

1969 Assembly Bill 423

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CHAPTER 170, LAWS OF 1969

AN ACT to amend 13.23; and to create 13.235 of the statutes, relating to contested legislative elections.

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

SECTION 1. 13.23 of the statutes is amended to read:

13.23 Any person wishing to contest the election of any senator or member of the assembly shall, within 30 days after the decision of the board of canvassers, serve a notice in writing on the person whose election he intends to contest, stating briefly that his election will be contested and the cause of such contest, and shall file a copy thereof in the office of the secretary of state at least 10 days before the day fixed by law for the meeting of the legislature, *the secretary of state shall then send a copy of s. 13.24 to both contestants.* If any contestant fails to so file a copy of such notice, he shall not be entitled to any mileage or salary in case payment has been made therefor to the sitting member.

SECTION 2. 13.235 of the statutes is created to read:

13.235 ELECTION CONTESTS; LEGISLATIVE INQUIRY. (1) Either house of the legislature may by resolution inquire into a contested legislative election notwithstanding failure to comply with s. 13.23.

(2) The procedure of s. 13.24 shall be followed except that depositions so taken shall be received by the presiding officer of the house within 30

days after jurisdiction of the contest has been taken by the house. If authorized by the resolution in sub. (1), the house or a committee of the house may take testimony on matters not covered in the depositions.

(3) If a member takes the oath while his seat is being contested, he shall not be considered seated until the contest is resolved. Any election contest shall be resolved by a majority vote of the house.

Approved October 24, 1969.
