

# State of Wisconsin



**REPRINTED:**  
initially printed with  
a publication date  
of June 1, 2000.

1999 Assembly Bill 700

Date of enactment: **May 17, 2000**  
Date of publication\*: **May 24, 2000**

## 1999 WISCONSIN ACT 182

**AN ACT** to repeal 5.25 (4) (b), 5.35 (6) (a) 4., 5.55 (form), 5.58 (2) (b), 5.60 (8) (a) 1., 2. and 3., 5.64 (1) (c), 5.64 (2) (a) and (b), 5.64 (3) (intro.), 6.30 (2) and (3), 6.865 (2), 7.30 (4) (cm), 7.30 (4) (cn), 7.38 (title) and (1), 7.39, 8.17 (2), (3) and (4) (a) and (b) and 9.10 (2) (em) 3.; to renumber and amend 5.55 (intro.), 5.58 (2) (a), 5.60 (8) (a) (intro.), 5.62 (1) (b), 5.62 (2), 5.64 (1) (e), 5.64 (2) (intro.), 5.64 (3) (a), 5.64 (3) (b), 7.38 (3) and 8.17 (4) (c); to consolidate, renumber and amend 6.865 (intro.) and (1); to amend 5.01 (4) (a), 5.05 (1) (e), 5.15 (6) (b), 5.25 (1), 5.35 (4), 5.35 (6) (b), 5.37 (3), 5.53 (2), 5.58 (intro.), 5.58 (1) (intro.), 5.58 (1c), 5.58 (1g) (a), 5.58 (1g) (b), 5.58 (1r), 5.58 (2m), 5.60 (intro.), 5.60 (1) (intro.), 5.60 (1) (b), 5.60 (2), 5.60 (3) (intro.), 5.60 (4) (a) and (b), 5.60 (4m), 5.60 (5) (intro.), 5.60 (5) (a), 5.60 (6) (a), 5.60 (6m) and (7), 5.60 (8) (intro.), 5.62 (1) (a), 5.62 (5), 5.64 (1) (intro.), 5.64 (1) (a), 5.64 (1) (b), 5.64 (1) (d), 5.64 (1) (f), 5.64 (2) (c), 5.65, 5.68 (5), 5.81 (1), 5.81 (2), 6.15 (3) (b), 6.22 (4), 6.22 (5), 6.24 (1) and (2), 6.24 (3), 6.24 (3), 6.24 (4) (c), 6.24 (4) (d), 6.24 (5), 6.24 (6), 6.24 (7), 6.275 (1) (c), 6.28 (1), 6.29 (1), 6.29 (2) (b), 6.29 (2) (c), 6.30 (1), 6.30 (4), 6.33 (2) (b), 6.45 (1), 6.79 (intro.), 6.79 (1) and (2), 6.79 (5), 6.80 (2) (e) and (f), 6.85, 6.86 (1) (b), 6.86 (3) (a), 6.87 (2), 6.87 (3) (a), 6.87 (4), 6.87 (7), 6.87 (8), 6.87 (9), 6.875 (2) (b), 6.875 (2) (c), 6.875 (4), 6.875 (6), 6.88 (1), 6.88 (2), 6.88 (3) (a), 6.88 (3) (b), 6.95, chapter 7 (title), 7.08 (1) (c), 7.08 (2) (a), 7.10 (2), 7.15 (1) (cm), 7.30 (2) (a), 7.30 (4) (b) 1., 7.30 (4) (b) 2., 7.37 (6), 7.41 (1), 7.51 (3) (d), 7.53 (3) (a), 7.60 (2), 7.60 (4) (a), 7.60 (4) (b), 7.60 (5), 7.60 (6), 7.70 (3) (a), 7.70 (3) (b), 7.70 (3) (c), 7.70 (3) (d), 7.70 (3) (e) (intro.), 7.70 (3) (g), 7.70 (3) (h), 7.70 (3) (i), 7.70 (5) (a), 8.05 (1) (j), 8.05 (3) (b), 8.05 (3) (d) and (e), 8.05 (5), 8.10 (3) (intro.), 8.10 (6) (a), 8.12 (2), 8.15 (4) (a), 8.17 (1) (a), 8.17 (5) (b), 8.20 (3), 8.20 (9), 8.21, 8.35 (2) (a), 8.35 (2) (d), 8.40 (2), 8.50 (1) (a), 8.50 (1) (b), 8.50 (4) (fm), 9.01 (1) (a), 9.01 (1) (ar) 3., 9.01 (1) (b) 2., 9.01 (2), 9.01 (5) (a), 9.01 (5) (c), 9.01 (6) (a), 9.01 (7), 9.01 (8), 9.10 (2) (em) 1., 9.10 (2) (n), 9.10 (2) (r) 4., 10.02 (3) (b) 1., 10.02 (3) (b) 2., 10.02 (3) (b) 2m., 10.02 (3) (b) 3. and 4., (c) and (d), 10.06 (2) (h), 10.06 (4) (i), 11.02 (3), 11.03 (1), 11.60 (4) and (5), 13.123 (3) (b) 2., 24.66 (4), 32.72 (1), 38.08 (1) (a) 1., 59.05 (2), 59.08 (7) (b), 60.62 (2), 60.74 (5) (b), 60.785 (2) (a), 61.187 (1), 61.46 (1), 62.13 (6) (b), 64.39 (2), 66.021 (5) (a), 66.022 (3), 66.023 (4) (e) 1. and 2., 66.024 (4) (a) and (b), 66.027, 66.028 (6) (a) and (b), 66.059 (2m) (b), 66.061 (1) (c), 66.061 (1) (c), 66.075 (5), 66.521 (10) (d), 66.77 (3) (a) 1., 66.94 (4), 67.12 (12) (e) 6., 81.01 (3) (b), 86.21 (2) (a), 92.11 (4) (c), 119.48 (4) (c), 119.49 (2), 120.06 (6) (b), 121.91 (3) (a), 125.05 (1) (b) 5., 197.04 (1) (b), 197.10 (2), 227.52 (6), 755.01 (4) and 778.135; to repeal and recreate 6.22 (2) (b); and to create 5.25 (4) (d), 5.51 (8), 5.62 (1) (b) 2., 5.62 (2) (b), 5.64 (1) (e) 2., 5.64 (1) (eg), 5.655, 6.87 (3) (d), 7.10 (6), 7.21 (2m), 8.10 (6) (bm), 8.17 (5) (bm), 8.37, 9.01 (5) (bm), 11.02 (3e) and 67.05 (3) (am) of the statutes; relating to: various changes in the election laws; requiring a referendum; and providing penalties.

\* Section 991.11, WISCONSIN STATUTES 1997-98 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

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

5.01 (4) (a) If 2 or more candidates for the same office receive the greatest, but an equal number of votes, the winner shall be chosen by lot in the presence of the board of canvassers charged with the responsibility to determine the election, ~~except as provided in s. 8.17 (4) (b), or in the case of an election for state or national office or municipal judge, if the judge is elected under s. 755.01 (4), or metropolitan sewerage commissioner, if the commissioner is elected under s. 66.23 (11) (am), in the presence of the chairperson of the board or the chairperson's designee.~~

**SECTION 2.** 5.05 (1) (e) of the statutes is amended to read:

5.05 (1) (e) Delegate to its executive director the authority to issue a subpoena under par. (b), apply for a search warrant under par. (b), commence an action under par. (d), intervene in an action or proceeding under sub. (9), issue an order under s. 5.06, exempt a polling place from accessibility requirements under s. 5.25 (4) (a), exempt a municipality from the requirement to use voting machines or an electronic voting system under s. 5.40 (5m), approve an electronic data recording system for maintaining poll lists under s. 6.79, or authorize nonappointment of an individual who is nominated to serve as an election official under s. 7.30 (4) (e), subject to such limitations as the board deems appropriate.

**SECTION 3m.** 5.15 (6) (b) of the statutes is amended to read:

5.15 (6) (b) No later than 60 days before each September primary and general election, and no later than 30 days before each other election the governing body of any municipality may by resolution combine 2 or more wards for voting purposes to facilitate using a common polling place. Whenever wards are so combined, the original ward numbers shall continue to be utilized for all official purposes. Except as otherwise authorized under this paragraph, every municipality having a population of ~~50,000 or more, or 35,000 or more after June 1, 1996,~~ shall maintain separate returns for each ward so combined. In municipalities having a population of ~~less than 50,000, or less than 35,000 after June 1, 1996,~~ 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 1990 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 June 1, 1996 that groups of 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~~

~~June 1, 1996.~~ Whenever a governing body provides for common ballot boxes and ballots or voting machines, separate returns shall be maintained for each separate ballot required under ss. 5.62 and 5.64 at the September primary and general election. The municipal clerk shall transmit a copy of the resolution to the county clerk of each county in which the municipality is contained. In municipalities having a population of ~~less than 50,000, or less than 35,000 after June 1, 1996,~~ the resolution shall remain in effect for each election until modified or rescinded, or until a new division is made under this section.

**SECTION 4.** 5.25 (1) of the statutes is amended to read:

5.25 (1) All elections under chs. 5 to 12 shall be held at the polling places provided in this section. ~~So far as practicable, the~~ The places chosen shall be public buildings, unless the use of a public building for this purpose is impracticable or the use of a nonpublic building better serves the needs of the electorate, as determined by the authority charged with the responsibility for establishing polling places under sub. (2).

**SECTION 5.** 5.25 (4) (b) of the statutes is repealed.

**SECTION 6.** 5.25 (4) (d) of the statutes is created to read:

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

**SECTION 7.** 5.35 (4) of the statutes is amended to read:

5.35 (4) LAYOUT; ORGANIZATION. All voting booths and machines shall be placed apart from other activities in the polling place, with their exteriors in full view of the election officials. Only the proper election officials, ~~observers~~ persons observing the proceedings under s. 7.41, persons assisting voters under s. 6.82 (2) and electors receiving, preparing or depositing their ballots or casting their votes on the machines are permitted in the voting area. Except where assistance is authorized, only one elector at a time is permitted in a voting booth or machine.

**SECTION 8.** 5.35 (6) (a) 4. of the statutes is repealed.

**SECTION 9.** 5.35 (6) (b) of the statutes is amended to read:

5.35 (6) (b) At each polling place in the state where a consolidated ballot under s. 5.655 is used or an electronic voting system is utilized at a partisan primary election incorporating a ballot upon which electors may mark or punch votes for candidates of more than one recognized political party or for candidates 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 10.** 5.37 (3) of the statutes is amended to read:

5.37 (3) For presidential electors one device shall be provided to vote for all of one party's electoral candidates at the same time. The device shall be opposite or adjacent to the ballot containing the names of the party's candidates for president and vice president.

**SECTION 11.** 5.51 (8) of the statutes is created to read:

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

**SECTION 12.** 5.53 (2) of the statutes is amended to read:

5.53 (2) Where the provisions require separate ballots are provided for, the names or questions shall be placed in separate columns or rows upon the machines so they are voted on separately, except as otherwise provided for referenda under s. 5.64 (2) (c).

**SECTION 13.** 5.55 (intro.) of the statutes is renumbered 5.55 and amended 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:~~

**SECTION 14.** 5.55 (form) of the statutes is repealed.

**SECTION 15.** 5.58 (intro.) of the statutes is amended to read:

**5.58 Spring primary ballots.** (intro.) At spring primary elections the following ballots, when necessary, shall be provided for each ward, except as authorized in s. 5.655. Only nonpartisan candidates nominated for office by nomination papers shall have their names

placed on the official spring primary ballot under the proper office designation, but the ballots shall allow room for write-in candidates.

**SECTION 16.** 5.58 (1) (intro.) of the statutes is amended to read:

5.58 (1) MUNICIPAL; COUNTY SUPERVISOR BALLOTS. (intro.) There shall be separate ballots for municipal and county primaries, except as authorized in s. 5.655.

**SECTION 17.** 5.58 (1c) of the statutes is amended to read:

5.58 (1c) MUNICIPAL JUDGE. There shall be a separate ballot for municipal judges if they are elected under s. 755.01 (4), except as authorized in s. 5.655. Arrangement of the names on the ballot shall be determined by the board. ~~The ballot shall be entitled "Official Primary Ballot for Municipal Judge"~~ county clerk or the executive director of the county board of election commissioners of the county having the largest portion of the population in the jurisdiction served by the judge.

**SECTION 18.** 5.58 (1g) (a) of the statutes is amended to read:

5.58 (1g) (a) There shall be a separate ballot for school district officers when so required, except as authorized in s. 5.655.

**SECTION 19.** 5.58 (1g) (b) of the statutes is amended to read:

5.58 (1g) (b) In 1st class cities, the names of the candidates for the seat of the member elected at-large to the board of school directors shall be placed on the official city primary ballot and, except as authorized in s. 5.655, there shall be a separate ballot giving the names of the candidates for any seat to be filled on the board of school directors from any election district. All names of candidates for the at-large seat shall be placed in one or more separate columns or rows on the ballot.

**SECTION 20.** 5.58 (1r) of the statutes is amended to read:

5.58 (1r) TOWN SANITARY DISTRICT COMMISSION. There shall be a separate ballot for members of the town sanitary district commission if commissioners are elected under s. 60.74 and the boundaries of the district are not coterminous with one or more towns, except as authorized in s. 5.655. Candidates for different seats shall be listed in separate columns or rows if more than one seat is contested in any election. Arrangement of the names on the ballot shall be determined by the town clerk of the town whose board of supervisors directs the election, in the same manner as provided in s. 5.60 (1) (b). ~~The ballot shall be titled "Official Primary Ballot for Town Sanitary District Commission"~~.

**SECTION 21.** 5.58 (2) (a) of the statutes is renumbered 5.58 (2) and amended to read:

5.58 (2) STATE SUPERINTENDENT OF PUBLIC INSTRUCTION; JUDICIARY; COUNTY EXECUTIVE; AND COUNTY SUPERVISORS. There shall be one separate ballot for state superintendent, judicial officers, county executive under s.

59.17 and county supervisor, except as authorized in s. 5.655. In counties having a population of 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). Arrangement of the names of candidates for county executive and county supervisor shall be determined by the county clerk or by the executive director of the county board of election commissioners in the manner specified in s. 5.60 (1) (b). ~~The ballot shall be titled "Official Ballot for State Superintendent of Public Instruction, Judicial, County Executive and County Supervisor Primary".~~

**SECTION 22.** 5.58 (2) (b) of the statutes is repealed.

**SECTION 23.** 5.58 (2m) of the statutes is amended to read:

5.58 (2m) METROPOLITAN SEWERAGE COMMISSION. ~~There~~ Except as authorized in s. 5.655, there shall be a separate ballot for members of the metropolitan sewerage commission if commissioners are elected under s. 66.23 (11) (am), with candidates for different seats listed in separate columns or rows if more than one seat is contested at any election. Arrangement of the names on the ballot shall be determined by the board. ~~The ballot shall be titled "Official Primary Ballot for Metropolitan Sewerage Commission".~~

**SECTION 24.** 5.60 (intro.) of the statutes is amended to read:

**5.60 Spring election ballots.** (intro.) At spring elections the following ballots, when necessary, shall be provided for each ward, except as authorized in s. 5.655.

**SECTION 25.** 5.60 (1) (intro.) of the statutes is amended to read:

5.60 (1) STATE SUPERINTENDENT; JUDICIARY; COUNTY EXECUTIVE AND COUNTY SUPERVISORS. (intro.) There shall be one separate ballot for state superintendent, judicial officers, county executive and county supervisor, except as authorized in s. 5.655. For county supervisor, the ballot shall be prepared in accordance with ss. 5.58 (2) and 59.10 (3). Arrangement of the names of candidates for county executive ~~and~~ county supervisor and municipal judge, if the judge is elected under s. 755.01 (4), shall be determined by the county clerk or the executive director of the county board of election commissioners determining ballot arrangement under s. 5.58 (1c), in the manner prescribed in par. (b).

**SECTION 26.** 5.60 (1) (b) of the statutes is amended to read:

5.60 (1) (b) The board shall certify the candidates' names and designate the official ballot arrangement for candidates for state superintendent, justice, court of appeals judge, circuit judge, ~~municipal judge elected under s. 755.01 (4) and,~~ if commissioners are elected under s. 66.23 (11) (am), the metropolitan sewerage commission. The arrangement of names of all candidates on

the ballot whose nomination papers are filed with the board shall be determined by the board by the drawing of lots not later than the 2nd Tuesday in January, or the next day if the first Tuesday is a holiday. Whenever a primary is held for an office, a 2nd drawing of all candidates for that office shall be held by or under the supervision of the board not later than the 3rd day following the completion of the primary canvass to determine the arrangement of candidates on the election ballot.

**SECTION 27.** 5.60 (2) of the statutes is amended to read:

5.60 (2) MUNICIPAL JUDGE. If the election is under s. 755.01 (4), there shall be a separate ballot listing the names of all of the candidates, except as authorized in s. 5.655.

