

No. 310, A.]

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CHAPTER 455.

AN ACT to repeal 8.06 (created by Chapter 15, laws of 1949) and to amend 5.02 (1) and (4), 5.03 (2), 5.26 (6) and (8), 8.02, 8.03, 8.05 (as amended by Chapter 15, laws of 1949), 10.36 (1) and 10.39 (1) of the statutes, relating to primary elections for office of supreme court justice, circuit judge, county judge and state superintendent.

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

SECTION 1. 5.02 (1) and (4) (as amended by Chapter 15, laws of 1949) of the statutes are amended to read:

5.02 (1) By a primary held in accordance with this chapter * * *, or

(4) Except as otherwise specially provided in this chapter * * * there shall be no nomination by primary election of any candidate for the office of state superintendent, or county or district superintendent of schools, or board of education by whatever name designated, or constable or justice of the peace, or for any school district or judicial office.

SECTION 1a. 5.03 (2) of the statutes is amended to read:

5.03 (2) Any primary other than the September or a special primary shall be held * * * 4 weeks before the election for which such primary is held.

SECTION 1b. 5.26 (6) of the statutes is amended to read:

5.26 (6) Such nomination papers shall be filed as follows: For candidates for justice of the supreme court, state superintendent of public instruction and circuit judge in the office of the secretary of state not more than 68 nor less than 60 days before the election for which the nomination is made; for other candidates to be voted for throughout the state or any division or district embracing more than one county, in the office of the secretary of state, not more than 40 nor less than 32 days before the election for which the nominations are made; for candidates for county judge in the office of county clerk not more than 68 nor less than 53 days before such election and for all other candidates to be voted for wholly within one county, in the office of the county clerk, not more than 40 nor less than 25 days before such election; for candidates to be voted for wholly within one city in the office of the city clerk, not more than 20 nor less than 15 days before such election. Provided, that in counties having a population of 500,000 or more, nomination papers proposing candidates for judicial offices, members of the board of supervisors or for school board directors in the cases provided for in subsection (8) or for elective offices in cities of the first class in such counties, shall be filed not more than 62 nor less than 42 days before the primary therein provided for. Such nomination papers shall be filed not later than 5 p. m. central standard time on said last day before the primary therein provided for.

SECTION 2. 5.26 (8) of the statutes is amended to read:

5.26 (8) (a) Whenever such nomination papers propose 3 or more candidates for members of the county board of supervisors or for any elective town office in towns adopting the primary for elective town officers as provided in section 5.27 (4) and (5) in counties having a population of 250,000 or more, for any judicial office, except the office of police justice or justice of the peace and constable, in any county having a population of 300,000 or more and containing an entire judicial circuit for which more than one circuit judge is provided by law, or propose more than twice as many candidates for an elective town office in any such towns or for members of the board of school directors or the board of education as are to be elected in any city of any such county, or for the office of county superintendent of schools in counties having a population of 500,000 or more, or propose 3 or more candidates for justice of the supreme court, judge of a single branch of the circuit court, county judge or for state superintendent of public instruction neither of the persons whose name is so presented shall become nominated as a candidate until nominated at a primary election held * * * 4 weeks prior to the first Tuesday in April in the year in which such office is required to be filled by election except as provided by section 5.025.

(b) The nomination papers proposing said candidates, whether complying in all respects with the provisions of section 5.05 or not, shall be used for the purpose of preparing the ballots for such primary election and for no other purpose. The order in which the names of candidates so presented shall be printed on such ballots shall be determined by drawing lots at 2 p. m., on the day immediately following the last day for filing nomination papers, by or under the supervision of the secretary of state at his office, in case of candidates for state-wide offices, or secretary of the county election commission at his office, in a case of candidates for a county-wide judicial office, or member of the county board of supervisors, and by or under the supervision of the secretary of the city election commission at his office in a case of candidates for members of a school board, or at the office of the town clerk in case of candidates for town office. The candidates for any such office shall be designated upon the primary ballot as follows: "For Circuit Judge (to succeed), Branch Number.....);" "For Civil Judge (to succeed....., Branch Number.....);" "For County Judge;" "For Member of the County Board of Supervisors,District;" "For Members of the Board of School Directors," "For Town Chairman," "For County Superintendent of Schools," "For Town Supervisor", etc., as the case may be. The 2 candidates for any judicial office, or state superintendent of public instruction, county superintendent of schools in counties having a population of 500,000 or more, member of the county board of supervisors in each district and twice as many candidates as are to be elected for members of the board of school directors, the board of education or elective officers receiving the highest number of votes cast at such primary shall be the nominees for such office, and their names, and none other, shall be placed on the official ballot at the ensuing judicial, school or town election.

