



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4270/2
JK:cdc

2023 ASSEMBLY BILL 899

January 4, 2024 - Introduced by Representatives BODDEN, GUSTAFSON, GOEBEN, RETTINGER, BINSFELD, MAXEY, HURD, MICHALSKI, SCHMIDT, S. JOHNSON, ALLEN, BROOKS, CALLAHAN and DITTRICH, cosponsored by Senator KNODL. Referred to Committee on Campaigns and Elections.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to repeal* 5.025, 5.05 (1e), 5.05 (2m) (c) 5. a. to c., 5.05 (2m) (d) 1., 5.05
2 (5f), 5.93, 7.41 (5), 12.01 (2), 15.06 (1) (d), 15.06 (2) (b) 1., 15.06 (3) (a) 5., 15.61,
3 19.42 (10) (a), 19.42 (13) (p), 20.510 (intro.) and (1) (title) and 230.08 (2) (eL);
4 *to renumber* 15.06 (2) (b) 2., 20.510 (1) (bm), 20.510 (1) (br), 20.510 (1) (c),
5 20.510 (1) (d), 20.510 (1) (e), 20.510 (1) (jn), 20.510 (1) (m), 20.510 (1) (t) and
6 20.510 (1) (x); *to renumber and amend* 5.05 (2m) (c) 5. (intro.), 5.05 (2m) (d)
7 2., 20.510 (1) (a), 20.510 (1) (be), 20.510 (1) (g), 20.510 (1) (h) and 20.510 (1) (jm);
8 *to consolidate, renumber and amend* 12.01 (intro.) and (1); *to amend* 5.01
9 (4) (a), 5.05 (title), 5.05 (1) (intro.), 5.05 (1) (b), 5.05 (1) (c), 5.05 (2m) (a), 5.05
10 (2m) (c) 2., 5.05 (2m) (c) 4., 5.05 (2m) (c) 6., 5.05 (2m) (c) 7., 5.05 (2m) (c) 9., 5.05
11 (2m) (c) 10., 5.05 (2m) (c) 11., 5.05 (2m) (c) 12., 5.05 (2m) (c) 13., 5.05 (2m) (c) 14.,
12 5.05 (2m) (c) 15., 5.05 (2m) (c) 16., 5.05 (2m) (c) 17., 5.05 (2m) (c) 18., 5.05 (2m)
13 (e), 5.05 (2m) (f) (intro.), 5.05 (2m) (f) 1., 5.05 (2m) (f) 2., 5.05 (2m) (h), 5.05 (2m)
14 (i), 5.05 (2m) (k), 5.05 (2q), 5.05 (2w), 5.05 (3d), 5.05 (3g), 5.05 (4), 5.05 (5e), 5.05

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1 (5s) (intro.), (a), (am), (b), (bm), (c), (d), (e) (intro.), 1., 2. and (f), 5.05 (5t), 5.05
2 (6a), 5.05 (7), 5.05 (9), 5.05 (10), 5.05 (11), 5.05 (12), 5.05 (13) (a), 5.05 (13) (b),
3 5.05 (13) (c), 5.05 (13) (d) (intro.), 5.05 (14), 5.05 (15), 5.05 (16), 5.05 (17), 5.05
4 (18), 5.055, 5.056, 5.06 (1), 5.06 (2), 5.06 (4), 5.06 (5), 5.06 (6), 5.06 (7), 5.06 (8),
5 5.06 (9), 5.061 (1), 5.061 (2), 5.061 (3), 5.061 (4), 5.25 (4), 5.35 (6) (a) 2m., 5.35
6 (6) (a) 4a., 5.35 (6) (a) 4b., 5.35 (6) (a) 5., 5.35 (6) (b), 5.40 (5m), 5.40 (7), 5.51 (6),
7 5.51 (8), 5.58 (1b) (bm), 5.58 (1b) (cm), 5.58 (2), 5.58 (2m), 5.60 (1) (b), 5.60 (3)
8 (ag), 5.60 (5) (ar), 5.60 (6) (a), 5.60 (8) (am), 5.62 (1) (a), 5.62 (1) (b) 1., 5.62 (2)
9 (a), 5.62 (3), 5.62 (4) (ar), 5.62 (4) (b), 5.64 (1) (ag), 5.64 (1) (b), 5.64 (1) (es), 5.64
10 (2), 5.655 (3), 5.72, 5.83, 5.87 (2), 5.905 (2), 5.905 (3), 5.905 (4), 5.91 (intro.), 5.95,
11 6.06, 6.22 (4) (d), 6.22 (6), 6.24 (3), 6.24 (4) (d), 6.24 (5), 6.24 (6), 6.275 (1) (intro.),
12 6.275 (1) (f), 6.275 (2), 6.276 (2), 6.276 (3), 6.29 (2) (am), 6.30 (4), 6.30 (5), 6.32,
13 6.33 (1), 6.33 (5) (a), 6.33 (5) (b), 6.34 (2m), 6.34 (4), 6.35 (2), 6.36 (1) (a) (intro.),
14 6.36 (1) (a) 4., 6.36 (1) (a) 9., 6.36 (1) (am), 6.36 (1) (b) 1. a., 6.36 (1) (b) 1. b., 6.36
15 (1) (bm), 6.36 (1) (bn), 6.36 (1) (d), 6.36 (1) (e), 6.36 (1) (f), 6.36 (2) (a), 6.36 (6),
16 6.47 (1) (ag), 6.47 (1) (am) 2., 6.47 (1) (dm), 6.47 (2), 6.47 (3), 6.50 (1) (intro.), 6.50
17 (2), 6.50 (2g), 6.50 (2r) (intro.), 6.50 (2r) (b), 6.50 (2r) (h), 6.50 (7), 6.55 (2) (a)
18 (intro.), 6.55 (2) (cs), 6.55 (3) (b), 6.56 (3), 6.56 (3m), 6.56 (4), 6.56 (7), 6.57, 6.79
19 (1m), 6.86 (2) (a), 6.86 (2m) (a), 6.86 (3) (a) 1., 6.869, 6.87 (3) (d), 6.875 (5), 6.92
20 (1), 6.925, 6.95, 6.96, 6.97 (1), 7.03 (1) (a), 7.03 (1) (b), 7.03 (2), 7.08 (intro.), 7.08
21 (1), 7.08 (2) (a), 7.08 (2) (d), 7.08 (3) (intro.), 7.08 (3) (a), 7.08 (4), 7.08 (6), 7.10
22 (1) (a), 7.10 (2), 7.10 (3) (a), 7.10 (4), 7.10 (7), 7.10 (8), 7.10 (9), 7.10 (10), 7.15 (1)
23 (e), 7.15 (1) (g), 7.15 (1m), 7.15 (8), 7.15 (9), 7.15 (10), 7.15 (13), 7.30 (2) (c), 7.30
24 (4) (e), 7.30 (6) (b), 7.31, 7.315 (1) (a), 7.315 (2), 7.315 (3), 7.38 (5), 7.52 (1) (a),
25 7.60 (4) (a), 7.60 (5), 7.70 (1), 7.70 (3) (a), (b), (c), (d), (e), (g), (h) and (i), 7.70 (5),

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1 8.07, 8.10 (6) (a), 8.12 (1), 8.12 (2), 8.12 (3), 8.15 (8) (a), 8.16 (2) (b), 8.16 (7), 8.17
2 (9) (a), 8.17 (12), 8.18 (2), 8.185 (1), 8.185 (2), 8.185 (3), 8.19 (1), 8.19 (3), 8.20
3 (7), 8.30 (2m), 8.40 (3), 8.50 (1) (a), 8.50 (1) (b), 8.50 (1) (d), 8.50 (3) (e), 9.01 (1)
4 (a) 1., 9.01 (1) (a) 4., 9.01 (1) (ag) 2., 9.01 (1) (ag) 4., 9.01 (1) (ar) 2., 9.01 (1) (ar)
5 3., 9.01 (5) (a), 9.01 (5) (bm), 9.01 (5) (c), 9.01 (6) (a), 9.01 (7) (a), 9.01 (8) (a), 9.01
6 (8) (c), 9.01 (8) (d), 9.01 (10), 10.01 (1), 10.01 (2) (intro.), 10.02 (1), 10.02 (2) (c),
7 10.02 (3) (intro.), 10.06 (1), 10.06 (2) (a), 10.06 (2) (b), 10.06 (2) (e), 10.06 (2) (h),
8 10.06 (2) (k), 12.13 (5) (a), 12.13 (5) (b) (intro.), 12.13 (5) (b) 3., 13.123 (3) (b) 2.,
9 13.23, 14.38 (10m), 15.01 (2), 15.06 (5), 15.06 (6), 15.06 (10), 16.79 (2), 16.96 (3)
10 (b), 17.17 (1), 17.17 (4), 19.43 (4), 19.85 (1) (h), 19.851 (title), 19.851 (1), 20.505
11 (1) (d), 20.575 (1) (g), 20.575 (1) (ka), 38.16 (3) (br) 3., 49.165 (4) (a), 59.605 (3)
12 (a) 3., 67.05 (3) (b), 67.05 (6), 85.61 (1), 117.20 (2), 117.27 (2) (b) (intro.), 121.91
13 (3) (c), 165.93 (4) (a), 198.08 (10), 200.09 (11) (am) 2., 200.09 (11) (am) 3., 227.03
14 (6), 227.52 (6), 301.03 (20m), 342.06 (1) (eg), 343.027, 343.11 (2m), 343.14 (2j),
15 343.50 (8) (c) 3., 756.04 (2) (c) 1., 778.135, 978.05 (1) and 978.05 (2); and **to**
16 **create** 5.05 (5fm) of the statutes; **relating to:** dissolving the Elections
17 Commission, requiring the secretary of state to administer elections, and
18 granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill dissolves the Elections Commission and requires the secretary of state to assume the duties of the commission, effective January 4, 2027. Under the bill, the administrator of the commission must work with the secretary of state to ensure a smooth transition from the commission to the office of the secretary of state and to formulate an implementation plan. Under the bill, all assets, liabilities, and tangible personal property of the commission are transferred to secretary of state. In addition, all incumbent employees holding positions at the commission on the bill's effective date, other than the administrator, are transferred to the office of the secretary of state.

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Under the bill, the standing committees in each house of the legislature with jurisdiction over election administration are advisory to the secretary of state on all matters relating to the operation of the office of the secretary of state with regard to the election administration. Except for action related to the internal operations and procedures of the office, the office of the secretary of state may take no action with regard to election administration without getting prior approval from the standing committees in each house of the legislature with jurisdiction over election administration.

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

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

1 **SECTION 1.** 5.01 (4) (a) of the statutes is amended to read:

2 5.01 (4) (a) If 2 or more candidates for the same office receive the greatest, but
3 an equal number of votes, the winner shall be chosen by lot in the presence of the
4 board of canvassers charged with the responsibility to determine the election, or in
5 the case of an election for state or national office or metropolitan sewerage
6 commissioner, if the commissioner is elected under s. 200.09 (11) (am), in the
7 presence of the ~~chairperson of the elections commission~~ secretary of state or the
8 ~~chairperson's~~ secretary's designee.

9 **SECTION 2.** 5.025 of the statutes is repealed.

10 **SECTION 3.** 5.05 (title) of the statutes is amended to read:

11 **5.05** (title) ~~Elections commission~~ **Secretary of state; powers and duties.**

12 **SECTION 4.** 5.05 (1) (intro.) of the statutes is amended to read:

13 5.05 (1) GENERAL AUTHORITY. (intro.) The ~~elections commission~~ secretary of
14 state shall have the responsibility for the administration of chs. 5 to 10 and 12 and
15 other laws relating to elections and election campaigns, other than laws relating to
16 campaign financing. Pursuant to such responsibility, the ~~commission~~ secretary of
17 state and the office of the secretary of state may:

ASSEMBLY BILL 899**SECTION 5**

1 **SECTION 5.** 5.05 (1) (b) of the statutes is amended to read:

2 5.05 (1) (b) In the discharge of ~~its~~ the duties of the secretary of state and after
3 providing notice to any party who is the subject of an investigation, subpoena and
4 bring before ~~it~~ the secretary any person and require the production of any papers,
5 books, or other records relevant to an investigation. ~~Notwithstanding s. 885.01 (4),~~
6 ~~the issuance of a subpoena requires action by the commission at a meeting of the~~
7 ~~commission.~~ In the discharge of its his or her duties, the ~~commission~~ secretary may
8 cause the deposition of witnesses to be taken in the manner prescribed for taking
9 depositions in civil actions in circuit court.

10 **SECTION 6.** 5.05 (1) (c) of the statutes is amended to read:

11 5.05 (1) (c) Bring civil actions to require a forfeiture for any violation of chs. 5
12 to 10 or 12. The ~~commission~~ secretary of state may compromise and settle any civil
13 action or potential action brought or authorized to be brought by ~~it~~ the secretary
14 which, in ~~the~~ his or her opinion ~~of the commission,~~ constitutes a minor violation, a
15 violation caused by excusable neglect, or which for other good cause shown, should
16 not in the public interest be prosecuted under such chapter. Notwithstanding s.
17 778.06, a civil action or proposed civil action authorized under this paragraph may
18 be settled for such sum as may be agreed between the parties. Any settlement made
19 by the ~~commission~~ secretary shall be in such amount as to deprive the alleged
20 violator of any benefit of his or her wrongdoing and may contain a penal component
21 to serve as a deterrent to future violations. In settling civil actions or proposed civil
22 actions, the ~~commission~~ secretary shall treat comparable situations in a comparable
23 manner and shall assure that any settlement bears a reasonable relationship to the
24 severity of the offense or alleged offense. Except as otherwise provided in sub. (2m)
25 (c) 15. and 16. and ss. 5.08 and 5.081, forfeiture actions brought by the ~~commission~~

ASSEMBLY BILL 899**SECTION 6**

1 secretary shall be brought in the circuit court for the county where the defendant
2 resides, or if the defendant is a nonresident of this state, in circuit court for the county
3 wherein the violation is alleged to occur. For purposes of this paragraph, a person
4 other than an individual resides within a county if the person's principal place of
5 operation is located within that county. Whenever the ~~commission~~ secretary enters
6 into a settlement agreement with an individual who is accused of a civil violation of
7 chs. 5 to 10 or 12 or who is investigated by the ~~commission~~ office of the secretary of
8 state for a possible civil violation of one of those provisions, the ~~commission~~ secretary
9 shall reduce the agreement to writing, together with a statement of the ~~commission's~~
10 secretary's findings and reasons for entering into the agreement and shall retain the
11 agreement and statement in its the office of the secretary of state for inspection.

12 **SECTION 7.** 5.05 (1e) of the statutes is repealed.

13 **SECTION 8.** 5.05 (2m) (a) of the statutes is amended to read:

14 **5.05 (2m) (a)** The ~~commission~~ office of the secretary of state shall investigate
15 violations of laws administered by the ~~commission~~ secretary and may prosecute
16 alleged civil violations of those laws, directly or through its agents under this
17 subsection, pursuant to all statutes granting or assigning that authority or
18 responsibility to the ~~commission~~ secretary. Prosecution of alleged criminal
19 violations investigated by the ~~commission~~ office of the secretary of state may be
20 brought only as provided in par. (c) 11., 14., 15., and 16. and s. 978.05 (1). For
21 purposes of this subsection, the ~~commission~~ office of the secretary of state may only
22 initiate an investigation of an alleged violation of chs. 5 to 10 and 12, other than an
23 offense described under par. (c) 12., based on a sworn complaint filed with the
24 ~~commission~~ secretary of state, as provided under par. (c). Neither the ~~commission~~
25 secretary of state nor any ~~member or~~ employee of the ~~commission~~, including the

ASSEMBLY BILL 899**SECTION 8**

1 ~~commission administrator, office of the secretary of state~~ may file a sworn complaint
2 for purposes of this subsection.