**SECTION 28.** 5.60 (3) (intro.) of the statutes is amended to read:

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

**SECTION 29.** 5.60 (4) (a) and (b) of the statutes are amended to read:

5.60 (4) (a) There shall be a separate ballot for school district officers when so required, except as authorized in s. 5.655.

(b) In 1st class cities, the names of the candidates for the seat of the member elected at-large to the board of school directors shall be placed on the official city ballot and there shall be a separate ballot giving the names of the candidates for any seat to be filled on the board of school directors from any election district, except as authorized in s. 5.655. The names of candidates for the at-large seat shall be placed in the same column or row on the ballot.

**SECTION 30.** 5.60 (4m) of the statutes is amended to read:

5.60 (4m) METROPOLITAN SEWERAGE COMMISSION. A separate ballot shall list the names of all candidates for metropolitan sewerage commission seats, if commissioners are elected under s. 66.23 (11) (am), except as authorized in s. 5.655. The names for the different seats shall be placed in separate columns or rows if more than one seat is contested at any election.

**SECTION 31.** 5.60 (5) (intro.) of the statutes is amended to read:

5.60 (5) VILLAGE. (intro.) There shall be a separate ballot giving the names of all candidates for village offices, except as authorized in s. 5.655.

**SECTION 32.** 5.60 (5) (a) of the statutes is amended to read:

5.60 (5) (a) The offices to be filled shall be arranged on the official ballot in the order they are named in the statutes creating them. ~~Where there is more than one ward,~~ The names of the candidates shall be arranged by

using the same method as that used by the board under sub. (1) (b). Sufficient space shall be left under each office for write-in candidates.

**SECTION 33.** 5.60 (6) (a) of the statutes is amended to read:

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

**SECTION 34.** 5.60 (6m) and (7) of the statutes are amended to read:

5.60 (6m) TOWN SANITARY DISTRICT COMMISSION. ~~A~~ Except as authorized in s. 5.655, a separate ballot shall list the names of all candidates for town sanitary district commission seats, if commissioners are elected under s. 60.74 and the boundaries of the district are not coterminous with the boundaries of one or more towns. The names for different seats shall be placed in separate columns or rows if more than one seat is contested at any election.

(7) REFERENDUM BALLOTS. ~~There~~ Except as authorized in s. 5.655, there shall be a separate ballot setting forth all propositions requiring a vote in the form and manner provided by s. 5.64.

**SECTION 35.** 5.60 (8) (intro.) of the statutes is amended to read:

5.60 (8) BALLOTS FOR PRESIDENTIAL VOTE. (intro.) ~~There~~ Except as authorized in s. 5.655, there shall be a separate ballot for each recognized political party filing a certification under s. 8.12 (1), listing the names of all potential candidates of that party determined under s. 8.12 and affording, in addition, an opportunity to the voter to nominate another potential candidate by write-in vote or to vote for an uninstructed delegation to the party convention. The order of 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.

**SECTION 36.** 5.60 (8) (a) (intro.) of the statutes is renumbered 5.60 (8) (a) and amended to read:

5.60 (8) (a) ~~An official~~ Except as authorized in s. 5.655, a separate ballot shall be printed and provided for use in each voting district. ~~The form of each ballot shall be substantially as follows:~~

**SECTION 37.** 5.60 (8) (a) 1., 2. and 3. of the statutes are repealed.

**SECTION 38.** 5.62 (1) (a) of the statutes is amended to read:

5.62 (1) (a) At September primaries, the following ballot shall be provided for the nomination of candidates of recognized political parties for national, state and county offices and independent candidates for state office in each ward, in the same form as prescribed by the board under s. 7.08 (1) (a), except as authorized in s. 5.655. The ballots shall be made up of the several party tickets with each party entitled to participate in the primary under par. (b) or sub. (2) having its own ballot, except as authorized in s. 5.655. The independent candidates for state office other than district attorney shall have a separate ballot for all such candidates as under s. 5.64 (1) (e), except as authorized in s. 5.655. The ballots shall be secured together at the bottom. The party ballot of the party receiving the most votes for president or governor at the last general election shall be on top with the other parties arranged in descending order based on their vote for president or governor at the last general election. The ballots of parties qualifying under sub. (2) shall be placed after the parties qualifying under par. (b), in the same order in which the parties filed petitions with the board. Any ballot required under par. (b) 2. shall be placed next in order. 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.

**SECTION 39.** 5.62 (1) (b) of the statutes is renumbered 5.62 (1) (b) 1. and amended to read:

5.62 (1) (b) 1. ~~Every~~ Except as provided in subd. 2. and s. 5.64 (1) (e) 2., every recognized political party listed on the official ballot at the last gubernatorial election whose candidate for any statewide office received at least ~~one percent~~ 1% of the total votes cast for that office and, if the last general election was also a presidential election, every recognized political party listed on the ballot at that election whose candidate for president received at least ~~one percent~~ 1% of the total vote cast for that office shall have a separate primary ballot or one or more separate columns or rows on the primary ballot as prescribed in par. (a) and a separate column on the general election ballot in every ward and election district. An organization which was listed as "independent" at the last

general election and whose candidate meets the same qualification shall receive the same ballot status upon petition of the chairperson and secretary of the organization to the board requesting such status and specifying their party name, which may not duplicate the name of an existing party. A petition under this ~~paragraph subdivision~~ 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.~~

**SECTION 40.** 5.62 (1) (b) 2. of the statutes is created to read:

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

**SECTION 41.** 5.62 (2) of the statutes is renumbered 5.62 (2) (a) and amended to read:

5.62 (2) (a) ~~Any Except as provided in par. (b) and s. 5.64 (1) (e) 2., any~~ political organization may be represented on a separate primary ballot or in one or more separate columns or rows on the primary ballot as prescribed in sub. (1) (a) and in a separate column on the general election ballot in every ward and election district ~~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 under this paragraph, the petition political organization shall be, not later than 5 p.m. on June 1 in the year of the September primary, file with the board a petition requesting separate ballot status. The petition shall be signed by at least 10,000 electors, including at least 1,000 electors residing in each of at least 3 separate congressional districts. The petition shall conform to the requirements of s. 8.40. No signature obtained before January 1 in the year of filing is valid. When the candidates of a political organization filing a valid petition fulfill the requirements prescribed by law, they shall appear on a separate ballot or one or more sepa-

rate columns or rows on the ballot for the period ending with the following general election.

**SECTION 42.** 5.62 (2) (b) of the statutes is created to read:

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

**SECTION 43.** 5.62 (5) of the statutes is amended to read:

5.62 (5) At the September primary, an elector may vote for the candidates of only one party, or the elector may vote for any of the independent candidates for state office listed; but the elector may not vote for more than one candidate for a single office. A space shall be provided on the ballot for an elector to write in the name of his or her choice as a party candidate for any office, including a party candidate of a party whose name appears on the ballot, column or row designated for independent candidates, as provided in sub. (1) (b) or (2) (b), but no space shall be provided to write in the names of independent candidates.

**SECTION 44.** 5.64 (1) (intro.) of the statutes is amended to read:

5.64 (1) OFFICIAL BALLOT. (intro.) ~~There~~ Except as authorized in s. 5.655, there shall be a separate ballot giving the names of all candidates for president and vice president and for statewide, congressional, legislative and county offices in the same form as prescribed by the board under s. 7.08 (1) (a).

**SECTION 45.** 5.64 (1) (a) of the statutes is amended to read:

5.64 (1) (a) The ballot shall be labeled "Official Ballot" in lettering at least three-eighths inch high. ~~Directly underneath in plain, legible type, shall be the following voting instructions: "If you desire permit an elector to vote a straight party ticket for~~ president and vice president, whenever those offices are contested, and for all statewide, congressional, legislative and county offices, make a cross (X) in the circle under the party designation

at the top of the party column. If you desire to vote for individual candidates, make a cross (X) in the square at the RIGHT of the name of each candidate for whom you desire to vote. To for each office or to vote for a person whose name does not appear on the ballot, write the name in the blank space provided for the purpose for any office. When voting for governor and lieutenant governor, you may the ballot shall permit an elector to vote only for the candidates on one ticket jointly or write in the names of persons in both spaces.” Under the party designation at the top of each party column shall appear the following words in boldface type: “Make a cross (X) in this circle to vote a straight party ticket.”

**SECTION 46.** 5.64 (1) (b) of the statutes is amended to read:

5.64 (1) (b) ~~Below the voting instructions the ballot shall be divided into vertical columns. The names of the candidates on the regular party tickets nominated at the primary or replacements appointed under s. 8.35 (2) shall be printed each in~~ appear in a separate column under the party designation. The columns shall be arranged from left to right according to rank, based on the number of votes received by the each party’s candidate for president or governor at the last general election beginning with the party that received the most votes. To the right of the columns for parties qualifying under s. 5.62 (1) (b) shall be placed the columns for parties qualifying under s. 5.62 (2) in the same order in which the parties filed petitions with the board. Any column required under par. (e) 2. shall be placed next in order. To the right of the party columns shall be a column for the names of independent candidates for each office, or more than one column if the first column does not provide sufficient space for the names of all such candidates.

**SECTION 47.** 5.64 (1) (c) of the statutes is repealed.

**SECTION 48.** 5.64 (1) (d) of the statutes is amended to read:

5.64 (1) (d) The offices shall be arranged beginning with president and vice president or governor and lieutenant governor, whenever these offices are filled, and then the remaining offices in the order designated under s. 5.62 (3).

**SECTION 49.** 5.64 (1) (e) of the statutes is renumbered 5.64 (1) (e) 1. and amended to read:

5.64 (1) (e) 1. ~~Within each column, each space shall state the office to be voted for directly above the candidate’s first and last name. The Except as provided in subd. 2., each candidate’s name shall be placed in the party column of the party by which nominated or if independent, in a column designated independent and all candidates for the same office shall appear within the same rows on the ballot. Below If a separate column is provided to write in the names of any party candidates under subd. 2., the column shall appear before the column designated independent with the spaces provided to write in the names of the candidates for each such party appearing~~

in the same order in which the columns of their parties would appear under par. (b). Along with the names of the independent candidates shall appear the party or principle of the candidates, if any, in 5 words or less, as shown on their nomination papers. Independent candidates for the same county office shall be listed in the same manner in an order drawn by lot by or under supervision of the county clerk or board of election commissioners. The board shall conduct a redrawing for purposes of determining the arrangement of independent candidates for state office who appeared on the primary ballot in the manner provided in s. 5.60 (1) (b). To the right of each candidate’s name, in each column, shall be a square for the elector to make his or her cross (X).

**SECTION 50.** 5.64 (1) (e) 2. of the statutes is created to read:

5.64 (1) (e) 2. There shall be a separate column for the candidates of each party qualifying for that column under s. 5.62 (1) (b) or (2), except that if, within any assembly district or county, there are no candidates for any national, state or county office representing such a party who qualify to have their names appear on the ballot under the name of that party within that assembly district, the county clerk or board of election commissioners shall provide a combined separate column that will permit an elector to cast a vote for a write-in candidate of any such party for each national, state and county office whenever that party qualifies to be represented in a separate column but does not qualify under this subdivision. The ballot shall include the name of each party qualifying for a separate column under each office, with the names of the candidates for each such party appearing in the same order in which the columns of the parties would appear under par. (b).

**SECTION 51.** 5.64 (1) (eg) of the statutes is created to read:

5.64 (1) (eg) In the case of balloting for the offices of president and vice president, the names of the candidates shall be placed in the column of the party that nominated them or if independent, in a column designated independent. In each column there shall be one choice for the elector to cast a ballot jointly for both offices.

**SECTION 52.** 5.64 (1) (f) of the statutes is amended to read:

5.64 (1) (f) In the case of balloting for the office of governor and lieutenant governor, the names of the candidates shall be placed in the party column by which nominated or if independent, in a column designated independent. ~~To the right of the names of the set of candidates for governor and lieutenant governor, in~~ In each column there shall be one square choice for the elector to cast a ballot jointly for both offices.

**SECTION 53.** 5.64 (2) (intro.) of the statutes is renumbered 5.64 (2) (am) and amended to read:

5.64 (2) (am) There shall be a separate ballot when any proposed constitutional amendment or any other

measure or question is submitted to a vote of the people, except as authorized in s. 5.655. The ballot shall give a concise statement of each question in accordance with the act or resolution directing submission in the same form as prescribed by the board under s. 7.08 (1) (a). The question may not be worded in such a manner as to require a negative vote to approve a proposition or an affirmative vote to disapprove a proposition. Unless otherwise expressly provided, this ballot form shall be used at all elections when questions are submitted to a vote of the people.

**SECTION 54.** 5.64 (2) (a) and (b) of the statutes are repealed.

**SECTION 55.** 5.64 (2) (c) of the statutes is amended to read:

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

**SECTION 56.** 5.64 (3) (intro.) of the statutes is repealed.

**SECTION 57.** 5.64 (3) (a) of the statutes is renumbered 5.64 (1) (em) and amended to read:

5.64 (1) (em) ~~The ballot shall be titled "Official Presidential Ballot" in lettering at least three-eighths inch high. Directly underneath in plain, legible type shall be the following voting instructions: "Make a cross (X) in the square opposite the names of the candidates for whose electors you desire to vote or write in the names of candidates for president and vice president in the space provided for the purpose. Vote in ONE square only."~~ The names of the candidates for the offices of president and vice president certified under s. 8.16 (7) or filed under s. 8.20 shall appear on the ballot in the form prescribed in s. 7.08 (2) (a). The names of the presidential electors for the candidates supplied under ss. 8.18 (2) and 8.20 (2) (d) are not listed on the ballot but a vote for the candidates for president and vice president is a vote for them through their named presidential electors.

**SECTION 58.** 5.64 (3) (b) of the statutes is renumbered 5.64 (1) (es) and amended to read:

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

**SECTION 59.** 5.65 of the statutes is amended to read:

**5.65 Special referendum ballots.** Unless otherwise provided, ballots for special referenda shall conform to the format prescribed ~~in~~ under s. 5.64 (2), insofar as applicable.

**SECTION 60.** 5.655 of the statutes is created to read:

**5.655 Consolidated ballots. (1)** Whenever a separate ballot is required to be used, a municipality may use a single ballot to facilitate the use of voting machines or an electronic voting system or, if the municipality employs paper ballots, may use a consolidated paper ballot that is authorized under sub. (2). If a municipality uses a single ballot in lieu of separate ballots, the ballot shall include a separate column or row for any office, referendum or party for which a separate ballot is required by law and the ballot shall be distributed only to electors who are eligible to vote for all of the offices and referenda appearing on the ballot.

(2) Whenever a municipality employing paper ballots is required to utilize separate ballots for certain offices, referenda or parties at an election, the municipality may, with the approval of the county clerk or board of election commissioners of each county in which there is located any portion of the municipality where one or more electors reside, substitute a single consolidated paper ballot or a ballot that is designed to be utilized with an electronic voting system, if the ballot contains all of the applicable information required to be provided for paper ballots at that election.

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

**SECTION 61.** 5.68 (5) of the statutes is amended to read:

5.68 (5) If a charge is made for the use of a polling place, the charge shall be paid by the ~~unit of government~~ municipality establishing the polling place under s. 5.25 (2) ~~or 120.06 (9) (a)~~ unless the polling place is used to conduct a special election that is called by a unit of gov-



ernment other than the state or the municipality establishing the polling place and the special election is not held concurrently with an election specified in s. 5.02 (5), (18), (21) or (22). In such case the charge shall be paid by the unit of government that calls the special election.

**SECTION 62.** 5.81 (1) of the statutes is amended to read:

5.81 (1) Whenever the statutes ~~require~~ provide for the use of separate ballots or columns or rows for offices, parties or referenda, and an electronic voting system employing a ballot label or ballot card is used at a polling place, a single ballot may be used for all offices, referenda and parties. The ballot information, whether placed on the ballot or on the voting device, shall, as far as practicable, be grouped and ordered in the same manner as provided for other ballots under this chapter, except that the information on the ballot card need not be in separate columns or rows and the information in the ballot label booklet may appear on a number of pages.

**SECTION 63.** 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. 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~~ next to the candidate's name, and the name of candidates for the same office shall be listed vertically under the title of that office.

**SECTION 64.** 6.15 (3) (b) of the statutes is amended to read:

6.15 (3) (b) *Election day.* An eligible elector may appear at the polling place 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 the ballot and, unless the ballot is utilized with an electronic voting system, the elector shall fold the ballot, and shall deposit the ballot into the ballot box or give it to the inspector. The inspector shall deposit it directly ~~in~~ into the ballot box. Voting machines or ballots utilized with electronic voting sys-

tems may ~~only~~ be used by electors voting under this section if they permit voting for president and vice president only.

**SECTION 65m.** 6.22 (2) (b) of the statutes is repealed and recreated to read:

6.22 (2) (b) Notwithstanding s. 6.87 (4), a military elector shall make and subscribe to the certification under s. 6.87 (2) before a witness who is an adult U.S. citizen.

