

## CHAPTER 12

## CORRUPT PRACTICES RELATING TO ELECTIONS

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**12.01 Definition of terms.** The following words and phrases as used in this chapter shall be construed as follows:

(1) Any act shall be deemed to have been done for "political purposes" when the act is of a nature, is done with the intent, or is done in such a way, as to influence or tend to influence, directly or indirectly, voting at any election or primary, or on account of any person having voted, or refrained from voting, or being about to vote or refrain from voting at any election or primary.

(2) The term "candidate" shall mean and include every person for whom it is contemplated or desired that votes may be cast at any election or primary, and who either tacitly or expressly consents to be so considered, except candidates for president and vice president of the United States.

(3) The term "disbursement" shall mean and include every act by or through which any money, property, office or position or other thing of value passes or is directly or indirectly conveyed, given, provided, paid, expended, promised, pledged, contributed or lent, and also any money, property, office or

position or other thing of value so given, provided, paid, expended, promised, pledged, contributed or lent.

(4) The term "filing officer," when used with reference to any candidate, shall be construed to mean the officer who is authorized by law to issue a certificate of nomination or election to such candidate, if he be successful. If there be no officer authorized to issue such certificate of nomination or election, then such term shall be construed to mean the clerk of the town, city or village in which such candidate resides.

(5) Any act concerning or affecting caucuses or elections which has been declared by Title II to be an "offense" shall also be an offense when the act concerns or relates to primaries, and shall be punished in the same form and manner and to the same extent.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (5) is a restatement of s. 5.012 (3). (Bill No. 755-A)

**12.02 Acceptance of unlawful political disbursements.** (1) No person shall receive or accept any money, property or other thing of value, or any promise or pledge thereof,

constituting a disbursement made for political purposes contrary to law.

(2) In any prosecution for the violation of this section, it shall be a defense if the accused person shall prove that he had neither knowledge that such disbursement constituted a disbursement made for political purposes contrary to law, nor any reasonable cause to believe that it constituted such disbursement.

**12.03 Disbursements by candidates, how made.** No candidate shall make any disbursement for political purposes except under his personal direction which for every purpose shall be considered his act, through a party committee, or through a personal campaign committee, whose authority to act shall be filed, as provided in s. 12.04.

**12.04 Appointment of personal campaign committee; presumption of authority.** Any candidate may select a single personal campaign committee to consist of one or more persons. Before any personal campaign committee shall make any disbursement in behalf of any candidate, or shall incur any obligation, express or implied, to make any disbursement in his behalf, it shall file with the filing officer of such candidate, a written statement, signed by such candidate, setting forth that such personal campaign committee has been appointed and giving the name and address of each member thereof, and the name and address of the secretary thereof. If such campaign committee consists of only one person, such person shall be deemed the secretary thereof. Any candidate may revoke the selection of any member of such personal campaign committee by a revocation in writing which, with proof of personal service on the member whose selection is so revoked, shall be filed with the filing officer of such candidate. Such candidate may fill the vacancy thus created in the manner in which an original appointment is made. In civil actions and proceedings brought under this chapter, the acts of every member of such personal campaign committee shall be presumed to be with the knowledge and approval of the candidate, until it has been clearly proved that the candidate did not have knowledge of and approve the same, and that, in the exercise of reasonable care and diligence, he could not have had knowledge of and opportunity to disapprove the same.

**12.06 Legal disbursements by candidates.** (1) No candidate shall make any disbursement for political purposes except:

(a) For his own personal hotel and traveling expenses and for postage, telegraph and telephone expenses.

(b) For payments which he may make to the state pursuant to law.

(c) For contributions to his duly registered personal campaign committee.

(d) For contributions to his party committee.

(e) For necessary expenses, incident to the furnishing of and printing political advertising upon paper book matches and the distribution thereof.

(f) For the purposes enumerated in s. 12.07, when such candidate has no personal campaign committee, but not otherwise.

(2) After the primary, no candidate for election to the United States senate shall make any disbursement in behalf of his candidacy, except contributions to his party committees, for his own actual necessary personal traveling expenses, and for postage, telephone and telegraph expenses, and for payments which he may make to the state pursuant to law.

**12.07 Legal disbursements by committees.** No party committee nor personal campaign committee shall make any disbursement except:

(1) For maintenance of headquarters and for hall rentals, incident to the holding of public meetings.

(2) For necessary stationery, postage and clerical assistance to be employed for the candidate at his headquarters or at the headquarters of the personal campaign committee, incident to the writing, addressing and mailing of letters and campaign literature.

(3) For necessary expenses, incident to the furnishing and printing of badges, banners and other insignia, to the printing and posting of handbills, posters, lithographs and other campaign literature, and the distribution thereof through the mails or otherwise.

(4) For campaign advertising in newspapers, periodicals or magazines, as provided in this chapter.

(5) For wages and actual necessary personal expenses of public speakers.

(6) For traveling expenses of members of party committees or personal campaign committees.

(7) For necessary expenses, incident to the furnishing of and printing political advertising upon paper book matches and the distribution thereof.

**12.08 Time for presentation and payment of bills.** Every person who shall have any

bill, charge or claim upon or against any personal campaign committee, any party committee or any candidate, for any disbursement made, services rendered, or thing of value furnished, for political purposes, or incurred in any manner in relation to any primary or election, shall render in writing to such committee or candidate such bill, charge or claim within 10 days after the day of the election or primary in connection with which such bill, charge or claim was incurred. No candidate and no personal campaign or party committee shall pay any bill, charge or claim so incurred prior to any primary or election, which is not so presented within 10 days after such primary or election.

**12.09 Receipts and disbursements by candidates and committees.** (1) Every candidate, the secretary of every personal campaign committee and the secretary of every statutory party committee shall on the Tuesday preceding any primary or election and on the Tuesday following any primary or election, file a financial statement verified upon the oath of such candidate or upon the oath of the secretary of such committee, as the case may be, which statement shall cover all transactions not accounted for and reported upon in statements theretofore filed. Each statement after the first shall contain a summary of all preceding statements, and summarize all items theretofore reported under sub. (3). The mailing of such statement within the required time, addressed to the proper filing office, shall be sufficient proof of filing of such statement. Candidates for party committeemen representing each political party shall be exempt from filing a financial statement on the Tuesday preceding any primary or election, but shall file a financial statement on the Tuesday following any primary or election.

(2) The statement of every candidate and the statement of his personal campaign committee shall be filed with the filing officer of such candidate. The statement of every state central committee and of every congressional committee shall be filed with the secretary of state. The statement of every party committee for a state senatorial district, or for an assembly district, shall be filed with the filing officer of the candidate for state senator or assemblyman in such district. The statement of every other party committee shall be filed in the office of the county clerk of the county for which or for a subdivision of which it is the party committee.

(3) Except as provided in s. 12.20 (1) (intro. par.), each such statement shall be

typewritten or printed in legible fashion and shall give in full detail:

(a) Every contribution whether it is a sum of money and all property, or other thing of value, over \$5 in amount or value, received by such candidate or committee during such period from any source whatsoever which he, or such committee on his behalf, uses or has used, or is at liberty to use for political purposes, together with the full and accurate name and residence address of the particular person or organization from which such contribution was received, the specific purpose for which each was received, and the date when each was received, together with the total amount received from all sources in any amounts or manner whatsoever.

(b) Every promise or pledge of money, property or other thing of value, over \$5 in amount or value, received by such candidate or committee during such period the proceeds of which he or such committee on his behalf uses or has used, or is at liberty to use for political purposes, together with the full and accurate name and residence address of the particular person or organization by whom each was promised or pledged, the specific purposes for which each was promised or pledged, and the date when each was so promised or pledged, together with the total amount promised or pledged from all sources in any amounts or manner whatsoever.