3 **SECTION 9.** 5.05 (2m) (c) 2. of the statutes is amended to read:

4 5.05 **(2m)** (c) 2. a. Any person may file a complaint with the ~~commission~~
5 secretary of state alleging a violation of chs. 5 to 10 or 12. No later than 5 days after
6 receiving a complaint, the ~~commission~~ secretary shall notify each person who or
7 which the complaint alleges committed such a violation. ~~Before voting on whether~~
8 ~~to take any action regarding the complaint, other than to dismiss, the commission~~
9 The secretary shall give each person receiving a notice under this subd. 2. a. an
10 opportunity to demonstrate to the ~~commission~~ secretary, in writing and within 15
11 days after receiving the notice, that the ~~commission~~ secretary should take no action
12 against the person on the basis of the complaint. The ~~commission~~ office of the
13 secretary of state may not conduct any investigation or take any other action under
14 this subsection solely on the basis of a complaint by an unidentified complainant.

15 am. If the ~~commission~~ office of the secretary of state finds, by a preponderance
16 of the evidence, that a complaint is frivolous, the ~~commission~~ secretary of state may
17 order the complainant to forfeit not more than the greater of \$500 or the expenses
18 incurred by the ~~commission~~ office in investigating the complaint.

19 **SECTION 10.** 5.05 (2m) (c) 4. of the statutes is amended to read:

20 5.05 **(2m)** (c) 4. If the ~~commission~~ office of the secretary of state reviews a
21 complaint and fails to find that there is a reasonable suspicion that a violation under
22 subd. 2. has occurred or is occurring, the ~~commission~~ secretary of state shall dismiss
23 the complaint. If the ~~commission~~ office believes that there is reasonable suspicion
24 that a violation under subd. 2. has occurred or is occurring, the ~~commission~~ secretary
25 may by resolution authorize the commencement of an investigation. The resolution

ASSEMBLY BILL 899**SECTION 10**

1 shall specifically set forth any matter that is authorized to be investigated. To assist
2 in the investigation, the ~~commission~~ secretary may elect to retain a special
3 investigator. ~~If the commission elects to retain a special investigator, the~~
4 ~~administrator of the commission shall submit to the commission the names of 3~~
5 ~~qualified individuals to serve as a special investigator. The commission may retain~~
6 ~~one or more of the individuals.~~ If the ~~commission~~ secretary retains a special
7 investigator to investigate a complaint against a person who is a resident of this
8 state, the ~~commission~~ secretary shall provide to the district attorney for the county
9 in which the person resides a copy of the complaint and shall notify the district
10 attorney that it he or she has retained a special investigator to investigate the
11 complaint. For purposes of this subdivision, a person other than an individual
12 resides within a county if the person's principal place of operation is located within
13 that county. The ~~commission~~ secretary shall enter into a written contract with any
14 individual who is retained as a special investigator setting forth the terms of the
15 engagement. A special investigator who is retained by the ~~commission~~ secretary may
16 request the ~~commission~~ secretary to issue a subpoena to a specific person or to
17 authorize the special investigator to request the circuit court of the county in which
18 the specific person resides to issue a search warrant. ~~The commission may grant the~~
19 ~~request by approving a motion to that effect at a meeting of the commission if the~~
20 ~~commission finds that such action is legally appropriate.~~

21 **SECTION 11.** 5.05 (2m) (c) 5. (intro.) of the statutes is renumbered 5.05 (2m) (c)
22 5. and amended to read:

23 5.05 (2m) (c) 5. ~~Each special investigator who is retained by the commission~~
24 ~~shall make periodic reports to the commission, as directed by the commission, but in~~
25 ~~no case may the interval for reporting exceed 30 days. If the commission authorizes~~

ASSEMBLY BILL 899**SECTION 11**

1 ~~the commission administrator to investigate any matter without retaining a special~~
2 ~~investigator, the administrator shall make periodic reports to the commission, as~~
3 ~~directed by the commission, but in no case may the reporting interval exceed 30 days.~~
4 During the pendency of any investigation, the ~~commission~~ office of the secretary of
5 state shall ~~meet for the purpose of reviewing~~ review the progress of the investigation
6 at least once every 90 days. The special investigator ~~or the administrator~~ shall report
7 in person to the ~~commission~~ office and the secretary at that meeting concerning the
8 progress of the investigation. ~~If, after receiving a report, the commission does not~~
9 ~~vote to continue an investigation for an additional period not exceeding 90 days, the~~
10 ~~investigation is terminated at the end of the reporting interval.~~ The ~~commission~~
11 office of the secretary of state shall not expend more than \$25,000 to finance the cost
12 of an investigation before receiving a report on the progress of the investigation and
13 a recommendation to commit additional resources. The ~~commission~~ secretary of
14 state may ~~vote to~~ terminate an investigation at any time. If an investigation is
15 terminated, any complaint from which the investigation arose is deemed to be
16 dismissed by the ~~commission.~~ ~~Unless an investigation is terminated by the~~
17 ~~commission, at the conclusion of each investigation, the administrator shall present~~
18 ~~to the commission one of the following:~~ secretary.

19 **SECTION 12.** 5.05 (2m) (c) 5. a. to c. of the statutes are repealed.

20 **SECTION 13.** 5.05 (2m) (c) 6. of the statutes is amended to read:

21 5.05 **(2m)** (c) 6. a. If the ~~commission~~ office of the secretary of state finds that
22 there is probable cause to believe that a violation under subd. 2. has occurred or is
23 occurring, the ~~commission~~ secretary of state may ~~authorize the commission~~
24 ~~administrator to~~ file a civil complaint against the alleged violator. In such case, the
25 ~~administrator~~ secretary may request the assistance of special counsel to prosecute

ASSEMBLY BILL 899**SECTION 13**

1 any action brought by the ~~commission~~. If the administrator requests the assistance
2 of special counsel with respect to any matter, the administrator shall submit to the
3 ~~commission the names of 3 qualified individuals to serve as special counsel~~. The
4 ~~commission may retain one of the individuals to act as special counsel~~ office. The
5 ~~staff of the commission~~ office of the secretary of state shall provide assistance to the
6 special counsel as may be required by the counsel to carry out his or her
7 responsibilities.

8 b. The ~~commission~~ secretary of state shall enter into a written contract with
9 any individual who is retained as special counsel setting forth the terms of the
10 engagement. The contract shall set forth the compensation to be paid such counsel
11 by the state. The contract shall be executed on behalf of the state ~~by the commission~~
12 ~~and the commission shall file the contract~~ kept in the office of the secretary of state.
13 The compensation shall be charged to the appropriation under s. ~~20.510 (1)~~ 20.575
14 (2) (br).

15 **SECTION 14.** 5.05 (2m) (c) 7. of the statutes is amended to read:

16 5.05 **(2m)** (c) 7. No individual who is appointed or retained by the ~~commission~~
17 secretary of state to serve as special counsel or as a special investigator is subject to
18 approval under s. 20.930.

19 **SECTION 15.** 5.05 (2m) (c) 9. of the statutes is amended to read:

20 5.05 **(2m)** (c) 9. At the conclusion of its investigation, the ~~commission~~ office of
21 the secretary of state shall, in preliminary written findings of fact and conclusions
22 based thereon, make a determination of whether or not probable cause exists to
23 believe that a violation under subd. 2. has occurred or is occurring. If the ~~commission~~
24 office determines that no probable cause exists, it the secretary of state shall dismiss
25 the complaint. Whenever the ~~commission~~ secretary dismisses a complaint or a

ASSEMBLY BILL 899**SECTION 15**

1 complaint is deemed to be dismissed under subd. 5., the ~~commission~~ office shall
2 immediately send written notice of the dismissal to the accused and to the party who
3 made the complaint.

4 **SECTION 16.** 5.05 (2m) (c) 10. of the statutes is amended to read:

5 5.05 (2m) (c) 10. The ~~commission~~ office of the secretary of state shall inform the
6 accused or his or her counsel of exculpatory evidence in its possession.

7 **SECTION 17.** 5.05 (2m) (c) 11. of the statutes is amended to read:

8 5.05 (2m) (c) 11. If the ~~commission~~ office of the secretary of state finds that
9 there is probable cause to believe that a violation under subd. 2. has occurred or is
10 occurring, the ~~commission~~ secretary of state may, in lieu of civil prosecution of any
11 matter by the ~~commission~~ office, refer the matter to the district attorney for the
12 county in which the alleged violator resides, or if the alleged violator is a nonresident,
13 to the district attorney for the county where the matter arises, or if par. (i) applies,
14 to the attorney general or a special prosecutor. For purposes of this subdivision, a
15 person other than a natural person resides within a county if the person's principal
16 place of operation is located within that county.

17 **SECTION 18.** 5.05 (2m) (c) 12. of the statutes is amended to read:

18 5.05 (2m) (c) 12. The ~~commission~~ office of the secretary of state shall, by rule,
19 prescribe categories of civil offenses which the ~~commission~~ secretary of state will
20 agree to compromise and settle without a formal investigation upon payment of
21 specified amounts by the alleged offender. ~~The commission may authorize the~~
22 ~~commission administrator to compromise and settle such alleged offenses in the~~
23 ~~name of the commission if the alleged offenses by an offender, in the aggregate, do~~
24 ~~not involve payment of more than \$2,500.~~

25 **SECTION 19.** 5.05 (2m) (c) 13. of the statutes is amended to read:

ASSEMBLY BILL 899**SECTION 19**

1 5.05 (2m) (c) 13. If a special investigator ~~or the commission administrator~~, in
2 the course of an investigation authorized by the ~~commission~~ secretary of state,
3 discovers evidence that a violation under subd. 2. that was not within the scope of
4 the authorized investigation has occurred or is occurring, the special investigator ~~or~~
5 ~~the administrator~~ may present that evidence to the ~~commission~~ secretary. If the
6 ~~commission~~ secretary finds that there is a reasonable suspicion that a violation
7 under subd. 2. that is not within the scope of the authorized investigation has
8 occurred or is occurring, the ~~commission~~ secretary may authorize the special
9 investigator ~~or the administrator~~ to investigate the alleged violation or may elect to
10 authorize a separate investigation of the alleged violation as provided in subd. 4.

11 **SECTION 20.** 5.05 (2m) (c) 14. of the statutes is amended to read:

12 5.05 (2m) (c) 14. If a special investigator ~~or the commission administrator~~, in
13 the course of an investigation authorized by the ~~commission~~ secretary of state,
14 discovers evidence of a potential violation of a law that is not administered by the
15 ~~commission~~ office of the secretary of state arising from or in relation to the official
16 functions of the subject of the investigation or any matter that involves elections, the
17 special investigator ~~or the administrator~~ may present that evidence to the
18 ~~commission~~ secretary. The ~~commission~~ secretary may thereupon refer the matter to
19 the appropriate district attorney specified in subd. 11. or may refer the matter to the
20 attorney general. The attorney general may then commence a civil or criminal
21 prosecution relating to the matter.

22 **SECTION 21.** 5.05 (2m) (c) 15. of the statutes is amended to read:

23 5.05 (2m) (c) 15. Except as provided in subd. 17., if the ~~commission~~ secretary
24 of state refers a matter to the district attorney specified in subd. 11. for prosecution
25 of a potential violation under subd. 2. or 14. and the district attorney informs the

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1 ~~commission secretary~~ that he or she declines to prosecute any alleged civil or
2 criminal violation related to any matter referred to the district attorney by the
3 ~~commission secretary~~, or the district attorney fails to commence a prosecution of any
4 civil or criminal violation related to any matter referred to the district attorney by
5 the ~~commission secretary~~ within 60 days of the date of the ~~commission's~~ referral, the
6 ~~commission secretary~~ may refer the matter to the district attorney for another
7 prosecutorial unit that is contiguous to the prosecutorial unit of the district attorney
8 to whom the matter was originally referred. ~~If there is more than one such~~
9 ~~prosecutorial unit, the chairperson of the commission shall determine the district~~
10 ~~attorney to whom the matter shall be referred by publicly drawing lots at a meeting~~
11 ~~of the commission.~~ The district attorney may then commence a civil or criminal
12 prosecution relating to the matter.

13 **SECTION 22.** 5.05 (2m) (c) 16. of the statutes is amended to read:

14 5.05 **(2m)** (c) 16. Except as provided in subd. 17., if the ~~commission secretary~~
15 of state refers a matter to a district attorney under subd. 15. for prosecution of a
16 potential violation under subd. 2. or 14. and the district attorney informs the
17 ~~commission secretary~~ that he or she declines to prosecute any alleged civil or
18 criminal violation related to any matter referred to the district attorney by the
19 ~~commission secretary~~, or the district attorney fails to commence a prosecution of any
20 civil or criminal violation related to any matter referred to the district attorney by
21 the ~~commission secretary~~ within 60 days of the date of the ~~commission's~~ referral, the
22 ~~commission secretary~~ may refer the matter to the attorney general. The attorney
23 general may then commence a civil or criminal prosecution relating to the matter.

24 **SECTION 23.** 5.05 (2m) (c) 17. of the statutes is amended to read:

ASSEMBLY BILL 899**SECTION 23**

1 5.05 (2m) (c) 17. The ~~commission~~ secretary of state is not authorized to act
2 under subd. 15. or 16. if a special prosecutor is appointed under s. 978.045 in lieu of
3 the district attorney specified in subd. 11.

4 **SECTION 24.** 5.05 (2m) (c) 18. of the statutes is amended to read:

5 5.05 (2m) (c) 18. Whenever the ~~commission~~ secretary of state refers a matter
6 to special counsel or to a district attorney or to the attorney general under this
7 subsection, the special counsel, district attorney, or attorney general shall report to
8 the ~~commission~~ secretary of state concerning any action taken regarding the matter.
9 The report shall be transmitted no later than 40 days after the date of the referral.
10 If the matter is not disposed of during that period, the special counsel, district
11 attorney, or attorney general shall file a subsequent report at the end of each 30-day
12 period following the filing of the initial report until final disposition of the matter.

13 **SECTION 25.** 5.05 (2m) (d) 1. of the statutes is repealed.

14 **SECTION 26.** 5.05 (2m) (d) 2. of the statutes is renumbered 5.05 (2m) (d) and
15 amended to read:

16 5.05 (2m) (d) No employee of the ~~commission~~ office of the secretary of state,
17 while so employed, may become a candidate, as defined in s. 11.0101 (1), for a state
18 or partisan local office. No individual who is retained by the ~~commission~~ office of the
19 secretary of state to serve as a special investigator or as special counsel may, while
20 so retained, become a candidate, as defined in s. 11.0101 (1), for any state or local
21 office. A filing officer shall decline to accept nomination papers or a declaration of
22 candidacy from any individual who does not qualify to become a candidate under this
23 paragraph.