**SECTION 66.** 6.22 (4) of the statutes is amended to read:

6.22 (4) INSTRUCTIONS AND HANDLING. An individual who qualifies as a military elector may request an absentee ballot for any election, or for all elections until the individual otherwise requests or until the individual no longer qualifies as a military elector. A military elector's application may be received at any time. The municipal clerk shall not ~~mail send~~ 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 send~~ a ballot, as soon as available, to each military elector who requests a ballot. The board shall prescribe the instructions for marking or punching 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 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~~ Whenever the material is mailed, 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).

**SECTION 67.** 6.22 (5) of the statutes is amended to read:

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

**SECTION 68.** 6.24 (1) and (2) of the statutes are amended to read:

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

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

**SECTION 69.** 6.24 (3) of the statutes is amended to read:

6.24 (3) REGISTRATION. If registration is required in the municipality where the overseas elector resides, the elector shall register on a form prescribed by the board designed to ascertain the elector's qualifications under this section. The form shall be substantially similar to the original form under s. 6.33 (1), insofar as applicable. Registration shall be accomplished in accordance with s. 6.30 (3) (4).

**SECTION 70.** 6.24 (3) of the statutes, as affected by 1999 Wisconsin Act .... (this act), is amended to read:

6.24 (3) REGISTRATION. If registration is required in the municipality where the overseas elector ~~resides~~ resided or where the elector's parent resided, the elector shall register on a form prescribed by the board designed to ascertain the elector's qualifications under this section. The form shall be substantially similar to the original form under s. 6.33 (1), insofar as applicable. Registration shall be accomplished in accordance with s. 6.30 (4).

**SECTION 71.** 6.24 (4) (c) of the statutes is amended to read:

6.24 (4) (c) Upon receipt of a timely application from an individual who qualifies as an overseas elector and who has registered to vote in a municipality under sub. (3) whenever registration is required in that municipality, the municipal clerk of the municipality shall ~~mail~~ send an absentee ballot to the individual for all subsequent elections for national office to be held during the year in which the ballot is requested, unless the individual otherwise requests or until the individual no longer qualifies as an overseas elector.

**SECTION 72.** 6.24 (4) (d) of the statutes is amended to read:

6.24 (4) (d) An overseas elector who is not registered may request both a registration form and an absentee ballot at the same time, and the municipal clerk shall ~~mail~~ send the ballot automatically if the registration form is received within the time prescribed in s. ~~6.30(3)~~ 6.28 (1). The board shall prescribe a special certificate affidavit form for the envelope in which the absentee ballot for overseas electors is contained, which shall be substantially similar to that provided under s. 6.87 (2). ~~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~~

Notwithstanding s. 6.87 (4), an overseas elector shall make and subscribe to the special certificate form before a witness who is an adult U.S. citizen.

**SECTION 73.** 6.24 (5) of the statutes is amended to read:

6.24 (5) BALLOTS. The board shall prescribe a special ballot for use under this section whenever necessary. Official ballots ~~under ss. 5.60(8) and 5.64(3)~~ prescribed for use in the presidential preference primary may also be used. The ballot shall be designed to comply with the requirements of prescribed under ss. 5.60 (8), 5.62 and 5.64 (1) insofar as applicable. All ballots shall be limited to national offices only.

**SECTION 74.** 6.24 (6) of the statutes is amended to read:

6.24 (6) INSTRUCTIONS AND HANDLING. The municipal clerk shall ~~mail~~ send 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 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~~ Except as authorized under s. 6.87 (3) (d), the municipal clerk shall mail the material postage prepaid to any place in the world. The overseas elector shall provide return postage.

**SECTION 75m.** 6.24 (7) of the statutes is amended to read:

6.24 (7) VOTING PROCEDURE. Except as authorized under s. 6.25, the ballot shall be marked or punched and returned, deposited and recorded in the same manner as other absentee ballots. In addition, the ~~certificate-affidavit~~ certificate 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 76.** 6.275 (1) (c) of the statutes is amended to read:

6.275 (1) (c) Where registration applies, the total number of electors of the municipality residing in that county who registered after the close of registration and prior to the day of the primary or election under ~~s. ss. 6.28 (1) and 6.29.~~

**SECTION 77.** 6.28 (1) of the statutes is amended to read:

6.28 (1) REGISTRATION LOCATIONS; DEADLINE. ~~Registration~~ Except as authorized in ss. 6.29 and 6.55 (2), 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. An application for registration in person or by mail may be accepted for placement on the registration list after the specified

deadline, if the municipal clerk determines that the registration list can be revised to incorporate the registration in time for 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 register of deeds or at other locations provided by the board of election commissioners or the common council in cities 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, savings and loan associations and savings banks. Special registration deputies shall be appointed for all locations.

**SECTION 78.** 6.29 (1) of the statutes is amended to read:

6.29 (1) No names may be added to a registration list for any election after the close of registration, except as authorized under this section or s. ~~6.28 (1) or 6.55 (2) or (3)~~. 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 this section.

**SECTION 79.** 6.29 (2) (b) of the statutes is amended to read:

6.29 (2) (b) Upon the filing of the registration form required by this section, the municipal clerk shall issue a certificate addressed to the inspectors of the proper ward directing that the elector be permitted to cast his or her vote, unless the clerk determines that the registration list will be revised to incorporate the registration in time for the election. The certificate shall be numbered serially, prepared in duplicate and one copy preserved in the office of the municipal clerk.

**SECTION 80.** 6.29 (2) (c) of the statutes is amended to read:

6.29 (2) (c) ~~The elector, at~~ At the time he or she appears at the correct polling place, the elector shall deliver the any certificate issued under par. (b) to the inspectors. If the elector applies for and obtains an absentee ballot, ~~the any~~ certificate shall be annexed to and mailed with the absentee ballot to the office of the municipal clerk.

**SECTION 81.** 6.30 (1) of the statutes is amended to read:

6.30 (1) IN PERSON. Registration applications shall be made in person, except under ~~subs. (2) to sub. (4)~~.

**SECTION 82.** 6.30 (2) and (3) of the statutes are repealed.

**SECTION 83.** 6.30 (4) of the statutes is amended to read:

6.30 (4) BY MAIL. Any eligible elector ~~who is located not more than 50 miles from his or her legal voting residence~~ may register by mail on a form prescribed by the board and provided by each municipality. The form shall be designed to obtain the information required in ss. 6.33 (1) and 6.40 (1) (a) and (b). The form shall contain a certification by the elector that all statements are true and correct. The form shall be prepostpaid for return when mailed at any point within the United States, ~~and shall be signed by a special registration deputy or shall be signed and substantiated by one other elector residing in the same municipality in which the registering elector resides, corroborating all material statements therein.~~ The form shall be available in the municipal clerk's office and may be distributed by any elector of the municipality. The clerk shall mail a registration form to any elector upon written or oral request.

**SECTION 84.** 6.33 (2) (b) of the statutes is amended to read:

6.33 (2) (b) The registration form shall be signed by the registering elector and any corroborating elector under s. 6.29 (2) (a), ~~6.30 (2) to (4)~~ or 6.55 (2) before the clerk, issuing officer or registration deputy. The form shall contain a certification by the registering elector that all statements are true and correct.

**SECTION 85.** 6.45 (1) of the statutes is amended to read:

6.45 (1) After the deadline for revision of the registration list, the municipal clerk shall make copies of the list for election use. The registration list and any supplemental lists which are prepared at polling places or other registration locations under s. 6.55, shall be open to public inspection. Under the regulations prescribed by the municipal clerk, any person may copy the registration list at the office of the clerk. A registration list maintained at a polling place may be examined by ~~an observer~~ any person who is observing the proceedings under s. 7.41 when such use does not interfere with the conduct of the election.

**SECTION 86.** 6.79 (intro.) of the statutes is amended to read:

**6.79 Recording electors.** (intro.) Two election officials at each election ward shall be in charge of and shall maintain 2 separate lists of all persons voting. The municipal clerk may elect to maintain the information on the poll list manually or electronically. If the list is maintained electronically, the officials shall enter the information into an electronic data recording system that enables retrieval of a printed copy of the poll list at the polling place. The system employed is subject to the approval of the board.

**SECTION 87.** 6.79 (1) and (2) of the statutes are amended to read:

6.79 (1) MUNICIPALITIES WITHOUT REGISTRATION. Where there is no registration, before being permitted to

vote, each person shall state his or her full name and address. The officials shall ~~record~~ enter each name and address on a poll list in the same order as the votes are cast. If the residence of the elector does not have a number, the election officials shall, in the appropriate space, write enter "none". Alternatively, the municipal clerk may maintain a poll list consisting of the full name and address of electors compiled from previous elections. Whenever an elector appears to vote, the officials shall verify the correctness of the elector's name and address, and shall enter a serial number next to the name of the elector in the order that the votes are cast, beginning with the number one. If the name and address of an elector do not appear on the prepared poll list, the officials shall ~~record~~ enter the name, address and serial number of the elector at the bottom of the list. The officials may require any elector to provide identification, including acceptable proof of residence, or to have another elector corroborate his or her information in accordance with the procedure specified in s. 6.55 (2) (b) before permitting the elector to vote. The officials shall maintain a separate list of those persons voting under ss. 6.15 and 6.24.

(2) MUNICIPALITIES WITH REGISTRATION. Where there is registration, each person, before receiving a voting number, shall state his or her full name and address. Upon the prepared registration list, after the name of each elector, the officials shall enter the serial number of the vote as it is polled, beginning with number one. Each elector shall receive a slip bearing the same serial number. A separate list shall be maintained for electors who are voting under s. 6.15, 6.29 or 6.55 (2) or (3) and electors who are reassigned from another polling place under s. 5.25 (5) (b). Each such elector shall have his or her full name, address and serial number likewise ~~recorded~~ entered and shall be given a slip bearing such number.

**SECTION 88.** 6.79 (5) of the statutes is amended to read:

6.79 (5) ~~POLL LIST FORMS FORMAT.~~ Poll lists shall be kept on forms ~~designed or in an electronic format prescribed~~ by the board to be substantially similar to the standard 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 89.** 6.80 (2) (e) and (f) of the statutes are amended to read:

6.80 (2) (e) Upon voting his or her ballot, the elector shall publicly and in person deposit it ~~in~~ into the ballot box or deliver it to an inspector ~~for,~~ who shall deposit ~~in~~ the ballot into the ballot box.

(f) In the presidential preference primary and other partisan primary elections at polling places where ballots are distributed to electors, unless the ballots are prepared under s. 5.655 or are utilized with an electronic voting system in which all candidates appear on the same ballot, after the elector prepares his or her ballot the elector shall

detach the remaining ballots, fold the ballots to be discarded, and fold the completed ballot unless the ballot is intended for counting with automatic tabulating equipment, The elector shall then either personally deposit the ballots to be discarded ~~in~~ into the separate ballot box marked "blank ballot box", and deposit the completed ballot ~~in~~ into the ballot box indicated by the inspectors, or give the ballots to an inspector who shall deposit the ballots directly into the appropriate ballot boxes. The inspectors shall keep the blank ballot box locked until the canvass is completed and shall dispose of the blank ballots as prescribed by the municipal clerk.

**SECTION 90m.** 6.85 of the statutes is amended to read:

**6.85 Absent elector; definition.** An absent elector is any otherwise qualified elector who ~~is or expects to be absent from the municipality in which the absent elector is a qualified elector on election day whether by reason of active service in the U.S. armed forces or for any other reason, or who because of age, sickness, handicap, physical disability, jury duty, service as an election official or religious reasons cannot~~ is unable or unwilling to appear at the polling place in his or her ward. ~~No person under the age of 70 qualifies as an absent elector solely because of age.~~ Any otherwise qualified elector who changes residence within this state by moving to a different ward or municipality later than 10 days prior to an election may vote an absentee ballot in the ward or municipality where he or she was qualified to vote before moving. An elector qualifying under this section may vote by absentee ballot under ss. 6.86 to 6.89.

**SECTION 91.** 6.86 (1) (b) of the statutes is amended to read:

6.86 (1) (b) Except as provided in this section, if application is made in writing, the application, signed by the elector, shall be received no later than 5 p.m. on the Friday immediately preceding the election. If application is made in person, the application shall be made no later than 5 p.m. on the day preceding the election. If the elector is making written application and the application indicates that the reason for requesting an absentee ballot is that the elector is a sequestered juror, the application shall be received no later than 5 p.m. on election day. If the application is received after 5 p.m. on the Friday immediately preceding the election, the municipal clerk or the clerk's agent shall immediately take the ballot to the court in which the elector is serving as a juror and deposit it with the judge. The judge shall recess court, as soon as convenient, and give the elector the ballot. The judge shall then ~~notarize the affidavit witness the voting procedure~~ as provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who shall deliver it to the polling place as required in s. 6.88. If application is made under sub. (2), the application may be received no later than 5 p.m. on the Friday immediately preceding the election.

**SECTION 92.** 6.86 (3) (a) of the statutes is amended to read:

6.86 (3) (a) Any elector who is registered, or otherwise qualified where registration is not required, and who qualifies under ss. 6.20 and 6.85 as an absent elector because the elector is hospitalized, may apply for and obtain an official ballot by agent. The agent may apply for and obtain a ballot for the hospitalized absent elector by presenting a form prescribed by the board and containing the required information supplied by the hospitalized elector and signed by that elector and any other elector residing in the same municipality as the hospitalized elector, corroborating the information contained therein. The corroborating elector shall state on the form his or her full name and address.

**SECTION 93.** 6.865 (intro.) and (1) of the statutes are consolidated, renumbered 6.865 and amended to read:

**6.865 Federal postcard request form.** A federal postcard registration and absentee ballot request form may be used to apply for an absentee ballot under s. 6.86 (1) if the form is completed in such manner that the municipal clerk or board of election commissioners with whom it is filed is able to determine all of the following: ~~(1) That that~~ the applicant is an elector of this state and of the ward or election district where the elector seeks to vote.

**SECTION 94.** 6.865 (2) of the statutes is repealed.

**SECTION 95p.** 6.87 (2) of the statutes is amended to read:

6.87 (2) ~~The Except as authorized under sub. (3) (d), the~~ municipal clerk shall place the ballot in an unsealed envelope furnished by the clerk. The envelope shall have the name, official title and post-office address of the clerk upon its face. The other side of the envelope shall have a printed ~~certificate-affidavit~~ certificate in substantially the following form:

[STATE OF ....

County of ....]

or

[(name of foreign country and city or other jurisdictional unit)]

I, ....., ~~(certify) (do solemnly swear)~~ subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, that I am a resident of the [... ward of the] (town) (village) of ....., or of the .... aldermanic district in the city of ....., residing at .... in said city, the county of ....., state of Wisconsin, and am entitled to vote in the (ward) (election district) at the election to be held on ....; that I am not voting at any other location in this election; that I ~~cannot am~~ unable or unwilling to appear at the polling place in the (ward) (election district) on election day ~~because I expect to be absent from the municipality or because of age, sickness, handicap, physical disability, religious reasons, jury duty, service as an election official, or because I have~~ changed my residence within the state from one ward or election district to another within 10 days before the elec-

tion. I ~~(certify) (swear)~~ that I exhibited the enclosed ballot unmarked to the ~~(2 witnesses) (person administering the oath)~~ witness, that I then in ~~(their) (his) (her)~~ presence and in the presence of no other person marked the ballot and enclosed and sealed the same in this envelope in such a manner that no one but myself and any person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance, could know how I voted.

Signed ....

The ~~(2 witnesses) (person administering the oath)~~ witness shall execute either of the following as appropriate:

We I, the undersigned ~~witnesses~~ witness, subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, certify that the above statements are true and the voting procedure was executed as there stated. ~~Neither of us is I am not~~ a candidate for any office on the enclosed ballot (except in the case of an incumbent municipal clerk). ~~The elector was not solicited or advised by us I did not solicit or advise the elector~~ to vote for or against any candidate or measure.

....(Name)

....(Address)

....(Name)

....(Address)

~~Subscribed and sworn to before me this .... day of ...., A.D., ....., and I hereby certify that I am not a candidate on the ballot upon which the affiant voted (unless I am an incumbent municipal clerk), that the voting procedure above was executed as therein stated, and that the affiant was not solicited or advised by me to vote for or against any candidate or measure.~~

....(Name)

....(Title)

....(State or nation)

**SECTION 96.** 6.87 (3) (a) of the statutes is amended to read:

6.87 (3) (a) Except as authorized under par. (d) and as otherwise provided in s. 6.875, the municipal clerk shall mail the absentee ballot postage prepaid for return to the elector's residence unless otherwise directed, or shall deliver it to the elector personally at the clerk's office.

