



2001 ASSEMBLY BILL 826

February 18, 2002 – Introduced by COMMITTEE ON CAMPAIGNS AND ELECTIONS, by request of State Elections Board. Referred to Committee on Campaigns and Elections.

1 **AN ACT** *to repeal* 8.15 (9), 8.20 (10), 9.10 (2) (em) 4. and 5., 9.10 (2) (o) and 9.10
2 (2) (r) 1. to 3.; *to renumber and amend* 9.10 (4) (d); *to amend* 5.86, 6.87 (2)
3 (form), 6.875 (1) (at), 6.875 (2) (a), 6.875 (6), 6.88 (1), 7.03 (1) (a), 7.03 (1) (b),
4 (bm), (c) and (d), 7.08 (3) (intro.) and (4), 7.30 (2) (a), 7.30 (4) (b) 1., 7.30 (6) (b),
5 7.33 (2), 7.41 (4), 7.51 (1), 7.60 (2), 8.15 (4) (a), 8.21, 8.40 (2), 9.10 (2) (e) 3., 9.10
6 (4) (a), 10.06 (3) (am), 10.06 (3) (bm), 11.21 (3), 11.21 (14) and 755.01 (4); and
7 **to create** 7.08 (5), 7.30 (2) (am), 9.10 (4) (d) 2. and 118.15 (3) (d) of the statutes;
8 **relating to:** various changes in election administration laws.

Analysis by the Legislative Reference Bureau

This bill makes various changes in the laws relating to administration of elections. Significant changes include:

Poll worker qualifications

Currently, poll workers consist of election inspectors and special registration deputies. Inspectors supervise voting generally and deputies are appointed to accept election day registrations in municipalities where registration is required. The inspectors at each polling place elect a chief inspector, who manages the polling place, subject to supervision of the municipal clerk or board of election commissioners. With limited exceptions, all inspectors must be qualified electors of

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the ward, combined wards, or election district where they serve. Special registration deputies must be electors of the municipality in which they serve. The two major political parties may submit nominees for inspector positions, but if they fail to do so, municipalities may appoint any qualified electors to serve. Inspectors normally serve for two-year terms. Under this bill, any poll worker need only be a qualified elector of this state, except that the bill also permits any pupil who is enrolled in grades 9 to 12 of a public or private school and who is 15, 16, or 17 years of age to be appointed to serve in any inspection position other than the position of chief inspector. The bill requires a pupil who wishes to serve as an inspector to obtain the written authorization of the pupil's parent or guardian and of the principal of the school where he or she is enrolled, who must consent to allow the pupil to serve at all elections held during his or her term of office. The bill provides that if a pupil who receives an inspector appointment ceases to be enrolled and the pupil has not become a qualified elector of the state, the pupil's office becomes vacant. Under the bill, at least one inspector in addition to the chief inspector at each polling place must be a qualified elector of the state. The bill also provides for chief inspectors to be appointed by the municipal clerk or board of election commissioners of the municipality where they serve.

Compensation of election officials

Currently, most election officials (inspectors, voting machine custodians, automatic tabulating equipment technicians, members of boards of canvassers, messengers, and tabulators) must be paid a reasonable compensation, which is fixed and paid by the jurisdiction for whom they perform services. If a special election is called, the jurisdiction calling the election must pay the compensation. Special registration deputies, nursing and retirement home voting deputies, and officials and trainees who attend training sessions may be compensated for their services at municipal option, except that chief inspectors and chief inspector trainees must be compensated for attendance at training sessions and examinations. This bill permits any election official or trainee to volunteer his or her services by filing a written declination to accept compensation. Once filed, a declination remains effective until the official or trainee files a written revocation.

Free distribution of elections board publications

Currently, the elections board is required to publish the election laws, a manual explaining the duties of election officials, an accounting and bookkeeping manual for campaign finance registrants, and a manual describing the campaign finance and prohibited election practice laws. The board must distribute free copies of the election laws in sufficient supply to provide one copy for each polling place. The board must distribute one copy of the election manual free to each county and municipal clerk and board of election commissioners. The board must distribute the accounting and bookkeeping manual and the manual describing the campaign finance and prohibited election practice laws free to each state registrant and must distribute sufficient copies of the manuals to local filing officers to enable distribution to local registrants. This bill removes these requirements for free distribution.

ASSEMBLY BILL 826***Maps of election districts***

Current law requires the legislative reference bureau to prepare maps showing the boundary lines of congressional and legislative districts and to provide those maps to the department of administration. The department of administration must provide the maps to the elections board, which must distribute them to candidates for representative in Congress, state senator, and representative to the assembly upon the filing of nomination papers. This bill instead requires the elections board to distribute the maps to these candidates upon request.

