Whenever a special referendum is held other than by the state or a county or municipality, the clerk or secretary of the district holding the referendum shall publish a type C notice of the referendum on the Monday preceding the referendum.

SECTION 116. 9.01 (1) (ag) 5 and (b) 4 and 8m of the statutes are amended to read:

9.01 (1) (ag) 5. In this paragraph, the "leading candidate" includes every individual whose vote total at the time of the filing of the recount petition would entitle the individual to election or nomination to office. In an election in which more than one office of the same type is to be filled from the same territory, the number and percentage of votes cast under this paragraph shall be determined by first dividing the total number of votes cast for the office by the number of offices being filled at the election from the same territory.

(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, excluding ballots removed under s. 7.51 (1) (ar). Then, for each opened absentee ballot envelope that was laid aside as defective under subd. 2, the board of canvassers shall, without inspection, randomly draw one absentee ballot from the container or bag. In differentiating absentee ballots from other ballots, the board of canvassers shall presume that a ballot initialed only by the municipal clerk, the executive ~~secretary~~ director of the board of elections commissioners or a deputy clerk or secretary is an absentee ballot. If there are more

defective absentee ballot envelopes than there are probable absentee ballots, all of the probable absentee ballots shall be removed from the container or bag. Additional ballots shall be removed only if the number of remaining ballots still exceeds the number of voting electors recorded under subd. 1, reduced by the number of defective envelopes set aside under subd. 2. All ballots removed shall not be counted, but shall be marked as to the reason for their removal, set aside and carefully preserved. If the number of ballots still exceeds the number of voters, the board of canvassers shall place all ballots face up to check for blank ballots. Any blank ballots shall be so marked, ~~laid set~~ set aside and carefully preserved. If the number of ballots still exceeds the number of voters reduced by the number of defective envelopes set aside under subd. 2, the board of canvassers shall place all ballots face down to check the initials. Any ballot not properly initialed by 2 inspectors or any absentee ballot not properly initialed by the municipal clerk, the executive director of the board of election commissioners or a deputy clerk or secretary shall be temporarily ~~laid set~~ set aside and the board of canvassers shall, without inspection, randomly draw from these ballots as many as are necessary to reduce the number of ballots to equal the number of voters. Any ballots removed for lack of initials shall not be counted but shall be so marked, ~~laid set~~ set aside and carefully preserved. If the number of ballots still exceeds the number of voters reduced by the number of defective envelopes set aside under subd. 2, the remaining ballots shall be returned to the container or bag and the board of canvassers shall draw a number of ballots equal to the excess number of ballots by chance and without inspection from the container or bag. These ballots shall not be counted but shall be specially marked as having been removed by the canvassers on recount due to an excess number of ballots, set aside and carefully preserved.

8m. Where a voting machine or electronic voting system is used, and an error in the vote total as shown on the machine or record of votes cast is clearly apparent, the board of canvassers may change the vote total as shown by the machine or system and certify or use a different total to certify a different result than is indicated by the machine or system if there is evidence of a specific malfunction in the machine or system, if the malfunction could reasonably have caused the error, and if extrinsic clear and convincing evidence exists which indicates ~~beyond a reasonable doubt~~ the exact actual total number of votes cast. The burden of demonstrating that a vote total shown on a machine or record of votes cast is incorrect rests with the party seeking to change the recorded result on the basis of clear and convincing evidence.

SECTION 116r. 9.01 (6) (b) and (9) (b) of the statutes are amended to read:

9.01 (6) (b) If an appeal is filed from a recount determination in an election which is held in more than one judicial circuit, the chief judge of the judicial

administrative district in which the election is held shall consolidate all appeals relating to that election and appoint a circuit judge, who shall be a reserve judge if available, to ~~consolidate all cases relating to the matter and~~ hear the appeal. If the election is held in more than one judicial administrative district, the chief justice of the supreme court shall make the appointment.

(9) (b) If an appeal is filed in respect to an election which is held in more than one court of appeals district, the chief justice of the supreme court shall consolidate all appeals relating to that election and designate one district to consolidate the cases and hear the appeal, except that if an appeal is filed in respect to an election for statewide office or a statewide referendum, the appeal shall be heard by the 4th district court of appeals.

SECTION 117. 9.10 (1) (b) and (c) 2 and (4) (a), (b) and (d) of the statutes are amended to read:

9.10 (1) (b) ~~A~~ Except as provided in par. (c), a petition for recall of an officer shall be signed by electors equal to at least 25% of the vote cast for the office of governor at the last election within the same district or territory as that of the officeholder being recalled.

(c) 2. The vote for governor at the last general election in the municipality within which the district lies shall be multiplied by 25% of the quotient determined under subd. 1 to determine the required number of signatures.

(4) (a) For the recall of any city, village, town or school district official, the municipal clerk or board of election commissioners shall determine by careful examination the sufficiency of the petition and shall so state in a certificate attached to the petition. If the petition is found to be insufficient, the certificate shall state the particulars creating the insufficiency. The petition may be amended to correct any insufficiency within 5 days following the affixing of the original certificate. Within 2 days after the offering of the amended petition for filing, it shall again be carefully examined to determine sufficiency and a certificate stating the findings shall be attached. Immediately upon finding an original or amended petition sufficient, the municipal clerk or board of election commissioners shall transmit the petition to the clerk of circuit court.

(b) The circuit court within 10 days after receipt of the petition shall determine by hearing whether the petition states cause for the recall as defined in s. 17.16 (2). The court has jurisdiction only to determine whether the petition states cause for recall. The clerk of court shall notify the incumbent of the hearing date. The person subject to recall and the petition circulators may appear by counsel and the court may take testimony with respect to the recall petition. If the circuit court ~~judge~~ determines the grounds stated in the petition and proof offered at the hearing state cause for recall, the ~~judge court~~ shall issue a certificate directing that an election be held under this section.