**SECTION 97.** 6.87 (3) (d) of the statutes is created to read:

6.87 (3) (d) Unless a municipality uses an electronic voting system that requires an elector to punch a ballot in order to record the elector's votes, a municipal clerk of a municipality may, if the clerk is reliably informed by an absent elector of a facsimile transmission number or electronic mail address where the elector can receive an absentee ballot, transmit a facsimile or electronic copy of the absent elector's ballot to that elector in lieu of mailing under this subsection if, in the judgment of the clerk, the time required to send the ballot through the mail may not be sufficient to enable return of the ballot by the time pro-

vided under sub. (6). An elector may receive an absentee ballot under this subsection only if the elector has filed a valid application for the ballot under sub. (1). If the clerk transmits an absentee ballot under this paragraph, the clerk shall also transmit a facsimile or electronic copy of the text of the material that appears on the certificate envelope prescribed in sub. (2), together with instructions prescribed by the board. The instructions shall require the absent elector to make and subscribe to the certification as required under sub. (4) and to enclose the absentee ballot in a separate envelope contained within a larger envelope, that shall include the completed certificate. The elector shall then mail the absentee ballot with postage prepaid to the municipal clerk. An absentee ballot received under this paragraph shall not be counted unless it is cast in the manner prescribed in this paragraph and in accordance with the instructions provided by the board.

**SECTION 98p.** 6.87 (4) of the statutes is amended to read:

6.87 (4) 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~~ one witness. The absent elector, in the presence of the ~~administrator of the oath or witnesses~~ witness, 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~~ witness, fold the ballots if they are paper ballots so each is separate and so that the elector conceals the markings or punches thereon and deposit them in the proper envelope, but, if a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot if it is a paper ballot so that the elector conceals the markings thereon and deposit the ballot in the proper envelope. The elector may receive assistance under sub. (5). The return envelope shall then be sealed. The ~~witnesses or the official oath administrator~~ witness 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 or ballots. 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 prepared under s. 5.655 or 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.

**SECTION 99m.** 6.87 (7) of the statutes is amended to read:

6.87 (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 candi-

dacy equal to the number of ~~certificate-affidavit~~ certificate envelopes bearing his or her signature.

**SECTION 100m.** 6.87 (8) of the statutes is amended to read:

6.87 (8) The provisions of this section which prohibit candidates from ~~assisting or administering the oath to serving as a witness for~~ absentee electors shall not apply to the municipal clerk in the performance of the clerk's official duties.

**SECTION 101m.** 6.87 (9) of the statutes is amended to read:

6.87 (9) If a municipal clerk receives an absentee ballot with an improperly completed ~~certificate-affidavit~~ certificate or with no ~~certificate-affidavit~~ certificate, 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 102.** 6.875 (2) (b) of the statutes is amended to read:

6.875 (2) (b) The municipal clerk or board of election commissioners of any municipality where a community-based residential facility home is located may adopt the procedures under this section for absentee voting in any community-based residential facility located in the municipality if the municipal clerk or board of election commissioners finds that a significant number of the occupants of the community-based residential facility lack adequate transportation to the appropriate polling place, a significant number of the occupants of the community-based residential facility may need assistance in voting, there are a significant number of the occupants of the community-based residential facility aged 60 or over, or there are a significant number of indefinitely confined electors who are occupants of the community-based residential facility. ~~The municipal clerk or board of election commissioners shall promptly notify the individual submitting nominations for special voting deputies under s. 7.30 (4) of any action taken under this paragraph.~~

**SECTION 103.** 6.875 (2) (c) of the statutes is amended to read:

6.875 (2) (c) The municipal clerk or board of election commissioners of any municipality where a retirement home is located may adopt the procedures under this section for absentee voting in any retirement home located in the municipality if the municipal clerk or board of election commissioners finds that a significant number of the occupants of the retirement home lack adequate transportation to the appropriate polling place, a significant number of the occupants of the retirement home may need assistance in voting, there are a significant number of the occupants of the retirement home aged 60 or over, or there are a significant number of indefinitely confined electors who are occupants of the retirement home. ~~The municipal clerk or board of election commissioners shall~~

promptly notify the individual submitting nominations for special voting deputies under s. 7.30 (4) of any action taken under this paragraph.

**SECTION 104.** 6.875 (4) of the statutes is amended to read:

6.875 (4) For the purpose of absentee voting in nursing homes and qualified retirement homes and qualified community-based residential facilities, the municipal clerk or board of election commissioners of each municipality in which one or more nursing homes or qualified retirement homes or qualified community-based residential facilities 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 or qualified retirement home or qualified community-based residential facility, the clerk or board of election commissioners shall dispatch 2 special voting deputies to visit the home or qualified community-based residential facility for the purpose of supervising absentee voting procedure by occupants of the home or qualified community-based residential facility. The 2 deputies designated to visit each nursing home or qualified retirement home and qualified community-based residential facility shall be affiliated with different political parties whenever deputies representing different parties are available. Nominations for deputy positions may 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 or qualified retirement home or qualified community-based residential facility 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.

**SECTION 105.** 6.875 (6) of the statutes is amended to read:

6.875 (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 or qualified retirement home and qualified community-based residential facility 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 an occupant of a nursing home or qualified retirement home or qualified commu-

nity-based residential facility, the administrator may notify the relative of the time or times at which special voting deputies will conduct absentee voting at the home or facility, 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 or qualified retirement home or qualified community-based residential facility. The municipal clerk or executive director of the board of election commissioners shall issue a supply of absentee ballots to the deputies sufficient to provide for the number of valid applications received by the clerk, and a reasonable additional number of ballots. The municipal clerk or executive director shall keep a careful record of all ballots issued to the deputies and shall require the deputies to return every ballot issued to them. The deputies shall personally offer each elector who has filed a proper application the opportunity to cast his or her absentee ballot. If an elector is present who has not filed a proper application, the 2 deputies may accept an application from the elector and shall issue a ballot to the elector if the elector is qualified and the application is proper. 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, any absentee ballot applications and the sealed ~~certificate-affidavit~~ certificate 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. If a qualified elector is not able to cast his or her ballot on 2 separate visits by the deputies to the nursing home or qualified retirement home, they shall so inform the municipal clerk or executive director of the board of election commissioners, who may then ~~mail~~ send the ballot to the elector no later than 5 p.m. on the Friday preceding the election.

**SECTION 106m.** 6.88 (1) of the statutes is amended to read:

6.88 (1) When an absentee ballot arrives at the office of the municipal clerk, the clerk shall enclose it, unopened, in a carrier envelope which shall be securely sealed and endorsed with the name and official title of the clerk, and the words "This envelope contains the ballot of an absent, aged, sick, handicapped or disabled elector ~~or the ballot of an election official~~ and must be opened at

the polls during polling hours on election day”. If the ballot was received by facsimile transmission or electronic mail and is accompanied by a separate certificate, the clerk shall enclose the ballot in a certificate envelope and securely append the completed certificate to the outside of the envelope before enclosing the ballot in the carrier envelope. The clerk shall keep the ballot in the clerk’s office until delivered, as required in sub. (2).

**SECTION 107.** 6.88 (2) of the statutes is amended to read:

6.88 (2) When an absentee ballot is received by the municipal clerk prior to the delivery of the official ballots to the election officials of the ward in which the elector resides, the municipal clerk shall seal the ballot envelope, sealed in the carrier envelope, as provided under sub. (1), and shall be enclosed enclose the envelope in the a package and delivered deliver the package to the election inspectors of the proper ward or election district. When the official ballots for the ward or election district have been delivered to the election officials before the receipt of an absentee ballot, the clerk shall immediately enclose the envelope containing the absentee ballot in a carrier envelope as provided under sub. (1) and deliver it in person to the proper election officials.

**SECTION 108m.** 6.88 (3) (a) of the statutes is amended to read:

6.88 (3) (a) Any time between the opening and closing of the polls on election day, the inspectors shall open the carrier envelope only, and announce the absent elector’s name. When the inspectors find that the certification ~~or affidavit~~ has been properly executed, the applicant is a qualified elector of the ward or election district, and the applicant has not voted in the election, they shall enter an indication on the poll or registration list next to the applicant’s name indicating an absentee ballot is cast by the elector. They shall then open the envelope containing the ballot in a manner so as not to deface or destroy the ~~affidavit or~~ certification thereon. The inspectors shall take out the ballot without unfolding it or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors shall verify that the ballot has been endorsed by the issuing clerk. The inspectors shall deposit the ballot ~~in~~ into the proper ballot box and enter the absent elector’s name or voting number after his or her name on the poll or registration list the same as if the elector had been present and voted in person.

**SECTION 109p.** 6.88 (3) (b) of the statutes is amended to read:

6.88 (3) (b) When the inspectors find that ~~an affidavit or a~~ certification is insufficient, that the applicant is not a qualified elector in the ward or election district, that the ballot envelope is open or has been opened and resealed, ~~or~~ that the ballot envelope contains more than one ballot of any one kind or that the certificate of an elector who received an absentee ballot by facsimile transmission or electronic mail is missing, or if proof is submitted to the

inspectors that an elector voting an absentee ballot has since died, the inspectors shall not count the ballot. The inspectors shall endorse every ballot not counted on the back, “rejected (giving the reason)”. The inspectors shall reinsert each rejected ballot into the affidavit certificate envelope in which it was delivered and enclose the affidavit certificate envelopes and ballots, and securely seal the ballots and envelopes in an envelope marked for rejected absentee ballots. The inspectors shall endorse the envelope, “rejected ballots” with a statement of the ward or election district and date of the election, signed by the chief inspector and one of the inspectors representing each of the 2 major political parties and returned to the municipal clerk in the same manner as official ballots voted at the election.

**SECTION 110.** 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, 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. If voting machines are used in the municipality where the person is voting, the person’s vote may be received only upon an absentee ballot furnished by the municipal clerk which shall have the corresponding serial number from the 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 chairperson of the board or the chairperson’s designee. The decision of any board of canvassers or of the chairperson or chairperson’s designee may be appealed under s. 9.01. The standard for disqualification specified in s. 6.325 shall be used to determine the validity of challenged ballots.

**SECTION 111.** Chapter 7 (title) of the statutes is amended to read:

**CHAPTER 7**

**ELECTION OFFICIALS; BOARDS  
OBSERVERS; SELECTION AND  
DUTIES; CANVASSING**

**SECTION 112.** 7.08 (1) (c) of the statutes is amended to read:

7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 ~~(3)~~ and (4), 6.33 (1), 6.40 (1) (b), 6.55 (2) and (3), 6.79 (5) and 6.86 (2) and (3). All such forms shall contain a statement of the penalty applicable to false or



fraudulent registration or voting through use of the form. Forms are not required to be furnished by the board.

**SECTION 113.** 7.08 (2) (a) of the statutes is amended to read:

7.08 (2) (a) As soon as possible after the closing date for filing nomination papers or after the canvass of the primary vote, but no later than the deadlines established in s. 10.06, transmit to each county clerk a certified list of all candidates on file in its office for which electors in that county may vote. The list shall designate the order of arrangement and contain each candidate's first name, middle initial or initials and last name, unless the candidate on his or her nomination papers or declaration of candidacy specifies that the middle initial be deleted, that a full middle name or former legal surname be substituted for the middle initial, that an initial be substituted for the candidate's first name or that a nickname be substituted for a first or middle name or for a first initial or middle initial or initials, but no other abbreviations or titles are permitted. The list shall also include each candidate's residence and post-office address; the office for which the person is a candidate; and, the party or principle the candidate represents, if any, in 5 words or less. Names of candidates nominated under s. 7.38 (3) or 8.35 shall be certified by the board upon filing of the necessary papers with it. At any time prior to an election, the board may transmit an amended certification if a candidate dies or is determined not to qualify for ballot placement.

**SECTION 114.** 7.10 (2) of the statutes is amended to read:

7.10 (2) PREPARING BALLOTS. The county clerk shall prepare copy for the official ballots immediately upon receipt of the certified list of candidates' names from the board. Names certified by the board shall be arranged in the order certified. The county clerk shall place the names of all candidates filed in the clerk's office or certified to the clerk by the board on the proper ballot or ballots under the appropriate office and party titles.

**SECTION 115.** 7.10 (6) of the statutes is created to read:

7.10 (6) MUNICIPAL JUDGE; CERTIFIED LIST. If candidates for the office of a municipal judge who is elected under s. 755.01 (4) file nomination papers in the office of the county clerk and any municipality served by the judge prepares its own ballots for voting machines or an electronic voting system, the county clerk shall certify to the municipal clerk of that municipality the names of the candidates for judge as soon as possible after the last day for filing nomination papers and after certification by the county board of canvassers of the results of any primary election.

**SECTION 116.** 7.15 (1) (cm) of the statutes is amended to read:

7.15 (1) (cm) Prepare official absentee ballots for delivery to electors requesting them, and ~~mail~~ send an official 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 municipal clerk shall ~~mail~~ send an official absentee ballot within one day of the time the elector's request is received.

**SECTION 117.** 7.21 (2m) of the statutes is created to read:

7.21 (2m) The county board of election commissioners may:

(a) Bring civil actions to require forfeitures under s. 11.60 for any violation of ch. 11. Forfeiture actions brought by the county board of election commissioners may concern only violations with respect to reports or statements required by law to be filed with it. The county board of election commissioners may compromise and settle any civil action or potential action brought or authorized to be brought by it under ch. 11 which, in the opinion of the county board of election commissioners, constitutes a minor violation, a violation caused by excusable neglect, or which for other good cause shown, should not in the public interest be prosecuted under such chapter. Notwithstanding s. 778.06, an action or proposed action authorized under this paragraph may be settled for such sum as may be agreed between the parties. Any settlement made by the county board of election commissioners shall be in such amount as to deprive the alleged violator of any benefit of his or her wrongdoing and may contain a penal component to serve as a deterrent to future violations. In settling actions or proposed actions, the county board of election commissioners shall treat comparable situations in a comparable manner and shall ensure that any settlement bears a reasonable relationship to the severity of the offense or alleged offense. Forfeiture actions brought by the county board of election commissioners shall be brought in the circuit court for the county served by the board of election commissioners.

(b) In the discharge of its authority under par. (a) and upon notice to the party or parties being investigated, subpoena and bring before it any person in the state and require the production of any papers, books or other records relevant to an investigation. A circuit court may by order permit the inspection and copying of the accounts and the depositor's and loan records at any financial institution, as defined in s. 705.01 (3), doing business in the state to obtain evidence of any violation of ch. 11 upon showing by the county board of election commissioners of probable cause to believe that there is a violation and that such accounts and records may have a substantial relation to the violation. In the discharge of its duties, the county board of election commissioners may cause the deposition of witnesses to be taken in the manner prescribed for taking depositions in civil actions in circuit court.

(c) Delegate to its executive director the authority to issue a subpoena or apply for a search warrant under par. (b), subject to such limitations as the county board of election commissioners considers appropriate.

**SECTION 118.** 7.30 (2) (a) of the statutes is amended to read:

7.30 (2) (a) Only election officials appointed under this section may conduct an election. Except as authorized in s. 7.15 (1) (k), each inspector shall be a qualified elector in the ward for which the polling place is established. Special registration deputies appointed under s. 6.55 (6) and election officials serving more than one ward or when necessary to fill a vacancy under par. (b) need not be a resident of that ward, but shall be a resident of the municipality. Special registration deputies may be appointed to serve more than one polling place. All officials shall be able to read and write the English language, be capable, be of good understanding, and may not be a candidate, ~~other than for party committeeman or committeewoman, for any office~~ to be voted for at an election at which they serve. In 1st class cities, they may hold no public office other than notary public. Except as authorized under sub. (4) (c), all inspectors shall be affiliated with one of the 2 recognized political parties which received the largest number of votes for president, or governor in nonpresidential general election years, in the ward or combination of wards served by the polling place at the last election. The party which received the largest number of votes is entitled to one more inspector than the party receiving the next largest number of votes at each polling place. The same election officials may serve the electors of more than one ward where wards are combined under s. 5.15 (6) (b). If a municipality is not divided into wards, the ward requirements in this paragraph apply to the municipality at large.

**SECTION 119.** 7.30 (4) (b) 1. of the statutes is amended to read:

7.30 (4) (b) 1. In cities where there is a board of election commissioners, the aldermanic district committeemen or committeewomen 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 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 as many special voting deputies under s. 6.875 (4) as are required to be appointed in the city.~~ The chairperson may designate any individual whose name is submitted as a first choice nominee. 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. The board of election commissioners

shall appoint all first choice nominees for so long as positions are available, unless nonappointment is authorized under par. (e), and shall appoint other individuals in its discretion. The board of election commissioners may designate such alternates as it deems advisable.

**SECTION 120.** 7.30 (4) (b) 2. of the statutes is amended to read:

7.30 (4) (b) 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 as many names as there are needed appointees from that party. The list shall be submitted by the chairperson of each of the 2 committees to the mayor, president or chairperson of the municipality. If committees are organized in subdivisions of a city, the list shall be submitted through the chairperson of the city committee. If there is no municipal committee, the list shall be submitted by the chairperson of the county or legislative district committee. Except as provided in par. (c), only those persons submitted by the chairperson of each committee under s. 8.17 may act as election officials. The chairperson may designate any individual whose name is submitted as a first choice nominee. The list shall contain the signature of the chairperson 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 as many names as there are needed appointees for inspector positions from the party represented by the committeeman or committeewoman. ~~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 whose names are submitted as provided in this paragraph may act as election officials. The committeeman or committeewoman may designate any individual whose name is submitted as a first choice nominee. 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 appoint each first choice nominee for so long as positions are available, unless nonappointment is authorized under par. (e), and shall appoint other nominees in its discretion. If any nominee is not appointed, the mayor, president or chairperson 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 121.** 7.30 (4) (cm) of the statutes is repealed.