Disqualification of candidates

Under current law, in order to become a candidate for state or local office in this state, an individual must swear that he or she has not been convicted of any infamous crime for which he or she has not been pardoned. In 1996, the Wisconsin constitution was amended to remove the reference to the infamous crime disqualifier and to substitute a disqualification for conviction of a felony or misdemeanor designated under state or federal law as a violation of the public trust, unless pardoned. This bill deletes the infamous crime disqualifier from the statutes and substitutes a requirement for a candidate for state or local office to swear that he or she has not been convicted of a misdemeanor designated under state or federal law as a violation of the public trust or a felony for which he or she has not been pardoned.

Restriction on dates of recall elections for local officers

Currently, a petition for the recall of an elective officer may be offered for filing at any time after the officer has served at least one year of his or her term, and a recall election may be required at any time after that first year if a legally valid petition is filed. This bill prohibits any election for the recall of a city, village, town, or school district officer whose office is being filled at the spring election from being held after February 1 in the year of that election.

Method of calling recall elections for local officers

Currently, a petition for the recall of an elective officer of a city, village, town, or school district is filed with the municipal or school district clerk or board of election commissioners of the municipality or school district. If the clerk or board finds the petition to be sufficient, the clerk or board transmits it to the municipal governing body or school board, which must then call a recall election. This bill provides instead for the the clerk or board, upon finding a petition to be sufficient, to call the recall election.

Supervision of central counting locations

Currently, any municipality that utilizes an electronic voting system may provide for ballots to be counted at one or more central counting locations instead of at the polling places where ballots are cast. Currently, proceedings at a central counting location are under the direction of the municipal clerk or board of election commissioners, unless the central counting location is at the county seat and the clerk or board delegates this responsibility to the county clerk or board of election commissioners. This bill permits a municipal clerk or board of election commissioners to delegate the responsibility to supervise a central counting location to another election official, or if the clerk or board delegates this responsibility to the

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county clerk or board of election commissioners, the bill permits that clerk or board to delegate the responsibility for supervision to another election official.

Voting in certain homes and facilities

Currently, municipalities send two special voting deputies to each nursing or retirement home or community-based residential facility where one or more electors apply for an absentee ballot for the purpose of conducting absentee voting. The deputies must represent the two major political parties when party representatives are available. Current law requires the deputies to administer an absentee voter oath that was formerly a part of the absentee voter's certificate, but the current form of the certificate does not require an oath and instead requires only one witness. This bill requires the two deputies at a home or facility to each witness the execution of the absentee voter's certificate in lieu of the oath.

Certification of the names of municipal candidates and referenda

Currently, the names of candidates for municipal office are certified for placement on the ballot no later than two days after the deadline for filing nomination papers or two days after the date of any village or town nominating caucus. Except at primary elections, municipal ballot questions are certified at the same time. This bill requires certification no later than three days after the deadline for filing nomination papers or three days after candidate qualification following a nominating caucus.

Notification of creation or abolition of joint municipal courts

Currently, two or more municipalities may establish a joint municipal court. The county clerk or board of election commissioners of the county having the largest portion of the population of the combined municipalities serves as filing officer for the election of the judge of the court. Currently, the municipalities must notify the appropriate clerk or board when a joint court is created. This bill requires each municipality to send to the clerk or board a copy of the ordinance or bylaw creating or discontinuing a joint court.

Membership on the county board of canvassers

Current law requires the county clerk to serve on the county board of canvassers. However, if the clerk's office is vacant, the clerk cannot perform his or her duties, or the clerk is a candidate at an election being canvased, the clerk must designate a deputy clerk to perform the clerk's duties. This bill requires the clerk to make this designation in advance of the circumstances that trigger the need for service by the deputy clerk.

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

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

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1 **5.86 Proceedings at central counting ~~location~~ locations.** (1) All
2 proceedings at ~~the~~ each central counting location shall be under the direction of the
3 municipal clerk or an election official designated by the clerk unless the central
4 counting location is at the county seat and the municipal clerk delegates the
5 responsibility to supervise the location to the county clerk, in which case the
6 proceedings shall be under the direction of the county clerk or an election official
7 designated by the county clerk. Unless election officials are selected under s. 7.30
8 (4) (c) without regard to party affiliation, the employees at ~~the~~ each central counting
9 location, other than any specially trained technicians who are required for the
10 operation of the automatic tabulating equipment, shall be equally divided between
11 members of the 2 major political parties under s. 7.30 (2) (a) and all duties performed
12 by the employees shall be by teams consisting of an equal number of members of each
13 political party whenever sufficient persons from each party are available.

14 (2) At ~~the~~ each central counting location, a team of election officials designated
15 by the clerk or other election official having charge of the location under sub. (1) shall
16 check the container returned containing the ballots to determine that all seals are
17 intact, and thereupon shall open the container, check the inspectors' slip and
18 compare the number of ballots so delivered against the total number of electors of
19 each ward served by the polling place who voted, remove the ballots or record of the
20 votes cast and deliver them to the technicians operating the automatic tabulating
21 equipment. Any discrepancies between the number of ballots and total number of
22 electors shall be noted on a sheet furnished for that purpose and signed by the
23 election officials.