The court shall transmit the certificate to the governing body or, school board to hold an election under this section or board of election commissioners in cities over 500,000 population. The ~~judge court~~ may not determine the truth or falsity of the grounds alleged in the petition or proof offered at the hearing. If the grounds stated in the petition and proof offered at the hearing do not state cause for recall, issuance of the certificate shall be denied.

(d) The governing body ~~or, school board or board of election commissioners~~ upon receiving the certificate from the circuit court shall call an election on the Tuesday of the 6th week commencing after the date of the certificate. If Tuesday is a legal holiday, the recall election shall be held on the first day after Tuesday which is not a legal holiday.

SECTION 118. 10.01 (2) (a) to (e) of the statutes are amended to read:

10.01 (2) (a) Type A — The type A notice shall be entitled "Notice of Election". The notice shall list the date of the election; the offices to be filled and the incumbent for each; the length of the term of office and the expiration date; and the beginning date for circulating and the deadline for filing nomination papers for the offices listed. Whenever an election for candidates to be elected from districts is noticed, the notice shall contain a statement specifying where information concerning district boundaries may be obtained. If a redistricting since the most recent election makes the description of the incumbent's office of limited usefulness, the notice may contain supplementary information describing the territory in which an election is to be held. The type A notice shall be published ~~twice~~ once by the county clerks, and, for municipal elections, once by the municipal clerks at the times designated in s. 10.06.

(b) Type B — The type B notice shall give the relevant facsimile ballots and the relevant portions of voting instructions to electors under s. 10.02 and the date of the ~~appropriate~~ primary or election. In counties or municipalities where an electronic voting system employing a ballot label and ballot card is used, the notice shall include the information specified in s. 5.94. This notice shall be published ~~twice~~ once by the county clerks, and for municipal elections, ~~twice~~ once by the municipal clerks on the ~~2nd Monday and the Monday~~ preceding an election. If there is no newspaper published within the municipality, the governing body of the municipality may choose to post 3 notices in lieu of publication. Whenever posting is used, the notices shall be posted at least one week before the election for which the posting is intended to give notice.

(c) Type C — The type C notice shall be entitled "Notice of Referendum". The notice shall be given whenever a referendum question is submitted to a vote of the people. The notice shall contain the date of the referendum, the entire text of the question and the proposed enactment, if any, as well as an explanatory

statement of the effect of either a "yes" or "no" vote. For state questions, the statement shall be prepared by the attorney general. For county questions, the statement shall be prepared by the corporation counsel, or if there is no corporation counsel, by the district attorney. For other questions, the statement shall be prepared by the attorney for the jurisdiction in which the question is proposed. County clerks and, for local referenda questions, municipal clerks shall publish the notice ~~twice~~ once at the same ~~times as the facsimile ballots are published.~~ time that the type B notice is published. The type C notice shall be printed in the newspaper as close as possible to that portion of the type B notice showing the facsimile ballot containing the referendum question.

(d) Type D — The type D notice shall state the hours the polls will be open and the polling locations or a concise statement of how polling location information may be obtained. Municipal In cities over 500,000 population, the board of election commissioners shall determine the form of the notice. In other municipalities, municipal clerks shall give the polling location information as each determines or the municipal governing body decides will most effectively inform the electors. The type D notice shall be published by the municipal clerk or board of election commissioners of each municipality once when the last facsimile ballots for a municipal election are published or in the last publication of the selected newspaper preceding any other on the day before each election at which the electors of that municipality are entitled to vote.

(e) Type E — The type E notice shall state the qualifications for absentee voting, the procedures for obtaining an absentee ballot in the case of registered and unregistered voters, and the places and the deadlines for application and return of application. The county municipal clerk shall publish one notice on the first 4th Tuesday of each of the 2 months preceding each spring primary and election, and each September primary and election.

SECTION 119. 10.02 (2) (b) and (c) and (3) (intro.), (a), (b) 3 and (f) of the statutes are amended to read:

10.02 (2) (b) Following the introductory paragraph, but preceding the facsimile ballot notice, ~~the county clerk shall publish a~~ shall appear the statement of information to electors in the form prescribed in sub. (3). ~~When the county clerk is not required to publish the instructions, the municipal clerk may do so.~~

(c) The facsimile ballots shall follow the voting instructions. The size and style of type and the general display of the facsimile ballots shall be prescribed by the board and shall conform to the form prescribed by the board under s. 7.08 (1) (a). The party columns shall not exceed 2-1/6 inches in width and the ballot size may be reduced. Voting machine facsimile ballots shall show a reduced diagram of the front of the voting machine and instructions to electors on how to

vote on the machine. If the ballots in the wards or election districts within a county or municipality are identical but for the names of different candidates, districts or seats, the facsimile ballot may show the ballot for one ward or election district, accompanied by a list of candidates, districts and seats to be voted upon in the other wards or election districts.

(3) (intro.) ~~The statement of information to electors notice shall contain the following relevant sections:~~

FACSIMILE BALLOT NOTICE  
OF ... ELECTION

Office of ... [County] [Municipal] Clerk.  
To the Electors of ... [County] [Municipality]:

Notice is hereby given of a ... election to be held in the several wards in the [county] [municipality] of ..., on the ... day of ..., 19..., at which the officers named below shall be chosen. The names of the candidates for each office to be voted for, whose nominations have been certified to or filed in this office, are given under the title of the office and under the appropriate party or other designation, each in its proper column, together with the questions submitted to a vote, in the sample ballot below.

INFORMATION TO ELECTORS

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

(a) Upon entering the polling place, an elector shall give his or her name and address before being permitted to vote. Where ballots are distributed to electors, the initials of 2 inspectors must appear on the ballot. Upon being permitted to vote, the elector shall retire alone to a voting booth or machine and cast his or her ballot, except that an elector who is a parent or guardian may be accompanied by the elector's minor child or minor ward. An election official may inform the elector of the proper manner for casting a vote, but the official may not in any manner advise or indicate ~~for whom to vote~~ a particular voting choice.