24 **SECTION 27.** 5.05 (2m) (e) of the statutes is amended to read:

ASSEMBLY BILL 899**SECTION 27**

1 5.05 (2m) (e) No individual who serves as an employee of the ~~commission~~ office
2 of the secretary of state and no individual who is retained by the ~~commission~~ office
3 of the secretary of state to serve as a special investigator or a special counsel may,
4 while so employed or retained, make a contribution to a candidate for state or local
5 office. No individual who serves as an employee of the ~~commission~~ office of the
6 secretary of state and no individual who is retained by the ~~commission~~ office of the
7 secretary of state to serve as a special investigator or as special counsel, for 12
8 months prior to becoming so employed or retained, may have made a contribution to
9 a candidate for a partisan state or local office. In this paragraph, contribution has
10 the meaning given in s. 11.0101 (8).

11 **SECTION 28.** 5.05 (2m) (f) (intro.) of the statutes is amended to read:

12 5.05 (2m) (f) (intro.) Pursuant to any investigation authorized under par. (c),
13 the ~~commission~~ secretary of state has the power:

14 **SECTION 29.** 5.05 (2m) (f) 1. of the statutes is amended to read:

15 5.05 (2m) (f) 1. To require any person to submit in writing such reports and
16 answers to questions relevant to the proceedings as the ~~commission~~ office of the
17 secretary of state may prescribe, such submission to be made within such period and
18 under oath or otherwise as the ~~commission~~ office may determine.

19 **SECTION 30.** 5.05 (2m) (f) 2. of the statutes is amended to read:

20 5.05 (2m) (f) 2. To order testimony to be taken by deposition before any
21 individual who is designated by the ~~commission~~ secretary of state and has the power
22 to administer oaths, and, in such instances, to compel testimony and the production
23 of evidence in the same manner as authorized by sub. (1) (b).

24 **SECTION 31.** 5.05 (2m) (h) of the statutes is amended to read:

ASSEMBLY BILL 899**SECTION 31**

1 5.05 (2m) (h) If the defendant in an action for a civil violation of chs. 5 to 10 or
2 12 is a district attorney or a circuit judge or a candidate for either such office, the
3 action shall be brought by the ~~commission~~ secretary of state. If the defendant in an
4 action for a civil violation of chs. 5 to 10 or 12 is the attorney general or a candidate
5 for that office, the ~~commission~~ secretary of state may appoint special counsel to bring
6 suit on behalf of the state.

7 **SECTION 32.** 5.05 (2m) (i) of the statutes is amended to read:

8 5.05 (2m) (i) If the defendant in an action for a criminal violation of chs. 5 to
9 10 or 12 is a district attorney or a circuit judge or a candidate for either such office,
10 the action shall be brought by the attorney general. If the defendant in an action for
11 a criminal violation of chs. 5 to 10 or 12 is the attorney general or a candidate for that
12 office, the ~~commission~~ secretary of state may appoint a special prosecutor to conduct
13 the prosecution on behalf of the state.

14 **SECTION 33.** 5.05 (2m) (k) of the statutes is amended to read:

15 5.05 (2m) (k) The ~~commission's~~ power of the secretary of state to initiate civil
16 actions under this subsection for the enforcement of chs. 5 to 10 or 12 shall be the
17 exclusive remedy for alleged civil violations of chs. 5 to 10 or 12.

18 **SECTION 34.** 5.05 (2q) of the statutes is amended to read:

19 5.05 (2q) SUPPLEMENTAL FUNDING FOR ONGOING INVESTIGATIONS. ~~The commission~~
20 secretary of state may request supplemental funds to be credited to the
21 appropriation account under s. ~~20.510 (1)~~ 20.575 (2) (be) for the purpose of continuing
22 an ongoing investigation initiated under sub. (2m). A request under this subsection
23 shall be filed with the secretary of administration and the cochairpersons of the joint
24 committee on finance in writing and shall contain a statement of the action
25 requested, the purposes therefor, the statutory provision authorizing or directing the

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1 performance of the action, and information about the nature of the investigation for
2 which the ~~commission~~ secretary of state seeks supplemental funds, excluding the
3 name of any individual or organization that is the subject of the investigation. If the
4 cochairpersons of the joint committee on finance do not notify the secretary of
5 administration that the committee has scheduled a meeting for the purpose of
6 reviewing the request within 14 working days after the ~~commission~~ secretary of state
7 filed the request, the secretary of administration shall supplement the appropriation
8 under s. ~~20.510 (1)~~ 20.575 (2) (be) from the appropriation under s. 20.505 (1) (d) in
9 an amount not to exceed the amount the ~~commission~~ secretary of state requested.
10 If, within 14 working days after the ~~commission~~ secretary of state filed the request,
11 the cochairpersons of the joint committee on finance notify the secretary of
12 administration that the committee has scheduled a meeting for the purpose of
13 reviewing the ~~commission's~~ secretary of state's request under this subsection, the
14 secretary of administration may supplement the appropriation under s. ~~20.510 (1)~~
15 20.575 (2) (be) only with the committee's approval. The committee and the secretary
16 of administration shall notify the ~~commission~~ secretary of state of all their actions
17 taken under this subsection.

18 **SECTION 35.** 5.05 (2w) of the statutes is amended to read:

19 5.05 (2w) ~~ELECTIONS COMMISSION~~ SECRETARY OF STATE. The ~~elections commission~~
20 secretary of state has the responsibility for the administration of chs. 5 to 10 and 12.

21 **SECTION 36.** 5.05 (3d) of the statutes is amended to read:

22 5.05 (3d) ~~ADMINISTRATOR~~ PERSONNEL. The ~~commission shall appoint an~~
23 ~~administrator in the manner provided under s. 15.61 (1) (b).~~ The administrator shall
24 be outside the classified service. The administrator secretary of state shall appoint
25 such other personnel as he or she requires to carry out the duties of the ~~commission~~

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1 office of the secretary of state in the administration of chs. 5 to 10 and 12 and may
2 designate ~~a commission~~ an employee to serve as the commission's legal counsel. The
3 administrator shall perform such duties as the commission assigns to him or her in
4 the administration of chs. 5 to 10 and 12.

5 **SECTION 37.** 5.05 (3g) of the statutes is amended to read:

6 5.05 (3g) CHIEF ELECTION OFFICER. The ~~commission administrator~~ secretary of
7 state shall serve as the chief election officer of this state.

8 **SECTION 38.** 5.05 (4) of the statutes is amended to read:

9 5.05 (4) EMPLOYEES. All employees of the ~~commission~~ office of the secretary of
10 state involved in the administration of chs. 5 to 10 and 12 shall be nonpartisan.

11 **SECTION 39.** 5.05 (5e) of the statutes is amended to read:

12 5.05 (5e) ANNUAL REPORT. The ~~commission~~ office of the secretary of state shall
13 submit an annual report under s. 15.04 (1) (d) and shall include in its annual report
14 the names and duties of all individuals employed by the ~~commission~~ office and a
15 summary of its determinations and advisory opinions issued under sub. (6a). Except
16 as authorized or required under sub. (5s) (f), the ~~commission~~ office shall make
17 sufficient alterations in the summaries to prevent disclosing the identities of
18 individuals or organizations involved in the decisions or opinions. The ~~commission~~
19 office shall identify in its report the statutory duties of the ~~commission administrator~~
20 secretary of state, together with a description of the manner in which those duties
21 are being fulfilled. Notwithstanding sub. (5s) and s. 12.13 (5), the ~~commission~~ office
22 of the secretary of state shall also specify in its report the total number of
23 investigations conducted by the ~~commission~~ office since the last annual report and
24 a description of the nature of each investigation. The ~~commission~~ office shall make

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1 such further reports on the matters within its jurisdiction and such
2 recommendations for further legislation as it deems desirable.

3 **SECTION 40.** 5.05 (5f) of the statutes is repealed.

4 **SECTION 41.** 5.05 (5fm) of the statutes is created to read:

5 5.05 (**5fm**) ADVICE TO THE SECRETARY OF STATE. The standing committees in each
6 house of the legislature with jurisdiction over election administration shall be
7 advisory to the secretary of state on all matters relating to the operation of the office
8 of the secretary of state with regard to the administration of chs. 5 to 10 and 12.
9 Except for action related to the internal operations and procedures of the office, the
10 office of the secretary of state may take no action with regard to the administration
11 of chs. 5 to 10 and 12 without getting prior approval from the standing committees
12 in each house of the legislature with jurisdiction over election administration.

13 **SECTION 42.** 5.05 (5s) (intro.), (a), (am), (b), (bm), (c), (d), (e) (intro.), 1., 2. and
14 (f) of the statutes are amended to read:

15 5.05 (**5s**) ACCESS TO RECORDS. (intro.) Records obtained or prepared by the
16 ~~commission~~ office of the secretary of state in connection with an investigation,
17 including the full text of any complaint received by the ~~commission~~ office, are not
18 subject to the right of inspection and copying under s. 19.35 (1), except as follows:

19 (a) The ~~commission~~ office shall permit inspection of records that are distributed
20 or discussed in the course of a ~~meeting or~~ hearing by the ~~commission~~ office in open
21 session. The ~~commission~~ office shall post on its Internet site website the draft
22 minutes of each ~~meeting or~~ hearing conducted by the ~~commission~~ office in open
23 session no later than 48 hours after the completion of the ~~meeting or~~ hearing. The
24 ~~commission~~ office shall post minutes approved by the ~~commission~~ office no later than
25 48 hours after the minutes are approved. The ~~commission~~ office may indicate

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1 whether minutes posted on its ~~Internet site~~ website have been approved by the
2 ~~commission~~ office or are in draft form. Minutes posted pursuant to this paragraph
3 shall include a summary of every action ~~that the commission voted on, a record of~~
4 ~~each member's vote for or against every action requiring a vote, a record of all~~
5 ~~motions and seconds made by each member, including the full text of each motion~~
6 ~~debated and voted on by the commission, and a record of each member's status as~~
7 ~~being present or absent for any part of a meeting or hearing~~ taken by the office. The
8 ~~commission~~ office shall maintain all minutes published under this paragraph on its
9 ~~Internet site~~ website so that the minutes are accessible to the public at all times.

10 (am) The ~~commission~~ office shall provide to the joint committee on finance
11 records obtained or prepared by the ~~commission~~ office in connection with an ongoing
12 investigation when required under sub. (2q).

13 (b) Investigatory records of the ~~commission~~ office may be made public in the
14 course of a prosecution initiated under chs. 5 to 10 or 12.

15 (bm) The ~~commission~~ office shall provide investigatory records to the state
16 auditor and the employees of the legislative audit bureau to the extent necessary for
17 the bureau to carry out its duties under s. 13.94.

18 (c) The ~~commission~~ office shall provide information from investigation and
19 hearing records that pertains to the location of individuals and assets of individuals
20 as requested under s. 49.22 (2m) by the department of children and families or by a
21 county child support agency under s. 59.53 (5).

22 (d) If the ~~commission~~ office commences a civil prosecution of a person for an
23 alleged violation of chs. 5 to 10 or 12 as the result of an investigation, the person who
24 is the subject of the investigation may authorize the ~~commission~~ office to make
25 available for inspection and copying under s. 19.35 (1) records of the investigation

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1 pertaining to that person if the records are available by law to the subject person and
2 the ~~commission~~ office shall then make those records available.

3 (e) (intro.) The following records of the ~~commission~~ office are open to public
4 inspection and copying under s. 19.35 (1):

5 1. Any record of the action of the ~~commission~~ office authorizing the filing of a
6 civil complaint under sub. (2m) (c) 6.

7 2. Any record of the action of the ~~commission~~ office referring a matter to a
8 district attorney or other prosecutor for investigation or prosecution.

9 (f) The ~~commission~~ office shall make public formal and informal advisory
10 opinions and records obtained in connection with requests for formal or informal
11 advisory opinions relating to matters under the jurisdiction of the ~~commission~~ office,
12 including the identity of individuals requesting such opinions or organizations or
13 governmental bodies on whose behalf they are requested.

14 **SECTION 43.** 5.05 (5t) of the statutes is amended to read:

15 5.05 (5t) GUIDANCE FOLLOWING BINDING COURT DECISIONS. Within 2 months
16 following the publication of a decision of a state or federal court that is binding on
17 the ~~commission~~ secretary of state and this state, the ~~commission~~ secretary of state
18 shall issue updated guidance or formal advisory opinions, commence the
19 rule-making procedure to revise administrative rules promulgated by the
20 ~~commission~~ secretary of state, or request an opinion from the attorney general on the
21 applicability of the court decision.

22 **SECTION 44.** 5.05 (6a) of the statutes is amended to read:

23 5.05 (6a) ADVISORY OPINIONS. (a) 1. Any individual, either personally or on
24 behalf of an organization or governmental body, may make a request of the
25 ~~commission~~ the secretary of state in writing, electronically, or by telephone for a

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1 formal or informal advisory opinion regarding the propriety under chs. 5 to 10 or 12
2 of any matter to which the person is or may become a party. Any appointing officer,
3 with the consent of a prospective appointee, may request of the ~~commission~~ secretary
4 a formal or informal advisory opinion regarding the propriety under chs. 5 to 10 or
5 12 of any matter to which the prospective appointee is or may become a party. The
6 ~~commission~~ secretary shall review a request for an advisory opinion and may issue
7 a formal or informal written or electronic advisory opinion to the person making the
8 request. Except as authorized or required for opinions specified in sub. (5s) (f), the
9 ~~commission's~~ deliberations and actions of the secretary and the office of the secretary
10 upon such requests shall be in meetings not open to the public. ~~A member of the~~
11 ~~commission may, by written request, require the commission to review an advisory~~
12 ~~opinion.~~

13 2. To have legal force and effect, each formal and informal advisory opinion
14 issued by the ~~commission~~ secretary of state must be supported by specific legal
15 authority under a statute or other law, or by specific case or common law authority.
16 Each formal and informal advisory opinion shall include a citation to each statute
17 or other law and each case or common law authority upon which the opinion is based,
18 and shall specifically articulate or explain which parts of the cited authority are
19 relevant to the ~~commission's~~ conclusion of the secretary and why they are relevant.

20 3. No person acting in good faith upon a formal or informal advisory opinion
21 issued by the ~~commission~~ secretary of state under this subsection is subject to
22 criminal or civil prosecution for so acting, if the material facts are as stated in the
23 opinion request.

24 4. ~~At each regular meeting of the commission, the administrator shall review~~
25 ~~informal advisory opinions requested of and issued by the administrator and that~~

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1 ~~relate to recurring issues or issues of first impression for which no formal advisory~~
2 ~~opinion has been issued. The commission secretary of state may determine to issue~~
3 ~~a formal advisory opinion adopting or modifying the informal advisory opinion. If~~
4 ~~the commission secretary disagrees with a formal or informal advisory opinion that~~
5 ~~has been issued by or on behalf of the commission secretary, the commission~~
6 ~~secretary may withdraw the opinion, issue a revised formal or informal advisory~~
7 ~~opinion, or request an opinion from the attorney general. No person acting after the~~
8 ~~date of the withdrawal or issuance of the revised advisory opinion is exempted from~~
9 ~~prosecution under this subsection if the opinion upon which the person's action is~~
10 ~~based has been withdrawn or revised in relevant degree.~~

11 5. Except as authorized or required under sub. (5s) (f), no member or employee
12 of the commission office of the secretary of state may make public the identity of the
13 individual requesting a formal or informal advisory opinion or of individuals or
14 organizations mentioned in the opinion.