24 **SECTION 2.** 6.87 (2) (form) of the statutes is amended to read:

25 6.87 (2) (form)

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1 [STATE OF

2 County of]

3 or

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

5 I,, certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false
6 statements, that I am a resident of the [... ward of the] (town) (village) of, or of
7 the aldermanic district in the city of, residing at* in said city, the county
8 of, state of Wisconsin, and am entitled to vote in the (ward) (election district) at
9 the election to be held on; that I am not voting at any other location in this election;
10 that I am unable or unwilling to appear at the polling place in the (ward) (election
11 district) on election day or have changed my residence within the state from one ward
12 or election district to another within 10 days before the election. ~~An elector who~~
13 ~~provides an identification serial number issued under s. 6.47 (3) need not provide a~~
14 ~~street address.~~ I certify that I exhibited the enclosed ballot unmarked to the witness,
15 that I then in (his) (her) presence and in the presence of no other person marked the
16 ballot and enclosed and sealed the same in this envelope in such a manner that no
17 one but myself and any person rendering assistance under s. 6.87 (5), Wis. Stats., if
18 I requested assistance, could know how I voted.

19 Signed

20 Identification serial number, if any:

21 The witness shall execute the following:

22 I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis.
23 Stats., for false statements, certify that the above statements are true and the voting
24 procedure was executed as there stated. I am not a candidate for any office on the

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1 enclosed ballot (except in the case of an incumbent municipal clerk). I did not solicit
2 or advise the elector to vote for or against any candidate or measure.

3(Name)

4(Address)**

5 * — An elector who provides an identification serial number issued under s.
6 6.47 (3), Wis. Stats., need not provide a street address.

7 ** — If this form is executed before 2 special voting deputies under s. 6.875 (6),
8 Wis. Stats., both deputies shall witness and sign.

9 **SECTION 3.** 6.875 (1) (at) of the statutes is amended to read:

10 6.875 (1) (at) “Qualified retirement home” means a retirement home that
11 qualifies under sub. (2) ~~(b)~~ (c) to utilize the procedures under this section.

12 **SECTION 4.** 6.875 (2) (a) of the statutes is amended to read:

13 6.875 (2) (a) The procedures prescribed in this section are the exclusive means
14 of absentee voting for electors who are occupants of nursing homes ~~or~~, qualified
15 community-based residential facilities or qualified retirement homes.

16 **SECTION 5.** 6.875 (6) of the statutes, as affected by 2001 Wisconsin Act 16, is
17 amended to read:

18 6.875 (6) Special voting deputies in each municipality shall, not later than 5
19 p.m. on the Friday preceding an election, arrange one or more convenient times with
20 the administrator of each nursing home ~~or~~, qualified retirement home, and qualified
21 community-based residential facility in the municipality from which one or more
22 occupants have filed an application under s. 6.86 to conduct absentee voting for the
23 election. The time may be no earlier than the 4th Monday preceding the election and
24 no later than 5 p.m. on the Monday preceding the election. Upon request of a relative
25 of an occupant of a nursing home or qualified retirement home or qualified

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1 community-based residential facility, the administrator may notify the relative of
2 the time or times at which special voting deputies will conduct absentee voting at the
3 home or facility, and permit the relative to be present in the room where the voting
4 is conducted. At the designated time, 2 deputies appointed under sub. (4) shall visit
5 the ~~nursing home or qualified retirement home or qualified community-based~~
6 ~~residential~~ facility. The municipal clerk or executive director of the board of election
7 commissioners shall issue a supply of absentee ballots to the deputies sufficient to
8 provide for the number of valid applications received by the clerk, and a reasonable
9 additional number of ballots. The municipal clerk or executive director shall keep
10 a careful record of all ballots issued to the deputies and shall require the deputies to
11 return every ballot issued to them. The deputies shall personally offer each elector
12 who has filed a proper application the opportunity to cast his or her absentee ballot.
13 If an elector is present who has not filed a proper application, the 2 deputies may
14 accept an application from the elector and shall issue a ballot to the elector if the
15 elector is qualified and the application is proper. The deputies shall ~~administer~~ each
16 witness the ~~oath~~ certification and may, upon request of the elector, assist the elector
17 in marking the elector's ballot. Upon request of the elector, a relative of the elector
18 who is present in the room may assist the elector in marking the elector's ballot. All
19 voting shall be conducted in the presence of the deputies. No individual other than
20 a deputy may ~~administer~~ witness the ~~oath~~ certification and no individual other than
21 a deputy or relative of an elector may render voting assistance to the elector. Upon
22 completion of the voting, the deputies shall promptly deliver, either personally or by
23 1st class mail, any absentee ballot applications and the sealed certificate envelope
24 containing each ballot to the clerk or board of election commissioners of the
25 municipality in which the elector casting the ballot resides, within such time as will

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1 permit delivery to the polling place serving the elector's residence on election day.
2 Personal delivery may be made by the deputies no later than noon on election day.
3 If a qualified elector is not able to cast his or her ballot on 2 separate visits by the
4 deputies to the ~~nursing home or qualified retirement home~~ facility, they shall so
5 inform the municipal clerk or executive director of the board of election
6 commissioners, who may then send the ballot to the elector no later than 5 p.m. on
7 the Friday preceding the election.