**SECTION 122.** 7.30 (4) (cn) of the statutes is repealed.

**SECTION 123.** 7.37 (6) of the statutes is amended to read:

7.37 (6) ATTACH STICKERS. Whenever a vacancy occurs in a nomination after the ballots have been printed and stickers are provided under s. 7.38 (3) or 8.35 (2), the inspectors shall, at the direction of the municipal clerk, properly apply the stickers to the official ballots before endorsement.

**SECTION 124.** 7.38 (title) and (1) of the statutes are repealed.

**SECTION 125.** 7.38 (3) of the statutes is renumbered 7.38, and 7.38 (1) and (5), as renumbered, are amended to read:

7.38 (1) Except as provided in ~~par. (d)~~ sub. (4), after the death of a candidate nominated for a partisan office, either in a primary or when no primary is required under s. 8.50 (3) (b), the vacancy may be filled by the candidate's political party. In the case of county offices, the vacancy shall be filled by the chairperson of the county committee. If no county committee exists, the vacancy shall be filled by the chairperson of the state committee. For other offices, the vacancy shall be filled by the chairperson of the state committee. The appropriate chairperson shall file with the official or agency with whom nomination papers are filed for the office a certificate signed, certified and sworn to the same as an original nomination paper. The certificate shall state the cause of the vacancy, the name of the new nominee and the office for which the nomination is made. A political party may not nominate a candidate for an office for which no person representing that party has filed nomination papers and a declaration of candidacy.

(5) In the event of failure to file the name of a current state chairperson, as required under s. 8.17 (12), the board may not recognize the state committee for the purpose of filling vacancies under ~~par. (a)~~ sub. (1).

**SECTION 126.** 7.39 of the statutes is repealed.

**SECTION 127.** 7.41 (1) of the statutes is amended to read:

7.41 (1) Any member of the public may be present at any polling place for the purpose of observation of an election, except a candidate at that election. The chief inspector may reasonably limit the number of persons representing the same organization who are permitted to observe an election at the same time.

**SECTION 128m.** 7.51 (3) (d) of the statutes is amended to read:

7.51 (3) (d) All absentee ~~certificate-affidavit~~ certificate envelopes which have been opened shall be returned by the inspectors to the municipal clerk in a securely sealed carrier envelope which is clearly marked "used

absentee ~~certificate-affidavit~~ certificate envelopes". The envelopes shall be signed by the chief inspector and 2 other inspectors. Except when the ballots are used in a municipal or school district election only, the municipal clerk shall transmit the used envelopes to the county clerk.

**SECTION 129.** 7.53 (3) (a) of the statutes is amended to read:

7.53 (3) (a) In a common, union high or unified school district, the school district clerk shall appoint 2 qualified electors of the school district prior to the date of the election being canvassed who shall, with the school district clerk, constitute the school district board of canvassers. If the school district clerk is a candidate at the election being canvassed, the other 2 members of the board of canvassers shall designate a 3rd member to serve in lieu of the clerk for that election. The school district clerk shall appoint a member to fill any other temporary vacancy on the board of canvassers. The canvass shall begin as soon as possible after receipt of the returns, and shall continue, without adjournment, until completed. The board of canvassers may return defective returns to the municipal board of canvassers in the manner provided in s. 7.60 (3). The board of canvassers shall prepare a written statement showing the numbers of votes cast for each person for each office and for and against each question and shall prepare a determination showing the names of the persons who are elected to the school board and the results of any school district referendum. Following each primary election, the board of canvassers shall prepare a statement certifying the names of the persons who have won nomination to the school board. Each statement and determination shall be attested by each of the canvassers. The board of canvassers shall file each statement and determination in the school district office. The school district clerk shall certify nominations after each primary and issue certificates of election to persons who are elected to the school board after each election in the manner provided in sub. (4).

**SECTION 130.** 7.60 (2) of the statutes is amended to read:

7.60 (2) COUNTY BOARD OF CANVASSERS. The county clerk and 2 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 or if the clerk is a candidate at an election being canvassed, the county clerk shall designate a deputy clerk to perform the clerk's duties. If the county clerk and designated deputy clerk are both unable to perform their duties, the county execu-

tive or, if there is no county executive, the chairperson of the county board of supervisors shall designate another qualified elector of the county to perform the clerk's duties. 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 serve as the board of canvassers. If the county board of election commissioners serves as the board of canvassers, the executive director of the county board of election commissioners shall serve as a member of the board of canvassers to fill a temporary vacancy on that board.

**SECTION 131.** 7.60 (4) (a) of the statutes is amended to read:

7.60 (4) (a) The board of canvassers shall make separate duplicate statements showing the numbers of votes cast for the offices of president and vice president; state officials; U.S. senators and representatives in congress; state legislators; justice; court of appeals judge; circuit judges; district attorneys; ~~municipal judges, if they are elected under s. 755.01 (4);~~ and metropolitan sewerage commissioners, if the commissioners are elected under s. 66.23 (11) (am). If a municipal judge elected under s. 755.01 (4) serves a municipality that is located partially within the county and candidates for that judgeship file nomination papers in another county, the board of canvassers shall prepare a duplicate statement showing the numbers of votes cast for that judgeship in that county for transmittal to the other county. For partisan candidates, the statements shall include the political party or principle designation, if any, next to the name of each candidate. The board of canvassers shall also prepare a statement showing the results of any county, technical college district or statewide referendum. Each statement shall state the total number of votes cast in the county for each office; the names of all persons for whom the votes were cast, as returned; the number of votes cast for each person; and the number of votes cast for and against any question submitted at a referendum. The board of canvassers shall use one copy of the each duplicate statement to report to the elections board or technical college district board or board of canvassers of any other county and shall file the other statement in the office of the county clerk or board of election commissioners.

**SECTION 132.** 7.60 (4) (b) of the statutes is amended to read:

7.60 (4) (b) The board of canvassers shall then prepare a written determination, in duplicate where necessary, giving the names of the persons elected to any county office and to any municipal judgeship if the judge

is elected under s. 755.01 (4) and candidates for that judgeship file nomination papers in that county. The board of canvassers shall likewise prepare a written determination showing the results of any county referendum. Following any primary election, the board of canvassers shall prepare a statement certifying the names of all persons who have won nomination to any county office or any municipal judgeship, if the judge is elected under s. 755.01 (4) and candidates for that judgeship file nomination papers in that county. The board of canvassers shall file all statements and determinations in the office of the county clerk or board of election commissioners.

**SECTION 133.** 7.60 (5) of the statutes is amended to read:

7.60 (5) REPORTING. Immediately following the canvass the county clerk shall deliver or send to the elections board, by 1st class mail, a certified copy of each statement of the county board of canvassers for president and vice president; state officials; senators and representatives in congress; state legislators; justice; court of appeals judge; circuit judge; district attorney; ~~municipal judge, if elected under s. 755.01 (4);~~ 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 prescribed 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 10 days after any other election. The board of canvassers shall deliver or transmit a certified copy of each statement for any technical college district referendum to the secretary of the technical college district board. If the board of canvassers becomes aware of a material mistake in the canvass of an election for state or national office or a statewide or technical college district referendum prior to the close of business on the day the elections 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 technical college district board.

**SECTION 134.** 7.60 (6) of the statutes is amended to read:

7.60 (6) CERTIFICATE OF ELECTION. Immediately after expiration of the time allowed to file a petition for a recount the county clerk shall issue a certificate of election to each person who is elected to any county office ~~and to each person who is elected to the office of party committeeman or committeewoman.~~ 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 135.** 7.70 (3) (a) of the statutes is amended to read:

7.70 (3) (a) The chairperson of the board or a designee of the chairperson appointed by the chairperson to canvass a specific election shall publicly canvass the returns and make his or her certifications and determinations ~~at the state capitol or at the office of the board~~ on or before the 2nd Tuesday following a spring primary, the 15th day of May following a spring election, the 4th Tuesday in September following a September primary, the first day of December following a general election, the 2nd Thursday following a special primary, or within 18 days after any special election.

**SECTION 136.** 7.70 (3) (b) of the statutes is amended to read:

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

**SECTION 137.** 7.70 (3) (c) of the statutes is amended to read:

7.70 (3) (c) The chairperson of the board or the chairperson's designee shall conclude the state canvass within 10 days after its commencement.

**SECTION 138.** 7.70 (3) (d) of the statutes is amended to read:

7.70 (3) (d) When the certified statements and returns are received, the chairperson of the board or the chairperson's designee shall proceed to examine and make a statement of the total number of votes cast at any election for the offices involved in the election for president and vice president; a statement for each of the offices of governor, lieutenant governor, if a primary, and a joint statement for

the offices of governor and lieutenant governor, if a general election; a statement for each of the offices of secretary of state, state treasurer, attorney general, and state superintendent; for U.S. senator; representative in congress for each congressional district; the state legislature; justice; court of appeals judge; circuit judge; district attorney; ~~municipal judge, if he or she is elected under s. 755.01(4);~~ metropolitan sewerage commission, if the commissioners are elected under s. 66.23 (11) (am); and for any referenda questions submitted by the legislature.

**SECTION 139.** 7.70 (3) (e) (intro.) of the statutes is amended to read:

7.70 (3) (e) (intro.) The chairperson of the board or the chairperson's designee shall make a special statement to the board as soon as possible after the canvass certifying:

**SECTION 140.** 7.70 (3) (g) of the statutes is amended to read:

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

**SECTION 141.** 7.70 (3) (h) of the statutes is amended to read:

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

**SECTION 142.** 7.70 (3) (i) of the statutes is amended to read:

7.70 (3) (i) The chairperson of the board or the chairperson's designee shall canvass only regular returns made by the county board of canvassers and shall not count or canvass any additional or supplemental returns or statements made by the county board or any other

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

**SECTION 143.** 7.70 (5) (a) of the statutes is amended to read:

7.70 (5) (a) The board shall record in its office each certified statement and determination made by the chairperson of the board or the chairperson's designee. Immediately after the expiration of the time allowed to file a petition for recount, the board shall make and transmit to each person declared elected a certificate of election under the seal of the board. It shall also prepare similar certificates, attested by the executive director of the 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 chairperson of the board or the chairperson's designee may not certify a nomination, and the governor or board may not issue a certificate of election until the recount has been completed and the time allowed for filing an appeal has passed, or if appealed until the appeal is decided.

**SECTION 144.** 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. If a municipal judge is elected under s. 755.01 (4), the county clerk of the county having the largest portion of the population in the jurisdiction served by the judge shall make the notification. 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 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, except as authorized in this paragraph. If an incumbent whose name is certified as a nominee fails to file a declaration of candidacy within the time prescribed by this paragraph, each certified candidate for the office held by the incumbent, other than the incumbent, may file a declaration of candidacy no later than 72 hours after the latest time prescribed in this paragraph.

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~~, or no later than 4:30 p.m. on the next business day after the last day for filing a declaration of candidacy whenever that candidate is granted an extension of time for filing a declaration of candidacy under this paragraph. 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, or the county clerk if the judge is elected under s. 755.01 (4), shall place the name of the candidate on the ballot. No later than the end of the 3rd day following qualification by all candidates, the municipal clerk, or the county clerk if the judge is elected under s. 755.01 (4), shall draw lots to determine the arrangement of candidates' names on the spring election ballot.

**SECTION 145.** 8.05 (3) (b) of the statutes is amended to read:

8.05 (3) (b) ~~Notice~~ The town clerk shall be given give notice of the primary under ~~ss. 10.01 (2) (a) and s. 10.06 (2) (3) (a).~~

**SECTION 146.** 8.05 (3) (d) and (e) of the statutes are amended to read:

8.05 (3) (d) The question of adoption of the nonpartisan primary under this subsection may be submitted to the electors at any regular election held in the town or at a special election called for the purpose. When a petition requesting adoption of the nonpartisan primary conforming to the requirements of s. 8.40 signed by at least 20 electors of the town is filed with the town clerk ~~so~~ requesting as provided in s. 8.37, the question shall be submitted to a vote.

(e) Petitions requesting a vote on the question at a regular town election shall be filed in accordance with s. 8.37 no later than 5 p.m. the last Tuesday in February. When the petition is filed, the clerk shall check its sufficiency. Whether at a regular or special election, the clerk shall give separate notice by one publication in a newspaper at least 5 days before the election.

**SECTION 147.** 8.05 (5) of the statutes is amended to read:

8.05 (5) WHEN PRIMARY IS HELD. Towns and villages adopting the nonpartisan primary to nominate candidates, under subs. (3) and (4), shall hold a primary only when the number of candidates for an elective office in the municipality exceeds twice the number to be elected to the office. A primary for the office of municipal judge under s. 755.01 (4) shall be held whenever there are more than 2 candidates for that office. Those offices for which a primary has been held shall have only the names of can-

didates nominated at the primary appear on the official spring election ballot. When the number of candidates for an office does not exceed twice the number to be elected, their names shall appear on the official ballot for the election without a primary.

**SECTION 147t.** 8.10 (3) (intro.) of the statutes is amended to read:

8.10 (3) (intro.) The affidavit certification of a qualified elector under s. 8.15 (4) (a) shall be appended to each nomination paper. The number of required signatures on nomination papers filed under this section is:

**SECTION 148.** 8.10 (6) (a) of the statutes is amended to read:

8.10 (6) (a) For state offices; ~~municipal judges, if they are elected under s. 755.01 (4); or seats on a metropolitan sewerage commission, if the commissioners are elected under s. 66.23 (11) (am), in the office of the board.~~

**SECTION 149.** 8.10 (6) (bm) of the statutes is created to read:

8.10 (6) (bm) For municipal judge, if the judge is elected under s. 755.01 (4), in the office of the county clerk or board of election commissioners of the county having the largest portion of the population in the jurisdiction served by the judge.

**SECTION 150.** 8.12 (2) of the statutes is amended to read:

8.12 (2) **BALLOTS.** The form of the official ballots shall be prescribed by the board ~~under s. 5.60 (8).~~ The ballot shall provide to an elector the opportunity to vote for an uninstructed delegation to represent this state at the presidential nominating convention of his or her party, or to write in the name of a candidate for the presidential nomination of his or her party.

**SECTION 150m.** 8.15 (4) (a) of the statutes is amended to read:

8.15 (4) (a) The affidavit certification of a qualified elector stating his or her residence with street and number, if any, shall appear at the bottom of each nomination paper, stating he or she personally circulated the nomination paper and personally obtained each of the signatures; he or she knows they are electors of the ward, aldermanic district, municipality or county, as the nomination papers require; he or she knows they signed the paper with full knowledge of its content; he or she knows their respective residences given; he or she knows each signer signed on the date stated opposite his or her name; and, that he or she, the affiant circulator, resides within the district which the candidate named therein will represent, if elected; that he or she intends to support the candidate; and that he or she is aware that falsifying the affidavit certification is punishable under ~~ss. s. 12.13 (3) (a) and 946.32 (1) (a), Wis. stats.~~ The affidavit certification may be made by the candidate or any qualified elector. ~~The nomination papers are valid with or without the seal of the officer who administers the oath.~~

**SECTION 151.** 8.17 (1) (a) of the statutes is amended to read:

8.17 (1) (a) Political parties qualifying for a separate ballot under s. 5.62 (1) (b) or (2) shall elect their party committeemen and committeewomen ~~at the September primary as provided under sub. (5) (b).~~ The function of committeemen and committeewomen is to represent their neighborhoods in the structure of a political party. Committeemen and committeewomen shall act as liaison representatives between their parties and the residents of the election districts in which they serve. Activities of committeemen and committeewomen shall include, but not be limited to, voter identification; assistance in voter registration drives; increasing voter participation in political parties; polling and other methods of passing information from residents to political parties and elected public officials; and dissemination of information from public officials to residents. For assistance in those and other activities of interest to a political party, each committeeman and committeewoman may appoint a captain to engage in these activities in each ward, if the election district served by the committeeman or committeewoman includes more than one ward. In an election district which includes more than one ward, the committeeman or committeewoman shall coordinate the activities of the ward captains in promoting the interests of his or her party.

**SECTION 152.** 8.17 (2), (3) and (4) (a) and (b) of the statutes are repealed.

**SECTION 153.** 8.17 (4) (c) of the statutes is renumbered 8.17 (4) and amended to read:

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

**SECTION 154.** 8.17 (5) (b) of the statutes is amended to read:

8.17 (5) (b) A combined meeting of the county committee and members in good standing of the party in the county shall be held no sooner than 15 days after the September primary and no later than April 1 of the following year. At this meeting, the party committeemen or committeewomen and the county committee offices of chairperson, vice chairperson, secretary and treasurer shall be filled by election by the incumbent committeemen, committeewomen and other party members present and voting, each of whom is entitled to one vote. At this meeting, the county committee shall elect the members of the congressional district committee as provided in sub. (6) (b), (c) and (d). The secretary of the county committee shall give at least 7 days' written notice of the meeting to party and committee members. Individuals elected as county committee officers or as congressional district committee members may be, but are not required to be, committeemen or committeewomen. They are required to be

party members in good standing. ~~Their~~ The terms of committeemen and committeewomen, county committee officers and congressional district committee members begin during the meeting immediately upon completion and verification of the voting for each office.