(b) 3. When casting a presidential preference vote, the elector shall select the party ballot of his or her choice and make a cross (X) in the square 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 a cross (X) in the square 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 words "Uninstructed delegation", or shall write in the name of his or her choice for a candidate.

(f) After an official paper ballot is marked, it shall be folded so the inside marks do not show but so the printed endorsements and inspectors' initials on the outside do show. After casting his or her vote, the elector shall leave the voting machine or booth, and where paper ballots are distributed to the electors,

deposit his or her folded ballot in the ballot box or deliver it to an inspector for deposit in the box, and shall leave the polling place promptly.

SECTION 120. 10.02 (4) of the statutes is repealed.

SECTION 121. 10.04 (1), (2) (b) and (3) (a) of the statutes are amended to read:

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

(2) (b) The board of election commissioners or governing body of a municipality may authorize by resolution the publication of election notices in more than one newspaper. The resolution may name the newspapers in which all election notices shall appear.

(3) (a) Whenever, in chs. 5 to 12, provision is made for the publication of a notice on a specific date and a weekly newspaper is chosen, the notice shall appear in that newspaper's closest preceding issue. Whenever, in chs. 5 to 12, provision is made for the publication of a notice on the day before an election and the county or municipal clerk who is responsible for publishing the notice determines that, due to the method of delivering newspapers in the municipality, more effective notice will be provided by publication at an earlier date, the municipal clerk may publish the notice not earlier than 3 days before the election.

SECTION 122. 10.06 (1) (i) and (2) (a) of the statutes are amended to read:

10.06 (1) (i) ~~As soon as possible after the state canvass, but no later than the Thursday after the 4th Tuesday in September, the board shall send a type B notice certifying the list of candidates and a type C notice certifying any referenda questions to each county clerk for the general election and a certified list of candidates under s. 11.50 to the state treasurer pursuant to s. 7.08 (2) (c).~~

(2) (a) ~~On the 3rd and 4th Tuesdays Tuesday in November preceding a spring election each county clerk shall publish a type A notice based on the notice received from the board for all state offices to be filled at the election by any electors voting in the county and a similar notice incorporating any county offices. Publication shall be on the next day if Tuesday is a holiday.~~

SECTION 123. 10.06 (2) (c) of the statutes is renumbered 10.06 (3) (as) and amended to read:

10.06 (3) (as) ~~On the first 4th Tuesday of the 2 months preceding the spring primary, when held, the municipal clerk shall publish a type E notice shall be published. Publication shall be on the next day if Tuesday is a holiday.~~

SECTION 124. 10.06 (2) (d) of the statutes is amended to read:

10.06 (2) (d) ~~On the 2nd Monday and the Monday preceding the spring primary, when held, the county clerk shall publish a type B notice shall be published.~~

SECTION 125. 10.06 (2) (f) of the statutes is renumbered 10.06 (3) (bs) and amended to read:

10.06 (3) (bs) ~~On the first 4th Tuesday of the 2 months preceding the spring election, the municipal clerk shall publish a type E notice shall be published. Publication shall be on the next day if Tuesday is a holiday.~~

SECTION 126. 10.06 (2) (g) of the statutes is amended to read:

10.06 (2) (g) ~~On the 2nd Monday and the Monday preceding the spring election, the county clerk shall publish a type B notice shall be published containing the same information prescribed in par. (a). In those years in which a presidential preference primary is held, the county clerk shall also publish notice of the primary shall also be published. In addition, the county clerk shall publish a type C notice shall be published on these dates the Monday preceding the spring election for all state and county referenda to be voted upon by electors of the county.~~

SECTION 126g. 10.06 (2) (gm) of the statutes is created to read:

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

SECTION 126r. 10.06 (2) (h) of the statutes is amended to read:

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

SECTION 127. 10.06 (2) (i) of the statutes is renumbered 10.06 (3) (cm) and amended to read:

10.06 (3) (cm) ~~On the first 4th Tuesday of the 2 months preceding a the September primary and general election, when held, the municipal clerk shall publish a type E notice shall be published. Publication shall be on the next day if Tuesday is a holiday.~~

SECTION 128. 10.06 (2) (j) of the statutes is amended to read:

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

SECTION 129. 10.06 (2) (L) of the statutes is repealed.

SECTION 130. 10.06 (2) (m) and (n), (3) (b) and (c) to (f) and (4) of the statutes are amended to read:

10.06 (2) (m) ~~On the 2nd Monday and the Monday preceding the general election the county clerk shall publish a type B notice shall be published containing the same information prescribed in par. (h). In addition, the county clerk shall publish a type C notice~~

~~shall be published on these dates on the Monday preceding the general election for all state and county referenda to be voted upon by electors of the county.~~

(n) At least 30 days prior to any special primary or election for national, state or county office, the county clerk shall publish a type A notice. ~~The county clerk shall publish a 2nd type A notice one week after the first notice is published. At least 30 days prior to any special state or county referendum not scheduled to be held concurrently with any other election, the county clerk shall publish a notice of the date of the referendum, the text of the question to be voted upon at the referendum and the procedure for obtaining an absentee ballot. On the 2nd Monday and the Monday preceding any special primary or election for national, state or county office, or any state or county referendum, the county clerk shall publish a type B notice, and. On the Monday preceding a special state or county referendum, the county clerk shall publish a type C notice for the special referendum, if any.~~

(3) (b) If there is to be a municipal primary, the municipal clerk shall publish a type B ~~notices~~ notice on the ~~2nd Monday and the~~ Monday before the primary election. In cities, the municipal clerk shall publish a type C notice on the Monday before the primary election of any direct legislation questions to be voted on at the primary ~~shall be included in the municipal type B notice.~~

(c) On the 2nd Monday ~~and the Monday~~ before the municipal spring election, the municipal clerk shall publish a type B ~~notices~~ notice. If there are any municipal referenda questions, ~~the municipal clerk shall publish a type C notice shall be published at the same time. In cities, any direct legislation questions to be voted on at the election shall be included with the type B notice.~~