8 **SECTION 6.** 6.88 (1) of the statutes is amended to read:

9 6.88 (1) When an absentee ballot arrives at the office of the municipal clerk,
10 the clerk shall enclose it, unopened, in a carrier envelope which shall be securely
11 sealed and endorsed with the name and official title of the clerk, and the words "This
12 envelope contains the ballot of an absent elector and must be opened at the polls
13 during polling hours on election day". If the ballot was received by the elector by
14 facsimile transmission or electronic mail and is accompanied by a separate
15 certificate, the clerk shall enclose the ballot in a certificate envelope and securely
16 append the completed certificate to the outside of the envelope before enclosing the
17 ballot in the carrier envelope. The clerk shall keep the ballot in the clerk's office until
18 delivered, as required in sub. (2).

19 **SECTION 7.** 7.03 (1) (a) of the statutes, as affected by 2001 Wisconsin Act 16, is
20 amended to read:

21 7.03 **Compensation of election officials and trainees.** (1) (a) ~~A~~ Except
22 as authorized under this paragraph, a reasonable daily compensation shall be paid
23 to each inspector, voting machine custodian, automatic tabulating equipment
24 technician, member of a board of canvassers, messenger, and tabulator who is
25 employed and performing duties under chs. 5 to 12. Daily compensation shall also

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1 be provided to officials and trainees for attendance at training sessions and
2 examinations required by the board under s. 7.31. Alternatively, such election
3 officials and trainees may be paid by the hour at a proportionate rate for each hour
4 actually worked. Any election official or trainee may choose to volunteer his or her
5 services by filing with the municipal clerk of the municipality in which he or she
6 serves a written declination to accept compensation. The volunteer status of the
7 election official or trainee remains effective until the official or trainee files a written
8 revocation with the municipal clerk.

9 **SECTION 8.** 7.03 (1) (b), (bm), (c) and (d) of the statutes are amended to read:

10 7.03 (1) (b) Except as provided in par. (bm), ~~payment~~ any compensation owed
11 shall be ~~made paid~~ by the municipality in which the election is held, except that any
12 compensation payable to a technician, messenger, tabulator, or member of the board
13 of canvassers who is employed to perform services for the county shall be paid by the
14 county and compensation payable to any messenger or tabulator who is employed to
15 perform services for the state shall be paid by the board.

16 (bm) Whenever a special election is called by a county or by a school district,
17 a technical college district, a sewerage district, a sanitary district, or a public inland
18 lake protection and rehabilitation district, the county or district shall pay the
19 compensation of ~~all~~ election officials performing duties in those municipalities, as
20 determined under sub. (2).

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

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1 (d) ~~Special~~ Except as otherwise provided in par. (a), special registration
2 deputies appointed under s. 6.55 (6), special voting deputies appointed under s. 6.875
3 (4) and officials and trainees who attend training sessions under s. 7.15 (1) (e) or 7.25
4 (5) may also be compensated by the municipality where they serve at the option of
5 the municipality.

6 **SECTION 9.** 7.08 (3) (intro.) and (4) of the statutes are amended to read:

7 7.08 (3) ELECTION MANUAL. (intro.) Prepare and publish separate from the
8 election laws an election manual written so as to be easily understood by the general
9 public explaining the duties of the election officials, together with notes and
10 references to the statutes as the board considers advisable. ~~The manual shall be~~
11 ~~furnished by the board free to each county and municipal clerk or board of election~~
12 ~~commissioners and others in such manner as it deems most likely to promote the~~
13 ~~public welfare.~~ The election manual shall:

14 (4) ELECTION LAWS. Publish the election laws. ~~The board shall furnish the~~
15 ~~election laws free to each county and municipal clerk and board of election~~
16 ~~commissioners in sufficient supply to provide one copy for reference at each office and~~
17 ~~at each polling place.~~ The board shall sell or distribute or arrange for the sale or
18 distribution of copies of the election laws to county and municipal clerks and boards
19 of election commissioners and members of the public.

20 **SECTION 10.** 7.08 (5) of the statutes is created to read:

21 7.08 (5) DISTRICT MAPS. Distribute, upon request and free of charge, to any
22 candidate for representative in Congress, state senator, or representative to the
23 assembly a copy of the map or maps received under s. 16.96 (3) (b) showing district
24 boundaries.