(c) Every disbursement over \$5 in amount or value made by such candidate or committee for political purposes during such period, together with the name of every person to whom the disbursement is made, the specific purpose for which each was made, and the date when each was made, together with the total amount of disbursements made in any amounts or manner whatsoever.

(d) Every obligation, express or implied, to make any disbursement, over \$5 in amount or value, including all indorsements, undertakings and guaranties of obligations or payments to be made in the future, incurred by such candidate or committee for political purposes during such period, together with the names of the person or persons to or with whom each such obligation has been incurred, the specific purpose for which each was made, and the date when each was incurred, together with the total amount of such obligations made in any amounts or manner whatsoever.

(e) In the event there are no receipts, disbursements or obligations, candidates and committees shall file statements at the usual time to that effect.

(4) (a) Blanks for all statements required by this section shall be prepared by the secretary of state and copies thereof, together with either a copy of this chapter, or a copy of the election laws, shall be furnished by the secretary of state and the county clerk in their respective filing districts to the secretary of every personal campaign committee and to the secretary of every party committee and to every candidate upon the filing of nomination papers, and to all other persons required by law to file such statements who may apply therefor.

(b) The secretary of state, county clerk or other filing officer with whom the expense account of any committee or candidate for public office is required by any law of this state to be filed, shall, at least 10 days before any election or primary notify such candidate or committee of the dates fixed by law for filing said statements and shall inclose the necessary blanks. He shall also notify such committee or candidate of failure to comply with such law immediately upon the expiration of the time fixed by any law of this state for the filing of the same, and shall inclose blank forms for the affidavit and order of court required under s. 12.10. If the delinquent statement is not received within 10 days from the last day allowed for filing under s. 12.10, the filing officer shall notify the district attorney of the county where such candidate or secretary of committee resides of the fact of his failure to file, and said district attorney shall thereupon prosecute such candidate or secretary.

(5) (a) Any corporation, association, organization, committee, club or group, which in this state advocates, indorses or opposes any political party, faction or group or any candidate for any office, or any constitutional amendment or measures to be voted on by the people, or which through paid advertisements advocates or opposes any governmental action, measure or policy, shall before making any expenditures or receiving contributions for such purposes, file a verified statement giving its name, the name and address of each of its officers, and in general terms the nature of its organization, the sources of its income and the purposes for which it expects to make expenditures or receive contributions. Such statement shall be filed with the secretary of state, if it proposes to make expenditures in more than one county or in advocacy or opposition to any candidate or measure voted upon in or affecting more than one county and in all other cases it shall be filed with the county or local clerk, as the case may be.

(b) Such corporations, associations, organizations, committees, clubs or groups shall also file with the secretary of state, county clerk or local clerk, as the case may be, a verified statement setting forth in detail the names and amounts of all contributors of over \$5 to any fund raised or money expended for the political purposes mentioned in par. (a), and the total of all contributions for such purposes, whether \$5 or less, together with an itemized statement of all expenditures and all liabilities incurred. Such statements shall be filed on the Tuesday preceding any primary or election in which such corporation, association, organization, committee, club or group has made any expenditures or received any contributions for political purposes, and a final statement shall be filed within 2 weeks after such primary or election. A similar statement shall be filed on the 2nd Tuesday in July of each year, if expenditures have been made or liabilities incurred for political purposes since the filing of the last preceding statement aggregating \$500 or more.

(c) The statement and reports required by this subsection shall be made by the chief executive officer or other officer charged with the duty of receiving and disbursing money on behalf of such corporation, association, organization, committee, club or group.

**History:** 1961 c. 449, 502, 622; 1963 c. 354; 1965 [13.93 (1) (d)].

**12.10 Candidate neglecting to file accounts omitted from ballot.** The name of a candidate chosen at a primary or otherwise shall not be certified or printed on the official ballot for the ensuing elections, unless there has been filed by or on behalf of said candidate and by his personal campaign committee, if any, the statements of accounts and expenses relating to nominations required by this chapter up to the time for such certification. The foregoing shall not prevent the placing of the name of a candidate upon the official ballot if such statement shall be filed at least 60 days before the primary, or within 7 days after the latest time otherwise provided by law, accompanied by an order approving such filing, which may be made by the presiding judge of any court of record of this state, upon his being satisfied of the truth of an affidavit made by the candidate or by a member of his personal or campaign committee, in his behalf and duly authorized by him, setting forth the facts with regard to the omission to file such statement and showing that such omission was not intentional, which affidavit shall accompany such order and both be filed with such statement. On

the petition of any elector entitled to vote for or against such candidate such order may be reviewed and set aside in a proceeding as provided in s. 12.22.

History: 1965 [13.93 (1) (f), (h)].

**12.12 Solicitation of contributions from candidates or committees; publication of pledges.** (1) No person, firm, corporation, association or committee therefor or member thereof, shall demand, solicit, take, invite or receive from any candidate, from any personal campaign committee or member thereof, or from any party committee or member thereof, any payment or contribution or obligation, express or implied, for payment or contribution of money or thing of value for any religious, charitable or fraternal cause or organization, except for personal campaign committees or regular party committees.

(2) No such candidate, committee or member thereof, shall make or promise or intimate that he will or may make such payment or contribution in the future.

(3) Nothing herein contained shall prohibit the payment of the regular subscription or contribution by any person to an organization of which he is a member, or to which he may have been a regular contributor, prior to his candidacy or membership on such committee, nor the ordinary contributions at a regular church service.

**12.13 Disbursements on primary or election days.** No person nor personal campaign or party committee shall pay or incur any obligation, express or implied, to pay, any sum of money or thing of value whatever, for services to be performed on the day of any primary or election, in behalf of any candidate, party or measure, to be voted upon at said primary or election; or for any political service performed on such day, or for any loss of time or damage suffered by attendance at the polls at the primary or election, or in registering for voting, or for the expense of transportation of any voter to or from the polls on such day.

This section cannot constitutionally be applied to ban publication or distribution of campaign advertising on election day. 55 Atty. Gen. 133.

**12.14 Campaign matter or political advertisements.** (1) (a) No publisher of a newspaper or other periodical shall publish, either in the advertising column of such newspaper or periodical or elsewhere therein, any matter paid for or to be paid for which is intended or tends to influence, directly or indirectly, any voting at any election or primary, unless at the head of said printed matter is printed the words "Advertisement To Be Paid For" or "Paid Advertisement," as the

case is, and the name, given and surname, and address of the candidate in whose behalf the matter is inserted, and of any other person, if any, authorizing the publication and the name, given and surname, of the author thereof.

(b) No licensee, agent or employe of any radio or television station shall broadcast or cause to be broadcast over any radio or television facilities, any matter, paid for or to be paid for, which is intended or tends to influence, directly or indirectly, any voting at any election or primary unless an announcement shall be made at either the beginning or conclusion of any program in which such material is used that the time is paid for and shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf payment for such services is made or is to be made and the full name of any candidate on whose behalf the matter is broadcast.

(2) Every person occupying any office or position under the constitution or laws of this state, or under any ordinance of any town or municipality therein, or under the constitution or laws of the United States, the annual income of which shall exceed \$300, and every candidate, every member of any personal campaign or party committee, who shall either in his own name, or in the name of any other person, own any financial interest in, any newspaper or periodical, circulating in part or in whole in Wisconsin, or in any radio or television station located in Wisconsin, shall, before such newspaper or periodical shall print, or such station shall broadcast, any matter otherwise than as is provided in sub. (1), which is intended or tends to influence, directly or indirectly, any voting at any election or primary in this state, file in the office of the county clerk of the county in which he resides a verified declaration, stating definitely the newspaper, periodical, radio or television station in which or over which he has such financial interest or control, and the exact nature and extent of such interest or control. The editor, manager or other person controlling the publication of any such newspaper or article, or the broadcasting from any such station, who shall print or cause to be printed or broadcast or cause to be broadcast any such matter contrary to this chapter, prior to the filing of such verified declaration from every person required by this subsection to file such declaration, shall be deemed guilty of a violation hereof.