(d) ~~A The municipal clerk shall publish a type D notice shall be published on the day preceding any every election. When other municipal election notices are published, the type D notice shall be published at the time of the last insertion. When there are no municipal election notices, the type D notice shall be published on the day preceding the election.~~

(e) When electronic or mechanical voting machines or electronic voting systems employing a ballot card or label are used in a municipality at a municipal election, the municipal clerk shall publish a type B notice on the ~~2nd Monday and the~~ Monday before ~~every~~ the election. The notice shall include all offices and questions to be voted on at the election. The cost of this notice shall be shared under s. 5.68 ~~(1) and (2) and (3).~~

(f) At least 30 days prior to any special primary or election for municipal office, the municipal clerk shall publish a type A notice. ~~The municipal clerk shall publish a 2nd type A notice one week after the first notice is published. At least 30 days prior to any special municipal referendum not scheduled to be held concurrently with any other election, the municipal clerk shall publish a notice of the date of the referen-~~

~~dum, the text of the question to be voted upon at the referendum and the procedure for obtaining an absentee ballot. On the 2nd Monday and the Monday preceding any special primary or election for municipal office, or any municipal referendum, the municipal clerk shall publish a type B notice, and. The municipal clerk shall publish a type C notice for the on the Monday preceding a special municipal referendum, if any. On the day preceding any special primary or election, including a special referendum, the municipal clerk shall publish a type D notice.~~

(4) OTHER CLERKS. Unless otherwise provided, at least 30 days prior to any primary or election for any office other than a national, state, county or municipal office, the clerk of the jurisdiction holding the primary or election shall publish a type A notice. ~~The clerk shall publish a 2nd type A notice one week after the first notice is published. On the 2nd Monday and the Monday preceding any primary or election for any office other than a national, state, county or municipal office, or any referendum other than a state, county or municipal referendum, the clerk of the jurisdiction holding the primary, or election or referendum shall publish a type B notice, and. On the Monday preceding any referendum other than a state, county or municipal referendum, the clerk of the jurisdiction holding the referendum shall publish a type C notice for the referendum, if any.~~

SECTION 130m. 10.07 (1) of the statutes is amended to read:

10.07 (1) Except as provided in sub. (2) in the case of voting machine ballots, whenever any county clerk or municipal or school district 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 or school district sharing in its publication.

SECTION 131. 12.08 of the statutes is amended to read:

**12.08 Denial of government benefits.** No person may, directly or indirectly, cause any person to make a contribution or provide any service or other thing of value to or for the benefit of a candidate, political party or registrant under s. 11.05, with the purpose of influencing the election or nomination of a candidate to national, state or local office or the passage or defeat of a referendum by means of the denial or threat of denial of any payment or other benefit of a program established or funded in whole or in part by this state or any political subdivision local governmental unit of this state, or a program which has applied for funding by this state or any local governmental unit of this state.

SECTION 132. 12.13 (1) (f) and (3) (e), (j) and (s) of the statutes are amended to read:

12.13 (1) (f) Shows his or her marked, or punched ~~or labeled~~ ballot to any person or places a mark upon the ballot so it is identifiable as his or her ballot.

(3) (e) Prepare or cause to be prepared an official ballot with intent to change the result of the election as to any candidate or referendum; prepare an official ballot which is marked, or prepunched ~~or pre-labeled~~ or which has an unauthorized sticker affixed prior to delivery to an elector; or deliver to an elector an official ballot bearing a mark, ~~label~~ or punch opposite the name of a candidate or referendum question that might be counted as a vote for or against a candidate or question.

(j) While assisting an elector who cannot read or write, has difficulty in reading, writing or understanding English, or is unable to mark, or punch ~~or label~~ a ballot or depress a lever or button on a voting machine, inform the elector that a ballot contains names or words different than are printed or displayed on the ballot with the intent of inducing the elector to vote contrary to his or her inclination or intentionally fail to cast a vote in accordance with the elector's instructions.

(s) Solicit another elector to offer assistance ~~inside a voting booth~~ under s. 6.82 (2) or 6.87 (5), except in the case of an elector who is blind or visually impaired to the extent that the elector cannot read a ballot.

SECTION 132g. 12.13 (4) of the statutes is created to read:

12.13 (4) NURSING HOME VOTING. No employe of a nursing home may disclose the designated time arranged for absentee voting by occupants of the nursing home under s. 6.875 (6) to any person other than an occupant of the nursing home or a relative of an occupant, as defined in s. 6.875 (1), who requests to be so informed.

SECTION 132h. 12.60 (1) (a) and (b) of the statutes are amended to read:

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

(b) Whoever violates s. 12.03, 12.05, 12.07, 12.08 or 12.13 (3) (b), (c), (d), (g), (i) or (n) to (x) may be fined not more than \$1,000, or imprisoned not more than 6 months or both.

SECTION 132i. 12.60 (1) (c) of the statutes is amended to read:

12.60 (1) (c) Whoever violates s. 12.13 (3) (am) or (4) may be required to forfeit not more than \$500.

SECTION 132m. 13.175 of the statutes is amended to read:

**13.175 Referenda.** Every proposal for legislation which is to be submitted to the voters for their approval or for an expression of their opinion including, without limitation because of enumeration, proposed constitutional amendments, advisory referenda,

and legislation designed to become effective only after ratification by the voters shall include a complete statement of the referendum question upon which the voters shall be requested to vote in the form prescribed under s. 5.64 (2). No such proposal shall be passed by either house of the legislature unless it contains the precise wording of the referendum question which is to be submitted to the voters for their approval, expression of opinion or ratification.

SECTION 133. 17.03 (4) of the statutes is amended to read:

17.03 (4) His or her ceasing to be an inhabitant of this state; or if the office is legislative, his or her ceasing to be an inhabitant of the district from which he or she is elected; or if the office is local, his or her ceasing to be an inhabitant of the ~~district~~, county, city, village, town, ~~aldermanic district or school district for~~ district or area from which he or she was elected or within which the duties of his or her office are required to be discharged, except as provided in ss. 60.30 (6) and 120.05 (1) (d); and in the case of a school district officer, and in addition to the foregoing, his or her being and remaining absent from the district for a period exceeding 60 days.