25 **SECTION 11.** 7.30 (2) (a) of the statutes is amended to read:

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

21 **SECTION 12.** 7.30 (2) (am) of the statutes is created to read:

22 7.30 (2) (am) Except as otherwise provided in this paragraph, a pupil who is
23 15, 16, or 17 years of age and who is enrolled in grades 9 to 12 in a public or private
24 school may serve as an inspector, with the approval of the pupil's parent or guardian
25 and of the principal of the school in which the pupil is enrolled. A pupil may serve

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1 as an inspector at a polling place under this paragraph only if at least one election
2 official at the polling place other than the chief inspector is a qualified elector of this
3 state. No pupil may serve as chief inspector at a polling place under this paragraph.
4 Before appointment by any municipality of a pupil as an inspector under this
5 paragraph, the municipal clerk shall obtain written authorization from the pupil's
6 parent or guardian and from the principal of the school where the pupil is enrolled
7 for the pupil to serve for the entire term for which he or she is appointed. Upon
8 appointment of a pupil to serve as an inspector, the municipal clerk shall notify the
9 principal of the school where the pupil is enrolled of the date of expiration of the
10 pupil's term of office.

11 **SECTION 13.** 7.30 (4) (b) 1. of the statutes is amended to read:

12 7.30 (4) (b) 1. In cities where there is a board of election commissioners, the
13 aldermanic district committeemen or committeewomen under s. 8.17 of each of the
14 2 dominant recognized political parties shall submit a certified list no later than
15 November 30 of each even-numbered year containing the names of at least as many
16 electors nominees as there are inspectors from that party for each of the voting wards
17 in the aldermanic district. The chairperson may designate any individual whose
18 name is submitted as a first choice nominee. The board of election commissioners
19 shall appoint, no later than December 31 of even-numbered years, at least 5
20 inspectors for each ward. The board of election commissioners shall appoint all first
21 choice nominees for so long as positions are available, unless nonappointment is
22 authorized under par. (e), and shall appoint other individuals in its discretion. The
23 board of election commissioners may designate such alternates as it deems
24 advisable.

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1 **SECTION 14.** 7.30 (6) (b) of the statutes, as affected by 2001 Wisconsin Act 16,
2 is amended to read:

3 7.30 **(6)** (b) Prior to the first election following the appointment of the
4 inspectors, the ~~inspectors at each polling place~~ municipal clerk shall elect ~~appoint~~
5 one of ~~their number~~ the inspectors at each polling place to ~~act~~ serve as chief inspector.
6 No person may serve as chief inspector at any election who is not certified by the
7 board under s. 7.31 at the time of the election. The chief inspector shall hold the
8 position for the remainder of the term unless the inspector is removed by the clerk
9 or the inspector ceases to be certified under s. 7.31, except that whenever wards are
10 combined or separated under s. 5.15 (6) (b), the ~~inspectors~~ municipal clerk shall elect
11 a ~~new chief~~ appoint another inspector who is certified under s. 7.31 to serve as chief
12 inspector at each polling place designated under s. 5.15 (6) (b). If a vacancy occurs
13 in the position of chief inspector at any polling place, the municipal clerk shall
14 appoint one of the other inspectors who is certified under s. 7.31 to fill the vacancy.

15 **SECTION 15.** 7.33 (2) of the statutes is amended to read:

16 7.33 **(2)** Service as an election official under this chapter shall be mandatory
17 upon all ~~qualified electors~~ individuals appointed, during the full 2-year term, after
18 which they shall be exempt from further service as an election official, under this
19 chapter, until 3 terms of 2 years each have elapsed. Municipal clerks may grant
20 exemptions from service at any time.

21 **SECTION 16.** 7.41 (4) of the statutes, as affected by 2001 Wisconsin Act 39, is
22 amended to read:

23 7.41 **(4)** No individual exercising the right under sub. (1) may view the
24 confidential portion of a registration list maintained under s. 6.36 (4) or a poll list
25 maintained under s. 6.79 (6). However, the inspectors shall disclose to such an

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1 individual, upon request, the existence of such a list, the number of electors whose
2 names appear on the list, and the number of those electors who have voted at any
3 point in the proceedings. No ~~observer~~ such individual may view the
4 ~~certificate-affidavit form~~ certificate of an absent elector who obtains a confidential
5 listing under s. 6.47 (2).