(c) Except as otherwise provided in this section the general law relating to nomination of candidates at September primaries shall apply to nomination of judicial candidates, candidates for supervisor, and state superintendent under subsection (8) * * * and the general law relating to nomination of candidates at city primaries shall apply to nomination of school directors or members of a board of education pursuant to this section.

SECTION 3. 8.02 (as amended by Chapter 15, laws of 1949) of the statutes is amended to read:

8.02 (1) * * * Every election for Justice, judge or superintendent shall be held on the first Tuesday of April. *The regular election for justice, judge or superintendent shall be held on the first Tuesday in April* next prior to the expiration of the term.

(2) The election to fill a vacancy in the office of justice or judge shall not be held at the time of holding the regular election for the same office. If the vacancy occurs * * * 65 days or more before the first Tuesday in April, in the case of a judge, such election shall be held on the first Tuesday of the succeeding April, and in case of a justice, at the first judicial election when no other justice is to be elected. In either case, if the vacancy occurs within * * * 65 days prior to the first Tuesday of April, the election to fill the vacancy shall not be held until the judicial election of the next year. * * *.

SECTION 3a. 8.03 of the statutes is amended to read:

* * * 8.03 The secretary of state shall give to the county clerks at least 25 days' notice of * * * *any required primary and of the regular election of justice, judge, or superintendent*, and the county clerk shall give not less than 20 days' notice of any such *primary or election to be held within his county*.

SECTION 4. 8.05 (as amended by chapter 15, laws of 1949) of the statutes is amended to read:

8.05 * * * Elections for justice, judge and superintendent shall be noticed, held, conducted and the results canvassed and returned in the same manner as general elections. The ballots shall be printed, furnished and distributed by the county clerks, at the expense of the county, as other ballots and so prepared as to indicate the candidates to be voted for and the respective office for which each is intended as a ballot, substantially in the form prescribed in section 6.23 (16). All votes given for any such officer shall be put in a ballot box, separate from that used for any other election on the same day. The polls of election for such officers shall open and close at the same time that the polls are opened and closed for the election of other officers who are voted for at the same time and place, or if no other officers are then being voted for they shall open and close at the same time at which they would be opened and closed, in the locality in which they are located, at any general election. Within a like time as prescribed for the county canvass after a general election, a board of county canvassers shall be convened, who shall canvass the statements received from the several polls in the county and make a statement thereof, and return the same as at a general election, and they shall determine who are elected to such offices within the county, except for the circuit judge, and the county clerk shall give to each such successful candidate a certificate of election. The board of state canvassers shall be convened on or before the * * * *fifteenth day of May*, to canvass the statements of votes received for justice, circuit judge, or state superintendent in like manner, and shall have the powers and perform the duties in relation thereto, so far as applicable, as prescribed in respect to the canvass for state officers and all the provisions of law respecting the qualifications of voters, the conduct of elections and the canvass and return of votes at general elections, except as otherwise provided, shall be applicable to elections held under this chapter.

SECTION 5. 8.06 (created by chapter 15, laws of 1949) of the statutes is repealed.

SECTION 6. 10.36 (1) of the statutes is amended to read:

10.36 (1) The annual or biennial municipal election in all cities shall be held on the first Tuesday in April at such place or places as the city council shall designate * * *.

SECTION 7. 10.39 (1) of the statutes is amended to read:

10.39 (1) In cities operating pursuant to sections 63.01 to 63.14 * * *, excepting as provided in Section 5.025, candidates for mayor and councilmen shall be nominated at large by a primary election * * * 4 weeks before the municipal election in the manner provided for the nonpartisan nomination of candidates for elective city offices by chapter 5, so far as such provisions are applicable, and shall be elected by the voters of the city at large.

SECTION 8. This act shall take effect January 1, 1950.

Approved July 9, 1949.