

1983 Assembly Bill 694

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1983 Wisconsin Act 183

AN ACT to repeal 9.01 (3) (b); to renumber 9.01 (3) (a); to renumber and amend 9.01 (5), 9.01 (6) and 9.01 (7); to amend 6.86 (1), 6.88 (3) (a), 7.30 (1), 7.50 (2) (h), 7.51 (1) (ag) and (ar), 7.51 (3) (c), 9.01 (1) (a), (ag) 1 and 2, (ar) 3 and (b) 4 and 5, 9.01 (1) (b) 11 and (2), 9.01 (4), 9.01 (7) (title), 11.25 (2) (b), 227.15 and 808.04 (2) (a); to repeal and recreate 9.01 (8); and to create 7.50 (2) (cm), 7.51 (1) (c), 7.53 (2) (cm), 9.01 (1) (title), 9.01 (1) (b) 5m and 8m, 9.01 (3) (title), 9.01 (5) (title), 9.01 (5) (b) to (d), 9.01 (6) (title), 9.01 (6) (b), 9.01 (7) (b), 9.01 (9) to (11), 11.20 (5w), 11.25 (2) (c) and 11.26 (13m) of the statutes, relating to canvassing, recount and absentee voting procedures, election officials and granting rule-making authority.

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

SECTION 4. 6.86 (1) of the statutes is amended to read:

6.86 (1) Any elector, qualifying under ss. 6.20 (1) and 6.85 as an absent elector may apply to the municipal clerk for an official ballot either in writing, in person, by completing an affidavit as provided in sub. (2) or by agent as provided in sub. (3). If Except as provided in sub. (3), if application is made in writing, the application, signed by the elector, shall be received no sooner than the first of the month 3 months before the election nor after 5 p.m. on the Friday immediately preceding the election. If application is made in person the application shall not be made sooner than the first of the month 3 months before the month of the election nor later than 5 p.m. on the day preceding the election. If the elector is making written application and the reason for requesting an absentee ballot is that the elector is a sequestered juror, the application shall be received no sooner than 7 days before the election nor after 5 p.m. on election day. If the application is received after 5 p.m. on the Friday immediately preceding the election, the municipal clerk or the clerk's agent shall immediately take the ballot to the court in which the elector is serving as a juror and deposit it with the judge. The judge shall recess court, as soon as convenient, and give the elector the ballot. The judge shall then notarize the affidavit as provided in s. 6.87 and shall turn the ballot over to the clerk or agent of the clerk who shall deliver it to the polling place as required in s. 6.88. If application is made by completing an affidavit as provided in sub. (2), the affidavit may be received at any time before 5 p.m. on the Friday immediately preceding the election.

SECTION 7. 6.88 (3) (a) of the statutes is amended to read:

6.88 (3) (a) Any time between the opening and closing of the polls on election day, the ward election inspectors shall open the carrier envelope only, and announce the absent elector's name. When the inspectors find that the certification or affidavit has been properly executed, the applicant is a qualified elector of the ward, and the applicant has not voted in the election, they shall enter an indication on the poll or registration list next

to the applicant's name indicating an absentee ballot is cast by the elector. They shall then open the envelope containing the ballot in a manner so as not to deface or destroy the affidavit or certification thereon. The inspectors shall take out the ballots without unfolding them or permitting them to be unfolded or examined and, after verification that the ballots have been ~~indorsed~~ endorsed by the issuing clerk, deposit them in the proper ballot boxes and enter the absent elector's name or voting number after his name on the registration list the same as if he had been present and voted in person.

SECTION 9. 7.30 (1) of the statutes is amended to read:

7.30 (1) NUMBER. There shall be 3 inspectors, 2 election clerks, and 2 ballot clerks for each polling place at each election held under chs. 5 to 12. Where voting machines are used, the ballot clerks shall be dispensed with. Additional inspectors and clerks may be appointed whenever more than one voting machine is used or polling places are combined under s. 5.15 (6) (b). A municipal governing body may provide by ordinance for the selection of alternate officials or the selection of 2 sets of officials to work at different times on election day. Additional officials shall be appointed in such a manner that the total number of officials is an odd number and the predominant party under sub. (2) is represented by one more official than the other party. Election clerks shall not be appointed in cities over 500,000 population.