6 **SECTION 17.** 7.51 (1) of the statutes is amended to read:

7 7.51 (1) CANVASS PROCEDURE. Immediately after the polls close the inspectors
8 shall proceed to canvass publicly all votes received at the polling place. In any
9 municipality where an electronic voting system is used, the municipal governing
10 body or board of election commissioners may provide or authorize the municipal
11 clerk or executive director of the board of election commissioners to provide for the
12 adjournment of the canvass to one or more central counting locations for specified
13 polling places in the manner prescribed in subch. III of ch. 5. No central counting
14 location may be used to count votes at a polling place where an electronic voting
15 system is not employed. The canvass, whether conducted at the polling place or at
16 ~~the a~~ central counting location, shall continue without adjournment until the
17 canvass is completed and the return statements are made. The inspectors shall not
18 permit access to the name of any elector who has obtained a confidential listing under
19 s. 6.47 (2) during the canvass, except as authorized in s. 6.47 (8).

20 **SECTION 18.** 7.60 (2) of the statutes is amended to read:

21 7.60 (2) COUNTY BOARD OF CANVASSERS. The county clerk and 2 qualified electors
22 of the county appointed by the clerk constitute the county board of canvassers. The
23 members of the board of canvassers shall serve for 2-year terms commencing on
24 January 1 of each odd-numbered year, except that any member who is appointed to
25 fill a permanent vacancy shall serve for the unexpired term of the original appointee.

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1 One member of the board of canvassers shall belong to a political party other than
2 the clerk's. If The county clerk shall designate a deputy clerk who shall perform the
3 clerk's duties as a member of the board of canvassers in the event that the county
4 clerk's office is vacant, if the clerk cannot perform his or her duties, or if the clerk is
5 a candidate at an election being canvassed, the county clerk shall designate a deputy
6 clerk to perform the clerk's duties. If the county clerk and designated deputy clerk
7 are both unable to perform their duties, the county executive or, if there is no county
8 executive, the chairperson of the county board of supervisors shall designate another
9 qualified elector of the county to perform the clerk's duties. If a member other than
10 the clerk cannot perform his or her duties, the clerk shall appoint another member
11 to serve. No person may serve on the county board of canvassers if the person is a
12 candidate for an office to be canvassed by that board. If lists of candidates for the
13 county board of canvassers are submitted to the county clerk by political party county
14 committees, the lists shall consist of at least 3 names and the clerk shall choose the
15 board members from the lists. Where there is a county board of election
16 commissioners, it shall serve as the board of canvassers. If the county board of
17 election commissioners serves as the board of canvassers, the executive director of
18 the county board of election commissioners shall serve as a member of the board of
19 canvassers to fill a temporary vacancy on that board.

20 **SECTION 19.** 8.15 (4) (a) of the statutes is amended to read:

21 8.15 (4) (a) The certification of a qualified elector stating his or her residence
22 with street and number, if any, shall appear at the bottom of each nomination paper,
23 stating he or she personally circulated the nomination paper and personally
24 obtained each of the signatures; he or she knows they are electors of the ward,
25 aldermanic district, municipality or county, as the nomination papers require; he or

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1 she knows they signed the paper with full knowledge of its content; he or she knows
2 their respective residences given; he or she knows each signer signed on the date
3 stated opposite his or her name; and, that he or she, the circulator, resides within the
4 district which the candidate named therein will represent, if elected; that he or she
5 intends to support the candidate; and that he or she is aware that falsifying the
6 certification is punishable under s. 12.13 (3) (a), Wis. stats. The circulator shall
7 indicate the date that he or she makes the certification next to his or her signature.
8 The certification may be made by the candidate or any qualified elector.

9 **SECTION 20.** 8.15 (9) of the statutes is repealed.

10 **SECTION 21.** 8.20 (10) of the statutes is repealed.

11 **SECTION 22.** 8.21 of the statutes is amended to read:

12 **8.21 Declaration of candidacy.** Each candidate, except a candidate for
13 presidential elector under s. 8.20 (2) (d), shall file a declaration of candidacy, no later
14 than the latest time provided for filing nomination papers under s. 8.10 (2) (a), 8.15
15 (1), 8.20 (8) (a) or 8.50 (3) (a), or the time provided under s. 8.16 (2) or 8.35 (2) (c).
16 A candidate shall file the declaration with the officer or agency with which
17 nomination papers are filed for the office which the candidate seeks, or if nomination
18 papers are not required, with the clerk or board of election commissioners of the
19 jurisdiction in which the candidate seeks office. The declaration shall be sworn to
20 before any officer authorized to administer oaths. The declaration shall contain the
21 name of the candidate in the form specified under s. 8.10 (2) (b) for candidates for
22 nonpartisan office or s. 8.15 (5) (a) or 8.20 (2) (a) for candidates for partisan office,
23 and shall state that the signer is a candidate for a named office, that he or she meets
24 or will at the time he or she assumes office meet applicable age, citizenship, residency
25 or voting qualification requirements, if any, prescribed by the constitutions and laws