SECTION 133g. 17.18 (1) of the statutes is renumbered 17.18 and amended to read:

**17.18 (title) Vacancies, U.S. senator and representative in congress; how filled.** Vacancies in the office of ~~member of U.S. senator or representative in congress~~ from this state shall be filled by election, as provided in s. 8.50 (4) (b), for the residue of the unexpired term.

SECTION 133r. 17.18 (2) of the statutes is repealed.

SECTION 133m. 17.19 (3m) of the statutes is created to read:

17.19 (3m) GOVERNOR. In the office of governor, by the lieutenant governor.

SECTION 134. 17.23 (1) (bm) and (2) (a) 1 of the statutes are amended to read:

17.23 (1) (bm) In the office of municipal judge, ~~by election under~~ in the manner provided in s. 8.50 (4) (fm).

(2) (a) 1. In the office of mayor or other member of the council, except as provided in s. 9.10, in the manner provided in sub. (1) (a). In the office of municipal judge, in the manner provided in s. 8.50 (4) (fm). On failure of the council to make ~~such an~~ an appointment under sub. (1) (a) for 30 days after the vacancy exists the city engineer shall be a temporary acting member of the council until such vacancy is filled in the manner provided by law, and he or she shall have all the powers, prerogatives and duties of the vacant office except the right to vote to fill a vacancy in the office of mayor or councilman.

SECTION 135. 17.24 (1) and (2) of the statutes are amended to read:

17.24 (1) Except as provided in ~~sub. (3) and~~ s. 9.10, a vacancy in any elective village office may be filled by

appointment by a majority of the members of the village board for the residue of the unexpired term or until a special election is held under s. 8.50 (4) (fm) or sub. (2). A vacancy in an appointive office shall be filled in the same manner as the original appointment.

(2) Except as provided in ~~sub. (3)~~ s. 8.50 (4) (fm), a vacancy in any elective office in a village may be filled by special election of a successor for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, if it happens no later than December 1 preceding the first Tuesday in April, but if the vacancy happens after December 1 preceding the first Tuesday of April, then the successor shall be elected on the first Tuesday of April of the next ensuing year; but no election to fill a vacancy in the office may be held at the time of holding the regular election for the office.

SECTION 136. 17.24 (3) of the statutes is repealed.

SECTION 137. 17.25 (1) of the statutes is amended to read:

17.25 (1) In the town board, by the remaining supervisors and the town clerk, except as provided in s. 9.10 and except when the vacancy is caused by removal by the circuit judge as provided by law, which latter vacancy shall be filled by appointment by that judge. Vacancies in other elective town offices shall be filled by appointment by the town board, except as provided in ~~s. ss. 8.50 (4) (fm) and 9.10~~ and except for vacancies caused by removal by the judge of the circuit court which latter vacancy shall be filled by that judge ~~and vacancies in the office of municipal judge shall be filled by election under s. 8.50~~. Persons appointed under this subsection to fill vacancies shall hold office for the residue of the unexpired term, except persons appointed to fill vacancies as members of the water or light commission, which persons shall hold office only until their successors are elected and qualify and such successors shall be elected at the annual town meeting next after the vacancy occurs if the vacancy occurs 12 days or more prior to the meeting; otherwise at the annual town meeting held in the year next succeeding; but no election to fill a vacancy in the office may be held at the time of holding the regular election for the office.

SECTION 138. 17.28 of the statutes is amended to read:

**17.28 When officers may hold office.** When no different provision is made in respect thereto, any officer who is elected or appointed to fill a vacancy shall qualify in the manner required by law of the officer in whose stead the officer is elected or appointed. An officer who is elected or appointed to fill a vacancy in an elective office shall enter upon the duties of his or her office immediately upon qualification and, if elected, upon certification of the election result, and shall hold office for the residue of the unexpired term unless removed or recalled in accordance with law. An officer who is appointed to fill a vacancy in an appointive office shall enter upon the duties of his or

her office immediately upon qualification and shall hold office for the residue of the unexpired term, if any, and until his or her successor is appointed and qualifies unless removed in accordance with law.

SECTION 139. 19.42 (4) of the statutes is amended to read:

19.42 (4) "Candidate for state public office" means any individual who files nomination papers and a declaration of candidacy under s. 8.21 or who is nominated at a caucus under s. 8.05 (1) for the purpose of appearing on the ballot for election as a state public official or any individual who is nominated for the purpose of appearing on the ballot for election as a state public official through the write-in process or by appointment to fill a vacancy in nomination and who files a declaration of candidacy under s. 8.21.

SECTION 140. 19.43 (1) to (4) of the statutes are amended to read:

19.43 (1) Each individual who in January of any year is an official required to file shall file with the board no later than April 30 of that year a statement of economic interests with the board no later than April 30 of that year meeting each of the requirements of s. 19.44 (1). The information contained on ~~such~~ the statement shall be current as of December 31 of the preceding year.

(2) An official required to file shall file with the board a statement of economic interests ~~with the board as per the date he or she assumes office~~ meeting each of the requirements of s. 19.44 (1) no later than 21 days following that the date he or she assumes office if the official has not previously filed a statement of economic interests with the board during that year. The information on the statement shall be current as per the date he or she assumes office.

(3) A nominee shall file with the board a statement of economic interests ~~with the board as per the date he or she was nominated~~ meeting each of the requirements of s. 19.44 (1) within 21 days of being nominated unless the nominee has previously filed a statement of economic interests with the board during that year. The information on the statement shall be current as per the date he or she was nominated. Following the receipt of a nominee's statement of economic interests, the board shall forward copies of such statement to the members of the committee of the senate to which the nomination is referred.