History: 1965 [13.93 (1) (e)].

**12.15 Compensation for political service.**

(1) (a) No owner, publisher, editor, reporter, agent or employe of any newspaper or other periodical shall, directly or indirectly, solicit, receive or accept any payment, promise or compensation, nor shall any person pay or promise to pay, or in any manner compensate any such owner, publisher, editor, reporter, agent or employe, directly or indirectly, for influencing or attempting to influence through any matter printed in such newspaper any voting at any election or primary through any means whatsoever, except through the matter published as "Advertisement to Be Paid For" or "Paid Advertisement," as the case is, and so designated as provided by law.

(b) No licensee, agent or employe of any radio or television facility shall, directly or indirectly, solicit, receive or accept any payment, promise or compensation, nor shall any person pay or promise to pay, or in any manner compensate any such licensee, agent or employe, directly or indirectly, for influencing or attempting to influence through any matter broadcast from such facilities any voting at any election or primary through any means whatsoever, except through matter broadcast as provided in s. 12.14 (1) (b).

(2) No person or corporation, within the state, publishing a newspaper or other periodical or operating a radio station or network of stations shall receive for political advertising or for political broadcasts, a rate in excess of the rate or rates regularly charged by such person or corporation for commercial advertising or for commercial broadcasts of similar character and classification and no candidate or political committee shall pay for political advertising or broadcasts any rate or charge in excess of such rate or rates regularly charged.

History: 1965 [13.93 (1) (d)].

**12.16 Campaign literature must disclose author and candidate.**

No person shall publish, issue or circulate or cause to be published, issued or circulated otherwise than in a newspaper, as provided in s. 12.14 (1), any literature or any publication tending to influence voting at any election or primary, which fails to bear on the face thereof the given name, surname and address of the author, the given name and surname of the candidate in whose behalf the same is published, issued or circulated, and the given name, surname and address of any other person causing the same to be published, issued or circulated.

History: 1965 c. 45.

**12.17 False statements affecting candidates.**

No person, firm or corporation shall knowingly make or publish, or cause to be made or published, any false statement in relation to any candidate, which statement is intended or tends to affect any voting at any primary or election.

To constitute a violation of this section it is necessary that the statements concerning a candidate be false, knowingly made or published, and be intended to or tend to affect the voting at an election; they must be statements of fact, not conclusions or opinions. To constitute the basis of an ouster from office under 12.24 the violation must be deliberate, wilful, and substantial, for the remedy of ouster is not available for insubstantial or technical violations which would not affect the result of the election, nor is the law intended to be a trap for the innocent or unwary candidate. State ex rel. Skibinski v. Tadych, 31 W (2d) 189, 142 NW (2d) 838.

**12.18 Offers of public or private employment.**

No person shall, in order to aid or promote his nomination or election, directly or indirectly, himself or through any other person, appoint or promise to appoint any person, or secure or promise to secure or aid in securing the appointment, nomination or election of any person to any public or private position or employment, or to any position of honor, trust or emolument. Nothing herein contained, however, shall prevent a candidate from stating publicly his preference for or support of any other candidate for any office to be voted for at the same primary or election; nor prevent a candidate, for any office in which the person elected will be charged with the duty of participating in the election or the nomination of any person as a candidate for any office, from publicly stating or pledging his preference for or support of any person for such office or nomination.

**12.19 Threats of loss of employment.**

No person being an employer or acting for or in behalf of any employer shall give, distribute or cause to be given or distributed to any of his employes, any printed or written matter containing any threat, notice or information, that in case any particular ticket of a political party or organization or candidate shall be elected, or any measure referred to a vote of the people, shall be adopted, work in his place or establishment will cease, in whole or in part, or his place or establishment be closed up, or the salaries or wages of his workmen or employes be reduced, or other threats, expressed or implied, intended or calculated to influence the political opinions or actions of his workmen or employes.

**12.20 Limitation of expenditures by candidates.**

(1) The amounts specified in this section apply, separately, to each primary election campaign and to each general election cam-

paign, and each limit applies to each campaign separately. In addition to such amounts, each candidate may, once during the primary election campaign and once more during the general election campaign, buy a total of one-fourth page of political advertising, or its space equivalent in separate, smaller political advertising, in newspapers having circulation within the district in which he is a candidate, and make the disbursements necessary for the mailing of one communication to voters in the district. These additional amounts are excluded from the limit on the candidate's total expenditures for each such campaign, but must be reported. In any such campaign, no disbursement shall be made and no obligation, express or implied, to make such disbursement, shall be incurred by or on behalf of any candidate for any office under the constitution or laws of this state, or under the ordinance of any town or municipality of this state, which shall be in excess of the amounts specified in this section for such campaign namely:

- (a) For United States senator, \$10,000.
- (b) For representative in congress, \$2,500.
- (c) For governor, \$10,000. For judge of the supreme court or state superintendent of schools, \$10,000.
- (d) For other state officers, \$10,000.
- (e) For state senator, \$1,000.
- (f) For member of assembly, \$400.
- (g) For presidential elector at large, \$1,000, and for presidential elector for any congressional district, \$300.

(h) For any county, city, village or town officer, for any judge or for any officer not hereinbefore mentioned, who, if nominated and elected, would receive a salary, a sum not exceeding one-third of the salary to which such person would, if elected, be entitled during the first year of his incumbency of such office. If such person when nominated and elected, would not receive a salary, a sum not exceeding one-third of the compensation which his predecessor received during the first year of such predecessor's incumbency. If such officer, when nominated and elected, would not receive a salary and if such officer had no predecessor, and in all cases not specifically provided for, \$25 and no more.

(2) Any candidate may delegate to his personal campaign committee or to any party committee of his party, in writing duly subscribed by him, the expenditure of any portion of the total disbursements which are authorized to be incurred by him or on his behalf, by this section, but the total of all disbursements by himself, by his personal cam-

paign committee in his behalf, by all party committees in his behalf, or otherwise made in his behalf, shall not exceed in the aggregate the amounts in this section specified, except as provided in s. 12.21.

**History:** 1961 c. 502; 1965 c. 211; 1965 [13.93 (1) (e)].

**12.21 Limitation of expenditures by committees.** (1) No disbursement shall be made and no obligation, express or implied, to make such disbursement, shall be incurred by or on behalf of any party committee, or by or on behalf of any personal campaign committee, exceeding in the aggregate the total amounts theretofore delegated to such committee in writing, duly subscribed as provided in s. 12.20.

(2) The state central committee of any political party entitled by law to have the names of its candidates placed upon the official ballot in a general election may, however, in addition to the disbursements and obligations to make disbursements provided for in sub. (1), make further disbursements in connection with any general election, not exceeding in the aggregate the sum of \$10,000, and every disbursement in excess of that amount is forbidden.

**History:** 1965 [13.93 (1) (d)].

**12.22 Special proceedings and counsel to prosecute violations.** (1) If any elector of the state shall have within his possession information that this chapter has been violated by any candidate for which such elector had the right to vote, or by any personal campaign committee of such candidate, or any member thereof, he may, by verified petition apply to the county judge of the county in which such violation has occurred, to the attorney general of the state, or to the governor of the state, for leave to bring a special proceeding to investigate and determine whether or not there has been such violation by such candidate or by such committee or member thereof, and for appointment of special counsel to conduct such proceeding in behalf of the state.