15 (b) 1. ~~The commission may authorize the commission administrator or his or~~
16 ~~her designee to issue an informal written advisory opinion or transmit an informal~~
17 ~~advisory opinion electronically on behalf of the commission, subject to such~~
18 ~~limitations as the commission deems appropriate. Every informal advisory opinion~~
19 ~~shall be consistent with applicable formal advisory opinions issued by the~~
20 ~~commission secretary of state, statute or other law, and case law.~~

21 2. Any individual may request in writing, electronically, or by telephone an
22 informal advisory opinion from the commission secretary of state under this
23 paragraph. The commission's designee secretary shall provide a written response,
24 a written reference to an applicable statute or law, or a written reference to a formal

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1 advisory opinion of the ~~commission~~ secretary to the individual, ~~or shall refer the~~
2 ~~request to the commission for review and the issuance of a formal advisory opinion.~~

3 3. Any person receiving an informal advisory opinion under this paragraph
4 may, at any time, request a formal advisory opinion from the ~~commission~~ secretary
5 of state on the same matter.

6 (c) 1. Any individual may request in writing, electronically, or by telephone a
7 formal advisory opinion from the ~~commission~~ secretary of state or the review or
8 modification of a formal advisory opinion issued by the ~~commission~~ secretary under
9 this paragraph. The individual making the request shall include all pertinent facts
10 relevant to the matter, but shall not ask for an opinion based on a purely hypothetical
11 matter. The ~~commission~~ secretary shall review a request for a formal advisory
12 opinion and may issue a formal advisory opinion to the individual making the
13 request. Except as authorized or required for opinions specified in sub. (5s) (f), the
14 ~~commission's~~ deliberations and actions of the secretary and the office of the secretary
15 of state upon such requests shall be in meetings not open to the public.

16 2. Any person requesting a formal advisory opinion under this paragraph may
17 request a public or private hearing before the ~~commission~~ secretary of state to
18 discuss the opinion. The ~~commission~~ secretary shall grant a request for a public or
19 private hearing under this paragraph.

20 3. Promptly upon issuance of each formal advisory opinion, the ~~commission~~
21 secretary of state shall publish the opinion together with the information specified
22 under sub. (5s) (f) on the ~~commission's Internet site~~ website of the office of the
23 secretary of state and promulgate a rule to implement the opinion.

24 4. If the ~~commission~~ secretary of state declines to issue a formal advisory
25 opinion, ~~it~~ the secretary may refer the matter to the attorney general ~~or to~~ and the

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1 standing legislative oversight committees so that the attorney general and the
2 committees may confer on addressing the matter.

3 **SECTION 45.** 5.05 (7) of the statutes is amended to read:

4 5.05 (7) ADMINISTRATIVE MEETINGS AND CONFERENCES. The ~~commission~~ office of
5 the secretary of state shall conduct regular information and training meetings at
6 various locations in the state for county and municipal clerks and other election
7 officials. Administrative meetings shall be designed to explain the election laws and
8 the forms and rules of the ~~commission~~ office, to promote uniform procedures and to
9 assure that clerks and other officials are made aware of the integrity and importance
10 of the vote of each citizen. The ~~commission~~ office may conduct conferences relating
11 to election laws, practice, and procedure. The ~~commission~~ office may charge persons
12 attending the administrative meetings and conferences for its costs incurred in
13 conducting the meetings and conferences at a rate not exceeding the per capita cost
14 incurred by the ~~commission~~ office.

15 **SECTION 46.** 5.05 (9) of the statutes is amended to read:

16 5.05 (9) STANDING. The ~~commission~~ secretary of state has standing to
17 commence or intervene in any civil action or proceeding for the purpose of enforcing
18 the laws regulating the conduct of elections or election campaigns, other than laws
19 regulating campaign financing, or ensuring their proper administration.

20 **SECTION 47.** 5.05 (10) of the statutes is amended to read:

21 5.05 (10) STATE ELECTION ADMINISTRATION PLAN. With the approval of the joint
22 committee on finance as provided in this subsection, the ~~commission~~ secretary of
23 state shall adopt and modify as necessary a state plan that meets the requirements
24 of P.L. 107-252 to enable participation by this state in federal financial assistance
25 programs authorized under that law. The ~~commission~~ secretary shall adopt the plan

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1 and any modifications only after publishing a class 1 notice under ch. 985 or posting
2 on the Internet a statement describing the proposed plan or modification and
3 receiving public comment thereon. After approval of the proposed plan or any
4 modification of the plan by the ~~commission~~ secretary, the ~~commission~~ secretary shall
5 submit the proposed plan or modification to the joint committee on finance for the
6 approval of the committee. The ~~commission~~ secretary may adopt the proposed plan
7 or modification only if the committee approves the proposed plan or modification.

8 **SECTION 48.** 5.05 (11) of the statutes is amended to read:

9 5.05 (11) AIDS TO COUNTIES AND MUNICIPALITIES. From the appropriations under
10 s. ~~20.510 (1)~~ 20.575 (2) (t) and (x), the ~~commission~~ secretary of state may provide
11 financial assistance to eligible counties and municipalities for election
12 administration costs in accordance with the plan adopted under sub. (10). As a
13 condition precedent to receipt of assistance under this subsection, the ~~commission~~
14 secretary shall enter into an agreement, as prescribed by rule, with the county or
15 municipality receiving the assistance specifying the intended use of the assistance
16 and shall ensure compliance with the terms of the agreement. Each agreement shall
17 provide that if the federal government objects to the use of any assistance moneys
18 provided to the county or municipality under the agreement, the county or
19 municipality shall repay the amount of the assistance provided to the ~~commission~~
20 secretary.

21 **SECTION 49.** 5.05 (12) of the statutes is amended to read:

22 5.05 (12) VOTER EDUCATION. The ~~commission~~ secretary of state may conduct or
23 prescribe requirements for educational programs to inform electors about voting
24 procedures, voting rights, and voting technology. The ~~commission~~ secretary shall
25 conduct an educational program for the purpose of educating electors who cast paper

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1 ballots, ballots that are counted at a central counting location, and absentee ballots
2 of the effect of casting excess votes for a single office.

3 **SECTION 50.** 5.05 (13) (a) of the statutes is amended to read:

4 5.05 (13) (a) The ~~commission~~ secretary of state shall maintain one or more
5 toll-free telephone lines for electors to report possible voting fraud and voting rights
6 violations, to obtain general election information, and to access information
7 concerning their registration status, current polling place locations, and other
8 information relevant to voting in elections.

9 **SECTION 51.** 5.05 (13) (b) of the statutes is amended to read:

10 5.05 (13) (b) The ~~commission~~ secretary of state may maintain a free access
11 system under which an elector who votes under s. 6.96 or 6.97 may ascertain current
12 information concerning whether the elector's vote has been counted, and, if the vote
13 will not be counted, the reason that it will not be counted.

14 **SECTION 52.** 5.05 (13) (c) of the statutes is amended to read:

15 5.05 (13) (c) The ~~commission~~ secretary of state shall maintain a freely
16 accessible system under which a military elector, as defined in s. 6.34 (1), or an
17 overseas elector who casts an absentee ballot may ascertain whether the ballot has
18 been received by the appropriate municipal clerk.

19 **SECTION 53.** 5.05 (13) (d) (intro.) of the statutes is amended to read:

20 5.05 (13) (d) (intro.) The ~~commission~~ secretary of state shall designate and
21 maintain at least one freely accessible means of electronic communication which
22 shall be used for the following purposes:

23 **SECTION 54.** 5.05 (14) of the statutes is amended to read:

24 5.05 (14) INFORMATION FROM COUNTY AND MUNICIPAL CLERKS. (a) The ~~commission~~
25 secretary of state may request information from county and municipal clerks

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1 relating to election administration, performance of electronic voting systems and
2 voting machines, and use of paper ballots in elections.

3 (b) ~~The commission~~ office of the secretary of state shall establish a subscription
4 service whereby a person may electronically access the absentee ballot information
5 provided under s. 6.33 (5) (a), including semiweekly updates of such information.

6 (c) On election night ~~the commission~~ office of the secretary of state shall provide
7 a link on its ~~Internet site~~ website to the posting of each county's election returns on
8 each county's ~~Internet site~~ website.

9 **SECTION 55.** 5.05 (15) of the statutes is amended to read:

10 **5.05 (15) REGISTRATION LIST.** ~~The commission~~ office of the secretary of state is
11 responsible for the design and maintenance of the official registration list under s.
12 6.36. ~~The commission~~ secretary of state shall require all municipalities to use the
13 list in every election and may require any municipality to adhere to procedures
14 established by the ~~commission~~ office of the secretary of state for proper maintenance
15 of the list.

16 **SECTION 56.** 5.05 (16) of the statutes is amended to read:

17 **5.05 (16) POLICIES AND PROCEDURES.** (a) Annually, ~~the commission~~ office of the
18 secretary of state shall adopt written policies and procedures in order to govern its
19 internal operations and management and shall annually report such policies and
20 procedures to the appropriate standing committees of the legislature under s. 13.172
21 (3).

22 (b) Notwithstanding par. (a), ~~the commission~~ office of the secretary of state may
23 reconsider at any time any policy or procedure adopted as provided under par. (a).
24 If, upon reconsideration, ~~the commission~~ office revises a previously reported policy

ASSEMBLY BILL 899**SECTION 56**

1 or procedure, the ~~commission~~ office shall report the revision to the appropriate
2 standing committees of the legislature under s. 13.172 (3).

3 (c) The ~~commission~~ secretary of state may reconsider at any time any written
4 directives or written guidance provided to the general public or to any person subject
5 to the provisions of chs. 5 to 10 and 12 with regard to the enforcement and
6 administration of those provisions.

7 **SECTION 57.** 5.05 (17) of the statutes is amended to read:

8 5.05 (17) PAYMENTS. The ~~commission~~ office of the secretary of state may accept
9 payment by credit card, debit card, or other electronic payment mechanism for any
10 amounts owed pursuant to the administration of chs. 5 to 10 or 12, and may charge
11 a surcharge to the payer to recover charges associated with the acceptance of that
12 electronic payment.

13 **SECTION 58.** 5.05 (18) of the statutes is amended to read:

14 5.05 (18) ELECTRONIC POLL LISTS. The ~~commission~~ secretary of state may
15 facilitate the creation and maintenance of electronic poll lists for purposes of s. 6.79
16 including entering into contracts with vendors and establishing programs for
17 development and testing. The secretary of state shall report all actions taken under
18 this subsection to the standing legislative oversight committees as soon as
19 practicable after taking such actions.

20 **SECTION 59.** 5.055 of the statutes is amended to read:

21 **5.055 Election assistance commission standards board.** The ~~commission~~
22 ~~administrator~~ secretary of state shall, ~~in consultation with the commission,~~ appoint
23 an individual to represent this state as a member of the federal election assistance
24 commission standards board. The ~~administrator~~ secretary shall also conduct and
25 supervise a process for the selection of an election official by county and municipal

ASSEMBLY BILL 899**SECTION 59**

1 clerks and boards of election commissioners to represent local election officials of this
2 state as a member of the federal election assistance commission standards board.
3 The ~~administrator~~ secretary shall ensure that the members of the federal election
4 assistance commission standards board representing this state shall at no time be
5 members of the same political party. Upon appointment or election of any new
6 member of the federal election assistance commission standards board representing
7 this state, the ~~administrator~~ secretary shall transmit a notice of that member's
8 appointment or election to the officer or agency designated by federal law.

9 **SECTION 60.** 5.056 of the statutes is amended to read:

10 **5.056 Matching program with secretary of transportation.** The
11 ~~commission administrator~~ secretary of state shall enter into the agreement with the
12 secretary of transportation specified under s. 85.61 (1) to match personally
13 identifiable information on the official registration list maintained by the
14 ~~commission~~ secretary of state under s. 6.36 (1) and the information specified in s. 6.34
15 (2m) with personally identifiable information maintained by the department of
16 transportation.

17 **SECTION 61.** 5.06 (1) of the statutes is amended to read:

18 **5.06 (1)** Whenever any elector of a jurisdiction or district served by an election
19 official believes that a decision or action of the official or the failure of the official to
20 act with respect to any matter concerning nominations, qualifications of candidates,
21 voting qualifications, including residence, ward division and numbering, recall,
22 ballot preparation, election administration or conduct of elections is contrary to law,
23 or the official has abused the discretion vested in him or her by law with respect to
24 any such matter, the elector may file a written sworn complaint with the ~~commission~~
25 secretary of state requesting that the official be required to conform his or her

ASSEMBLY BILL 899**SECTION 61**

1 conduct to the law, be restrained from taking any action inconsistent with the law
2 or be required to correct any action or decision inconsistent with the law or any abuse
3 of the discretion vested in him or her by law. The complaint shall set forth such facts
4 as are within the knowledge of the complainant to show probable cause to believe
5 that a violation of law or abuse of discretion has occurred or will occur. The complaint
6 may be accompanied by relevant supporting documents. The ~~commission~~ secretary
7 may conduct a hearing on the matter in the manner prescribed for treatment of
8 contested cases under ch. 227 if it he or she believes such action to be appropriate.

9 **SECTION 62.** 5.06 (2) of the statutes is amended to read:

10 5.06 (2) No person who is authorized to file a complaint under sub. (1), other
11 than the attorney general or a district attorney, may commence an action or
12 proceeding to test the validity of any decision, action, or failure to act on the part of
13 any election official with respect to any matter specified in sub. (1) without first filing
14 a complaint under sub. (1), nor prior to disposition of the complaint by the
15 ~~commission~~ secretary of state. A complaint is deemed disposed of if the ~~commission~~
16 secretary fails to transmit an acknowledgment of receipt of the complaint within 5
17 business days from the date of its receipt or if the ~~commission~~ secretary concludes
18 its an investigation without a formal decision.

19 **SECTION 63.** 5.06 (4) of the statutes is amended to read:

20 5.06 (4) The ~~commission may, on its own motion,~~ secretary of state shall
21 investigate and determine whether any election official, with respect to any matter
22 concerning nominations, qualifications of candidates, voting qualifications,
23 including residence, ward division and numbering, recall, ballot preparation,
24 election administration or conduct of elections, has failed to comply with the law or
25 abused the discretion vested in him or her by law or proposes to do so.

ASSEMBLY BILL 899**SECTION 64**

1 **SECTION 64.** 5.06 (5) of the statutes is amended to read:

2 5.06 (5) Upon receipt of a complaint under sub. (1), or ~~upon its own motion at~~
3 ~~his or her discretion~~, the ~~commission~~ secretary of state may order any election official
4 to immediately transfer to its his or her possession any original documents in the
5 custody of the official which the ~~commission~~ secretary finds to be necessary and
6 relevant to permit review of compliance with the laws concerning nominations,
7 qualifications of candidates, ward division and numbering, recall or ballot
8 preparation or the proper administration of such laws.

9 **SECTION 65.** 5.06 (6) of the statutes is amended to read:

10 5.06 (6) The ~~commission may~~ secretary of state shall, after such investigation
11 as it the secretary deems appropriate, summarily decide the matter before it the
12 secretary and, by order, require any election official to conform his or her conduct to
13 the law, restrain an official from taking any action inconsistent with the law or
14 require an official to correct any action or decision inconsistent with the law. The
15 ~~commission~~ secretary shall immediately transmit a copy of the order to the official.
16 An order issued under this subsection is effective immediately or at such later time
17 as may be specified in the order.

18 **SECTION 66.** 5.06 (7) of the statutes is amended to read:

19 5.06 (7) The ~~commission~~ secretary of state may withdraw, modify, or correct an
20 order issued under sub. (6) within a timely period if it the secretary finds such action
21 to be appropriate.