(4) A candidate for state public office shall file with the board a statement of economic interests ~~with the board~~ meeting each of the requirements of s. 19.44 (1) no later than the end of 4:30 p.m. on the 3rd day following the deadline for filing nomination papers for the office which the candidate seeks, no later than 4:30 p.m. on the 5th day after notification of nomination is mailed or personally delivered to the candidate by the municipal clerk in the case of a candidate who is nominated at a caucus, or the end of no later than 4:30 p.m. on the 3rd day following after notification of nomina-

tion is mailed or personally delivered to the candidate by the appropriate official or agency in the case of a write-in candidate or candidate who is appointed to fill a vacancy in nomination under s. 8.35 (2) (a). The information contained on the statement shall be current as of December 31 of the year preceding the filing deadline. Before certifying the name of any candidate for state public office under s. 7.08 (2) (a), the elections board, municipal clerk or board of election commissioners shall ascertain whether that candidate has complied with this subsection. If not, the elections board, municipal clerk or board of election commissioners may not certify the candidate's name for ballot placement.

SECTION 141. 59.03 (6) of the statutes is created to read:

59.03 (6) ENFORCEMENT OF DIVISION REQUIREMENT. If a county fails to comply with sub. (2) (a) or (3) (b), any municipality located in whole or in part within the county or any elector of the county may submit to the circuit court for the county within 14 days from the expiration of either 60-day period under sub. (2) (a) or (3) (b) a proposed tentative or final plan for creation of supervisory districts in compliance with this section. If the court finds that the existing division of the county into supervisory districts fails to comply with this section, it shall review the plan submitted by the petitioner and after reasonable notice to the county may promulgate the plan, or any other plan in compliance with this section, as a temporary supervisory district plan until superseded by a districting plan adopted by the board in compliance with this section.

SECTION 142. 59.125 of the statutes is amended to read:

**59.125 Eligibility for county office.** No person is eligible to file nomination papers as a candidate for, have his or her name placed on a ballot for election to, or hold a county elective office who is not a resident an elector of the county. No person is eligible to file nomination papers as a candidate for, have his or her name placed on a ballot for election to, or hold the office of county supervisor who is not a resident an elector of the supervisory district from which he or she is chosen. No person is eligible to hold the office of district attorney who is not licensed to practice law in this state.

SECTION 143. 59.715 (11) of the statutes is renumbered 7.23 (1) (j) and amended to read:

7.23 (1) (j) Election notices, and proofs of publication and correspondence filed in connection with such notices, may be destroyed one year after the date of the election, except in cases where an election is contested in which case such records shall be retained until one year after the contest has been settled to which they relate.

SECTION 144. 62.08 (2) of the statutes is amended to read:

62.08 (2) If new area is subsequently annexed to territory becomes a part of any city after adoption of

the ordinance under sub. (1), the limitations of s. 5.15 relating to population or area shall do not apply to the creation of new wards in the area annexed attached territory, or to the addition of the area territory to an existing ward, but no ward line adjustment may cross the boundary of an assembly district.

SECTION 145. 62.08 (5) of the statutes is created to read:

62.08 (5) If a city fails to comply with sub. (1), any elector of the city may submit to the circuit court for any county in which the city is located within 14 days from the expiration of the 60-day period under sub. (1) a proposed plan for creation of aldermanic districts in compliance with this section. If the court finds that the existing division of the city into aldermanic districts fails to comply with this section, it shall review the plan submitted by the petitioner and after reasonable notice to the city may promulgate the plan, or any other plan in compliance with this section, as a temporary aldermanic district plan until superseded by a districting plan adopted by the council in compliance with this section.

SECTION 146. 67.05 (6a) (d) and (6m) (d) of the statutes are amended to read:

67.05 (6a) (d) ~~The school board shall provide for the cost of all necessary election supplies, ballot boxes and booths, voting machines or electronic voting systems and the necessary election officials cost of the election shall be borne as provided in ss. 5.68 and 7.03.~~ The form of the ballot provided shall correspond with the form prescribed by the elections board under ss. 5.64 (2) and 7.08 (1) (a). The notice of ~~such~~ the special election and the ballot used thereat shall embody a copy of the initial resolution, and the question submitted shall be whether the initial resolution shall be or shall not be approved.

(6m) (d) A copy of any initial resolution of the district board under par. (a) which requires a referendum shall be promptly transmitted by the secretary of the district board to the county clerk or board of election commissioners of each county any part of which is contained within the district. The district board shall ~~provide the election officials of each city, village and town having territory in the district with all necessary election supplies, and, for a special election, shall arrange with affected counties and municipalities for the necessary ballot boxes and booths, voting machines or electronic voting systems and the selection of the necessary election officials. Extra labor costs necessitated by a special election shall be assumed by the district board ballots, supplies and equipment, and for a special referendum, the necessary election officials. The costs shall be borne as provided in ss. 5.68 and 7.03.~~ The form of the ballot shall correspond with the form prescribed by the elections board under ss. 5.64 (2) and 7.08 (1) (a). The ballot need not embody a copy of the initial resolution, but shall contain a statement of the purpose and the amount of the bonds proposed to be issued.

SECTION 147. 117.01 (4) (b) 5 of the statutes is amended to read:

117.01 (4) (b) 5. The cost of conducting the primary and the election under s. 5.68 (2) and (3) shall become a charge upon the new school district, and the school board of the new district shall pay all such costs.

SECTION 148. 117.035 (1) (f) of the statutes is amended to read:

117.035 (1) (f) If a proposed reorganized school district lies in more than one county, the county clerk of the county having the largest equalized valuation within the proposed reorganized school district shall be responsible for conducting the referendum, but the ~~cost of ballots and other election supplies costs under s. 5.68 (2) and (3)~~ shall be borne by each of the counties in such proportion as the equalized valuation of the property in each county affected by the referendum bears to the total equalized valuation of the property in the proposed reorganized school district. If the proposed reorganized school district lies in more than one county, the referendum shall be conducted and the vote counted and canvassed in each county separately and a tabulation of the vote in each county shall be forwarded to the county clerk of the county having the largest equalized valuation within the proposed reorganized school district for a final consolidated tabulation and determination of the result.