(2) If it appears from such petition or otherwise that such candidate, committee or member thereof has violated this chapter, and that sufficient evidence is obtainable to show that there is probable cause to believe that such proceeding may be successfully maintained, then the judge or attorney general or governor, as the case may be, shall summon the candidate, committee or member thereof, petitioner and adverse witnesses, before him not more than 10 days after such petition is

filed, to conduct an informal hearing to give the candidate being accused of corrupt practices an opportunity to challenge and answer the allegations made in the petition and to confront the petitioner and adverse witnesses, and if there is probable cause to believe that such proceedings may be successfully maintained, then he shall grant leave to bring such proceeding and shall appoint special counsel to conduct such proceeding.

(3) If such leave be granted and such counsel appointed such elector may, by a special proceeding brought in the circuit court in the name of the state upon the relation of such elector, investigate, and said court shall determine whether or not such candidate, committee or member thereof, has violated this chapter; but nothing contained in this chapter shall be considered as limiting in any way the effect, or as preventing the operation, of any other existing remedy.

**History:** 1961 c. 296; 1965 [13.93 (1) (e)].

**12.23 Process; pleadings; trial; evidence; costs.** (1) In such proceeding the complaint shall be served with the summons, and shall set forth the name of the person whose election is contested, and the grounds of the contest in detail, and shall not thereafter be amended except by leave of the court. The summons and complaint in the proceeding shall be filed within 5 days after service thereof.

(2) The answer to the complaint shall be served and filed within 10 days after the service of the summons and complaint. Any allegation of new matter in the answer shall be deemed controverted by the adverse party without reply, and thereupon said proceeding shall be at issue and stand ready for trial upon 5 days' notice of trial.

(3) All such proceedings shall have precedence over any civil cause of a different nature pending in such court, and the same shall be tried and determined the same as civil actions are tried and determined.

(4) If more than one proceeding is pending or the election of more than one person is investigated and contested, the court may, in its discretion, order the proceedings consolidated and heard together and may equitably apportion costs and disbursements.

(5) The parties to such proceedings may invoke ss. 885.14 and 887.12, but 2 days' notice of the taking of the deposition of any witness shall be sufficient notice thereof.

(6) In all such proceedings either party shall have the right of change of venue, as provided by law in civil actions, but application for such change must be made within

5 days after service of summons and complaint, and the order for such change shall be made within 3 days after the making of such application and the papers transmitted forthwith, and any neglect of the moving party to procure such transmission within such time shall be a waiver of his right to such change of venue.

(7) If judgment is in favor of the plaintiff the relator may recover his taxable costs and disbursements against the person whose right to the office is contested, but no judgment for costs shall be awarded against the relator, unless it shall appear that such proceeding has been instituted otherwise than in good faith. All costs and disbursements in such cases shall be in the discretion of the court.

**History:** 1965 [13.93 (1) (e)].

**12.24 Judgment or findings; appeal; forfeiture of office.** (1) If the court shall find that the candidate whose right to any office is being investigated, or his personal campaign committee or any member thereof has violated this chapter, in the conduct of the campaign for nomination or election, and if such candidate is not one mentioned in sub. (2), judgment shall be entered declaring void the election of such candidate to the office for which he was a candidate, and ousting and excluding him from such office and declaring the office vacant. The vacancy thus created shall be filled in the manner provided by law, but no person found to have violated this chapter shall be eligible to fill any office or to become a candidate for any office, candidates for which have been voted for at the primary or election in connection with which such violation occurred.

(2) If such proceeding has been brought to investigate the right of a candidate for member of the state senate or state assembly or for senator or representative in congress, and the court shall find that such candidate or any member of his personal campaign committee has violated this chapter, in the conduct of the campaign for nomination or election, the court shall draw its findings to such effect and shall forthwith, without final adjudication, certify his findings to the secretary of state, to be by him transmitted to the presiding officer of the legislative body, as a member of which such person is a candidate.

(3) Appeals may be taken from the determination of the court in such proceeding in the same manner as appeals may be taken as provided by law in civil actions, but the party appealing shall in no case be entitled to or obtain a stay of proceedings. No injunction



shall issue in any such proceeding suspending or staying any procedure therein or connected therewith, except upon application to the court or the presiding judge thereof, upon notice to all parties and after hearing.

(4) No judgment entered as provided for herein shall be any bar to or affect in any way any criminal prosecution of any candidate or other person.

**History:** 1965 [13.93 (1) (d), (e)].

An ouster proceeding is in its nature criminal to the extent that the defendant cannot be compelled to be a witness against himself; hence it was not error for the trial court to refuse to allow the plaintiff to call the defendant as an adverse witness. *State ex rel. Skibinski v. Tadych*, 31 W (2d) 189, 142 NW (2d) 838.

**12.25 Special counsel in supreme court.**

(1) If the judgment of the trial court is appealed from in such proceeding, the county judge, the attorney general or the governor, who made the appointment of special counsel for the trial court, shall authorize such counsel so appointed, or some other person to appear as special counsel in the supreme court in such matter.

(2) The special counsel provided for by this chapter shall receive a reasonable compensation for his services, not to exceed, however, \$25 per day for the time actually spent in conducting the proceedings in the trial court or upon appeal, and not to exceed \$10 per day for the time necessarily expended in preparation therefor. Such compensation shall be audited by the department of administration, and paid out of the state treasury upon a voucher and upon the certificate of the officer appointing such counsel to the effect that such appointment has been duly made, that the person so appointed has faithfully performed the duties imposed upon him, and that the number of days stated in such voucher have been consumed in conducting such litigation and in preparation therefor. Such compensation shall be charged to the legal expense appropriation in s. 20.455.

**History:** 1963 c. 544; 1965 c. 433 s. 121; 1967 c. 291 s. 14.

**12.26 Privilege of witness limited.** No person shall be excused from testifying in such proceeding, or in any proceeding for violation of or growing out of this chapter, on the ground that his testimony may expose him to prosecution for any crime, misdemeanor or forfeiture. But no person shall be prosecuted, or subjected to any penalty or forfeiture, except forfeiture of nomination or of election to office, for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, in such proceeding or examination,

except a prosecution for perjury committed in giving such testimony.

**History:** 1965 [13.93 (1) (e)].

**12.28 Supplemental judgment of forfeiture of office on conviction.** (1) If the successful candidate for any office under the constitution or laws of this state, or under any ordinance of any town or municipality therein, other than the office of state senator or member of assembly, shall, in a criminal action, be adjudged guilty of any violation of this chapter committed during his candidacy or election, the court shall, after entering such judgment, enter a supplemental judgment declaring a forfeiture of the defendant's right to the office and transmit to the filing officer of such candidate a transcript of such supplemental judgment. Such candidate shall not thereafter succeed to the office if his term shall not yet have begun, and the office shall become vacant if his term shall have begun and it shall be filled in the manner provided by law.

(2) If any person shall, in a criminal action, be adjudged guilty of any violation of this chapter, committed while he was a member of the personal campaign committee of the successful candidate for any such office, the court entering such judgment shall immediately thereafter enter a supplemental judgment declaring a forfeiture of the candidate's right to the office and transmit to the filing officer of such candidate a transcript of such supplemental judgment. Such candidate shall not thereafter succeed to the office if his term shall not yet have begun, and the office shall become vacant if his term shall have begun and it shall be filled in the manner provided by law.

(3) If any person shall, in a criminal action, be adjudicated guilty of any violation of this chapter, committed while he was a candidate for the office of state senator, member of the assembly, United States senator or representative in congress, or while he was a member of the personal campaign committee of any such candidate, the court, after entering such adjudication of guilty, shall forthwith transmit to the presiding officer of the legislative body for membership in which such officer was a candidate when such violation occurred, a certificate setting forth such adjudication of guilty.