22 **SECTION 67.** 5.06 (8) of the statutes is amended to read:

23 5.06 (8) Any election official or complainant who is aggrieved by an order issued
24 under sub. (6) may appeal the decision of the ~~commission~~ secretary of state to circuit
25 court for the county where the official conducts business or the complainant resides

ASSEMBLY BILL 899**SECTION 67**

1 no later than 30 days after issuance of the order. Pendency of an appeal does not stay
2 the effect of an order unless the court so orders.

3 **SECTION 68.** 5.06 (9) of the statutes is amended to read:

4 5.06 (9) The court may not conduct a de novo proceeding with respect to any
5 findings of fact or factual matters upon which the ~~commission~~ secretary of state has
6 made a determination, or could have made a determination if the parties had
7 properly presented the disputed matters to the ~~commission~~ secretary for its his or her
8 consideration. The court shall summarily hear and determine all contested issues
9 of law and shall affirm, reverse or modify the determination of the ~~commission~~
10 secretary, according due weight to the experience, technical competence, and
11 specialized knowledge of the ~~commission~~ secretary, pursuant to the applicable
12 standards for review of agency decisions under s. 227.57.

13 **SECTION 69.** 5.061 (1) of the statutes is amended to read:

14 5.061 (1) Whenever any person believes that a violation of Title III of P.L.
15 107-252 has occurred, is occurring, or is proposed to occur with respect to an election
16 for national office in this state, that person may file a written, verified complaint with
17 the ~~commission~~ secretary of state.

18 **SECTION 70.** 5.061 (2) of the statutes is amended to read:

19 5.061 (2) If the ~~commission~~ secretary of state receives more than one complaint
20 under sub. (1) relating to the same subject matter, the ~~commission~~ secretary may
21 consolidate the complaints for purposes of this section.

22 **SECTION 71.** 5.061 (3) of the statutes is amended to read:

23 5.061 (3) A complainant under sub. (1) or any of the complainants in a
24 consolidated complaint under sub. (2) may request a hearing and the matter shall
25 then be treated as a contested case under ch. 227, except that the ~~commission~~

ASSEMBLY BILL 899**SECTION 71**

1 secretary of state shall make a final determination with respect to the merits of the
2 complaint and issue a decision within 89 days of the time that the complaint or the
3 earliest of any complaints was filed, unless the complainant, or each of any
4 complainants whose complaints are consolidated, consents to a specified longer
5 period.

6 **SECTION 72.** 5.061 (4) of the statutes is amended to read:

7 5.061 (4) If the ~~commission~~ secretary of state finds the complaint to be without
8 merit, it the secretary shall issue a decision dismissing the complaint. If the
9 ~~commission~~ secretary finds that the violation alleged in the complaint has occurred,
10 is occurring, or is proposed to occur, the ~~commission~~ secretary shall order appropriate
11 relief, except that the ~~commission~~ secretary shall not issue any order under this
12 subsection affecting the right of any person to hold an elective office or affecting the
13 canvass of an election on or after the date of that election.

14 **SECTION 73.** 5.25 (4) of the statutes is amended to read:

15 5.25 (4) (a) Each polling place shall be accessible to all individuals with
16 disabilities. The ~~commission~~ secretary of state shall ensure that the voting system
17 used at each polling place will permit all individuals with disabilities to vote without
18 the need for assistance and with the same degree of privacy that is accorded to
19 nondisabled electors voting at the same polling place. This paragraph does not apply
20 to any individual who is disqualified from voting under s. 6.03 (1) (a).

21 (b) In any jurisdiction that is subject to the requirement under 42 USC
22 1973aa-1a to provide voting materials in any language other than English, the
23 ~~commission~~ secretary of state shall ensure that the voting system used at each
24 polling place in that jurisdiction is in compliance with 42 USC 1973aa-1a.

ASSEMBLY BILL 899**SECTION 73**

1 (d) No later than June 30 of each odd-numbered year, the ~~commission~~ office of
2 the secretary of state shall submit a report on impediments to voting faced by elderly
3 and handicapped individuals to the appropriate standing committees of the
4 legislature under s. 13.172 (3). In preparing its report under this paragraph, the
5 ~~commission~~ office shall consult with appropriate advocacy groups representing the
6 elderly and handicapped populations.

7 **SECTION 74.** 5.35 (6) (a) 2m. of the statutes is amended to read:

8 5.35 (6) (a) 2m. General information prescribed by the ~~commission~~ secretary
9 of state on federal laws relating to election fraud and misrepresentation in federal
10 elections.

11 **SECTION 75.** 5.35 (6) (a) 4a. of the statutes is amended to read:

12 5.35 (6) (a) 4a. Instructions prescribed by the ~~commission~~ secretary of state for
13 electors for whom proof of identification is required under s. 6.79 (2) or for whom
14 proof of residence under s. 6.34 is required under s. 6.55 (2).

15 **SECTION 76.** 5.35 (6) (a) 4b. of the statutes is amended to read:

16 5.35 (6) (a) 4b. General information prescribed by the ~~commission~~ secretary of
17 state concerning voting rights under applicable state and federal laws, including the
18 method of redress for any alleged violations of those rights.

19 **SECTION 77.** 5.35 (6) (a) 5. of the statutes is amended to read:

20 5.35 (6) (a) 5. Any other voting information directed to be posted by the
21 ~~commission~~ secretary of state.

22 **SECTION 78.** 5.35 (6) (b) of the statutes is amended to read:

23 5.35 (6) (b) At each polling place in the state where a consolidated ballot under
24 s. 5.655 is used or an electronic voting system is utilized at a partisan primary
25 election incorporating a ballot upon which electors may mark votes for candidates

ASSEMBLY BILL 899**SECTION 78**

1 of more than one recognized political party, the municipal clerk or board of election
2 commissioners shall prominently post a sign in the form prescribed by the
3 ~~commission~~ secretary of state warning electors in substance that on any ballot with
4 votes cast for candidates of more than one recognized political party, no votes cast for
5 any candidates for partisan office will be counted unless a preference for a party is
6 made. If the elector designates a preference, only votes cast for candidates of that
7 preference will be counted.

8 **SECTION 79.** 5.40 (5m) of the statutes is amended to read:

9 5.40 (5m) Notwithstanding sub. (1), the governing body of a municipality
10 which uses voting machines or an electronic voting system may petition the
11 ~~commission~~ secretary of state for permission to use paper ballots and voting booths
12 for a specific election, and the ~~commission~~ secretary may grant such a request.

13 **SECTION 80.** 5.40 (7) of the statutes is amended to read:

14 5.40 (7) Whenever a municipality adopts and purchases voting machines or an
15 electronic voting system, or adopts and purchases a different type of voting machine
16 or electronic voting system from the type it was previously using, the municipal clerk
17 or executive director of the municipal board of election commissioners shall promptly
18 notify the county clerk or executive director of the county board of election
19 commissioners and the ~~administrator of the elections commission~~ secretary of state
20 in writing.

21 **SECTION 81.** 5.51 (6) of the statutes is amended to read:

22 5.51 (6) All candidates' names for the same office shall be placed, projected or
23 composed on the ballot in the same size, style and color of type. The style and size
24 of type shall conform substantially to the official ballot forms prescribed by the
25 ~~commission~~ secretary of state under s. 7.08 (1) (a).

ASSEMBLY BILL 899**SECTION 82**

1 **SECTION 82.** 5.51 (8) of the statutes is amended to read:

2 5.51 **(8)** Unless otherwise specifically provided, the form of all ballots shall
3 conform to the ballot forms prescribed by the ~~commission~~ secretary of state under s.
4 7.08 (1) (a).

5 **SECTION 83.** 5.58 (1b) (bm) of the statutes is amended to read:

6 5.58 **(1b)** (bm) For all cities the official spring primary ballot shall be arranged
7 by the municipal clerk, using the same method as that used by the ~~commission~~
8 secretary of state under s. 5.60 (1) (b).

9 **SECTION 84.** 5.58 (1b) (cm) of the statutes is amended to read:

10 5.58 **(1b)** (cm) Towns and villages holding a primary under s. 8.05 shall arrange
11 the ballot in accordance with the form prescribed by the ~~commission~~ secretary of
12 state under s. 7.08 (1) (a), which shall be the same form as provided in s. 5.60 (5) and
13 (6), insofar as possible.

14 **SECTION 85.** 5.58 (2) of the statutes is amended to read:

15 5.58 **(2)** STATE SUPERINTENDENT OF PUBLIC INSTRUCTION; JUDICIARY; COUNTY
16 EXECUTIVE; COUNTY COMPTROLLER; AND COUNTY SUPERVISORS. There shall be one
17 separate ballot for state superintendent, judicial officers, county executive under s.
18 59.17, and county supervisor, except as authorized in s. 5.655. In counties having a
19 population of 750,000 or more, the ballot shall also include the office of comptroller
20 and those offices under s. 8.11 (2) (b) and (2m). The arrangement of names of
21 candidates for state superintendent, justice, court of appeals judge, and circuit court
22 judge shall be determined by the ~~commission~~ secretary of state in the manner
23 specified in s. 5.60 (1) (b). Arrangement of the names of candidates for county
24 executive, county comptroller, and county supervisor shall be determined by the

ASSEMBLY BILL 899**SECTION 85**

1 county clerk or by the executive director of the county board of election
2 commissioners in the manner specified in s. 5.60 (1) (b).

3 **SECTION 86.** 5.58 (2m) of the statutes is amended to read:

4 5.58 (2m) METROPOLITAN SEWERAGE COMMISSION. Except as authorized in s.
5 5.655, there shall be a separate ballot for members of the metropolitan sewerage
6 commission if commissioners are elected under s. 200.09 (11) (am), with candidates
7 for different seats listed in separate columns or rows if more than one seat is
8 contested at any election. Arrangement of the names on the ballot shall be
9 determined by the ~~elections commission~~ secretary of state.

10 **SECTION 87.** 5.60 (1) (b) of the statutes is amended to read:

11 5.60 (1) (b) The ~~elections commission~~ secretary of state shall certify the
12 candidates' names and designate the official ballot arrangement for candidates for
13 state superintendent, justice, court of appeals judge, and for circuit judge and for
14 metropolitan sewerage commission commissioners elected under s. 200.09 (11) (am).
15 The arrangement of names of all candidates on the ballot whose nomination papers
16 are filed with the ~~elections commission~~ secretary of state shall be determined by the
17 ~~elections commission~~ secretary by the drawing of lots not later than the 2nd Tuesday
18 in January, or the next day if the first Tuesday is a holiday. Whenever a primary is
19 held for an office, a 2nd drawing of all candidates for that office shall be held by or
20 under the supervision of the ~~elections commission~~ secretary of state not later than
21 the 3rd day following the completion of the primary canvass to determine the
22 arrangement of candidates on the election ballot.

23 **SECTION 88.** 5.60 (3) (ag) of the statutes is amended to read:

24 5.60 (3) (ag) Except as authorized in s. 5.655, there shall be a separate ballot
25 giving the names of all candidates for city offices, printed in the same form as

ASSEMBLY BILL 899**SECTION 88**

1 prescribed by the ~~commission~~ secretary of state under s. 7.08 (1) (a). City election
2 ballots may vary in form to conform to the law under which an election is held.

3 **SECTION 89.** 5.60 (5) (ar) of the statutes is amended to read:

4 5.60 (5) (ar) The offices to be filled shall be arranged on the official ballot in the
5 order they are named in the statutes creating them. The names of the candidates
6 shall be arranged by using the same method as that used by the ~~commission~~
7 secretary of state under sub. (1) (b). Sufficient space shall be left under each office
8 for write-in candidates.

9 **SECTION 90.** 5.60 (6) (a) of the statutes is amended to read:

10 5.60 (6) (a) Except as authorized in s. 5.655, there shall be a separate ballot
11 giving the names of all candidates for elective town offices in the form prescribed by
12 the ~~commission~~ secretary of state under s. 7.08 (1) (a). There shall be 2 ballot forms.
13 One ballot form shall be used for the election of supervisors to numbered seats and
14 one ballot form shall be used for the election of supervisors to unnumbered seats. On
15 the ballot used for the election of supervisors to unnumbered seats, all supervisor
16 candidates shall be listed together and the voting instructions shall state "Vote for
17 not more than.... [insert number of supervisors to be elected] candidates". All towns
18 shall elect their supervisors to unnumbered seats unless the annual town meeting
19 adopts a plan to elect supervisors to numbered seats. The names of candidates for
20 town office shall be arranged by using the same method as that used by the
21 ~~commission~~ secretary of state under sub. (1) (b). A space shall be provided under each
22 office on the ballot for a write-in candidate.

23 **SECTION 91.** 5.60 (8) (am) of the statutes is amended to read:

24 5.60 (8) (am) Except as authorized in s. 5.655, there shall be a separate ballot
25 for each recognized political party filing a certification under s. 8.12 (1), listing the

ASSEMBLY BILL 899**SECTION 91**

1 names of all potential candidates of that party determined under s. 8.12 and
2 affording, in addition, an opportunity to the voter to nominate another potential
3 candidate by write-in vote or to vote for an uninstructed delegation to the party
4 convention. The order of presidential candidates on the ballot shall be determined
5 by lot by or under the supervision of the ~~commission~~ secretary of state. Each voter
6 shall be given the ballots of all the parties participating in the presidential
7 preference vote, but may vote on one ballot only.

8 **SECTION 92.** 5.62 (1) (a) of the statutes is amended to read:

9 5.62 (1) (a) At the partisan primary, the following ballot shall be provided for
10 the nomination of candidates of recognized political parties for national, state, and
11 county offices and independent candidates for state office in each ward, in the same
12 form as prescribed by the ~~commission~~ secretary of state under s. 7.08 (1) (a), except
13 as authorized in s. 5.655. The ballots shall be made up of the several party tickets
14 with each party entitled to participate in the primary under par. (b) or sub. (2) having
15 its own ballot, except as authorized in s. 5.655. The ballots shall be secured together
16 at the bottom. The party ballot of the party receiving the most votes for president
17 or governor at the last general election shall be on top with the other parties arranged
18 in descending order based on their vote for president or governor at the last general
19 election. The ballots of parties qualifying under sub. (2) shall be placed after the
20 parties qualifying under par. (b), in the same order in which the parties filed petitions
21 with the ~~commission~~ secretary of state. Any ballot required under par. (b) 2. shall
22 be placed next in order. At polling places where voting machines are used, each party
23 shall be represented in one or more separate columns or rows on the ballot. At polling
24 places where an electronic voting system is used other than an electronic voting
25 machine, each party may be represented in separate columns or rows on the ballot.

ASSEMBLY BILL 899**SECTION 93**

1 **SECTION 93.** 5.62 (1) (b) 1. of the statutes is amended to read:

2 5.62 (1) (b) 1. Except as provided in subd. 2. and s. 5.64 (1) (e) 2., every
3 recognized political party listed on the official ballot at the last gubernatorial election
4 whose candidate for any statewide office received at least 1 percent of the total votes
5 cast for that office and, if the last general election was also a presidential election,
6 every recognized political party listed on the ballot at that election whose candidate
7 for president received at least 1 percent of the total vote cast for that office shall have
8 a separate primary ballot or one or more separate columns or rows on the primary
9 ballot as prescribed in par. (a) and a separate column on the general election ballot
10 in every ward and election district. An organization which was listed as
11 “independent” at the last general election and whose candidate meets the same
12 qualification shall receive the same ballot status upon petition of the chairperson
13 and secretary of the organization to the ~~commission~~ secretary of state requesting
14 such status and specifying their party name, which may not duplicate the name of
15 an existing party. A petition under this subdivision may be filed no later than 5 p.m.
16 on April 1 in the year of each general election.