**SECTION 155.** 8.17 (5) (bm) of the statutes is created to read:

8.17 (5) (bm) A county committee may require that candidates for party committeemen and committeewomen file nomination papers with the county committee prior to the combined meeting under par. (b). The form, content and circulation and filing deadlines of the nomination papers shall be established by the county committee.

**SECTION 155p.** 8.20 (3) of the statutes is amended to read:

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

**SECTION 156.** 8.20 (9) of the statutes is amended to read:

8.20 (9) Persons nominated by nomination papers without a recognized political party designation shall be placed on the official ballot at the general election and at any partisan election to the right or below the recognized political party candidates in their own column or row designated "Independent". At the September primary, persons nominated for state office by nomination papers without a recognized political party designation shall be placed on a separate ballot or, if a consolidated paper ballot under s. 5.655 (2), an electronic voting system or voting machines are used, in a column or row on the voting machine designated "Independent". If the candidate's name already appears under a recognized political party it may not be listed on the independent ballot, column or row.

**SECTION 157.** 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 a declaration of candidacy, no later than the latest time provided for filing nomination papers under s. 8.10 (2) (a), 8.15 (1), ~~8.17 (2)~~, 8.20 (8) (a) or 8.50 (3) (a), or the time provided under s. 8.16 (2) or 8.35 (2) (c). A candidate shall file the declaration with the officer or agency with which nomination papers are filed for the office which the candidate seeks, or if nomination papers are not required, with the clerk or board of election commissioners of the jurisdiction in which the candidate seeks office. The declaration shall be sworn to before any officer authorized to administer oaths. The declaration shall contain the name of the candidate in the form specified under s. 8.10 (2) (b) for candidates for nonpartisan office or s. 8.15 (5) (a) or 8.20 (2) (a) for candidates for partisan office, and shall state that the signer 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, citi-

zenship, 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. The declaration shall include the candidate's name in the form in which it will appear on the ballot. Each candidate for state and local office shall include in the declaration a statement that he or she has not been convicted of any 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. In addition, each candidate for state or local office shall include in the declaration a statement that discloses his or her municipality of residence for voting purposes, 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 same officer or agency if any information contained in the declaration changes at any time after the original declaration is filed and before the candidate assumes office or is defeated for election or nomination.

**SECTION 158.** 8.35 (2) (a) of the statutes is amended to read:

8.35 (2) (a) If a vacancy occurs after nomination due to the death of a candidate of a recognized political party for a partisan office, ~~other than party committeeman or committeewoman~~, the vacancy may be filled by the chairperson of the committee of the proper political party under s. 7.38 (3), or the personal campaign committee, if any, in the case of independent candidates. Similar vacancies in nominations of candidates for nonpartisan local offices may be filled by the candidate's personal campaign committee or, if the candidate had none, by the body which governs the local governmental unit in which the deceased person was a candidate for office. The chairperson, chief officer of the committee, or clerk of the body making an appointment shall file a certificate of appointment with the official or agency with whom declarations of candidacy for the office are filed. For purposes of this paragraph, the official or agency need not recognize members of a personal campaign committee whose names were not filed under s. 11.05 prior to the death of the candidate.

**SECTION 159.** 8.35 (2) (d) of the statutes is amended to read:

8.35 (2) (d) If the ballots have been prepared, the committees or body filling the vacancy shall supply stickers as provided under s. 7.38 (3) (e). 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 160.** 8.37 of the statutes is created to read:

**8.37 Filing of referenda petitions or questions.** Unless otherwise required by law, all proposed constitutional amendments and any other measure or question



that is to be submitted to a vote of the people, or any petitions requesting that a measure or question be submitted to a vote of the people, if applicable, shall be filed with the official or agency responsible for preparing the ballots for the election no later than 42 days prior to the election at which the amendment, measure or question will appear on the ballot.

**SECTION 160e.** 8.40 (2) of the statutes is amended to read:

8.40 (2) The affidavit certification of a qualified elector stating his or her residence with street and number, if any, shall appear at the bottom of each separate sheet of each petition specified in sub. (1), stating that ~~the affiant he or she~~ personally circulated the petition and personally obtained each of the signatures; that the affiant circulator knows that they are electors of the jurisdiction or district in which the petition is circulated; that the affiant circulator knows that they signed the paper with full knowledge of its content; that the affiant circulator knows their respective residences given; that the affiant circulator knows that each signer signed on the date stated opposite his or her name; that the affiant circulator resides within the jurisdiction or district in which the petition is circulated; and that the affiant circulator is aware that falsifying the affidavit certification is punishable under ~~ss. s. 12.13 (3) (a) and 946.32 (1) (a). The petition is valid with or without the seal of the officer who administers the oath.~~

**SECTION 161.** 8.50 (1) (a) of the statutes is amended to read:

8.50 (1) (a) When there is to be a special election, the special election for county clerk shall be ordered by the sheriff; the special election for any other county office shall be ordered by the county clerk except as provided in s. 17.21 (5); the special election for school board member in a school district organized under ch. 119 shall be ordered by the school board; the special election for municipal judge shall be ordered by the mayor, president or chairperson of the municipality, except in 1st class cities, or if the judge is elected under s. 755.01 (4) jointly by the mayors, presidents or chairpersons of all municipalities served by the judge; and all other special elections shall be ordered by the governor. When the governor or attorney general issues the order, it shall be filed and recorded in the office of the board. When the county clerk or sheriff issues the order, it shall be filed and recorded in the office of the county clerk. When the county executive issues the order, it shall be filed in the office of the county board of election commissioners. When the school board of a school district organized under ch. 119 issues the order, it shall be filed and recorded in the office of the city board of election commissioners. When the mayor, president or chairperson issues the order, it shall be filed in the office of the municipal clerk or city board of election commissioners. If a municipal judge is elected under s. 755.01 (4), the order

shall be filed in the office of the county clerk or board of election commissioners of the county having the largest portion of the population of the jurisdiction served by the judge.

**SECTION 162.** 8.50 (1) (b) of the statutes is amended to read:

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

**SECTION 163.** 8.50 (4) (fm) of the statutes is amended to read:

8.50 (4) (fm) A permanent vacancy in the office of municipal judge may be filled by temporary appointment of the municipal governing body, or if the judge is elected under s. 755.01 (4), jointly by the governing bodies of all municipalities served by the judge. The office shall then be permanently filled by special election, 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 164.** 9.01 (1) (a) of the statutes is amended to read:

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

tions board receives the last statement from a county board of canvassers for the election or referendum. Each verified petition shall state that at the election the petitioner was a candidate for the office in question or that he or she voted on the referendum question in issue; that the petitioner is informed and believes that a mistake or fraud has been committed in a specified ward or municipality in the counting and return of the votes cast for the office or upon the question; or shall specify any other defect, irregularity or illegality in the conduct of the election. The petition shall specify each ward, or each municipality where no wards exist, in which a recount is desired. If a recount is requested for all wards within a jurisdiction, each ward need not be specified. The petition may be amended to include information discovered as a result of the investigation of the board of canvassers or the chairperson of the board or chairperson's designee after the filing of the petition, if the petitioner moves to amend the petition as soon as possible after the petitioner discovered or reasonably should have discovered the information which is the subject of the amendment and the petitioner was unable to include information in the original petition.

**SECTION 165.** 9.01 (1) (ar) 3. of the statutes is amended to read:

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

**SECTION 166p.** 9.01 (1) (b) 2. of the statutes is amended to read:

9.01 (1) (b) 2. The board of canvassers shall then examine the absentee ballot envelopes. Any defective absentee ballot envelopes shall be laid aside, properly marked and carefully preserved. The number of voters shall be reduced by the number of ballot envelopes set aside under this subdivision. An absentee ballot envelope is defective only if it is ~~neither sworn nor not~~ witnessed, or if it is not signed by the voter or if the affidavit

supporting the absentee ballot envelope has such a number of technical errors that the board of canvassers is doubtful of the legal effect of the affidavit certificate accompanying an absentee ballot that the voter received by facsimile transmission or electronic mail is missing.

**SECTION 167.** 9.01 (2) of the statutes is amended to read:

9.01 (2) NOTICE TO CANDIDATES. When the recount concerns an election for an office, the clerk or body with whom the petition is filed shall promptly prepare a copy of the petition for delivery to each opposing candidate for the same office whose name appears on the ballot. In a recount proceeding for a partisan primary, the clerk or body shall prepare a copy of the petition for delivery to each opposing candidate for the same party nomination for the same office, to each opposing candidate for the party nomination of each other party for the same office and to each independent candidate qualifying to have his or her name placed on the ballot for the succeeding election. The A candidate or agent designated by a candidate may personally accept delivery of a copy of the petition. Upon such delivery, the clerk or body shall require the candidate or agent to sign a receipt therefor. If a candidate or agent does not personally accept delivery, the clerk or body shall then promptly deliver the copies of the petition to the sheriff, who shall promptly deliver the copies of the petition to each candidate at the address given on the candidate's nomination papers, without fee, in the manner provided for service of a summons in civil actions.

**SECTION 168.** 9.01 (5) (a) of the statutes is amended to read:

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

**SECTION 169.** 9.01 (5) (bm) of the statutes is created to read:

9.01 (5) (bm) Upon the completion of its proceedings, a board of canvassers shall deliver to the board one copy of the minutes of the proceedings kept under par.

(a). In addition, in the case of a recount of an election for state or national office, for each candidate whose name appears on the ballot for that office under the name of a political party, the board of canvassers shall deliver one copy of the minutes to the chief officer, if any, who is named in any registration statement filed under s. 11.05 (1) by the state committee of that political party, and in the case of a recount of an election for county office, for each candidate whose name appears on the ballot for that office under the name of a political party, the board of canvassers shall deliver one copy of the minutes to the chief officer, if any, who is named in any registration statement filed under s. 11.05 (1) by the county committee of that political party.

**SECTION 170.** 9.01 (5) (c) of the statutes is amended to read:

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

**SECTION 171.** 9.01 (6) (a) of the statutes is amended to read:

9.01 (6) (a) Within 5 business days after completion of the recount determination by the board of canvassers in all counties concerned, or within 5 business days after completion of the recount determination by the chairperson of the board or the chairperson's designee whenever a determination is made by the chairperson or designee, any candidate, or any elector when for a referendum, aggrieved by the recount may appeal to circuit court. The appeal shall commence by serving a written notice of appeal on the other candidates and persons who filed a written notice of appearance before each board of canvassers whose decision is appealed, or in the case of a statewide recount, before the chairperson of the board or the chairperson's designee. The appellant shall also serve notice on the board if the chairperson of the board or the chairperson's designee is responsible for determining the election. The appellant shall serve the notice by certified mail or in person. The appellant shall file the notice with the clerk of circuit court together with an undertaking and

surety in the amount approved by the court, conditioned upon the payment of all costs taxed against the appellant.

**SECTION 172.** 9.01 (7) of the statutes is amended to read:

9.01 (7) COURT PROCEDURES; COSTS. (a) The court with whom an appeal is filed shall forthwith issue an order directing each affected county or municipal clerk or board to transmit immediately all ballots, papers and records affecting the appeal to the clerk of court or to impound and secure such ballots, papers and records, or both. ~~The order shall fix a place and a time for the hearing within 5 days of the order either in open court, at chambers or before a referee.~~ The order shall be served upon each affected county or municipal clerk or board and all other candidates and persons who filed a written notice of appearance before any board of canvassers involved in the recount. ~~A reference may be ordered upon any question. At the assigned time and place, the matter shall be summarily heard and determined and costs taxed as in other civil actions.~~

(b) The appeal shall be heard by a judge without a jury. ~~Within 10 days after~~ Promptly following the filing of an appeal is filed, the court shall hold a scheduling conference for the purpose of adopting procedures that will permit the court to determine the matter as expeditiously as possible. Within the time ordered by the court, the appellant shall file a complaint enumerating with specificity every alleged irregularity, defect, mistake or fraud committed during the recount. The appellant shall file a copy of the complaint with each person who is entitled to receive a copy of the order under par. (a). ~~The~~ Within the time ordered by the court shall promptly require an answer from, the other parties to the appeal. ~~The court shall hold a hearing on the matter within 15 days of the date that the answer is filed shall file an answer. Within the time ordered by the court, the parties to the appeal shall provide the court with any other information ordered by the court. At the time and place ordered by the court, the matter shall be summarily heard and determined and costs shall be taxed as in other civil actions.~~ Those provisions of chs. 801 to 806 which are inconsistent with a prompt and expeditious hearing do not apply to appeals under this section.

**SECTION 173.** 9.01 (8) of the statutes is amended to read:

9.01 (8) SCOPE OF REVIEW. Unless the court finds a ground for setting aside or modifying the determination of the board of canvassers or the chairperson of the board or chairperson's designee, it shall affirm the determination. The court shall separately treat disputed issues of procedure, interpretations of law and findings of fact. The court may not receive evidence not offered to the board of canvassers or the chairperson or chairperson's designee except for evidence that was unavailable to a party exercising due diligence at the time of the recount or newly discovered evidence that could not with due dil-

igence have been obtained during the recount, and except that the court may receive evidence not offered at an earlier time because a party was not represented by counsel in all or part of a recount proceeding. A party who fails to object or fails to offer evidence of a defect or irregularity during the recount waives the right to object or offer evidence before the court except in the case of evidence that was unavailable to a party exercising due diligence at the time of the recount or newly discovered evidence that could not with due diligence have been obtained during the recount or evidence received by the court due to unavailability of counsel during the recount. The court shall set aside or modify the determination if it finds that the board of canvassers or the chairperson or chairperson's designee has erroneously interpreted a provision of law and a correct interpretation compels a particular action. If the determination depends on any fact found by the board of canvassers or the chairperson or chairperson's designee, the court may not substitute its judgment for that of the board of canvassers or the chairperson or designee as to the weight of the evidence on any disputed finding of fact. The court shall set aside the determination if it finds that the determination depends on any finding of fact that is not supported by substantial evidence.

**SECTION 173d.** 9.10 (2) (em) 1. of the statutes is amended to read:

9.10 (2) (em) 1. The ~~petition sheet~~ circulator fails to sign the affidavit certification of circulator.

**SECTION 173f.** 9.10 (2) (em) 3. of the statutes is repealed.

**SECTION 173h.** 9.10 (2) (n) of the statutes is amended to read:

9.10 (2) (n) No signature may be stricken if the individual ~~administering the affidavit of circulator does not~~ fails to date the jurat certification of circulator.

**SECTION 173j.** 9.10 (2) (r) 4. of the statutes is amended to read:

9.10 (2) (r) 4. Failure of the circulator to sign ~~an affidavit~~ the certification of circulator.

**SECTION 174.** 10.02 (3) (b) 1. of the statutes is amended to read:

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

intends to vote, or shall insert or write in the name of a candidate.

**SECTION 175.** 10.02 (3) (b) 2. of the statutes is amended to read:

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

**SECTION 176.** 10.02 (3) (b) 2m. of the statutes is amended to read:

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

**SECTION 177.** 10.02 (3) (b) 3. and 4., (c) and (d) of the statutes are amended to read:

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

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

(c) In presidential elections, ~~unless the elector wishes to vote for all candidates nominated by any party,~~ the elector shall make a cross (X) ~~in the square at the right of~~ next to or depress the button or lever next to the set of candidates for president and vice president for whom he or she intends to vote. ~~The A vote shall be counted for all the candidates for president and vice president is a vote for~~ the presidential electors of those candidates.

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

**SECTION 178.** 10.06 (2) (h) of the statutes is amended to read:

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

**SECTION 179.** 10.06 (4) (i) of the statutes is amended to read:

10.06 (4) (i) On the day preceding any referendum other than a state, county or municipal referendum, the clerk of the jurisdiction which calls the referendum shall publish type B ~~and~~ C ~~and~~ D notices.

**SECTION 180.** 11.02 (3) of the statutes is amended to read:

11.02 (3) ~~The~~ Except as provided in sub. (3e), the “filing officer” for each candidate for local office and for each committee which or individual who is acting in support of or in opposition to any candidate for local office, but not any candidate for state office, is the clerk of the most populous jurisdiction for which any candidate who is supported or opposed seeks office.

**SECTION 181.** 11.02 (3e) of the statutes is created to read:

11.02 (3e) The “filing officer” for each candidate for municipal judge elected under s. 755.01 (4) and for each committee which or individual who is acting in support of or in opposition to such a candidate, but not any candidate for state office, is the county clerk or board of election commissioners of the county having the largest portion of the population in the jurisdiction served by the judge.

**SECTION 182.** 11.03 (1) of the statutes is amended to read:

11.03 (1) Elections for the positions of presidential elector, and convention delegate ~~and party committeeman or committeewoman~~ are not subject to ss. 11.05 to 11.23 and 11.26 to 11.29.