**12.29 Candidate may employ counsel.**

Nothing contained in this chapter shall prevent any candidate from employing counsel to represent him in any action or proceeding, affecting his rights as a candidate, nor from

paying all costs and disbursements necessarily incident thereto. No sum so paid or incurred shall be deemed a part of the campaign expenses of any such candidate.

**12.45 Political party recognition and qualification.** (1) Notwithstanding any other provisions of this title, no party shall be recognized or qualified to participate in any election which is directly or indirectly affiliated, by any means whatsoever, with the communist party of the United States, the third communist international, or any other foreign agency, political party, organization or government which either directly or indirectly carries on, advocates, teaches, justifies, aids or abets the overthrow by any unlawful means of, or which directly or indirectly carries on, advocates, teaches, justifies, aids or abets a program of sabotage, force and violence, sedition or treason against, the government of the United States or of this state.

(2) The secretary of state shall, with the advice and consent of the attorney general, determine which parties are qualified to participate in any election. Such determination shall be subject to review under ch. 227.

(3) This section is declared to be enacted in the exercise of the police power of this state for the protection of the public peace, safety and general welfare of the residents of this state.

**History:** 1965 c. 666.  
**Legislative Council Note, 1965:** This section is a restatement of s. 6.85. (Bill No. 755-A)

**12.49 Election restrictions on employers.** (1) Any person who refuses an employe the privilege of time off for voting under s. 6.76, or who subjects an employe to a penalty therefor, or who directly or indirectly violates the provisions of s. 6.76, is guilty of a misdemeanor.

(2) No employer of labor in any city of the 1st class shall require his employes to work during the afternoon of any day on which a primary election is held in the city for the nomination of candidates for city offices, except works of necessity or charity. Any person violating this section or knowingly contributing to such violation may be fined not exceeding \$25.

(3) Any employer of labor who refuses to allow an employe to serve as an election official, or makes any threats or offers any inducements of any kind to such employe for the purpose of preventing such employe from serving, may be fined not more than \$500 or imprisoned not exceeding 9 months.

**History:** 1965 c. 666.

**Cross Reference:** See 256.17 for provision that in the city of Milwaukee the day of any municipal election is a legal holiday and the day of a primary for city offices is a half holiday; that the Milwaukee county board can provide similar holidays for county employes.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 6.047 (last sentence).

Sub. (2) is a restatement of s. 6.048.

Sub. (3) is based on s. 10.071 but is broadened in scope to include the entire state instead of just Milwaukee. (Bill No. 755-A)

**12.50 Bribery at elections.** (1) The following persons shall be deemed guilty of bribery at elections:

(a) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or offer, promise or promise to procure or endeavor to procure any money or valuable consideration, to or for any voter, to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or do any such act as aforesaid, corruptly, on account of such voter having voted or refrained from voting at any election.

(b) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise or endeavor to procure any office, place of employment, public or private, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or do any such act as aforesaid, corruptly, on account of any voter having voted or refrained from voting at any election.

(c) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person in order to induce such person to procure or endeavor to procure the election of any person to a public office, or the vote of any voter at any election.

(d) Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procure, or engage, promise or endeavor to procure the election of any person to a public office or the vote of any voter at any election.

(e) Every person who shall advance or pay or cause to be paid any money to or for the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money wholly or in part expended in bribery at any election.

(2) And any person so offending shall be

imprisoned in the state prison not less than 6 months nor more than 2 years; provided, that the foregoing shall not be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses authorized by law and bona fide incurred at or concerning any election.

**History:** 1965 [13.93 (1) (1)].

**12.51 Same subject.** The following persons shall also be deemed guilty of bribery at elections:

(1) Every voter who shall, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receive, agree or contract for any money, gift, loan or valuable consideration, office, place of employment, public or private, for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any election.

(2) Every person who shall, after any election, directly or indirectly, by himself or by any other person in his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any election; and any voter or other person so offending shall be imprisoned in the county jail not less than one month nor more than one year.

**History:** 1965 [13.93 (1) (1)].

**12.52 Use of threats, etc., on elector.**

Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of any force, violence or restraint in order to induce or compel any person to vote or refrain from voting at any election, or who shall, by abduction, duress or any fraudulent device or contrivance, impede or prevent the free exercise of the franchise at any election, or shall thereby compel, induce or prevail upon any elector either to give or refrain from giving his vote at any election for or against any particular candidate or measure, shall be imprisoned in the county jail not less than one month nor more than one year.

**History:** 1965 [13.93 (1) (1)].

**12.53 Influencing voter by promise of appointment or threat of removal.** (1) Who-

ever, while holding any public office, or in nomination for, or while seeking a nomination or appointment for, any public office, shall use or promise to use, whether directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aid any person

in securing any office or public employment or public contract or any nomination, confirmation, promotion, or increase in salary, upon a consideration or condition that the vote or political influence or action of the last-named person or any other, shall be given or used in behalf of any candidate, officer, or party, or upon any other corrupt condition or consideration, shall be deemed guilty of bribery, or an attempt at bribery as the case may be. And whoever, being a public officer or having or claiming to have, authority or influence for or affecting the nomination, public employment, confirmation, promotion, removal, increase or decrease of salary, or position of any public officer, shall use, or promise or threaten to use, any such authority or influence, directly or indirectly, in order to coerce or persuade the vote or political action of any citizen, or the removal, discharge or promotion of any officer or public employe, or upon any other corrupt consideration, shall also be guilty of bribery or of an attempt at bribery as the case may be.

(2) Every person found guilty of such bribery or of an attempt to commit the same as aforesaid, shall be fined not less than \$100 nor more than \$3,000, or imprisoned not less than 10 days nor more than 2 years, or both. The phrase "public officer" shall be held to include all public officials in this state, whether paid directly or indirectly from the public treasury of the state, or by fees or otherwise, and the phrase "public employe" shall be held to include every person not being an officer who is paid from said treasury of the state.

**History:** 1965 [13.93 (1) (1)].

**12.54 Bribery at nominating conventions and primaries.**

No person shall, directly or indirectly, himself or through another, give, or promise or offer to give, or with knowledge of the same permit to be given, promised or offered, to any elector or other person any money or thing of value of any pecuniary advantage or benefit, for the purpose of inducing or influencing such elector or other person to vote for him or for any specified person at any convention or meeting or primary held for the purpose of nominating a candidate or candidates to be voted for at an election, as a nominee of such convention or meeting or primary and a candidate to be voted for at such election; nor make any such gift, promise or offer to any elector or other person for the purpose of inducing or influencing such elector or other person to sign any nomination paper for the placing of

any specified name upon any primary ballot; nor ask, solicit or receive any money, thing of value or pecuniary advantage from any candidate or other person as a consideration or inducement for his vote at any such convention or meeting or primary; or for his signature to any such nomination paper; nor knowingly cause a nomination paper or papers to be signed in his behalf by more than the maximum number of qualified electors provided for his district by s. 8.15 (6). Every person violating this section shall be imprisoned in the county jail not more than one year or fined not exceeding \$500.

History: 1965 [13.93 (1) (e), (1)]; 1965 c. 666.

**12.55 Special privileges from public utilities.** (1) The following may be fined not more than \$1,000 or imprisoned not more than 5 years or both:

(a) Whoever offers or gives for any purpose to any candidate for public office or any political committee or member or employe thereof or to any person at the request or for the advantage of such candidate or such committee or member or employe thereof, any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property or for the transmission of any message or communication; or

(b) Any candidate for public office or any political committee or member or employe thereof who asks for or accepts from any person or uses in any manner or for any purpose any free pass or frank, or any privilege withheld from any person for the traveling accommodation or transportation of any person or property or for the transmission of any message or communication; or

(c) Any public utility or agent or officer thereof who offers or gives for any purpose to any candidate for public office or any political committee or member or employe thereof or to any person at the request or for the advantage of such candidate or such committee or member or employe thereof, any frank or any privilege withheld from any person for any product or service produced, transmitted, delivered, furnished or rendered or to be produced, transmitted, delivered, furnished or rendered by any public utility, or any free product or service whatsoever; or

(d) Any candidate for public office or any political committee or member or employe thereof who asks for or accepts or uses in any manner or for any purpose any frank or privilege withheld from any person for any product or service produced, transmitted, deliv-

ered, furnished or rendered by any public utility.