SECTION 149. 117.043 (3) (a) of the statutes is amended to read:

117.043 (3) (a) ~~Any A~~ resolution or petition for a referendum under sub. (2) shall be filed with the city clerk of the city having the largest equalized valuation within the city school district. The clerk of ~~such that~~ city shall notify the clerk of each city, village and town with territory in the city school district that a referendum shall be held. The notification shall state the subject of the referendum. The referendum shall be called by the city clerk for a date not ~~more sooner~~ than 30 days from the date the petition is filed. If the spring primary or spring election is to be held within 90 days, but more than 30 days from the date of filing, the referendum shall be held on the date of the spring primary or spring election. Except where a type "B" notice is already published under s. 10.06 (3), the city clerk shall cause notice of the purpose, time and place of holding the referendum and the hours of opening and closing of the polls to be published as a class 2 notice, under ch. 985, in the city school district.

SECTION 149m. 120.05 (1) (d) of the statutes is created to read:

120.05 (1) (d) A school district officer shall be a resident of the school district in which the officer serves. A school district officer who represents an apportioned area pursuant to a plan adopted under s. 120.02 (2) shall be a resident of the apportioned area for which he or she is elected or appointed at the time the officer takes the oath of office. If a school district officer who represents an apportioned area ceases to be a resident of that area after beginning his or her

term but continues to be a resident of the school district, the officer may continue to serve for the balance of the term for which he or she was elected or appointed.

SECTION 150. 120.06 (6) of the statutes is amended to read:

120.06 (6) (a) In a school district which does not contain territory lying within a 2nd class city, ~~in whole or in part~~, the school board may, or in a common or union high school district the school board or annual meeting may, by resolution adopted not later than the last Tuesday in November preceding an election for members of the school, require that nomination papers be filed by all candidates seeking election to the school board. If the school board or annual meeting has previously required the filing of nomination papers in such a school district, the body imposing the requirement may, by similar resolution adopted not later than the last Tuesday in November preceding an election for members of the school board, rescind the requirement.

(b) No later than the first Tuesday in December prior to the spring election, the school district clerk shall publish a class 1 notice, under ch. 985, of the school district election stating the time, place and manner of filing declarations of candidacy and nomination papers, where required. No later than 5 p.m. on the first Tuesday in January prior to the spring election, or on the next day if Tuesday is a holiday, any qualified elector of the school district may file a sworn declaration of candidacy with the school district clerk in the form provided in s. 8.21 at the place specified in the notice. If the school district contains territory lying within a 2nd class city, or if the school board or annual meeting requires nomination papers under par. (a) ~~a~~, any qualified elector of the school district who desires to be a candidate shall file nomination papers in the form prescribed under s. 8.10 (3) with the school district clerk at the place specified in the notice. In the case of a 3-member apportioned or numbered school board the qualified elector also shall state the office, apportioned area or numbered seat for which the elector is a candidate. If a candidate has not filed a registration statement under s. 11.05 by the time he or she files a declaration of candidacy, the candidate shall file the statement with the declaration. A candidate shall file an amended declaration under oath with the school district clerk if he or she changes his or her residence for voting purposes to a location outside the school district as provided in s. 8.21.

SECTION 151. 120.06 (7) (b) of the statutes is repealed.

SECTION 152. 120.06 (7) (c) of the statutes is renumbered 120.06 (7) (b) and amended to read:

120.06 (7) (b) ~~In school districts which include, in whole or in part, a city of the 2nd class, the~~ The school board shall require a primary election if there are more than 2 candidates for any seat on a 3-member board or more than twice as many candidates as there

are members to be elected to an unnumbered school board of more than 3 members. In school districts ~~which include, in whole or in part, a city of the 2nd class and~~ in which a plan of apportionment of school board members under s. 120.02 (2) or a plan for election of school board members to numbered seats has been adopted, the school board shall require a primary election for particular apportioned areas for which there are more than twice as many candidates as there are members to be elected and for any numbered seat for which there are more than 2 candidates. When there is a primary election it shall be held ~~at the time specified for~~ in conjunction with the spring primary.

SECTION 152e. 120.06 (8) (c) (intro.) of the statutes is amended to read:

120.06 (8) (c) (intro.) Cause to be given a class 1 notice, in accordance with ch. 985, ~~at least 7 days prior to on the Monday before the primary election, if one is to be held, and 7 days prior to on the Monday before the spring election.~~ If publication is made in a newspaper which does not publish on Monday, publication shall be made on the closest preceding day on which the newspaper publishes. If the school district clerk determines that due to the method of delivering newspapers in the school district more effective notice will be provided by publication at an earlier date, the school district clerk may publish the notice not earlier than 3 days before the primary or election. The notice shall contain the following information:

SECTION 152m. 120.06 (8) (c) 3 of the statutes is amended to read:

120.06 (8) (c) 3. The location and open hours of polling places and a designation of which persons should vote at each polling place; and

SECTION 152s. 120.06 (8) (c) 4 of the statutes is created to read:

120.06 (8) (c) 4. A facsimile ballot and the relevant portions of the voting instructions under s. 10.02 (3).

SECTION 153. 120.06 (9) (a) of the statutes is amended to read:

120.06 (9) (a) The primary and spring elections for school board members shall be conducted by the election officials for state and municipal elections. In a school board election held in conjunction with a state, county, municipal or judicial election, the polling places for the state, county, municipal or judicial election shall be the polling places for the school board election and the municipal election hours shall apply. If no state, county, municipal or judicial election is held on the day of the school board election, the school board may set the election hours and the polling places to be used ~~and the~~. The election costs shall be charged to the school district, as provided in ss. 5.68 and 7.03. Election hours set by the school board shall be the same as those provided by the municipal governing body in which the polling place is located, except that if the opening hour is later than 7 a.m., the

school board may extend the opening hour to not earlier than 7 a.m.