**SECTION 183.** 11.60 (4) and (5) of the statutes are amended to read:

11.60 (4) Actions under this section arising out of an election for state office or a statewide referendum may be brought by the board or by the district attorney of the county where the violation is alleged to have occurred, except as specified in s. 11.38. Actions under this section arising out of an election for local office or a local referendum may be brought by the district attorney of the county where the violation is alleged to have occurred. Actions under this section arising out of an election for county office or a county referendum may be brought by the county board of election commissioners of the county wherein the violation is alleged to have occurred. If a violation concerns a district attorney or circuit judge or candidate for such offices, the action shall be brought by the attorney general. If a violation concerns the attorney

general or a candidate for such office, the governor may appoint special counsel under s. 14.11 (2) to bring suit in behalf of the state. The counsel shall be independent of the attorney general and need not be a state employe at the time of appointment.

(5) Any elector may file a verified petition with the board, the county board of election commissioners or the appropriate district attorney or ~~both~~ with more than one of them where ~~the~~ their authority is concurrent under sub. (4), requesting that civil action under this chapter be brought against any person, committee or group. The petition shall allege such facts as are within the knowledge of the petitioner to show probable cause that a violation of this chapter has occurred.

**SECTION 184.** 13.123 (3) (b) 2. of the statutes is amended to read:

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

**SECTION 185.** 24.66 (4) of the statutes is amended to read:

24.66 (4) POPULAR VOTE, WHEN REQUIRED. If any municipality is not empowered by law to incur indebtedness for a particular purpose without first submitting the question to its electors, the application for a state trust fund loan for that purpose must be approved and authorized by a majority vote of the electors at a special election called, noticed and held in the manner provided for other special elections. The question to be voted on shall be filed as provided in s. 8.37. The notice of the election shall state the amount of the proposed loan and the purpose for which it will be used.

**SECTION 186.** 32.72 (1) of the statutes is amended to read:

32.72 (1) Sections 32.50 to 32.71 do not take effect in any city until the following question is submitted to the electors of the city at a special election and adopted by a majority vote of the electors voting: “Shall subchapter II of chapter 32, Wisconsin Statutes, be effective in the city of ....., thus allowing the city to acquire and condemn property for street widening and similar purposes, financed through assessments of benefits and damages?” The question shall be filed as provided in s. 8.37.

**SECTION 187.** 38.08 (1) (a) 1. of the statutes is amended to read:

38.08 (1) (a) 1. A district board shall administer the district and shall be composed of 9 members who are residents of the district, including 2 employers, 2 employes, 3 additional members, a school district administrator, as defined under s. 115.001 (8), and one elected official who holds a state or local office, as defined in s. 5.02, ~~except for the office of party committeeman or party committeewoman.~~ The board shall by rule define “employer” and “employe” for the purpose of this subdivision.

**SECTION 188.** 59.05 (2) of the statutes is amended to read:

59.05 (2) If two-fifths of the legal voters of any county, to be determined by the registration or poll lists of the last previous general election held in the county, the names of which voters shall appear on some one of the registration or poll lists of such election, present to the board a petition conforming to the requirements of s. 8.40 asking for a change of the county seat to some other place designated in the petition, the board shall submit the question of removal of the county seat to a vote of the qualified voters of the county. The board shall file the question as provided in s. 8.37. The election shall be held only on the day of the general election, notice of the election shall be given and the election shall be conducted as in the case of the election of officers on that day, and the votes shall be canvassed, certified and returned in the same manner as other votes at that election. The question to be submitted shall be "Shall the county seat of ... county be removed to ...?"

**SECTION 189.** 59.08 (7) (b) of the statutes is amended to read:

59.08 (7) (b) The question of the consolidation of the counties shall be submitted to the voters at the next election to be held on the first Tuesday in April, or the next regular election, or at a special election to be held on the day fixed in the order issued under par. (a), which day shall be the same in each of the counties proposing to consolidate. A copy of the order shall be filed with the county clerk of each of the counties as provided in s. 8.37. If the question of consolidation is submitted at a special election, it shall be held not less than ~~30~~ 42 days nor more than 60 days from the completion of the consolidation agreement, but not within 60 days of any spring or general election.

**SECTION 190.** 60.62 (2) of the statutes is amended to read:

60.62 (2) If the county in which the town is located has enacted a zoning ordinance under s. 59.69, the exercise of the authority under sub. (1) is subject to approval by the town meeting or by a referendum vote of the electors of the town held at the time of any regular or special election. The question for the referendum vote shall be filed as provided in s. 8.37.

**SECTION 191.** 60.74 (5) (b) of the statutes is amended to read:

60.74 (5) (b) A petition conforming to the requirements of s. 8.40 signed by qualified electors of the district equal to at least 20% of the vote cast for governor in the district at the last gubernatorial election, requesting a change to appointment of commissioners, may be submitted to the town board, subject to sub. (5m) (a). The petition shall be filed as provided in s. 8.37. Upon receipt of the petition, the town board shall submit the question to a referendum at the next regular spring election or general election, or shall call a special election for that pur-

pose. The inspectors shall count the votes and submit a statement of the results to the commission. The commission shall canvass the results of the election and certify the results to the town board which has authority to appoint commissioners.

**SECTION 192.** 60.785 (2) (a) of the statutes is amended to read:

60.785 (2) (a) Any town sanitary district may be consolidated with a contiguous town sanitary district by resolution passed by a two-thirds vote of all of the commissioners of each district, fixing the terms of the consolidation and ratified by the qualified electors of each district at a referendum held in each district. The resolution shall be filed as provided in s. 8.37. The ballots shall contain the words "for consolidation", and "against consolidation". If a majority of the votes cast on the referendum in each town sanitary district are for consolidation, the resolutions are effective and have the force of a contract. Certified copies of the resolutions and the results of the referendum shall be filed with the secretary of natural resources and the original documents shall be recorded with the register of deeds in each county in which the consolidated district is situated.

**SECTION 193.** 61.187 (1) of the statutes is amended to read:

61.187 (1) PROCEDURE. Whenever a petition conforming to the requirements of s. 8.40, signed by at least one-third as many electors of any village as voted for village officers at the next preceding election therefor, shall be presented to the village board, and filed as provided in s. 8.37, praying for dissolution of the village corporation, such board shall submit to the electors of such village, for determination by ballot in substantially the manner provided by ss. 5.64 (2) and 10.02, at a general election or at a special election called by them for that purpose, the question whether or not such village corporation shall be dissolved.

**SECTION 194.** 61.46 (1) of the statutes is amended to read:

61.46 (1) GENERAL; LIMITATION. The village board shall, on or before December 15 in each year, by resolution to be entered of record, determine the amount of corporation taxes to be levied and assessed on the taxable property in such village for the current year. Before levying any tax for any specified purpose, exceeding one percent of the assessed valuation aforesaid, the village board shall, and in all other cases may in its discretion, submit the question of levying the same to the village electors at any general or special election by giving 10 days' notice thereof prior to such election by publication in a newspaper published in the village, if any, and if there is none, then by posting notices in 3 public places in said village, setting forth in such notices the object and purposes for which such taxes are to be raised and the amount of the proposed tax. The village board shall file the question as provided in s. 8.37.

**SECTION 195.** 62.13 (6) (b) of the statutes is amended to read:

62.13 (6) (b) The provisions of this subsection shall apply only if adopted by the electors. Whenever not less than ~~30~~ 42 days prior to a regular city election a petition therefor, conforming to the requirements of s. 8.40 and signed by electors equal in number to not less than 20% of the total vote cast in the city for governor at the last general election, shall be filed with the clerk as provided in s. 8.37, the clerk shall give notice in the manner of notice of the regular city election of a referendum on the adoption of this subsection. Such referendum election shall be held with the regular city election, and the ballots shall conform with the provisions of ss. 5.64 (2) and 10.02, and the question shall be "Shall s. 62.13 (6) of the statutes be adopted?"

**SECTION 196.** 64.39 (2) of the statutes is amended to read:

64.39 (2) Such petition shall conform to the requirements of s. 8.40 and shall be signed by qualified electors of such city at least equal in number to 25% of the total number of votes cast in such city for all candidates for governor at the last preceding general election. Such petition shall be filed with the city clerk as provided in s. 8.37 and after being so filed, no name shall be erased or removed therefrom and no signature shall be valid or be counted unless its date is less than one month preceding the date of such filing.

**SECTION 197.** 66.021 (5) (a) of the statutes is amended to read:

66.021 (5) (a) *Notice.* Within 60 days after the filing of the petition, the common council or village board may accept or reject the petition and if rejected no further action shall be taken thereon. Acceptance may consist of adoption of an annexation ordinance. Failure to reject the petition shall obligate the city or village to pay the cost of any referendum favorable to annexation. If the petition is not rejected the clerk of the city or village with whom the annexation petition is filed shall give written notice thereof by personal service or registered mail with return receipt requested to the clerk of any town from which territory is proposed to be detached and shall give like notice to any person who files a written request therefor with the clerk. Such notice shall indicate whether the petition is for direct annexation or whether it requests a referendum on the question of annexation. If the notice indicates that the petition is for a referendum on the question of annexation, the clerk of the city or village shall file the notice as provided in s. 8.37. If the notice indicates that the petition is for a referendum on the question of annexation, the town clerk shall give notice as provided in par. (c) of a referendum of the electors residing in the area proposed for annexation to be held ~~within 30~~ not less than 42 days nor more than 72 days after the date of personal service or mailing of the notice required under this paragraph. If the notice indicates that the petition is for direct annexation,

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

**SECTION 198.** 66.022 (3) of the statutes is amended to read:

66.022 (3) The governing body of any city, village or town involved may, or if a petition conforming to the requirements of s. 8.40 signed by a number of qualified electors thereof equal to at least 5% of the votes cast for governor in the city, village or town at the last gubernatorial election, demanding a referendum thereon, is presented to it within 30 days after the passage of either of the ordinances herein provided for shall, cause the question to be submitted to the electors of the city, village or town whose electors petitioned therefor, at a referendum election called for such purpose ~~within 30~~ not less than 42 days nor more than 72 days after the filing of such petition, or after the enactment of either ordinance. The petition shall be filed as provided in s. 8.37. Whenever a number of electors cannot be determined on the basis of reported election statistics, the number shall be determined in accordance with s. 60.74 (6). The governing body of the municipality shall appoint 3 election inspectors who shall be resident electors to supervise the referendum. The ballots shall contain the words "For Detachment" and "Against Detachment". The inspectors shall certify the results of the election by their affidavits annexed thereto and file a copy with the clerk of each town, village or city involved, and none of the ordinances so provided for shall take effect nor be in force unless a majority of the electors shall approve the same. The referendum election shall be conducted in accordance with chs. 6 and 7 insofar as applicable.

**SECTION 199.** 66.023 (4) (e) 1. and 2. of the statutes are amended to read:

66.023 (4) (e) 1. Within 30 days after adoption of a final plan under par. (d), the governing body of a participating municipality may adopt a resolution calling for an advisory referendum on the plan. An advisory referendum shall be held if, within 30 days after adoption of the final plan under par. (d), a petition, signed by a number of qualified electors equal to at least 10% of the votes cast for governor in the municipality at the last gubernatorial election, is filed with the clerk of a participating muni-

pality and as provided in s. 8.37, requesting an advisory referendum on the cooperative plan. The petition shall conform to the requirements of s. 8.40.

2. The advisory referendum shall be held ~~within 30~~ not less than 42 days nor more than 72 days after adoption of the resolution under subd. 1. calling for the referendum or ~~within 30~~ not less than 42 days nor more than 72 days after receipt of the petition by the municipal clerk. The municipal clerk shall give notice of the referendum by publishing a notice in a newspaper of general circulation in the municipality, both on the publication day next preceding the advisory referendum election and one week prior to that publication date.

**SECTION 200.** 66.024 (4) (a) and (b) of the statutes are amended to read:

66.024 (4) (a) If the court, after such hearing, is satisfied as to the correctness of the description of the territory or any survey and that the provisions of this section have been complied with, it shall make an order so declaring and shall direct a referendum election within the territory which shall be described in the order, on the question, whether such area should be annexed. Such order shall be filed as provided in s. 8.37. Such order shall direct 3 electors named therein residing in the town in which the territory proposed to be annexed lies, to perform the duties of inspectors of election.

(b) The referendum election shall be held ~~within 30~~ not less than 42 days nor more than 72 days after the ~~entry~~ filing of the order as provided in s. 8.37, in the territory proposed for annexation, by the electors of such territory as provided in s. 66.021 (5), so far as applicable. The ballots shall contain the words "For Annexation" and "Against Annexation". The certification of the election inspectors shall be filed with the clerk of the court, and the clerk of any municipality involved, but need not be filed or recorded with the register of deeds.

**SECTION 201.** 66.027 of the statutes is amended to read:

**66.027 Municipal boundaries, fixed by judgment.**

Any 2 municipalities whose boundaries are immediately adjacent at any point and who are parties to any action, proceeding or appeal in court for the purpose of testing the validity or invalidity of any annexation, incorporation, consolidation or detachment, may enter into a written stipulation, compromising and settling any such litigation and determining the common boundary line between the municipalities. The court having jurisdiction of the litigation, whether it is a circuit court, the court of appeals or the supreme court, may enter a final judgment incorporating the provisions of the stipulation and fixing the common boundary line between the municipalities involved. Any stipulation changing boundaries of municipalities shall be approved by the governing bodies of the detaching and annexing municipalities and s. 66.021 (8) and (10) shall apply. Any change of civil municipal boundaries under this section is subject to a

referendum of the electors residing within the territory annexed or detached, if within 30 days after the publication of the stipulation to change boundaries in a newspaper of general circulation in the area proposed to be annexed or detached, a petition for a referendum conforming to the requirements of s. 8.40 signed by at least 20% of the electors of the area to be annexed or detached, is filed with the clerk of the municipality from which the area is proposed to be detached and is filed as provided in s. 8.37. The referendum shall be conducted as are annexation referenda. If the referendum election is opposed to detachment from the municipality, all proceedings under this section are void. For the purposes of this section "municipalities" includes cities, villages and towns.

**SECTION 202.** 66.028 (6) (a) and (b) of the statutes are amended to read:

66.028 (6) (a) Within 30 days after the hearing under sub. (3), the governing body of a participating municipality may adopt a resolution calling for an advisory referendum on the agreement. An advisory referendum shall be held if, within 30 days after the hearing under sub. (3), a petition, signed by a number of qualified electors equal to at least 10% of the votes cast for governor in the municipality at the last gubernatorial election, is filed with the clerk of a participating municipality, requesting an advisory referendum on the revenue sharing plan. The petition shall conform to the requirements of s. 8.40 and shall be filed as provided in s. 8.37. If an advisory referendum is held, the municipality's governing body may not vote to approve the agreement under sub. (2) until the report under par. (d) is filed.

(b) The advisory referendum shall be held ~~within 30~~ not less than 42 days nor more than 72 days after adoption of the resolution under par. (a) calling for the referendum or ~~within 30~~ not less than 42 days nor more than 72 days after receipt of the petition under par. (a) by the municipal clerk. The municipal clerk shall give notice of the referendum by publishing a notice in a newspaper of general circulation in the municipality, both on the publication day next preceding the advisory referendum election and one week prior to that publication date.

**SECTION 203.** 66.059 (2m) (b) of the statutes is amended to read:

66.059 (2m) (b) If a referendum is to be held on a resolution, the municipal governing body shall file the resolution as provided in s. 8.37 and shall direct the municipal clerk to call a special election for the purpose of submitting the resolution to the electors for a referendum on approval or rejection. In lieu of a special election, the municipal governing body may specify that the election be held at the next succeeding spring primary or election or September primary or general election.

**SECTION 204.** 66.061 (1) (c) of the statutes is amended to read:



66.061 (1) (c) No such ordinance shall be operative until 60 days after passage and publication unless sooner approved by a referendum. Within that time electors equal in number to ~~20 per cent~~ 20% of those voting at the last regular municipal election, may ~~demand~~ file a petition requesting a referendum. The ~~demand~~ petition shall be in writing and filed with the clerk and as provided in s. 8.37. Each signer shall state his or her occupation and residence and signatures shall be verified by the affidavit of an elector. The referendum shall be held at the next regular municipal election, or at a special election within 90 days of the filing of the demand, and the ordinance shall not be effective unless approved by a majority of the votes cast thereon. This paragraph shall not apply to extensions by a utility previously franchised by the village or city.

**SECTION 204d.** 66.061 (1) (c) of the statutes, as affected by 1999 Wisconsin Act ... (this act), is amended to read:

66.061 (1) (c) No such ordinance shall be operative until 60 days after passage and publication unless sooner approved by a referendum. Within that time electors equal in number to 20% of those voting at the last regular municipal election may file a petition requesting a referendum. The petition shall be in writing and filed with the clerk and as provided in s. 8.37. ~~Each~~ The petition shall conform to the requirements of s. 8.40, except that each signer shall also state his or her occupation ~~and residence and signatures shall be verified by the affidavit of an elector~~. The referendum shall be held at the next regular municipal election, or at a special election within 90 days of the filing of the demand, and the ordinance shall not be effective unless approved by a majority of the votes cast thereon. This paragraph shall not apply to extensions by a utility previously franchised by the village or city.