(2) In this section:

(a) "Free pass" means any form of ticket or mileage entitling the holder to travel over any part of a railroad or other public transportation system and issued to the holder as a gift or in consideration or partial consideration of any service performed or to be performed by such holder, except that it does not include such ticket or mileage when issued to an employe of the railroad or public transportation system pursuant to a contract of employment and not in excess of the transportation rights of other employes of the same class and seniority nor does it include free transportation to policemen or firemen when on duty;

(b) "Public utility" has the meaning designated in s. 196.01.

(3) This section does not apply to notaries public and regular employes of a railroad or other public utility who are candidates for public offices for which the annual compensation is not more than \$300 to whom no passes or privileges are extended beyond those which are extended to other regular employes of such corporation.

**12.56 Political contributions by corporations prohibited.** (1) (a) No foreign or domestic corporation and no association organized under ch. 185 doing business in this state shall contribute any money or thing of value, directly or indirectly, to any political party, political organization, political committee or individual candidate for any political purpose whatsoever, or to promote or defeat the candidacy of any person for nomination or election to any political office. No political party, political organization, political committee or individual candidate shall accept or receive any contribution prohibited by this section.

(b) Nothing contained in this section shall affect the right of any individual to form, join, contribute to or participate in voluntary organizations provided for in s. 12.09, to support political candidates and purposes of his own choosing, nor his right to subscribe to a regularly published organization newspaper. Nothing contained in this section shall prohibit the publication by corporations and cooperatives in the regular course of conducting their affairs, of periodicals advising their members, stockholders or customers of dangers or advantages to their interests of election to office of men espousing certain measures.

(2) Any officer, employe, agent or attor-

ney or other representative of any corporation acting for and in behalf of such corporation, who violates this section, shall be fined not less than \$100 nor more than \$5,000, or imprisoned not less than one nor more than 5 years, or both, and if the corporation is subject to a penalty then by forfeiture in double the amount of any fine so imposed to be collected as other actions by forfeiture are collected and if a domestic corporation, it may be dissolved, if after a proper proceeding upon quo warranto, in either the circuit or supreme court of the state to be prosecuted by the attorney general of the state, the court shall find and give judgment that sub. (1) has been violated as charged, and if a foreign or nonresident corporation, its right to do business in this state may be declared forfeited.

(3) The violation of this section, by any officer, employe, agent, attorney or other representative of a corporation, shall be prima facie evidence of said violation by such corporation. All fines or forfeitures recovered under this section shall, when collected, be paid into the proper treasury of the county for the use of the school fund, and it is made the duty of the district attorney of each county to conduct prosecutions under this section, upon complaint as in other actions.

(4) Violations of this section may be prosecuted in the county where such payment or contribution is made or services rendered or in any county wherein such money has been paid or distributed.

**History:** 1965 [13.93 (1) (e), (f)].

**12.57 Solicitation of subscriptions, etc., by state officers and employes prohibited.** No officer, agent, clerk or employe of this state shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution, or political service, whether voluntary or involuntary, for any political purpose whatever, from any officer, agent, clerk or employe of the state. Every said officer, agent, clerk or employe who has charge or control in any building, office or room occupied for any purpose of said government may prohibit the entry of any person, and he shall not permit any person to enter the same for the purpose of therein making, collecting, receiving or giving notice, of any political assessment, subscription or contribution, and no person shall enter, or remain in any said office, building or room, or send or direct any letter or other notice thereto, for the purpose of giving notice of, demanding, or collecting a political assessment, subscription or contri-

bution, nor shall any person therein give notice of, demand, collect or receive, any such assessment, subscription or contribution. Any person who violates this section is guilty of a misdemeanor and shall be fined not less than \$50 nor more than \$1,000 or imprisoned not more than 2 years or both.

**History:** 1965 [13.93 (1) (h)].

**12.58 Disbursements by committees.** (1) Every 2 or more persons who shall be elected, appointed or chosen by a political convention or caucus for the purpose, wholly or in part, of raising, collecting or disbursing money or of controlling or directing the raising, collection or disbursement of money for election purposes, and shall undertake such duty, shall be deemed a political committee within the meaning of this section. Every such committee shall appoint and constantly maintain a treasurer to receive, keep and disburse all sums of money which may be collected, received or disbursed by such committee or by any of its members for any of the purposes mentioned in this section for which such committee exists or acts. Every member of such committee who shall keep or disburse any money collected or received for the purposes herein mentioned, without the same having been first paid and made to pass through the hands of such treasurer, or who shall fail to pay over to such treasurer all money received or collected by him for such purposes shall be imprisoned not less than 2 months nor more than 6 months.

(2) Every treasurer of a political committee and every person who shall at any time act as such treasurer shall, whenever he receives or disburses money as such treasurer or for or on account of any of the objects or purposes mentioned in sub. (1), immediately enter and thereafter keep in a proper book or books to be provided and preserved by him a full, true and detailed statement and account of each and every sum of money so received by him, setting forth in such statement the sum so received or disbursed, as the case may be, and the date when and the person from whom received and to whom paid, and the object and purpose for which the sum was received or disbursed.

(3) (a) Every treasurer of a political committee and every person who shall act as such treasurer shall, within 30 days after each and every election, whether state, county, city, municipal, township or district, in or concerning or in connection with which he shall have received or disbursed any money for any of the objects or purposes mentioned in sub. (1), prepare and file in the office of

the register of deeds of the county in which such treasurer or person lives a full, true and detailed account and statement, subscribed and sworn to by him, setting forth each and every sum of money received or disbursed by him for any of the objects or purposes mentioned in said section, within the period of 90 days before such election and ending on the day on which such statement is filed, the date of each receipt and of each disbursement, the name of the person to whom paid, and the object or purpose for which the same was disbursed.

(b) Such statement shall also set forth the unpaid debts and obligations, if any, of such committee, with the nature and amount of each and to whom owing, in detail; and if there are no unpaid debts or obligations of such committee such statement shall state such fact. Such register of deeds shall receive and file in his office and keep there for one year after they are filed all statements and accounts so required to be filed with him, and they shall at all reasonable times be open to public inspection. After one year succeeding the filing of such statements and accounts they shall be destroyed by such officer or his successor.

(4) Every treasurer of a political committee who shall either:

(a) Neglect or fail to keep a correct book or books of account setting forth all the details required to be set forth in the account and statement contemplated in the foregoing sections, with intent to conceal the receipt or disbursement of any sum received or disbursed by him or any other person, or the purpose or object for which the same was received or disbursed by him or any other person, or the purpose or object for which the same was received or disbursed, or to conceal the fact that there is any unpaid debt or obligation of such treasurer or committee, or the nature or amount thereof, or to whom owing, in detail; or,

(b) Mutilate, deface or destroy any such book or books of account, with intent to conceal any fact disclosed by such book or books; or,

(c) Fail to file the statement and account contemplated by sub. (3), if due, within 5 days after he shall receive notice in writing signed by 5 resident freeholders of the county in which such treasurer or political committee or person resides, requesting him to file such statement and account, shall be imprisoned not less than 2 or more than 6 months.

History: 1965 [13.93 (1) (1)].