SECTION 10. 7.50 (2) (cm) of the statutes is created to read:

7.50 (2) (cm) Any apparent erasure of a mark next to the name of a candidate may not be counted as a vote for that candidate if the elector makes another mark next to the name of one or more different candidates for the same office and counting of the mark would result in an excess number of votes cast for the office.

SECTION 11. 7.50 (2) (h) of the statutes is amended to read:

7.50 (2) (h) In the general election or a partisan special election, a write-in ~~votes~~ vote may not be counted for any ~~person~~ candidate if the ~~person's~~ candidate's name appears on the official ballot, except a write-in vote cast for the same office under which the candidate's name appears if the name is clearly spelled and no other similar name appears on the ballot for any office.

SECTION 12. 7.51 (1) (ag) and (ar) of the statutes are amended to read:

7.51 (1) (ag) When, during the counting of the ballots cast at an election, the inspectors find a ballot which is so defective that it cannot be determined with reasonable certainty for whom it was cast, a majority of the inspectors shall determine whether the ballot is defective, and if so, it shall be so marked, preserved and not counted. Whenever the number of ballots exceeds the number of voting electors as indicated on the poll or registration list, the inspectors shall place all ballots face up to check for blank ballots. In this paragraph, "blank ballot" means a ballot on which no votes are cast for any office or question. Any blank ballots shall be so marked, laid aside and carefully preserved. If the number of ballots still exceeds the number of voting electors, the board of canvassers shall place all ballots face down and proceed to check for the initials. Any ballot not bearing the initials of 2 ballot clerks or any absentee ballot not bearing the initials of the municipal clerk shall be so marked, laid aside and preserved. During the count the inspectors shall count those ballots cast by challenged electors and marked "Objected to" the same as the other ballots. The inspectors shall keep a written statement, in duplicate, of the number of defective and objected to ballots. The officials shall certify that the statement is correct, sign it, and attach it to the canvass statements.

(ar) If, after any ballots have been destroyed or laid aside, the number of ballots still exceeds the total number of electors recorded on the registration or poll list, the inspectors shall separate the absentee ballots from the other ballots. If there is an excess number of absentee ballots, the absentee ballots shall be placed in the ballot box and one of the inspectors shall publicly and without examination draw therefrom by chance, and without examination, destroy the number of ballots equal to the excess number of absen-

tee ballots. If there is an excess number of other ballots, those ballots shall be placed in the ballot box and one of the inspectors shall publicly and without examination draw therefrom by chance the number of ballots equal to the excess number of those ballots. All ballots so removed shall be specially marked as having been removed by the canvassers on original canvass due to an excess number of ballots and carefully preserved. When the number of ballots and total shown on the poll or registration list agree, the inspectors shall return all ballots to be counted to the ballot box and shall turn the ballot box in such manner as to thoroughly mix the ballots. The inspectors shall then open, count and record the number of votes. When the ballots are counted, they shall be separated into piles for ballots similarly voted. Objections may be made to placement of ballots in the piles at the time the separation is made.

SECTION 13. 7.51 (1) (c) of the statutes is created to read:

7.51 (1) (c) Where a voting machine is used which produces a written record of the total votes cast for each candidate or referendum, the written record shall be presumed correct without reference to the total shown on the recorder in making its original statement, unless an error in the record is clearly apparent or unless a candidate at the election, or in the canvass of a referendum an elector who voted at the referendum, requests that the machine be viewed.

SECTION 14. 7.51 (3) (c) of the statutes is amended to read:

7.51 (3) (c) Where voting machines are used, as soon as the count is complete and fully recorded, the inspectors shall seal, close and lock the machine, or remove the record so it cannot be voted on or tampered with. They shall then proceed to separately canvass and return as for paper ballots, any write-in votes, absentee ballots or challenged ballots which shall be designated irregular ballots. Challenged ballots shall be counted the same as other ballots. Upon completion of the canvass, the inspectors shall return them in a properly sealed container endorsed "Irregular Ballots" indicating the ward or wards and county. The record of write-in votes cast on the machines shall be placed in a properly sealed container marked "Write-In Votes". The inspectors shall return the irregular ballots and write-in votes along with any tally sheets printed voting record taken from the machines shall be returned to the proper municipal clerk or board of election commissioners.