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1 of the United States and of this state, and that he or she will otherwise qualify for
2 office if nominated and elected. The declaration shall include the candidate's name
3 in the form in which it will appear on the ballot. Each candidate for state and local
4 office shall include in the declaration a statement that he or she has not been
5 convicted of any ~~infamous crime~~ misdemeanor designated under state or federal law
6 as a violation of the public trust or any felony for which he or she has not been
7 pardoned ~~and a list of all felony convictions for which he or she has not been~~
8 ~~pardoned~~. In addition, each candidate for state or local office shall include in the
9 declaration a statement that discloses his or her municipality of residence for voting
10 purposes, and the street and number, if any, on which the candidate resides. The
11 declaration is valid with or without the seal of the officer who administers the oath.
12 A candidate for state or local office shall file an amended declaration under oath with
13 the same officer or agency if any information contained in the declaration changes
14 at any time after the original declaration is filed and before the candidate assumes
15 office or is defeated for election or nomination.

16 **SECTION 23.** 8.40 (2) of the statutes is amended to read:

17 8.40 (2) The certification of a qualified elector stating his or her residence with
18 street and number, if any, shall appear at the bottom of each separate sheet of each
19 petition specified in sub. (1), stating that he or she personally circulated the petition
20 and personally obtained each of the signatures; that the circulator knows that they
21 are electors of the jurisdiction or district in which the petition is circulated; that the
22 circulator knows that they signed the paper with full knowledge of its content; that
23 the circulator knows their respective residences given; that the circulator knows that
24 each signer signed on the date stated opposite his or her name; that the circulator
25 resides within the jurisdiction or district in which the petition is circulated; and that

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1 the circulator is aware that falsifying the certification is punishable under s. 12.13
2 (3) (a). The circulator shall indicate the date that he or she makes the certification
3 next to his or her signature.

4 **SECTION 24.** 9.10 (2) (e) 3. of the statutes is amended to read:

5 9.10 (2) (e) 3. The signature is dated after the date of the notarization
6 certification contained on the petition sheet.

7 **SECTION 25.** 9.10 (2) (em) 4. and 5. of the statutes are repealed.

8 **SECTION 26.** 9.10 (2) (o) of the statutes is repealed.

9 **SECTION 27.** 9.10 (2) (r) 1. to 3. of the statutes are repealed.

10 **SECTION 28.** 9.10 (4) (a) of the statutes is amended to read:

11 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town
12 or school district official, is offered for filing, the officer against whom the petition is
13 filed may file a written challenge with the municipal clerk, school district clerk, or
14 board of election commissioners ~~or school district clerk~~ with whom it is filed,
15 specifying any alleged insufficiency. If a challenge is filed, the petitioner may file a
16 written rebuttal to the challenge with the clerk or board of election commissioners
17 within 5 days after the challenge is filed. If a rebuttal is filed, the officer against
18 whom the petition is filed may file a reply to any new matter raised in the rebuttal
19 within 2 days after the rebuttal is filed. Within 14 days after the expiration of the
20 time allowed for filing a reply to a rebuttal, the clerk or board of election
21 commissioners shall file the certificate or an amended certificate. Within 31 days
22 after the petition is offered for filing, the clerk or board of election commissioners
23 shall determine by careful examination of the face of the petition whether the
24 petition is sufficient and shall so state in a certificate attached to the petition. If the
25 petition is found to be insufficient, the certificate shall state the particulars creating

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1 the insufficiency. The petition may be amended to correct any insufficiency within
2 5 days following the affixing of the original certificate. Within 2 days after the
3 offering of the amended petition for filing, the clerk or board of election
4 commissioners shall again carefully examine the face of the petition to determine
5 sufficiency and shall attach to the petition a certificate stating the findings.
6 Immediately upon finding an original or amended petition sufficient, ~~except in cities~~
7 ~~over 500,000 population, the municipal clerk or school district clerk~~ board of election
8 commissioners shall ~~transmit the petition to the governing body or to the school~~
9 ~~board. Immediately upon finding an original or amended petition sufficient, in cities~~
10 ~~over 500,000 population, the board of election commissioners shall file the petition~~
11 ~~in its~~ the office of the clerk or board of election commissioners.

12 **SECTION 29.** 9.10 (4) (d) of the statutes is renumbered 9.10 (4) (d) 1. and
13 amended to read:

14 9.10 (4) (d) 1. ~~The governing body, school board~~ Except as provided in subd. 2.,
15 promptly upon filing of a certificate under par. (a), the municipal clerk, school district
16 clerk, or board of election commissioners upon receiving the certificate shall call an
17 a recall election. The recall election shall be held on the Tuesday of the 6th week
18 commencing after the date of that the certificate. ~~If is filed, except that if~~ Tuesday
19 is a legal holiday, the recall election shall be held on the first day after Tuesday which
20 is not a legal holiday.