#### 12.59 Illegal voting; fraudulent registration.

(1) Any person who shall vote at any general or special election, town meeting or election, school meeting or election, city, village or charter election, not having the requisite qualifications and residence as a legal voter, or having no right to vote by reason of disfranchisement or other disqualification at the time and place of such election, or who shall cause or procure his registration by any board of registry as a legal voter in any election district, when he shall not at the time have the requisite qualifications to entitle him to be registered in such district, or who shall wilfully make any false statement not under oath to the inspectors of any election or to any board of registry when offering to vote or to be registered as a voter in any election district in respect to his qualifications or residence as a voter in such district, or who shall cause or procure his name to be registered as a voter in more than one election district for one and the same election, or who shall falsely personate another person registered as a voter in any election district, or who shall vote more than once at the same election, or who shall procure, aid, assist, counsel or advise another to do any act hereinbefore specified shall be imprisoned in the state prison not more than 3 years nor less than one year or in the county jail not more than one year, or fined not exceeding \$200. It shall be the duty of the election board to post a copy of this law in a conspicuous place in the election booth prior to the holding of said election.

(2) Any person who knowingly deposits a ballot in the ballot box upon which ballot the names or initials of the ballot clerks, or those of the issuing municipal or county clerk, do not appear shall be punished as provided in s. 939.61. In the canvass of the votes any ballot which is not indorsed by the clerks shall be void, not counted and treated and preserved as a defective ballot.

(3) Any person intentionally swearing falsely to any affidavit shall be punished pursuant to s. 946.32. If any county or municipal clerk or any election official refuses or neglects to perform any of the duties prescribed by s. 6.15 or violates any of its provisions, he may be fined not less than \$100 nor more than \$1,000 or imprisoned not to exceed 90 days.

(4) Whoever intentionally swears falsely to any absent elector affidavit is guilty of perjury and upon conviction shall be punished as provided by law. Whoever procures an official ballot and intentionally neglects or

refuses to cast or return it or intentionally violates ss. 6.85 to 6.89 may be fined not to exceed \$100 or imprisoned not to exceed 30 days or both. Any county or municipal clerk or any election official who intentionally refuses or neglects to perform any of the duties prescribed by or violates ss. 6.85 to 6.89 may be fined not less than \$100 nor more than \$1,000 or imprisoned not to exceed 90 days or both.

**History:** 1965 [13.93 (1) (e), (1)]; 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (2) is a restatement of s. 6.41.

Sub. (3) is a restatement of s. 9.046 (8).

Sub. (4) is a restatement of s. 11.67 except the penalties are in both instances "or both" rather than in the alternative. (Bill No. 755-A)

**12.60 Personation of elector.** A person shall, for all purposes of this section, be deemed guilty of the offense of personation who, at any election held pursuant to the laws of this state, applies for a ballot paper in the name of some other person, whether that name be of a person living or dead, or of a fictitious person, or who, having voted once at any election, applies at the same election for a ballot paper in his own name or any other name; and any person who commits the offense of personation or who aids, abets, counsels or procures the commission of that offense shall be imprisoned not less than 2 nor more than 5 years.

**History:** 1965 [13.93 (1) (1)].

**12.61 Officers not to change ballot.** No officer of election shall issue, write, change or alter for any person on any election day any ballot, and any such officer who shall violate any of the foregoing provisions, or mark any ballot, except as provided by law, or disclose how any elector shall have voted, unless required to do so as a witness in a judicial proceeding, shall be fined not more than \$100 or imprisoned not exceeding 6 months or both.

**History:** 1965 [13.93 (1) (1)].

**12.62 Fraud as to nomination papers, ballots, etc.** (1) Any person who shall falsely make, or make oath to, or fraudulently deface or fraudulently destroy any certificate of nomination or nomination paper or any part thereof, or file or receive for filing any certificate of nomination or nomination paper knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination which has been duly filed or any part thereof, or forge or falsely make the official indorsement on any ballot, or wrongly print or cause to be printed, with intent to change the result of the election as to any candidate or nominee, any official ballot, or any ballot

clerk who shall deliver to a voter a ballot bearing a mark opposite the name of a candidate made with a pencil or ink, that might be counted as a vote for such candidate, shall be imprisoned in the state prison not more than 3 years nor less than one year.

(2) Any person who, being in possession of nomination papers entitled by law to be filed, wrongfully either suppresses, neglects or fails to cause the same to be filed at the proper time in the proper office may be fined not to exceed \$500 or imprisoned not to exceed 6 months or both.

**History:** 1965 [13.93 (1) (1)]; 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (2) is a restatement of s. 5.05 (8m). (Bill No. 755-A)

**12.63 Neglect to deliver ballots; removal of supplies.** Any person who shall undertake to deliver the official ballots prepared for any election to any clerk or inspector of election, or who shall wilfully or negligently fail to deliver the same or cause their delivery within the time required by law, or who, having charge of such ballots, shall destroy or conceal them, and any person who shall remove or destroy any of the supplies or conveniences placed in the shelves or compartments or polling booths for the purpose of enabling voters to prepare their ballots, shall be imprisoned not more than 6 nor less than 3 months or fined not exceeding \$300 nor less than \$100.

**History:** 1965 [13.93 (1) (1)].

**12.64 Electioneering; marking ballot, etc.**

(1) No officer of any election held under Title II shall engage in electioneering on the day on which any such election is held, nor shall any person solicit votes for any candidate or party or engage in any electioneering whatever on the day of any such election within 100 feet of any entrance to any building containing any polling place, nor remove any ballot from any polling place before the polls are closed, nor show his ballot after it is marked to any person in such a way as to reveal the mark or marks made thereon, nor solicit any person to so show his ballot.

(2) No person except an inspector of election shall receive from any voter a ballot that has been prepared for voting; nor shall any voter receive a ballot from any other person than one of the ballot clerks in charge of the ballots, nor shall any other person than such clerks deliver a ballot to any voter; no voter shall vote or offer to vote any ballot except it has been received from one of the ballot clerks, nor shall he place any mark upon his ballot by which it may be identified as the

one he voted; and every voter who does not vote the ballot delivered to him by the ballot clerks shall, before leaving the polling place, return such ballot to such clerks or one of them.

(3) Whoever violates this section shall be imprisoned not exceeding 6 months, or fined not more than \$300 nor less than \$50, or both, with the costs of prosecution.

**History:** 1965 [13.93 (1) (e), (1)].

**12.65 Neglect as to special matters.** Any officer whose duty it is to appoint inspectors of election, clerks of election or ballot clerks, who shall disobey the provisions of law requiring, when it is practicable to do so, the appointment thereof from opposing political parties; any officer required by law to provide election booths and compartments with doors, screens or curtains, who shall fail to provide and maintain the same; any election officer who shall take notice of the manner in which any elector shall mark his ballot, unless request be made to him to assist in doing so, or permit any other person to pry into or take notice of the same, and any officer who assists a voter at his request, or otherwise becomes aware of the manner in which a voter marked his ballot, or for whom he voted, and discloses the same to any other person, except in the course of judicial proceedings, shall be imprisoned not more than 30 nor less than 10 days, or fined not exceeding \$100 nor less than \$25, or both.