SECTION 153g. 751.03 (2) of the statutes is amended to read:

751.03 (2) The chief justice of the supreme court may exercise the authority under sub. (1) in regard to municipal courts for the ~~limited~~ purpose of ~~assigning~~:

(a) Assigning a case in which a change of judge is requested under s. 757.19 (5) or is required under s. 800.05 ~~or 800.06~~ to another municipal judge or, if none is available, transferring the case to circuit court.

SECTION 153r. 751.03 (2) (b) of the statutes is created to read:

751.03 (2) (b) Assigning cases in municipal court in which a municipal judge is incompetent, unable or fails to act, to another municipal judge, former municipal judge or former circuit judge. A judge to whom cases are so assigned may serve until the chief justice determines that the incompetency, inability or failure ceases, or until the term of the municipal judge expires or the vacancy is permanently filled under s. 8.50 (4) (fm), whichever occurs first. If no judge is available, the chief justice may transfer a case from municipal court to circuit court.

SECTION 154. 755.01 (1) of the statutes is amended to read:

755.01 (1) There is created and established in and for each city, town and village, a municipal court designated "Municipal Court for the ...(city, town or village) of ...(name of municipality)". This court shall become operative and function when the city council, town board or village board adopts an ordinance or bylaw providing for the election of a judge and the operation and maintenance of the court. A permanent vacancy in the office of municipal judge shall be filled ~~by election~~ under s. 8.50 (4) (fm). Any municipal court established under this section is not a court of record. The court shall be maintained at the expense of the municipality. After July 1, 1978, any authorized municipal court courtroom personnel not in the classified service shall be appointed by the municipal court judge or judges.

SECTION 154b. 755.03 (1) of the statutes is amended to read:

755.03 (1) The judge shall, after election, designation or appointment ~~to fill a vacancy~~, take and file the official oath as prescribed in s. 757.02 (1) and at the same time execute and file an official bond in an amount to be fixed by the governing body. No judge may act as such until his or her oath and bond have been filed as required by s. 19.01 (4) (c) and the requirements of sub. (2) have been complied with.

SECTION 154d. 755.04 of the statutes is amended to read:

**755.04 Salary and fees.** The governing body shall fix a salary for the judge which shall be in lieu of fees and costs. Fees and taxable costs shall be paid into the municipal treasury as the governing body directs. The

salary may be increased by the governing body before the start of the 2nd or a subsequent year of service of the term of the judge, but shall not be decreased during a term. The salary of a municipal judge who is designated or appointed under s. 8.50 (4) (fm) or 800.06 shall be determined by contract between the municipality and the judge. The judge may not serve until the contract is entered into. Salaries may be paid annually or in equal instalments as determined by the governing body, but no judge may be paid a salary for any time during the term during which the judge has not executed his or her official bond or official oath, as required by s. 755.03, and filed under s. 19.01 (4) (c).

SECTION 154f. 755.18 (3) of the statutes is created to read:

755.18 (3) This section does not apply to a municipal judge appointed under s. 8.50 (4) (fm) nor to a former municipal judge or former circuit judge to whom cases are assigned under s. 800.06 during the 6-month period following the date on which the judge receives his or her initial assignment.

SECTION 154h. 800.06 (2) of the statutes is amended to read:

800.06 (2) If any municipal judge is incompetent, unable or fails to act, ~~or in the event of a vacancy,~~ s. 751.03 (2) applies. The parties and their attorneys shall be notified of the transfer to another ~~municipal~~ judge or to circuit court prior to trial. ~~The municipal judge designated or the circuit judge court to whom~~

which the case is transferred may, while in possession of the docket, issue execution upon or give a certified transcript of any unsatisfied judgment appearing therein.

SECTION 154m. **Nonstatutory provisions.** (1) PRIMARY ELECTION VOTING. The elections board shall determine if it is feasible to develop and implement a system to prevent cross-over voting in partisan primary elections regardless of the voting method utilized at the elections. The elections board shall report its findings and recommendations to the presiding officer of each house of the legislature for referral to the appropriate standing committee of the house no later than January 15, 1987.

(2) INITIAL TERMS OF SPECIAL VOTING DEPUTIES. Notwithstanding section 7.30 (4) and (6) of the statutes, as affected by this act, initial nominees for appointment to the position of special voting deputy under section 6.875 (4) of the statutes, as created by this act, shall be submitted by August 1, 1986, and initial appointments shall be made no later than September 1, 1986. The initial appointees shall serve until their successors are appointed and qualified under section 7.30 (4) and (6) of the statutes, as created by this act.

SECTION 155. **Terminology changes.** Wherever the term "executive secretary" appears in the following section of the statutes, the term "executive director" is substituted: 5.02 (2) and (10), 5.05 (1) (e) and (9), 5.58 (1g) (c), 5.60 (1) (intro.), (3) (b) and (4) (c), 7.21 (2), 7.22 (2) and 7.53 (2) (cm).

SECTION 155m. **Program responsibility changes.** In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

A	B	C
Statute Sections	References Deleted	References Inserted
14.011 (intro.)	17.18 (2)	none

SECTION 156. **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
6.86 (3) (a)	6.20 (1)	6.20
8.12 (1) (d), as renumbered	par. (a)	par. (b)
8.12 (3), as renumbered	sub. (1) (a)	sub. (1) (b)
10.07 (2)	5.68 (2)	5.68 (3)
61.189 (1)	7.30 to 7.32	7.30 and 7.32
120.06 (11)	6.85 to 6.89	6.84 to 6.89

SECTION 157. **Effective date.** (1) Except as provided in subsection (2), this act takes effect on July 1, 1986.

(2) The treatment of sections 5.25 (4) (by SECTION 17g) and 6.82 (1) (c) of the statutes and the creation of section 5.25 (4) (b) of the statutes take effect on January 1, 1992.