SECTION 15. 7.53 (2) (cm) of the statutes is created to read:

7.53 (2) (cm) If one or more temporary vacancies on the municipal board of canvassers reduces the number of members to less than 3, the municipal clerk shall appoint a member to fill each vacancy, except in cities of more than 500,000 population. In cities of more than 500,000 population, the executive secretary of the board of election commissioners shall serve as a member of the board of canvassers to fill a temporary vacancy on that board. No vacancy may be filled on a board of canvassers during the pendency of a canvass or recanvass.

SECTION 18. 9.01 (1) (title) of the statutes is created to read:

9.01 (1) (title) PETITION; FEES; GENERAL PROCEDURES.

SECTION 19. 9.01 (1) (a), (ag) 1 and 2, (ar) 3 and (b) 4 and 5 of the statutes are amended to read:

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

last board of canvassers which makes a determination. If the board of state canvassers makes the determination for the office or the referendum question, the petitioner shall file the petition not earlier than the last meeting day of the last county board of canvassers to make a statement in the election or referendum and not later than 5 p.m. on the 3rd business day following the day on which the elections board receives the last statement from a county board of canvassers for the election or referendum. Each verified petition shall state that at the election the petitioner was a candidate for the office in question or that he or she voted on the referendum question in issue; that the petitioner is informed and believes that a mistake or fraud has been committed in a specified ward or municipality in the counting and return of the votes cast for the office or upon the question; or shall specify any other defect, irregularity or illegality in the conduct of the election. The petition shall specify each ward, or each municipality where no wards exist, in which a recount is desired. If a recount is requested for all wards within a jurisdiction, each ward need not be specified. The petition may be amended to include information discovered as a result of the investigation of the board of canvassers after the filing of the petition, if the petitioner moves to amend the petition as soon as possible after the petitioner discovered or reasonably should have discovered the information which is the subject of the amendment and the petitioner was unable to include information in the original petition.

(ag) 1. Each petition for a recount shall be accompanied by the fee prescribed in this paragraph. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is less than 10 if 1,000 or less votes are cast or less than .5% of the total votes cast for the office or on the question if more than 1,000 votes are cast, the petitioner is not required to pay a fee.

2. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is at least 10 if 1,000 or less votes are cast or at least .5% if more than 1,000 votes are cast, the petitioner shall pay a fee of ~~\$2~~ \$5 for each ward for which the petition requests a ballot recount, or ~~\$2~~ \$5 for each municipality where no wards exist.

(ar) 3. Upon receipt of a valid petition, the clerk shall thereupon notify the proper board of canvassers. Upon receipt of a valid petition by the elections board, the board shall promptly by certified mail or other expeditious means order the proper boards of canvassers to commence the recount. Returns from a recount ordered by the elections board shall be transmitted to the office of the board as soon as possible, but in no case later than ~~44~~ 13 days from the date of the order of the board directing the recount. The board of state canvassers may not make a determination in any election if a recount is pending before any county board of canvassers in that election. The board of state canvassers need not recount actual ballots, but shall verify the returns of the county boards of canvassers in making its determinations.

(b) 4. When the container or bag has been checked, it shall be opened and the contents removed. The board of canvassers shall, without examination other than is necessary to determine that each is a single ballot, count the number of ballots therein. ~~If the number of ballots and the totals recorded under subd. 1 do not agree, the board of canvassers shall make a record of this fact. When, excluding ballots removed under s. 7.51 (1) (ar). Then, for each opened absentee ballot envelope that was laid aside as defective under subd. 2, the board of canvassers shall, without inspection, randomly draw one absentee ballot from the container or bag. In differentiating absentee ballots from other ballots, the board of canvassers shall presume that a ballot initialed only by the municipal clerk, the executive secretary of the board of elections commissioners or a deputy clerk or secretary is an absentee ballot. If there are more defective absentee ballot envelopes than there are probable absentee ballots, all of the probable absentee ballots shall be removed from the container or bag. Additional ballots shall be removed only if the number of~~