21 **SECTION 30.** 9.10 (4) (d) 2. of the statutes is created to read:

22 9.10 (4) (d) 2. The clerk or board of election commissioners under subd. 1. may
23 not call a recall election for an office to be filled at the spring election later than
24 February 1 in the year of that election.

25 **SECTION 31.** 10.06 (3) (am) of the statutes is amended to read:

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1 10.06 (3) (am) As soon as possible following the deadline for filing nomination
2 papers for any municipal election when there is to be an election for a county or state
3 office or a county or statewide referendum, but no later than ~~2~~ 3 days after such
4 deadline, the municipal clerk of each municipality in which voting machines or
5 ballots containing the names of candidates for both local offices and national, state
6 or county offices are used shall certify the list of candidates for municipal office to the
7 county clerk if a primary is required, unless the municipality prepares its own ballots
8 under s. 7.15 (2) (c).

9 **SECTION 32.** 10.06 (3) (bm) of the statutes is amended to read:

10 10.06 (3) (bm) As soon as possible following the municipal canvass of the
11 primary vote or the qualification of the candidates under s. 8.05 (1) (j) when a
12 municipal caucus when is held, if there is to be an election for a county or state office
13 or a county or statewide referendum, but no later than ~~2~~ 3 days after such date, the
14 municipal clerk of each municipality in which voting machines or ballots containing
15 the names of candidates for both local offices and national, state or county offices are
16 used shall certify the list of candidates for municipal office and municipal referenda
17 appearing on the ballot to the county clerk, unless the municipality prepares its own
18 ballots under s. 7.15 (2) (c).

19 **SECTION 33.** 11.21 (3) of the statutes is amended to read:

20 11.21 (3) Prepare and publish for the use of persons required to file reports and
21 statements under this chapter a manual setting forth simply and concisely
22 recommended uniform methods of bookkeeping and reporting. ~~The board shall~~
23 ~~furnish a copy of the manual without charge, upon request, to all persons who are~~
24 ~~required to file reports or statements with the board, and shall distribute or arrange~~
25 ~~for the distribution of copies of the manual for use by other filing officers.~~

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1 **SECTION 34.** 11.21 (14) of the statutes is amended to read:

2 11.21 (14) Prepare, publish and periodically revise as necessary a manual
3 simply and concisely describing the filing and registration requirements established
4 in this chapter in detail, as well as other major provisions of this chapter and ch. 12.
5 ~~The board shall furnish a copy of the manual without charge, upon request, to all~~
6 ~~persons who are required to file reports or statements with the board, and shall~~
7 ~~distribute or arrange for the distribution of copies of the manual for use by other~~
8 ~~filing officers.~~

9 **SECTION 35.** 118.15 (3) (d) of the statutes is created to read:

10 118.15 (3) (d) Any child excused in writing by his or her parent or guardian and
11 by the principal of the school that the pupil attends for the purpose of serving as an
12 election official under s. 7.30 (2) (am). The principal shall allow the pupil to take
13 examinations and complete course work missed during the pupil's absences under
14 this paragraph. The principal shall promptly notify the municipal clerk or the board
15 of election commissioners of the municipality that appointed the pupil as an election
16 official if the pupil ceases to be enrolled in school.

17 **SECTION 36.** 755.01 (4) of the statutes is amended to read:

18 755.01 (4) Two or more cities, towns or villages of this state may enter into an
19 agreement under s. 66.0301 for the joint exercise of the power granted under sub. (1),
20 except that for purposes of this subsection, any agreement under s. 66.0301 shall be
21 effected by the enactment of identical ordinances by each affected city, town or
22 village. Electors of each municipality entering into the agreement shall be eligible
23 to vote for the judge of the municipal court so established. If a municipality enters
24 into an agreement with a municipality that already has a municipal court, the
25 municipalities may provide by ordinance or resolution that the judge for the existing

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1 municipal court shall serve as the judge for the joint court until the end of the term
2 or until a special election is held under s. 8.50 (4) (fm). Each municipality shall adopt
3 an ordinance or bylaw under sub. (1) prior to entering into the agreement. The
4 contracting municipalities need not be contiguous and need not all be in the same
5 county. ~~The~~ Upon entering into or discontinuing such an agreement, the contracting
6 municipalities shall ~~notify~~ each transmit a certified copy of the ordinance or bylaw
7 effecting or discontinuing the agreement to the appropriate filing officer under s.
8 11.02 (3e) ~~when the joint court is created~~. When a municipal judge is elected under
9 this subsection, candidates shall be nominated by filing nomination papers under s.
10 8.10 (6) (bm), and shall register with the filing officer specified in s. 11.02 (3e).

SECTION 37. Initial applicability.

12 (1) The treatment of section 9.10 (4) (a) and (d) of the statutes first applies with
13 respect to petitions for recall of officers that are offered for filing on the effective date
14 of this subsection.

SECTION 38. Effective date.

16 (1) This act takes effect on May 31, 2002.

17 (END)