17 **SECTION 94.** 5.62 (2) (a) of the statutes is amended to read:

18 5.62 (2) (a) Except as provided in par. (b) and s. 5.64 (1) (e) 2., any political
19 organization may be represented on a separate primary ballot or in one or more
20 separate columns or rows on the primary ballot as prescribed in sub. (1) (a) and in
21 a separate column on the general election ballot in every ward and election district.
22 To qualify for a separate ballot under this paragraph, the political organization shall,
23 not later than 5 p.m. on April 1 in the year of the partisan primary, file with the
24 ~~commission~~ secretary of state a petition requesting separate ballot status. The
25 petition shall be signed by at least 10,000 electors, including at least 1,000 electors

ASSEMBLY BILL 899**SECTION 94**

1 residing in each of at least 3 separate congressional districts. The petition shall
2 conform to the requirements of s. 8.40. No signature obtained before January 1 in
3 the year of filing is valid. When the candidates of a political organization filing a
4 valid petition fulfill the requirements prescribed by law, they shall appear on a
5 separate ballot or one or more separate columns or rows on the ballot for the period
6 ending with the following general election.

7 **SECTION 95.** 5.62 (3) of the statutes is amended to read:

8 5.62 (3) The ~~commission~~ secretary of state shall designate the official primary
9 ballot arrangement for statewide offices and district attorney within each
10 prosecutorial district by using the same procedure as provided in s. 5.60 (1) (b). On
11 each ballot and on each separate column or row on the ballot, the candidates for office
12 shall be listed together with the offices which they seek in the following order
13 whenever these offices appear on the partisan primary ballot: governor, lieutenant
14 governor, attorney general, secretary of state, state treasurer, U.S. senator, U.S.
15 representative in congress, state senator, representative to the assembly, district
16 attorney, and the county offices.

17 **SECTION 96.** 5.62 (4) (ar) of the statutes is amended to read:

18 5.62 (4) (ar) Within a county the county clerk shall arrange the names of all
19 candidates filing nomination papers with the clerk's office using the same method as
20 that used by the ~~commission~~ secretary of state under s. 5.60 (1) (b).

21 **SECTION 97.** 5.62 (4) (b) of the statutes is amended to read:

22 5.62 (4) (b) The county board of election commissioners in counties having a
23 population of more than 750,000 shall prepare the official primary ballot. The
24 commissioners shall arrange the names of all candidates for each office whose

ASSEMBLY BILL 899**SECTION 97**

1 nomination papers are filed at the county level, using the same method as that used
2 by the ~~elections commission~~ secretary of state under s. 5.60 (1) (b).

3 **SECTION 98.** 5.64 (1) (ag) of the statutes is amended to read:

4 5.64 (1) (ag) Except as authorized in s. 5.655, there shall be a separate ballot
5 giving the names of all candidates for president and vice president and for statewide,
6 congressional, legislative, and county offices in the same form as prescribed by the
7 ~~commission~~ secretary of state under s. 7.08 (1) (a).

8 **SECTION 99.** 5.64 (1) (b) of the statutes is amended to read:

9 5.64 (1) (b) The names of the candidates for the offices of president and vice
10 president that are certified under s. 8.16 (7) or that are contained in nomination
11 papers filed under s. 8.20 shall appear on the ballot in the form prescribed in s. 7.08
12 (2) (a). The names of the candidates on the regular party tickets nominated at the
13 primary or replacements appointed under s. 8.35 (2) shall appear in a separate
14 column under the party designation. The columns shall be arranged from left to right
15 according to rank, based on the number of votes received by each party's candidate
16 for president or governor at the last general election beginning with the party that
17 received the most votes. To the right of the columns for parties qualifying under s.
18 5.62 (1) (b) shall be placed the columns for parties qualifying under s. 5.62 (2) in the
19 same order in which the parties filed petitions with the ~~commission~~ secretary of
20 state. Any column required under par. (e) 2. shall be placed next in order. To the right
21 of the party columns shall be a column for the names of independent candidates for
22 each office, or more than one column if the first column does not provide sufficient
23 space for the names of all such candidates.

24 **SECTION 100.** 5.64 (1) (es) of the statutes is amended to read:

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1 5.64 (1) (es) The party candidates shall be arranged consecutively from top to
2 bottom based on the number of votes received by their party's candidate for governor
3 at the last election beginning with the party that received the most votes. The
4 independent president-vice president candidates shall be listed together in an order
5 drawn by lot by or under supervision of the ~~commission~~ secretary of state, following
6 under the party candidates. Along with the names of the independent candidates
7 shall appear the party or principle of the candidates, if any, in 5 words or less, as
8 shown on their nomination papers. Following under the independent candidates, a
9 space shall be left for writing in the names of a candidate for president and vice
10 president.

11 **SECTION 101.** 5.64 (2) of the statutes is amended to read:

12 5.64 (2) REFERENDUM BALLOT. (am) There shall be a separate ballot when any
13 proposed constitutional amendment or any other measure or question is submitted
14 to a vote of the people, except as authorized in s. 5.655. The ballot shall give a concise
15 statement of each question in accordance with the act or resolution directing
16 submission in the same form as prescribed by the ~~commission~~ secretary of state
17 under s. 7.08 (1) (a). The question may not be worded in such a manner as to require
18 a negative vote to approve a proposition or an affirmative vote to disapprove a
19 proposition. Unless otherwise expressly provided, this ballot form shall be used at
20 all elections when questions are submitted to a vote of the people.

21 (c) The official referendum ballot prescribed under this subsection shall be
22 utilized at every election, except that the format shall be altered to the extent
23 provided or required by other laws establishing or authorizing referenda to be
24 conducted. Except as authorized in s. 5.655, all referenda shall appear on a separate
25 ballot, but more than one referendum question may appear on the same referendum

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1 ballot whenever the questions are numbered and all electors voting the ballot are
2 entitled to vote upon all questions appearing thereon. When more than one state
3 referendum is placed on the same ballot, the ~~commission~~ secretary of state shall
4 number the questions in chronological sequence. If the legislature submits questions
5 on different dates, the ~~commission~~ secretary of state shall number the questions
6 sequentially based on the date on which the questions are submitted by the
7 legislature. Except as authorized in s. 5.655, state and county referenda shall appear
8 on a separate ballot from municipal or special district referenda. The form of all
9 referendum ballots shall be substantially the same as that prescribed by the
10 ~~commission~~ secretary of state under s. 7.08 (1) (a).

11 **SECTION 102.** 5.655 (3) of the statutes is amended to read:

12 5.655 (3) The ~~commission~~ secretary of state shall prescribe notices and
13 instructions to be given to electors who use a ballot that is authorized under sub. (2)
14 in lieu of any notices and instructions that are applicable only to municipalities
15 employing separate paper ballots.

16 **SECTION 103.** 5.72 of the statutes is amended to read:

17 **5.72 Correcting ballot errors. (1)** As soon as possible after ballots are
18 delivered to the county clerk or to the municipal clerk if the municipality is preparing
19 ballots under s. 7.15 (2), but not later than 3 weeks before any election relating to a
20 state or national office or statewide referendum, the county or municipal clerk
21 preparing the ballots shall submit one copy of each ballot to the ~~commission~~ secretary
22 of state for review of possible errors. If the contractor preparing the ballots supplies
23 proofs in advance of ballot preparation, the clerk shall submit one copy of the proofs
24 in lieu of actual ballots. If a voting machine ballot or other ballot combining local
25 candidates or referenda with state or national candidates or referenda is used, the

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1 entire ballot shall be submitted, but if ballots intended for distribution to electors are
2 used, only those ballots relating to state or national offices and statewide referenda
3 need be submitted. This subsection does not require delay of ballot distribution or
4 mailing of absentee ballots.

5 (2) The ~~commission~~ secretary of state shall review ballots and proof copies
6 submitted under sub. (1) and shall notify the county and municipal clerk of any error
7 as soon as possible but in no event later than 7 days after submission. The clerk is
8 not required to correct a ballot error upon receipt of notice of the error, unless ordered
9 to do so under sub. (3) or s. 5.06 (6).

10 (3) Whenever an affidavit is filed by the ~~commission~~ secretary of state or any
11 elector alleging an error or omission in the preparation of a ballot, the circuit court
12 for the county where the ballot is proposed to be used or its presiding judge, by order,
13 may summarily require a county or municipal clerk to correct the error, or show
14 cause why it should not be corrected and, by order, after the hearing, have the
15 correction made.

16 **SECTION 104.** 5.83 of the statutes is amended to read:

17 **5.83 Preparation for use of voting devices; comparison of ballots.**

18 Where voting devices are used at a polling place, the municipal clerk shall cause the
19 voting devices to be put in order, set, adjusted, and made ready for voting when
20 delivered to the polling place. Before the opening of the polls the inspectors shall
21 compare the ballots used in the voting devices with the sample ballots furnished and
22 see that the names, numbers, and letters thereon agree and shall certify thereto on
23 forms provided by the ~~commission~~ secretary of state.

24 **SECTION 105.** 5.87 (2) of the statutes is amended to read:

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1 5.87 (2) The ~~commission~~ secretary of state shall, by rule, prescribe uniform
2 standards for determining the validity of votes cast or attempted to be cast with each
3 electronic voting system approved for use in this state under s. 5.91. The rules shall
4 apply only to situations that may arise in which the validity of a vote or attempted
5 vote cast by an elector utilizing a particular system cannot be determined under s.
6 7.50.

7 **SECTION 106.** 5.905 (2) of the statutes is amended to read:

8 5.905 (2) The ~~commission~~ secretary of state shall determine which software
9 components of an electronic voting system it he or she considers to be necessary to
10 enable review and verification of the accuracy of the automatic tabulating equipment
11 used to record and tally the votes cast with the system. The ~~commission~~ secretary
12 shall require each vendor of an electronic voting system that is approved under s.
13 5.91 to place those software components in escrow with the ~~commission~~ secretary
14 within 90 days of the date of approval of the system and within 10 days of the date
15 of any subsequent change in the components. The ~~commission~~ secretary shall secure
16 and maintain those software components in strict confidence except as authorized
17 in this section. Unless authorized under this section, the ~~commission~~ secretary shall
18 withhold access to those software components from any person who requests access
19 under s. 19.35 (1). The secretary of state shall promulgate rules for the
20 administration of this subsection.

21 **SECTION 107.** 5.905 (3) of the statutes is amended to read:

22 5.905 (3) The ~~commission~~ secretary of state shall promulgate rules to ensure
23 the security, review, and verification of software components used with each
24 electronic voting system approved by the ~~commission~~ secretary. The verification
25 procedure shall include a determination that the software components correspond

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1 to the instructions actually used by the system to count votes. The secretary shall
2 report all findings under this subsection to the standing legislative oversight
3 committees as soon as practicable after completion of the verification procedure.

4 **SECTION 108.** 5.905 (4) of the statutes is amended to read:

5 5.905 (4) If a valid petition for a recount is filed under s. 9.01 in an election at
6 which an electronic voting system was used to record and tally the votes cast, each
7 party to the recount may designate one or more persons who are authorized to receive
8 access to the software components that were used to record and tally the votes in the
9 election. The ~~commission~~ secretary of state shall grant access to the software
10 components to each designated person if, before receiving access, the person enters
11 into a written agreement with the ~~commission~~ secretary that obligates the person to
12 exercise the highest degree of reasonable care to maintain the confidentiality of all
13 proprietary information to which the person is provided access, unless otherwise
14 permitted in a contract entered into under sub. (5).

15 **SECTION 109.** 5.91 (intro.) of the statutes is amended to read:

16 **5.91 Requisites for approval of ballots, devices and equipment.** (intro.)

17 No ballot, voting device, automatic tabulating equipment, or related equipment and
18 materials to be used in an electronic voting system may be utilized in this state
19 unless it is certified by the ~~commission~~ secretary of state. The ~~commission~~ secretary
20 may revoke its his or her certification of any ballot, device, equipment, or materials
21 at any time for cause. The ~~commission~~ secretary may certify any such voting device,
22 automatic tabulating equipment, or related equipment or materials regardless of
23 whether any such item is approved by the federal election assistance commission,
24 but the ~~commission~~ secretary of state may not certify any ballot, device, equipment,

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1 or material to be used in an electronic voting system unless it fulfills the following
2 requirements:

3 **SECTION 110.** 5.93 of the statutes is repealed.

4 **SECTION 111.** 5.95 of the statutes is amended to read:

5 **5.95 Elector information.** The ~~commission~~ secretary of state shall prescribe
6 information to electors in municipalities and counties using various types of
7 electronic voting systems to be published in lieu of the information specified in s.
8 10.02 (3) in type B notices whenever the type B notice information is inapplicable.

9 **SECTION 112.** 6.06 of the statutes is amended to read:

10 **6.06 Information for uniformed service members.** The ~~commission~~ office
11 of the secretary of state is the agency designated by this state under 42 USC 1973ff-1
12 to provide information regarding voter registration and absentee balloting
13 procedures to absent members of the uniformed services and overseas voters with
14 respect to elections for national office.

15 **SECTION 113.** 6.22 (4) (d) of the statutes is amended to read:

16 6.22 (4) (d) The ~~commission~~ secretary of state shall prescribe the instructions
17 for marking and returning ballots and the municipal clerk shall enclose instructions
18 with each ballot and shall also enclose supplemental instructions for local elections.
19 The envelope, return envelope and instructions may not contain the name of any
20 candidate appearing on the enclosed ballots other than that of the municipal clerk
21 affixed in the fulfillment of his or her duties.

22 **SECTION 114.** 6.22 (6) of the statutes is amended to read:

23 6.22 (6) **MILITARY ELECTOR LIST.** Each municipal clerk shall keep an up-to-date
24 list of all eligible military electors who reside in the municipality in the format
25 prescribed by the ~~commission~~ secretary of state. The list shall contain the name,

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1 latest-known military residence and military mailing address of each military
2 elector. The list shall indicate whether each elector whose name appears on the list
3 is a military elector, as defined in s. 6.34 (1), and has so certified under s. 6.865 (3m).
4 All persons over 18 years of age or who will be 18 years old prior to an election shall
5 be listed and remain on the list for the duration of their tour of duty. The list shall
6 be kept current through all possible means. Each clerk shall exercise reasonable care
7 to avoid duplication of names or listing anyone who is not eligible to vote. Each clerk
8 shall distribute one copy of the list to the each polling place in the municipality for
9 use on election day.

10 **SECTION 115.** 6.24 (3) of the statutes is amended to read:

11 6.24 (3) REGISTRATION. The overseas elector shall register in the municipality
12 where he or she was last domiciled or where the overseas elector's parent was last
13 domiciled on a form prescribed by the ~~commission~~ secretary of state designed to
14 ascertain the elector's qualifications under this section. The ~~commission~~ secretary
15 shall ensure that the form is substantially similar to the original form under s. 6.33
16 (1), insofar as applicable. Registration shall be accomplished in accordance with s.
17 6.30 (4) or (5).

18 **SECTION 116.** 6.24 (4) (d) of the statutes is amended to read:

19 6.24 (4) (d) An overseas elector, regardless of whether the elector qualifies as
20 a resident of this state under s. 6.10, who is not registered may request both a
21 registration form and an absentee ballot at the same time, and the municipal clerk
22 shall send or transmit the ballot automatically if the registration form is received
23 within the time prescribed in s. 6.28 (1). The ~~commission~~ secretary of state shall
24 prescribe a special certificate form for the envelope in which the absentee ballot for
25 such overseas electors is contained, which shall be substantially similar to that

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1 provided under s. 6.87 (2). The overseas elector shall make and subscribe to the
2 special certificate form before a witness who is an adult.