remaining ballots still exceeds the number of voting electors recorded under subd. 1, reduced by the number of defective envelopes set aside under subd. 2. If the number of ballots still exceeds the number of voters, the board of canvassers shall place all ballots face up to check for blank ballots. Any blank ballots shall be so marked, laid aside and carefully preserved. If the number of ballots still exceeds the number of voters reduced by the number of defective envelopes set aside under subd. 2, the board of canvassers shall place all ballots face down to check the initials. Any ballot not properly initialed by 2 ballot clerks or any absentee ballot not properly initialed by the municipal clerk shall be so marked, temporarily laid aside and the board of canvassers shall, without inspection, randomly draw from these ballots as many as are necessary to reduce the number of ballots to equal the number of voters. Any ballots removed for lack of initials shall be so marked, laid aside and carefully preserved. If the number of ballots still exceeds the number of voters reduced by the number of defective envelopes set aside under subd. 2, the remaining ballots shall be returned to the container or bag and the board of canvassers shall draw a number of ballots equal to the excess number of ballots by chance and without inspection from the container or bag. These ballots shall be specially marked as having been removed by the canvassers on recount due to an excess number of ballots and carefully preserved.

5. When the number of ballots and voters agree, or after noting that ~~there is a different~~ the number of ballots than voters exceeds the number of ballots, the board of canvassers shall return all ballots to be counted to the ballot box and shall turn the ballot box in such manner as to thoroughly mix the ballots. The recanvass shall then begin.

SECTION 20. 9.01 (1) (b) 5m and 8m of the statutes are created to read:

9.01 (1) (b) 5m. Except as otherwise provided in this section, the recanvass shall be conducted in accordance with s. 7.51.

8m. Where a voting machine or electronic voting system is used, and an error in the vote total as shown on the machine or record of votes cast is clearly apparent, the board of canvassers may change the vote total as shown by the machine or system and certify or use a different total to certify a different result than is indicated by the machine or system if there is evidence of a specific malfunction in the machine or system, if the malfunction could reasonably have caused the error, and if extrinsic evidence exists which indicates beyond a reasonable doubt the exact actual total number of votes cast. The burden of demonstrating that a vote total shown on a machine or record of votes cast is incorrect rests with the party seeking to change the recorded result on the basis of clear and convincing evidence.

SECTION 21. 9.01 (1) (b) 11 and (2) of the statutes are amended to read:

9.01 (1) (b) 11. All steps of the recount shall be performed publicly and all materials and ballots may be viewed and identified by the candidates, the person demanding the recount and their authorized representatives and counsel, but only members of the ~~official~~ board of canvassers shall be and tabulators assisting them are allowed to touch any of the materials or ballots. Any errors shall be corrected.

(2) (title) NOTICE TO CANDIDATES. When the recount concerns a candidate, notification of the intent to file a petition shall first be sent by the petitioner by registered mail or served ~~as is~~ by the petitioner in the manner provided for service of a summons in civil actions in circuit court on each opposing candidate ~~addressed to~~ at the address given on the candidate's nomination papers. In recount proceedings for a partisan primary, the notice to the candidates shall be served only on opposing candidates for the same party nomination and on opposing candidates of other parties and independent candidates qualifying to have their names placed on the ballot for the succeeding election. The petition and the sender's receipt for each registered letter or the affidavit of service upon each opposing candidate shall be filed with the proper clerk or agency.

SECTION 22. 9.01 (3) (title) of the statutes is created to read:

9.01 (3) (title) REPRESENTATION AND OBSERVATION.

SECTION 23. 9.01 (3) (a) of the statutes is renumbered 9.01 (3).

SECTION 24. 9.01 (3) (b) of the statutes is repealed.

SECTION 25. 9.01 (4) of the statutes is amended to read:

9.01 (4) (title) RIGHT TO COMPLETE RECOUNT. Whenever a recount petition for part of the wards within ~~an election a jurisdiction or district is filed under the above provisions,~~ or for part of the municipalities within a district where there are no wards, is filed under this section, the opposing candidate, or any elector voter or other interested party including a municipality if on a referendum question, may similarly file a petition for recount in any or all of the remaining wards or municipalities in the jurisdiction or district. The petition shall be filed not later than 5 p.m. 2 days after the board of canvassers completes the first recount. The proper board of canvassers shall reconvene at 9 a.m. on the next business day following the filing of the petition and proceed to recount the ballots in all wards or municipalities specified and to otherwise check review the fact allegations of fact contained in the petition. Any errors shall be corrected.