**History:** 1965 [13.93 (1) (1)].

**12.66 Neglect and fraud in conducting elections; registration violations.** (1) Any inspector of elections who shall, after the polls are open to receive votes, put into any ballot box any vote, other than his own or the vote of another lawfully received, or who shall receive or consent to the reception of the vote of any person, knowing that such person has not the requisite qualifications and residence of a legal voter, or of any person who shall refuse to make the oath or affirmation required by law or to answer any proper question put to him in respect to his qualification or residence as a voter, or who shall refuse or wilfully neglect or sanction the refusal or wilful neglect of another inspector to put such proper questions or administer such oath or affirmation to any person offering to vote; or any member of a board of registry who shall register the name of any person as a legal voter in any election district or consent to such registration, knowing that such person has not the requisite qualifications to entitle him to be registered in such district, or when

such person shall have refused to take the oath or affirmation required by law or to answer the questions put to him in respect to his qualifications to be registered in such district, or who shall refuse or wilfully neglect to put such questions or administer such oath or affirmation to such person; or any inspector or clerk of elections who shall knowingly make, assist in making or cause to be made any false statement or return of the votes cast at any election, or who shall wilfully alter or destroy any registration list, poll book or return of said votes, or who shall refuse or wilfully neglect to make any statement, canvass, certificate or return of said votes as required by law; or any inspector, member of any board of registry, member of any board of canvassers, or any officer or other person from whom any duty or service is required by law in respect to any election, who shall refuse or wilfully neglect to perform such duty or render such service, or who shall wilfully violate any provision of law or be guilty of any fraud in respect to any election shall be imprisoned in the state prison not more than 3 years nor less than one year, or in the county jail not more than one year, or fined not exceeding \$500, except as is otherwise provided in these statutes.

(2) Whoever violates s. 6.55, or falsifies any affidavit filed pursuant to s. 6.55, may be fined not less than \$25 nor more than \$200 or imprisoned not more than 6 months or both. Each violation of this section shall constitute a separate offense.

**History:** 1965 [13.93 (1) (e), (1)]; 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (2) is a restatement of s. 6.44 (5). (Bill No. 755-A)

**12.67 Deceiving elector.** Any person who shall furnish an elector who cannot read with a ticket, informing him that it contains a name or names different from those which are written or printed thereon, with intent to induce him to vote contrary to his inclination, or who shall fraudulently or deceitfully change a ballot of any elector, by which such elector shall be prevented from voting for such candidate or candidates as he intended, or who shall fraudulently put any ballot or ticket into the ballot box shall be imprisoned in the state prison not more than 3 years nor less than one year, or imprisoned in the county jail not more than one year, or fined not exceeding \$500.

**History:** 1965 [13.93 (1) (1)].

**12.68 Breaking ballot box; tampering with voting machines.** (1) Any person not authorized by law who shall, during the progress of



any election in this state or after the closing of the polls and before the ballots are counted and the result ascertained, break open or violate the seals or locks of any ballot box in which ballots have been deposited at such election, or who shall obtain unlawful possession of such ballot box containing such ballots, or shall conceal, withhold or destroy the same, or who shall wilfully, fraudulently or forcibly add to or diminish the number of ballots legally deposited in said ballot box, or any person who shall aid or abet in so doing shall be imprisoned in the state prison not more than 3 years nor less than one year, or fined not exceeding \$3,000 nor less than \$1,000.

(2) Any person other than an election official who, during or before any election, tampers with machines readied for voting, disarranges, defaces, injures or impairs the same in any manner, or mutilates, injures or destroys any ballot placed thereon or to be placed thereon or any other appliance used in connection with the machine, may be fined not more than \$1,000 or imprisoned not more than 10 years or both.

(3) Whenever an inspector of election intentionally permits or causes any voting machine to fail to correctly register or record any vote cast thereon, tampers with or disarranges the machine in any way, or any part or appliance thereof, or who causes or consents to the machine being used for voting at any election with knowledge of the fact that the same is not in order, or not perfectly set and adjusted so that it will correctly register or record all votes cast thereon or who, for the purpose of defrauding or deceiving any elector or of causing it to be doubtful for what ticket, candidate or proposition any vote is cast, or of causing it to appear upon the machine that votes cast for one ticket, candidate or proposition were cast for another ticket, candidate or proposition, or removes, changes or mutilates any ballot on the machine, or any part thereof, or does any other like thing may be fined not to exceed \$1,000 or imprisoned not more than 10 years or both.

History: 1965 [13.93 (1) (1)]; 1965 c. 666.

Legislative Council Note, 1965: Sub. (2) is a restatement of s. 11.18.

Sub. (3) is a restatement of s. 11.19. (Bill No. 755-A)

**12.69 Fraud or neglect in canvass or return of votes.** (1) Any member of a board of canvassers of votes cast at any election who shall knowingly make or assist in making any untrue or false statement or canvass of such votes or any false certificate thereof, or who shall wilfully alter or destroy any statement

or canvass of such votes or certificate thereof truly made after the same is made, or any return, statement, canvass or certificate of such votes made to such board of canvassers, or any member of the state board of canvassers of votes cast at any election who shall make or assist in making any canvass or statement of such votes, or sign or make or assist in making any certificate of the correctness thereof which shall include or contain any votes or statement or return of votes in the form of additional or supplemental returns, or who shall count, canvass or consider any such additional or supplemental returns in determining the result of any election shall be imprisoned in the state prison not more than 3 years nor less than one year, or in the county jail not more than one year, or fined not exceeding \$500.

(2) If the person to whom the returns specified in ss. 7.51 and 7.53 are delivered fails or neglects to send or deliver them to the county clerk within the time specified therein, he shall be liable for all expenses incurred in procuring the returns, and may be fined not to exceed \$100 or imprisoned not more than 20 days or both.

(3) Whoever accepts from any board of election inspectors the statement of the canvass of the votes prepared by them for delivery to the proper municipal clerk as required by law, but who fails to deliver it or fails to cause its delivery to be made to the proper clerk within 48 hours after accepting it for that purpose without sufficient excuse for the failure, may be fined not less than \$25 nor more than \$100 or imprisoned not less than 10 nor more than 30 days or both.

(4) Any chairman of any board of election inspectors or any inspector appointed by him to deliver to any municipal clerk any statement of the result of the canvass of any votes made by the board who fails or neglects to deliver such statement to the proper municipal clerk forthwith; any messenger sent by any board of canvassers for election returns or with the returns for the correction thereof, who wilfully fails to perform that duty or who unlawfully keeps back or fails to deliver any returns so entrusted to him, may, in addition to any other punishment provided by law for withholding, suppressing, destroying or failing to deliver the returns, be fined not less than \$25 nor more than \$50 or imprisoned not more than 30 days nor less than 10 days or both.

(5) Any inspector or clerk of an election who intentionally causes the vote registered or recorded on or in a voting machine to be in-

correctly recorded as to any candidate or proposition voted on, or who knowingly causes any false statement, certificate or return of any kind, of such vote to be made or signed, or who knowingly consents to such things being done, may be fined not to exceed \$1,000 or imprisoned not more than 10 years or both.

**History:** 1965 [13.93 (1) (1)]; 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (2) is a restatement of s. 6.591.

Sub. (3) is a restatement of s. 6.592.

Sub. (4) is a restatement of s. 6.593, except the provisions for the inspectors delivering to the county clerk is deleted for uniformity in this bill.

Sub. (5) is a restatement of s. 11.20. (Bill No. 755-A)

**12.70 Penalty for violations.** Any person violating ch. 12 shall be imprisoned in the county jail not less than one month nor more than one year, or in the state prison not less than one year nor more than 3 years, or fined not less than \$25 nor more than \$1,000, or both; and no person so convicted shall be

permitted to take or hold the office to which he was elected, if any, or receive the emoluments thereof.

**History:** 1965 [13.93 (1) (e), (1)].

**12.71 Election officers; additional penalty; disqualifications.** Any election officer who shall be convicted of any violation of the election laws shall, in addition to the punishment otherwise provided by law, be disqualified to act as an election official for a term of 5 years from the time of said conviction.

**12.75 Civil process not to be served on election day.** During the day on which any election is held no civil process shall be served on any elector entitled to vote at the election in the precinct in which he is entitled to vote or while going to or returning therefrom.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is a restatement of s. 6.74. (Bill No. 755-A)