3 **SECTION 117.** 6.24 (5) of the statutes is amended to read:

4 6.24 (5) **BALLOTS.** The ~~commission~~ secretary of state shall prescribe a special
5 ballot for use under this section whenever necessary. Official ballots prescribed for
6 use in the presidential preference primary may also be used. The ballot shall be
7 designed to comply with the requirements prescribed under ss. 5.60 (8), 5.62, and
8 5.64 (1) insofar as applicable. All ballots shall be limited to national offices only.

9 **SECTION 118.** 6.24 (6) of the statutes is amended to read:

10 6.24 (6) **INSTRUCTIONS AND HANDLING.** The municipal clerk shall send a ballot,
11 as soon as available, to each overseas elector by whom a request has been made. The
12 ~~commission~~ secretary of state shall prescribe the instructions for marking and
13 returning ballots and the municipal clerk shall enclose such instructions with each
14 ballot. The envelope, return envelope, and instructions may not contain the name
15 of any candidate appearing on the enclosed ballots other than that of the municipal
16 clerk affixed in the fulfillment of his or her duties. Except as authorized in s. 6.87
17 (3), the municipal clerk shall mail the material, with sufficient postage to ensure that
18 the elector receives the ballot, unless the material qualifies for mailing free of
19 postage under federal free postage laws. If the return envelope qualifies for mailing
20 free of postage under federal free postage laws, the clerk shall affix the appropriate
21 legend required by U.S. postal regulations. Otherwise, the municipal clerk shall pay
22 the postage required for return when the ballot is mailed from within the United
23 States. If the ballot is not mailed by the overseas elector from within the United
24 States, the overseas elector shall provide return postage.

25 **SECTION 119.** 6.275 (1) (intro.) of the statutes is amended to read:

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1 6.275 (1) (intro.) Except as provided in par. (f), no later than 30 days after each
2 primary and election at which a state or national office is filled or a statewide
3 referendum is held, including any special election, the municipal clerk or board of
4 election commissioners shall submit electronically a report to the ~~elections~~
5 secretary of state and the county clerk or board of election commissioners of each
6 county in which the municipality is located specifying:

7 **SECTION 120.** 6.275 (1) (f) of the statutes is amended to read:

8 6.275 (1) (f) The total number of postcards sent by the municipal clerk or board
9 of election commissioners under s. 6.56 (3), the total number of such postcards
10 returned to the municipal clerk or board of election commissioners because the
11 elector did not reside at the address given on the postcard, the total number of
12 electors whose status was changed from eligible to ineligible on the registration list
13 as a result of the audit under s. 6.56 (3), and the number of individuals referred to
14 the district attorney under s. 6.56 (3). The municipal clerk or board of election
15 commissioners shall provide the information described under this paragraph to the
16 ~~elections commission~~ secretary of state and the county clerk or county board of
17 election commissioners at the earliest practicable time after, but no later than 90
18 days after, each primary and election at which a state or national office is filled or
19 a statewide referendum is held, including any special election. The municipal clerk
20 or board of election commissioners shall update the information described under this
21 paragraph on a monthly basis and shall submit, on a monthly basis, any such
22 updated information to the ~~elections commission~~ secretary of state and the county
23 clerk or county board of election commissioners.

24 **SECTION 121.** 6.275 (2) of the statutes is amended to read:

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1 6.275 (2) Upon receipt of each report filed under this section, the ~~commission~~
2 secretary of state shall, within 7 days of receiving the report, publish the information
3 on its ~~Internet site~~ the website of the secretary of state. The ~~commission~~ secretary
4 shall update the information published under this subsection on a monthly basis.

5 **SECTION 122.** 6.276 (2) of the statutes is amended to read:

6 6.276 (2) Within 30 days after each general election, each municipal clerk shall
7 transmit to the ~~commission~~ secretary of state a report of the number of absentee
8 ballots transmitted by the clerk to absent military electors and overseas electors for
9 that election and the combined number of those ballots that were cast by those
10 electors in that election.

11 **SECTION 123.** 6.276 (3) of the statutes is amended to read:

12 6.276 (3) Within 90 days after each general election, the ~~commission~~ secretary
13 of state shall compile the information contained in the reports received from
14 municipal clerks under sub. (2) and transmit the information to the federal Election
15 Assistance Commission.

16 **SECTION 124.** 6.29 (2) (am) of the statutes is amended to read:

17 6.29 (2) (am) The ~~commission~~ secretary of state shall provide to each municipal
18 clerk a list prepared for use at each municipal clerk's office showing the name and
19 address of each person whose name appears on the list provided by the department
20 of corrections under s. 301.03 (20m) as ineligible to vote on the date of the election,
21 whose address is located in the municipality, and whose name does not appear on the
22 registration list for that municipality. Prior to permitting an elector to register to
23 vote under this subsection, the municipal clerk shall review the list. If the name of
24 an elector who wishes to register to vote appears on the list, the municipal clerk shall
25 inform the elector that the elector is ineligible to register to vote. If the elector

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1 maintains that he or she is eligible to vote in the election, the municipal clerk shall
2 permit the elector to register to vote but shall mark the elector's registration form
3 as "ineligible to vote per Department of Corrections." If the elector wishes to vote,
4 the municipal clerk shall challenge the elector's ballot in the same manner as
5 provided for inspectors who challenge ballots under s. 6.79 (2) (dm).

6 **SECTION 125.** 6.30 (4) of the statutes is amended to read:

7 6.30 (4) BY MAIL. Any eligible elector may register by mail on a form prescribed
8 by the ~~commission~~ secretary of state and provided by each municipality. The form
9 shall be designed to obtain the information required in s. 6.33 (1). The form shall
10 contain a certification by the elector that all statements are true and correct. The
11 form shall be prepostpaid for return when mailed at any point within the United
12 States. The form shall be available in the municipal clerk's office and may be
13 distributed by any elector of the municipality. The clerk shall mail a registration
14 form to any elector upon written or oral request.

15 **SECTION 126.** 6.30 (5) of the statutes is amended to read:

16 6.30 (5) BY ELECTRONIC APPLICATION. An eligible elector who holds a current and
17 valid operator's license issued under ch. 343 or a current and valid identification card
18 issued under s. 343.50 may register electronically in the manner prescribed by the
19 ~~commission~~ secretary of state. The ~~commission~~ secretary shall maintain on the
20 Internet a secure registration form that enables the elector to enter the information
21 required under s. 6.33 (1) electronically. An elector who registers electronically
22 under this subsection must authorize the ~~commission~~ secretary to obtain from the
23 department of transportation an electronic copy of the elector's signature, which
24 signature shall constitute an affirmation that all information provided by the elector
25 is correct and shall have the same effect as if the elector had signed the application

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1 personally. The ~~commission~~ secretary of state shall include on the registration form
2 a place for the elector to give this authorization. Upon submittal of the electronic
3 application, the ~~commission~~ secretary shall obtain from the department of
4 transportation a copy of the electronic signature of the elector. The ~~commission~~
5 secretary of state shall maintain the application on file and shall notify the municipal
6 clerk or board of election commissioners of the municipality where the elector resides
7 of its receipt of each completed application. The ~~commission~~ secretary shall also
8 permit any elector who has a current and valid operator's license issued to the elector
9 under ch. 343 or a current and valid identification card issued under s. 343.50 to
10 make changes in his or her registration at the same Internet site website that is used
11 by electors for original registration under this subsection. An elector shall attest to
12 the correctness of any changes in the same manner as provided in this subsection for
13 information entered on an application for original registration.

14 **SECTION 127.** 6.32 of the statutes is amended to read:

15 **6.32 Verification of certain registrations.** (1) Upon receipt of a
16 registration form that is submitted by mail under s. 6.30 (4) or by electronic
17 application under s. 6.30 (5), the ~~commission~~ secretary of state or municipal clerk
18 shall examine the form for sufficiency.

19 (2) If the form is insufficient to accomplish registration or the ~~commission~~
20 secretary or clerk knows or has reliable information that the proposed elector is not
21 qualified, the ~~commission~~ secretary or clerk shall notify the proposed elector within
22 5 days, if possible, and request that the elector appear at the clerk's office or another
23 registration location to complete a proper registration or substantiate the
24 information presented.

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1 (3) If the form is submitted later than the close of registration, the ~~commission~~
2 secretary or clerk shall make a good faith effort to notify the elector that he or she
3 may register at the clerk's office under s. 6.29 or at the proper polling place or other
4 location designated under s. 6.55 (2).

5 (4) If the form is sufficient to accomplish registration and the ~~commission~~
6 secretary or clerk has no reliable information to indicate that the proposed elector
7 is not qualified, the ~~commission~~ secretary or clerk shall enter the elector's name on
8 the registration list and transmit a 1st class letter or postcard to the registrant,
9 specifying the elector's ward or aldermanic district, or both, if any, and polling place.
10 The letter or postcard shall be sent within 10 days of receipt of the form. If the letter
11 or postcard is returned, or if the ~~commission~~ secretary or clerk is informed of a
12 different address than the one specified by the elector, the ~~commission~~ secretary or
13 clerk shall change the status of the elector on the list from eligible to ineligible. The
14 letter or postcard shall be marked in accordance with postal regulations to ensure
15 that it will be returned to the ~~commission~~ secretary or clerk if the elector does not
16 reside at the address given on the letter or postcard.

17 **SECTION 128.** 6.33 (1) of the statutes is amended to read:

18 6.33 (1) The ~~commission~~ secretary of state shall prescribe the format, size, and
19 shape of registration forms. All nonelectronic forms shall be printed and each item
20 of information shall be of uniform font size, as prescribed by the ~~commission~~
21 secretary. Except as otherwise provided in this subsection, electronic forms shall
22 contain the same information as nonelectronic forms. The municipal clerk shall
23 supply sufficient forms to meet voter registration needs. The ~~commission~~ secretary
24 of state shall design the form to obtain from each elector information as to name;
25 date; residence location; location of previous residence immediately before moving

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1 to current residence location; citizenship; date of birth; age; the number of a current
2 and valid operator's license issued to the elector under ch. 343 or the last 4 digits of
3 the elector's social security account number; whether the elector has resided within
4 the ward or election district for the number of consecutive days specified in s. 6.02
5 (1); whether the elector has been convicted of a felony for which he or she has not been
6 pardoned, and if so, whether the elector is incarcerated, or on parole, probation, or
7 extended supervision; whether the elector is disqualified on any other ground from
8 voting; and whether the elector is currently registered to vote at any other location.
9 The ~~commission~~ secretary of state shall include on the nonelectronic form a space for
10 the elector's signature and on the electronic form the authorization specified under
11 s. 6.30 (5). Below the space for the signature or authorization, respectively, the
12 ~~commission~~ secretary shall include the following statement: "Falsification of
13 information on this form is punishable under Wisconsin law as a Class I felony." The
14 ~~commission~~ secretary shall include on the form a space to enter the name of any
15 inspector, municipal clerk, or deputy clerk under s. 6.55 (2) who obtains the form and
16 a space for the inspector, clerk, or deputy clerk to sign his or her name, affirming that
17 the inspector, clerk, or deputy clerk has accepted the form. The ~~commission~~ secretary
18 shall include on the form a space for entry of the ward and aldermanic district, if any,
19 where the elector resides and any other information required to determine the offices
20 and referenda for which the elector is certified to vote. The ~~commission~~ secretary
21 shall also include on the form a space where the clerk may record an indication of
22 whether the form is received by mail or by electronic application, a space where the
23 clerk shall record an indication of the type of identifying document submitted by the
24 elector as proof of residence under s. 6.34 or an indication that the elector's
25 information in lieu of proof of residence was verified under s. 6.34 (2m), the name of

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1 the entity or institution that issued the identifying document, and, if the identifying
2 document includes a number that applies only to the individual holding that
3 document, that number. The ~~commission~~ secretary shall also include on the form a
4 space where the clerk, for any elector who possesses a valid voting identification card
5 issued to the person under s. 6.47 (3), may record the identification serial number
6 appearing on the voting identification card. Each county clerk shall obtain sufficient
7 registration forms for completion by an elector who desires to register to vote at the
8 office of the county clerk under s. 6.28 (4).

9 **SECTION 129.** 6.33 (5) (a) of the statutes is amended to read:

10 6.33 (5) (a) 1. Except as provided in par. (b) and this paragraph, whenever a
11 municipal clerk receives a valid registration or valid change of a name or address
12 under an existing registration or changes a registration from eligible to ineligible
13 status the municipal clerk or the clerk's designee shall promptly enter electronically
14 on the list maintained by the ~~commission~~ secretary of state under s. 6.36 (1) the
15 information required under that subsection.

16 2. Except as provided in par. (b) and this paragraph, whenever a municipal
17 clerk mails an absentee ballot to an elector or receives an in-person absentee ballot
18 application or an absentee ballot the municipal clerk shall, no later than 48 hours
19 after mailing an absentee ballot or receiving an in-person absentee ballot
20 application or an absentee ballot, enter electronically on the list maintained by the
21 ~~commission~~ secretary of state under s. 6.36 (1) the information required under that
22 subsection or submit the information to the clerk's designee who shall, no later than
23 24 hours after receiving the information from the clerk, enter electronically on the
24 list maintained by the ~~commission~~ secretary of state under s. 6.36 (1) the information

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1 required under that subsection. If a deadline under this subdivision falls on a
2 Saturday or Sunday, the deadline is extended to the next business day.

3 3. Except as provided in par. (b) and this paragraph, the municipal clerk or the
4 clerk's designee shall update any entries that change on the date of an election other
5 than a general election within 30 days after the date of that election, and shall update
6 any entries that change on the date of a general election within 45 days after the date
7 of that election. The ~~commission administrator~~ secretary of state may, upon request
8 of a municipal clerk, permit the clerk to update entries that change on the date of a
9 general election within 60 days after that election.

10 4. The municipal clerk shall provide to the ~~commission~~ secretary of state
11 information that is confidential under s. 6.47 (2) in such manner as the ~~commission~~
12 secretary prescribes.

13 **SECTION 130.** 6.33 (5) (b) of the statutes is amended to read:

14 6.33 (5) (b) The municipal clerk of any municipality may, by mutual consent,
15 designate any other municipal clerk or any county clerk as the clerk's agent to carry
16 out the functions of the municipal clerk under this section for that municipality. The
17 municipal clerk shall notify the county clerk of each county in which the municipality
18 is located and the ~~commission~~ secretary of state of any such designation in writing.
19 The municipal clerk may, by similar notice to the clerk's agent at least 14 days prior
20 to the effective date of any change, discontinue the designation. If the municipal
21 clerk designates another municipal clerk or a county clerk as his or her agent, the
22 municipal clerk shall immediately forward all registration changes filed with the
23 clerk and voting record information obtained by the clerk to the clerk's agent for
24 electronic entry on the registration list.

25 **SECTION 131.** 6.34 (2m) of the statutes is amended to read:

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1 6.34 (2m) An elector who registers by electronic application under s. 6.30 (5)
2 is not required to provide proof of residence under sub. (2) if, at the time of
3 registration, the elector provides the number of a current and valid operator's license
4 issued under ch. 343, or the number of a current and valid identification card issued
5 under s. 343.50, together with the elector's name and date of birth and the
6 ~~commission~~ secretary of state is able to verify the information specified under sub.
7 (3) (b) using the system maintained under sub. (4).