SECTION 26. 9.01 (5) (title) of the statutes is created to read:

9.01 (5) (title) OATHS; MINUTES; WITNESS FEES; TABULATORS; TIMING; PUBLICATION.

SECTION 27. 9.01 (5) of the statutes is renumbered 9.01 (5) (a) and amended to read:

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

SECTION 28. 9.01 (5) (b) to (d) of the statutes are created to read:

9.01 (5) (b) The board of canvassers conducting a recount may select and employ tabulators to assist it in its duties. Tabulators shall perform their duties under the direction of the board of canvassers. Only the members of the board of canvassers are competent to make any determination as to the validity of any vote tabulated. Compensation of tabulators shall be determined under s. 7.03.

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

(d) Whenever publication of an original determination is required, the county or municipal clerk shall publish the recount determination in the same manner.

SECTION 29. 9.01 (6) (title) of the statutes is created to read:

9.01 (6) (title) APPEAL TO CIRCUIT COURT.

SECTION 30. 9.01 (6) of the statutes is renumbered 9.01 (6) (a) and amended to read:

9.01 (6) (a) Within 5 days after completion of the recount determination by the board of canvassers in all counties concerned, or within 5 days after completion of the recount determination by the board of state canvassers whenever a determination is made by that body, any candidate, or any elector when for a referendum, aggrieved by the recount may appeal to circuit court. The appeal shall commence by serving a written notice of appeal on the other candidates ~~or~~ and persons who filed a written notice of appearance before ~~the each~~ board of canvassers whose decision is appealed, or in the case of a state-wide recount, before the board of state canvassers. The notice shall be served in person upon each candidate's representative before the board of canvassers, if any, and shall be served upon candidates and other persons by certified mail or in person. The appellant shall file the notice with the clerk of circuit court together with an undertaking and surety in the amount approved by the ~~clerk of court or the judge,~~ conditioned upon the payment of all costs taxed against the appellant.

SECTION 31. 9.01 (6) (b) of the statutes is created to read:

9.01 (6) (b) If an appeal is filed from a recount determination in an election which is held in more than one judicial circuit, the chief judge of the judicial administrative district in which the election is held shall appoint a circuit judge, who shall be a reserve judge if available, to consolidate all cases relating to the matter and hear the appeal. If the election is held in more than one judicial administrative district, the chief justice of the supreme court shall make the appointment.

SECTION 32. 9.01 (7) (title) of the statutes is amended to read:

9.01 (7) (title) COURT PROCEDURES; COSTS.

SECTION 33. 9.01 (7) of the statutes is renumbered 9.01 (7) (a) and amended to read:

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

SECTION 34. 9.01 (7) (b) of the statutes is created to read:

9.01 (7) (b) The appeal shall be heard by a judge without a jury. Within 10 days after an appeal is filed, the appellant shall file a complaint enumerating with specificity every alleged irregularity, defect, mistake or fraud committed during the recount. The court shall promptly require an answer from the other parties to the appeal. The court shall hold a hearing on the matter within 15 days of the date that the answer is filed. Those provisions of chs. 801 to 806 which are inconsistent with a prompt and expeditious hearing do not apply to appeals under this section.

SECTION 35. 9.01 (8) of the statutes is repealed and recreated to read:

9.01 (8) SCOPE OF REVIEW. Unless the court finds a ground for setting aside or modifying the determination of the board of canvassers, it shall affirm the determination. The court shall separately treat disputed issues of procedure, interpretations of law and findings of fact. The court may not receive evidence not offered to the board of canvassers except for evidence that was unavailable to a party exercising due diligence at the time of the recount or newly discovered evidence that could not with due diligence have been obtained during the recount, and except that the court may receive evidence not offered at an earlier time because a party was not represented by counsel in all or part of a

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

SECTION 36. 9.01 (9) to (11) of the statutes are created to read:

9.01 (9) APPEAL TO COURT OF APPEALS. (a) Within 30 days after entry of the order of the circuit court, a party aggrieved by the order may appeal to the court of appeals.

(b) If an appeal is filed in respect to an election which is held in more than one court of appeals district, the chief justice of the supreme court shall designate one court of appeals to consolidate the cases and hear the appeal, except that if an appeal is filed in respect to an election for statewide office or a statewide referendum, the appeal shall be heard by the 4th district court of appeals.