**SECTION 205.** 66.075 (5) of the statutes is amended to read:

66.075 (5) The provisions of this section shall apply only to such counties, cities, villages and towns as shall have adopted the same at any general or municipal election at which the question of the establishment of such county or municipal slaughterhouse shall have been submitted to the voters of such county, city, village or town. Such question shall, upon the filing of a petition conforming to the requirements of s. 8.40 by electors of such county, city, village or town equal in number to at least 10% of all the votes cast in such county, city, village or town for governor at the last preceding general election, be submitted to the electors of such county, city, village or town at the next ensuing election, ~~and if~~. The petition shall be filed as provided in s. 8.37. If a majority of votes cast shall be in favor of the establishment of such slaughterhouse, the provisions of this section shall apply to such county, city, village or town.

**SECTION 206.** 66.521 (10) (d) of the statutes is amended to read:

66.521 (10) (d) The governing body may issue bonds under this section without submitting the proposition to the electors of the municipality for approval unless within 30 days from the date of publication of notice of adoption of the initial resolution for such bonds, a petition conforming to the requirements of s. 8.40, signed by not less than 5% of the registered electors of the municipality, or, if there is no registration of electors in the municipality, by 10% of the number of electors of the municipality voting for the office of governor at the last general election as determined under s. 115.01 (13), is filed with the clerk of the municipality and as provided in s. 8.37 requesting a referendum upon the question of the issuance of the bonds. If such a petition is filed, the bonds shall not be issued until approved by a majority of the electors of the municipality voting thereon at a general or special election.

**SECTION 207.** 66.77 (3) (a) 1. of the statutes is amended to read:

66.77 (3) (a) 1. If the governing body of a county wishes to exceed the operating levy rate limit otherwise applicable to the county under this section, it shall adopt a resolution to that effect. The resolution shall specify either the operating levy rate or the operating levy that the governing body wishes to impose for either a specified number of years or an indefinite period. The governing body shall call a special referendum for the purpose of submitting the resolution to the electors of the county for approval or rejection. In lieu of a special referendum, the governing body may specify that the referendum be held at the next succeeding spring primary or election or September primary or general election to be held not earlier than ~~30~~ 42 days after the adoption of the resolution of the governing body. The governing body shall file the resolution to be submitted to the electors as provided in s. 8.37.

**SECTION 208.** 66.94 (4) of the statutes is amended to read:

66.94 (4) MANNER OF ADOPTION. This section may be adopted by any city, village or town within the metropolitan district in the following manner: The governing body of any municipality, by ordinance passed at least ~~30~~ 42 days prior to submission of the question, may direct that the question of the adoption of this section be submitted to the electors therein at any general, special, judicial or local election. The question shall be filed as provided in s. 8.37. The clerk of such municipality or the election commission of any city of the first class shall thereupon submit the question to popular vote. Public notice of the election shall be given in the same manner as in case of a regular municipal election except that such notice shall be published or posted at least 20 days prior to the election. If a majority of those voting on the question vote in the affirmative thereon, this section shall be adopted in such municipality. The proposition on the ballot to be

used at such election shall be in substantially the following form:

Shall section 66.94 of the Wisconsin statutes which creates a metropolitan transit authority for ownership and operation of a public mass transportation system in the metropolitan district be adopted?

YES  NO

**SECTION 209.** 67.05 (3) (am) of the statutes is created to read:

67.05 (3) (am) The question on which the referendum is held shall be filed as provided in s. 8.37.

**SECTION 210.** 67.12 (12) (e) 6. of the statutes is amended to read:

67.12 (12) (e) 6. A copy of any resolution of the district board under subd. 5. 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. A copy of the resolution shall be filed as provided in s. 8.37. Costs of the referendum shall be borne as provided in ss. 5.68 and 7.03.

**SECTION 211.** 81.01 (3) (b) of the statutes is amended to read:

81.01 (3) (b) The town board by resolution submits to the electors of the town as a referendum at a general or special town election the question of exceeding the \$10,000 limit set under this subsection. A copy of the resolution shall be filed as provided in s. 8.37. The board shall abide by the majority vote of the electors of the town on the question. The question shall read as follows:

Shall the town of ... spend \$... over the annual limit of \$10,000 for the construction and repair of its highways and bridges?

FOR SPENDING  AGAINST SPENDING

**SECTION 212.** 86.21 (2) (a) of the statutes is amended to read:

86.21 (2) (a) Before any such toll bridge is constructed or acquired under this section, a resolution authorizing the construction or acquisition thereof, and specifying the method of payment therefor, shall be adopted by a majority of the members of the governing body of such county, town, village or city at a regular meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The resolution shall include a general description of the property it is proposed to acquire or construct. Any county, town, village or city constructing or acquiring a toll bridge under this section may provide for the payment of the same or any part thereof from the general fund, from taxation, or from the proceeds of either municipal bonds, revenue bonds or as otherwise provided by law. Such resolution shall not be effective until 15 days after its passage and publication. If within said 15 days a petition conforming to the requirements of s. 8.40 is filed with the clerk of such municipality, and filed as provided in s. 8.37, signed by at least 20% of the

electors thereof requesting that the question of acquiring such toll bridge be submitted to the said electors, such question shall be submitted at any general or regular municipal election that ~~may be~~ is held not less sooner than 40 nor more than 40 42 days from the date of filing such petition. In case no such general or regular municipal election is to be held within such stated period, then the governing body of such municipality shall order a special election to be held within 30 days from the filing of such petition upon the question of whether such toll bridge shall be acquired by said municipality. The question submitted to the electors shall specify the method of payment for such toll bridge as provided in the resolution for the acquisition thereof. If no such petition is filed, or if the majority of votes cast at such referendum election are in favor of the acquisition of such toll bridge, then the resolution of the governing body for the acquisition of such toll bridge shall be in effect.

**SECTION 213.** 92.11 (4) (c) of the statutes is amended to read:

92.11 (4) (c) *Wording of ballot question; procedure.* The county board shall include the wording of the question to be placed before the electors in the referendum as a part of the ordinance adopted under this section or the revision to an ordinance adopted under this section. Upon the adoption of the ordinance or revision the county board shall forward a copy of the ordinance or revision to the county clerk who shall cause the question to be placed before the voters of the affected area in the next spring or general election occurring not less than 45 days after the adoption of the ordinance or revision. The form of the ballot shall correspond substantially ~~with~~ to the form "D" annexed to prescribed under s. 5.64 (2).

**SECTION 214.** 119.48 (4) (c) of the statutes is amended to read:

119.48 (4) (c) Upon receipt of the communication, the common council shall file the communication as provided in s. 8.37 and shall cause the question of exceeding the levy rate specified under s. 65.07 (1) (f) to be submitted to the voters of the city at the September election or at a special election. The question of exceeding the levy rate specified under s. 65.07 (1) (f) shall be submitted ~~upon a separate ballot or in some other manner~~ so that the vote upon exceeding the levy rate specified in s. 65.07 (1) (f) is taken separately from any other question submitted to the voters. If a majority of the electors voting on the question favors exceeding the levy rate specified under s. 65.07 (1) (f), the common council shall approve the increase in the levy rate and shall levy and collect a tax equal to the amount of money approved by the electors.

**SECTION 215.** 119.49 (2) of the statutes is amended to read:

119.49 (2) Upon receipt of the communication, the common council shall file the communication as pro-

vided in s. 8.37 and shall cause the question of issuing such school bonds in the stated amount and for the stated school purposes to be submitted to the voters of the city at the next election held in the city. The question of issuing such school bonds shall be submitted ~~upon a separate ballot or in some other manner~~ so that the vote upon issuing such school bonds is taken separately from any other question submitted to the voters. If a majority of the electors voting on the school bond question favors issuing such school bonds, the common council shall cause the school bonds to be issued immediately or within the period permitted by law, in the amount requested by the board and in the manner other bonds are issued.

**SECTION 216.** 120.06 (6) (b) of the statutes is amended to read:

120.06 (6) (b) No later than the first ~~4th~~ Tuesday in ~~December~~ November prior to the spring election, the school district clerk shall publish a type A notice of the school district election under s. 10.01 (2) (a). Except as authorized in this paragraph, 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), any qualified elector of the school district who desires to be a candidate shall in addition file nomination papers in the form prescribed under s. 8.10 (2) and (3) with the school district clerk at the place specified in the notice. If an incumbent fails to file a declaration of candidacy, and nomination papers, where required, within the time prescribed by this paragraph, all candidates for the office held by the incumbent, other than the incumbent, may file a declaration of candidacy and nomination papers, where required, no later than 72 hours after the latest time prescribed in this paragraph. No extension of the time for filing a declaration of candidacy or nomination papers applies if the incumbent files written notification with the school district clerk, no later than 5 p.m. on the 2nd Friday preceding the latest time prescribed in this paragraph for filing declarations of candidacy, that the incumbent is not a candidate for reelection to his or her office, and the incumbent does not file a declaration of candidacy for that office within the time prescribed in this paragraph. In the case of a 3-member school board, the qualified elector shall state in his or her declaration of candidacy and on the face of his or her nomination papers, if any, the office for which the elector is a candidate. In the case of an apportioned or numbered school board, the qualified elector shall state in his or her declaration of candidacy and on the face of his or her nomination papers, if any, the 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 in the event of a change in any information provided in the declaration as provided in s. 8.21.

**SECTION 217.** 121.91 (3) (a) of the statutes is amended to read:

121.91 (3) (a) If a school board wishes to exceed the limit under sub. (2m) otherwise applicable to the school district in any school year, it shall promptly adopt a resolution supporting inclusion in the final school district budget of an amount equal to the proposed excess revenue. The resolution shall specify whether the proposed excess revenue is for a recurring or nonrecurring purpose, or, if the proposed excess revenue is for both recurring and nonrecurring purposes, the amount of the proposed excess revenue for each purpose. The resolution shall be filed as provided in s. 8.37. Within 10 days after adopting the resolution, the school board shall notify the department of the scheduled date of the referendum and submit a copy of the resolution to the department. The school board shall call a special referendum for the purpose of submitting the resolution to the electors of the school district for approval or rejection. In lieu of a special referendum, the school board may specify that the referendum be held at the next succeeding spring primary or election or September primary or general election, if such election is to be held not ~~earlier~~ sooner than ~~35~~ 42 days after the ~~adoption~~ filing of the resolution of the school board. The school district clerk shall certify the results of the referendum to the department within 10 days after the referendum is held.

**SECTION 218.** 125.05 (1) (b) 5. of the statutes is amended to read:

125.05 (1) (b) 5. The petition shall be filed with the clerk of the municipality ~~affected by the question~~ at least ~~30~~ 42 days prior to the first Tuesday of April.

**SECTION 219.** 197.04 (1) (b) of the statutes is amended to read:

197.04 (1) (b) If within either of the 90-day periods described in par. (a) a petition conforming to the requirements of s. 8.40 is filed with the clerk of the municipality as provided in s. 8.37 and the petition has been signed by 5% of the electors of a 1st class city or by 10% of the electors of all other municipalities requesting that the question of discontinuing the proceeding to acquire the plant or equipment of the public utility be submitted to the electors of the municipality, the applicable question under par. (c) shall be submitted to the electors at any general or regular municipal election that ~~may be~~ is held not less than ~~30,~~ 42 and not more than ~~35,~~ 47 days from the date of the filing of the petition. If no general election or regular municipal election is to be held within the stated periods, the governing body of the municipality shall order the holding of a special election, to be held not less than

42 days from the date of filing of the petition, for the purpose of submitting the question to the electors.

**SECTION 220.** 197.10 (2) of the statutes is amended to read:

197.10 (2) Such contract when adopted by the common council of said city and accepted by the owner or owners of such public utility shall be submitted to the public service commission for its approval and upon such approval the same shall be filed as provided in s. 8.37 and submitted in such manner as the common council shall determine to a vote of the electors of such city at the next regular municipal election or at a special election called for that purpose, and such contract shall not become binding upon such city until approved by a majority vote of the qualified electors of such city voting thereon. No bonds shall in any case be issued by said city under the contract or contracts mentioned in sub. (1), until the proposition of their issue shall have been submitted to the people of such city and adopted by a majority of the electors voting thereon.

**SECTION 221.** 227.52 (6) of the statutes is amended to read:

227.52 (6) Decisions of the chairperson of the elections board or the chairperson's designee.

**SECTION 222.** 755.01 (4) of the statutes is amended to read:

755.01 (4) Two or more cities, towns or villages of this state may enter into an agreement under s. 66.30 for the joint exercise of the power granted under sub. (1), except that for purposes of this subsection, any agreement under s. 66.30 shall be effected by the enactment of identical ordinances by each affected city, town or village. Electors of each municipality entering into the agreement shall be eligible to vote for the judge of the municipal court so established. If a municipality enters into an agreement with a municipality that already has a municipal court, the municipalities may provide by ordinance or resolution that the judge for the existing municipal court shall serve as the judge for the joint court until the end of the term or until a special election is held under s. 8.50 (4) (fm). Each municipality shall adopt an ordinance or bylaw under sub. (1) prior to entering into the agreement. The contracting municipalities need not be contiguous and need not all be in the same county. ~~Upon entering into or discontinuing such an agreement, the contracting municipalities shall each transmit a certified copy of the ordinance effecting or discontinuing the agreement to the elections board. The elections board shall serve as filing officer for candidates for the office of municipal judge in any municipality where an agreement is in effect. The contracting municipalities shall notify the appropriate filing officer under s. 11.02 (3e) when the joint court is created. When a municipal judge is elected under this subsection, candidates shall be nominated by~~

filing nomination papers under s. 8.10 (6) (bm), and shall register with the filing officer specified in s. 11.02 (3e).

**SECTION 223.** 778.135 of the statutes is amended to read:

**778.135 Elections board Campaign finance forfeitures; how recovered.** Notwithstanding s. 778.13, whenever any action or proposed action by the elections board under s. 5.05 (1) (c) is settled as a result of agreement between the parties without approval of the court, the moneys accruing to the state on account of such settlement shall be paid to the board and deposited with the state treasurer. Whenever any proposed action by a county board of election commissioners under s. 7.21 (2m) (a) is settled as a result of agreement between the parties, the moneys accruing to the county on account of such settlement shall be paid to the board of election commissioners and deposited with the county treasurer in the same manner as provided for forfeitures under s. 778.13.

**SECTION 224. Nonstatutory provisions.**

(1) There shall be submitted to the vote of the electors at the general election to be held in November 2000 the following question: "Shall sections 68 and 70 of 1999 Wisconsin Act .... (this act), which extend the right to vote in federal elections in this state to the adult children of U.S. citizens who resided in this state prior to establishing residency abroad, become effective on January 1, 2001?". If the question is approved by a majority of all votes cast on the question at the election, SECTIONS 68 and 70 of this act shall become law; otherwise, those sections shall not take effect.

**SECTION 225. Initial applicability.**

(1) REPORT ON IMPEDIMENTS TO VOTING. The treatment of section 5.25 (4) (d) of the statutes first applies to the report due on June 30, 2001.

(2) FILING OF REFERENDUM QUESTIONS. The treatment of sections 8.37, 24.66 (4), 32.72 (1), 59.05 (2), 59.08 (7) (b), 60.62 (2), 60.74 (5) (b), 60.785 (2) (a), 61.187 (1), 61.46 (1), 62.13 (6) (b), 64.39 (2), 66.021 (5) (a), 66.022 (3), 66.023 (4) (e) 1. and 2., 66.024 (4) (a) and (b), 66.027, 66.028 (6) (a) and (b), 66.059 (2m) (b), 66.061 (1) (c) (by SECTION 204), 66.075 (5), 66.521 (10) (d), 66.77 (3) (a) 1., 66.94 (4), 67.05 (3) (am), 67.12 (12) (e) 6., 81.01 (3) (b), 86.21 (2) (a), 119.48 (4) (c), 119.49 (2), 121.91 (3) (a), 125.05 (1) (b) 5., 197.04 (1) (b) and 197.10 (2) of the statutes first applies with respect to referenda called on the effective date of this subsection.

**SECTION 226. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) VOTING BY CHILDREN OF OVERSEAS ELECTORS. The treatment of section 6.24 (1), (2) and (3) (by SECTION 70) of the statutes takes effect on January 1, 2001, if the condition set forth in SECTION 224 (1) of this act is satisfied.

(1m) AFFIDAVITS OF CIRCULATORS. The treatment of sections 8.10 (3) (intro.), 8.15 (4) (a), 8.20 (3), 8.40 (2),

**1999 Assembly Bill 700**

**1999 Wisconsin Act 182**

9.10 (2) (em) 1. and 3., (n) and (r) 4. and 66.061 (1) (c) (by SECTION 204d) of the statutes takes effect on August 1, 2000.

(2) SCHOOL DISTRICT REFERENDA TO EXCEED REVENUE LIMITS. The treatment of section 121.91 (3) (a) of the statutes takes effect on July 1, 2000.

---