(c) The court of appeals shall give precedence to the appeal over other matters not accorded similar precedence by law.

(10) STANDARD FORMS AND METHODS. The elections board shall prescribe standard forms and procedures for the making of recounts under this section.

(11) EXCLUSIVE REMEDY. This section constitutes the exclusive judicial remedy for testing the right to hold an elective office as the result of an alleged irregularity, defect or mistake committed during the voting or canvassing process.

SECTION 37. 11.20 (5w) of the statutes is created to read:

11.20 (5w) Notwithstanding sub. (3), no election report need be filed in relation to any limited special election.

SECTION 38. 11.25 (2) (b) of the statutes, as affected by 1983 Wisconsin Act 27, is amended to read:

11.25 (2) (b) Notwithstanding par. (a), a registrant may accept contributions and make disbursements from a campaign depository ~~for the purposes of payment of legal fees and other expenses as a result of a recount at any election;~~ for the purpose of making expenditures in connection with a campaign for national office; for payment of civil penalties incurred by the registrant under this chapter; or for payment of the expenses of nonpartisan campaigns to increase voter registration or participation. If such expenses are paid from contributions made to the campaign depository, they are reportable under s. 11.06 (1) as disbursements. Otherwise, such expenses are not reportable under s. 11.06 (1). If contributions from the campaign depository are used for such expenses, they are subject to s. 11.26.

SECTION 39. 11.25 (2) (c) of the statutes is created to read:

11.25 (2) (c) Notwithstanding par. (a), a registrant may accept contributions and make disbursements from a campaign depository for the purpose of payment of legal fees and other expenses as a result of a recount at an election. If such expenses are paid from contributions made to the campaign depository, they are reportable under s. 11.06 (1) as disbursements. Otherwise, such expenses are not reportable under s. 11.06 (1).

SECTION 40. 11.26 (13m) of the statutes is created to read:

11.26 (13m) Contributions utilized for the purpose of payment of legal fees and other expenses as a result of a recount at an election are not subject to limitation by this section.

SECTION 43. 227.15 of the statutes, as affected by 1983 Wisconsin Act 27, is amended to read:

227.15 Judicial review; decisions reviewable. Administrative decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter, except for the decisions of the department of revenue other than decisions relating to alcohol beverage permits issued under ch. 125 and decisions of the department of employe trust funds, the commissioner of banking, the commissioner of credit unions ~~and~~, the commissioner of savings and loan and the board of state canvassers and except as otherwise provided by law.

SECTION 44. 808.04 (2) (a) of the statutes is amended to read:

808.04 (2) (a) Subsection (1) does not apply to an appeal for which a specific time period for initiating an appeal is expressly provided by law. Appeals for which special time periods are provided include: s. 9.01 (9) (recount), 9.10 (4) (a) (recall), 30.30 (3) (c) (harbor improvements), 32.05 (13) (condemnation), 32.06 (13) (condemnation), 48.911 (adoption proceedings), 62.075 (4) (detachment of farm lands), 66.014 (7) (b) (municipal incorporation), 66.021 (10) (b) (annexation), 66.05 (8) (c) (razing buildings), 66.435 (4) (b) (urban renewal), 87.16 (flood control projects), 88.09 (2) (drainage of lands), 102.25 (1) (worker's compensation), 111.07 (7) (employment relations commission), 117.03 (5) (school district reorganization), 128.15 (1) (objections to creditors' claims), 128.20 (2) (settlement of receiver's or assignee's accounts), 186.29 (5) (revaluation of credit union shares), 215.32 (12) (revaluation of savings and loan accounts), 227.21 (review of administrative agency decisions), 227.26 (enforcement of laws attacked in federal court), 779.29 (log liens), 786.03 (conveyance: specific performance), 808.07 (7) (eviction actions), 879.27 (3) (probate court), 879.31 (extension of probate court appeals) and 974.02 (criminal, juvenile, civil commitment and protective placement cases).

SECTION 45. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
12.13 (3) (t)	6.86 (2)	6.86 (3)

SECTION 46. **Initial applicability.** This act first applies to absentee voting, canvassing and recount procedures for the 1984 September primary election.