8 **SECTION 132.** 6.34 (4) of the statutes is amended to read:

9 6.34 (4) The ~~commission~~ secretary of state shall maintain a system that
10 electronically verifies, on an instant basis, information specified under sub. (3) (b)
11 from the information submitted in lieu of proof of residence under sub. (2m), using
12 the information maintained by the department of transportation pursuant to the
13 ~~commission's~~ secretary of state's agreement with the secretary of transportation
14 under s. 85.61 (1). If a prospective elector enters information specified under sub.
15 (3) (b) 2. into the system that does not match such information maintained by the
16 department of transportation, the system shall redirect the elector to the department
17 of transportation's ~~Internet site~~ website so that the elector may update his or her
18 information with the department of transportation.

19 **SECTION 133.** 6.35 (2) of the statutes is amended to read:

20 6.35 (2) The ~~commission~~ secretary of state shall prescribe, by rule, the
21 procedure and methods by which municipal clerks and boards of election
22 commissioners shall maintain records of registrations that are entered electronically
23 under s. 6.30 (5).

24 **SECTION 134.** 6.36 (1) (a) (intro.) of the statutes is amended to read:

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1 6.36 (1) (a) (intro.) The ~~commission~~ secretary of state shall compile and
2 maintain electronically an official registration list. The list shall contain all of the
3 following:

4 **SECTION 135.** 6.36 (1) (a) 4. of the statutes is amended to read:

5 6.36 (1) (a) 4. For each elector, a unique registration identification number
6 assigned by the ~~commission~~ secretary of state.

7 **SECTION 136.** 6.36 (1) (a) 9. of the statutes is amended to read:

8 6.36 (1) (a) 9. Any information relating to the elector that appears on the
9 current list transmitted to the ~~commission~~ secretary of state by the department of
10 corrections under s. 301.03 (20m) containing the name of each living person who has
11 been convicted of a felony under the laws of this state and whose civil rights have not
12 been restored.

13 **SECTION 137.** 6.36 (1) (am) of the statutes is amended to read:

14 6.36 (1) (am) The list under par. (a) may contain such other information as may
15 be determined by the ~~commission~~ secretary of state to facilitate administration of
16 elector registration requirements.

17 **SECTION 138.** 6.36 (1) (b) 1. a. of the statutes is amended to read:

18 6.36 (1) (b) 1. a. Except as provided in pars. (ae), (bm), and (bn), no person other
19 than an employee of the ~~commission~~ secretary of state, a county clerk, a deputy
20 county clerk, an executive director of a county board of election commissioners, a
21 deputy designated by the executive director, a municipal clerk, a deputy municipal
22 clerk, an executive director of a city board of election commissioners, or a deputy
23 designated by the executive director may view the date of birth, operator's license
24 number, or social security account number of an elector, the address of an elector to

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1 whom an identification serial number is issued under s. 6.47 (3), or any indication
2 of an accommodation required under s. 5.25 (4) (a) to permit voting by an elector.

3 **SECTION 139.** 6.36 (1) (b) 1. b. of the statutes is amended to read:

4 6.36 (1) (b) 1. b. No person other than an employee of the ~~commission~~ secretary
5 of state, a municipal clerk, or an election official who is authorized by a municipal
6 clerk may make a change in the list.

7 **SECTION 140.** 6.36 (1) (bm) of the statutes is amended to read:

8 6.36 (1) (bm) The ~~commission~~ secretary of state or any municipal clerk or board
9 of election commissioners may transfer any information in the registration list to
10 which access is restricted under par. (b) 1. a. to a law enforcement agency, as defined
11 in s. 165.77 (1) (b), to be used for law enforcement purposes.

12 **SECTION 141.** 6.36 (1) (bn) of the statutes is amended to read:

13 6.36 (1) (bn) The ~~commission~~ secretary of state may transfer any information
14 in the registration list to which access is restricted under par. (b) 1. a. to a subunit
15 of the state government of another state to be used for official purposes.

16 **SECTION 142.** 6.36 (1) (d) of the statutes is amended to read:

17 6.36 (1) (d) Upon receipt of official notification by the appropriate election
18 administrative authority of another state, territory, or possession that an elector
19 whose name appears on the list has registered to vote in that state, territory, or
20 possession, the ~~commission~~ secretary of state or the municipal clerk of the
21 municipality where the elector formerly resided shall change the elector's
22 registration from eligible to ineligible status.

23 **SECTION 143.** 6.36 (1) (e) of the statutes is amended to read:

24 6.36 (1) (e) If the ~~commission~~ secretary of state adds the name of any elector
25 to the list, the ~~commission~~ secretary shall promptly notify the municipal clerk of the

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1 municipality where the elector resides. If the ~~commission~~ secretary changes the
2 registration of any elector from eligible to ineligible status, the ~~commission~~ secretary
3 shall promptly notify the municipal clerk of the municipality where the elector
4 resides or, if the elector has changed his or her residence from one municipality to
5 another municipality in this state, shall promptly notify the municipal clerk of the
6 municipality where the elector resided prior to the change. Notification shall be
7 made in writing or by electronic transmission. If the ~~commission~~ secretary changes
8 the registration of any elector from eligible to ineligible status, the ~~commission~~
9 secretary shall make an entry on the list giving the date of and the reason for the
10 change.

11 **SECTION 144.** 6.36 (1) (f) of the statutes is amended to read:

12 6.36 (1) (f) The ~~commission~~ secretary of state shall make all reasonable efforts
13 to ensure that the list is maintained in a manner that precludes unauthorized
14 persons from making alterations to the list.

15 **SECTION 145.** 6.36 (2) (a) of the statutes is amended to read:

16 6.36 (2) (a) Except as provided in par. (b), each registration list prepared for use
17 as a poll list at a polling place or for purposes of canvassing absentee ballots at an
18 election shall contain the full name and address of each registered elector; a blank
19 column for the entry of the serial number of the electors when they vote or the poll
20 list number used by the municipal board of absentee ballot canvassers in canvassing
21 absentee ballots; an indication next to the name of each elector for whom proof of
22 residence under s. 6.34 is required; a space for entry of the type of and the name of
23 the entity or institution that issued the identifying document submitted by the
24 elector as proof of residence when proof of residence under s. 6.34 is required; a space
25 for entry of the elector's signature, or if another person signed the elector's

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1 registration form for the elector by reason of the elector's physical disability, the word
2 "exempt"; and a form of certificate bearing the certification of the ~~commission~~
3 ~~administrator~~ secretary of state stating that the list is a true and complete
4 registration list of the municipality or the ward or wards for which the list is
5 prepared. The ~~commission~~ secretary of state shall, by rule, prescribe the space and
6 location for entry of each elector's signature on the poll list which shall provide for
7 entry of the signature without changing the orientation of the poll list from the
8 orientation used by the election officials.

9 **SECTION 146.** 6.36 (6) of the statutes is amended to read:

10 6.36 (6) The ~~commission~~ secretary of state shall establish by rule the fee for
11 obtaining a copy of the official registration list, or a portion of the list, including
12 access to the subscription service established under s. 5.05 (14) (b). The amount of
13 the fee shall be set, after consultation with county and municipal election officials,
14 at an amount estimated to cover both the cost of reproduction and the cost of
15 maintaining the list at the state and local level. The rules shall require that revenues
16 from fees received be shared between the state and municipalities or their designees
17 under s. 6.33 (5) (b), and shall specify a method for such allocation. The secretary
18 of state shall make publicly available the amount and distribution of the fees
19 received under this subsection and the method of allocation.

20 **SECTION 147.** 6.47 (1) (ag) of the statutes is amended to read:

21 6.47 (1) (ag) "Domestic abuse victim service provider" means an organization
22 that is certified by the department of children and families as eligible to receive
23 grants under s. 49.165 (2) and whose name is included on the list provided by the
24 ~~commission~~ secretary of state under s. 7.08 (10).

25 **SECTION 148.** 6.47 (1) (am) 2. of the statutes is amended to read:

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1 6.47 (1) (am) 2. An individual who files an affidavit with the municipal clerk
2 of the municipality where the individual resides, on a form prescribed by the
3 ~~commission~~ secretary of state, that is signed by a sheriff, the chief of a police
4 department, or a district attorney or the authorized representative of a sheriff, chief,
5 or district attorney and directed to the municipal clerk, and that verifies that a
6 person has been charged with or convicted of an offense relating to domestic abuse,
7 sexual assault, or stalking in which the individual was a victim and reasonably
8 continues to be threatened by that person.

9 **SECTION 149.** 6.47 (1) (dm) of the statutes is amended to read:

10 6.47 (1) (dm) “Sexual assault victim service provider” means an organization
11 that is certified by the department of justice as eligible to receive grants under s.
12 165.93 (2) and whose name is included on the list provided by the ~~commission~~
13 secretary of state under s. 7.08 (10).

14 **SECTION 150.** 6.47 (2) of the statutes is amended to read:

15 6.47 (2) Except as authorized in sub. (8), the ~~commission~~ secretary of state,
16 each municipal clerk, each agent designated under s. 6.33 (5) (b), and each election
17 official shall withhold from public inspection under s. 19.35 (1) the name and address
18 of any eligible individual whose name appears on a poll list or registration list if the
19 individual provides the municipal clerk with a valid written request to protect the
20 individual’s confidentiality. To be valid, a request under this subsection must be
21 accompanied by a copy of a protective order that is in effect, an affidavit under sub.
22 (1) (am) 2. that is dated within 30 days of the date of the request, confirmation from
23 the department of justice that the person is a program participant, as provided under
24 s. 165.68 (4) (c), a statement signed by the operator or an authorized agent of the
25 operator of a shelter that is dated within 30 days of the date of the request and that

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1 indicates that the operator operates the shelter and that the individual making the
2 request resides in the shelter, or a statement signed by an authorized representative
3 of a domestic abuse victim service provider or a sexual assault victim service provider
4 under sub. (1) (am) 4. that is dated within 30 days of the date of the request. A
5 physically disabled individual who appears personally at the office of the municipal
6 clerk accompanied by another elector of this state may designate that elector to make
7 a request under this subsection on his or her behalf.

8 **SECTION 151.** 6.47 (3) of the statutes is amended to read:

9 6.47 (3) Upon receiving a valid written request from an elector under sub. (2),
10 the municipal clerk shall issue to the elector a voting identification card on a form
11 prescribed by the ~~commission~~ secretary of state that shall contain the name of the
12 elector's municipality of residence and, in the case of a town, the county in which the
13 town is located, the elector's name, the ward in which the elector resides, if any, and
14 a unique identification serial number issued by the ~~commission~~ secretary. The
15 number issued to an elector under this subsection shall not be changed for so long
16 as the elector continues to qualify for a listing under sub. (2).

17 **SECTION 152.** 6.50 (1) (intro.) of the statutes is amended to read:

18 6.50 (1) (intro.) No later than June 15 following each general election, the
19 ~~commission~~ secretary of state shall examine the registration records for each
20 municipality and identify each elector who has not voted within the previous 4 years
21 if qualified to do so during that entire period and shall mail a notice to the elector in
22 substantially the following form:

23 **SECTION 153.** 6.50 (2) of the statutes is amended to read:

24 6.50 (2) If an elector to whom a notice of suspension was mailed under sub. (1)
25 has not applied for continuation of registration within 30 days of the date of mailing,

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1 the ~~commission~~ secretary of state shall change the registration status of that elector
2 from eligible to ineligible on the day that falls 30 days after the date of mailing.

3 **SECTION 154.** 6.50 (2g) of the statutes is amended to read:

4 6.50 (2g) The ~~commission~~ secretary of state may delegate to a municipal clerk
5 or board of election commissioners of a municipality the responsibility to change the
6 registration status of electors when required under sub. (2).

7 **SECTION 155.** 6.50 (2r) (intro.) of the statutes is amended to read:

8 6.50 (2r) (intro.) As soon as practicable, but no later than August 1 following
9 the completion of the process under subs. (1) and (2), the ~~commission~~ secretary of
10 state shall publish on its ~~Internet site~~ the website of the office of secretary of state
11 the following information obtained through that process:

12 **SECTION 156.** 6.50 (2r) (b) of the statutes is amended to read:

13 6.50 (2r) (b) The number of notices described under par. (a) that were returned
14 to the ~~commission~~ secretary of state as undeliverable.

15 **SECTION 157.** 6.50 (2r) (h) of the statutes is amended to read:

16 6.50 (2r) (h) Any other information requested by the legislature or that the
17 ~~commission~~ secretary of state considers relevant.

18 **SECTION 158.** 6.50 (7) of the statutes is amended to read:

19 6.50 (7) When an elector's registration is changed from eligible to ineligible
20 status, the ~~commission~~ secretary of state, municipal clerk, or board of election
21 commissioners shall make an entry on the registration list, giving the date of and
22 reason for the change.

23 **SECTION 159.** 6.55 (2) (a) (intro.) of the statutes is amended to read:

24 6.55 (2) (a) (intro.) Except where the procedure under par. (c) or (cm) is
25 employed, any person who qualifies as an elector in the ward or election district

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1 where he or she desires to vote, but has not previously filed a registration form, or
2 was registered at another location, may request permission to vote at the polling
3 place for that ward or election district, or at an alternate polling place assigned under
4 s. 5.25 (5) (b). When a proper request is made, the inspector shall require the person
5 to execute a registration form prescribed by the ~~commission~~ secretary of state. The
6 registration form shall be completed in the manner provided under s. 6.33 (2) and
7 shall contain all information required under s. 6.33 (1), together with the following
8 certification:

9 **SECTION 160.** 6.55 (2) (cs) of the statutes is amended to read:

10 6.55 (2) (cs) The ~~commission~~ secretary of state shall provide to each municipal
11 clerk a list prepared for use at each polling place showing the name and address of
12 each person whose name appears on the list provided by the department of
13 corrections under s. 301.03 (20m) as ineligible to vote on the date of the election,
14 whose address is located in the area served by that polling place, and whose name
15 does not appear on the poll list for that polling place. Prior to permitting an elector
16 to register to vote under this subsection or s. 6.86 (3) (a) 2., the inspectors or election
17 registration officials shall review the list. If the name of an elector who wishes to
18 register to vote appears on the list, the inspectors or election registration officials
19 shall inform the elector or the elector's agent that the elector is ineligible to register
20 to vote. If the elector or the elector's agent maintains that the elector is eligible to
21 vote in the election, the inspectors or election registration officials shall permit the
22 elector to register but shall mark the elector's registration form as "ineligible to vote
23 per Department of Corrections." If the elector wishes to vote, the inspectors shall
24 require the elector to vote by ballot and shall challenge the ballot as provided in s.
25 6.79 (2) (dm).

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1 **SECTION 161.** 6.55 (3) (b) of the statutes is amended to read:

2 6.55 (3) (b) Prior to permitting an elector to vote under this subsection, the
3 inspectors shall review the list provided by the ~~elections commission~~ secretary of state under
4 sub. (2) (cs). If the name of the elector appears on the list, the inspectors shall inform
5 the elector that he or she is ineligible to vote at the election. If the elector maintains
6 that he or she is eligible to vote in the election, the inspectors shall permit the elector
7 to vote, but shall require the elector to vote by ballot, and shall challenge the ballot
8 as provided in s. 6.79 (2) (dm).

9 **SECTION 162.** 6.56 (3) of the statutes is amended to read:

10 6.56 (3) Upon receipt of the list under sub. (1), the municipal clerk or board of
11 election commissioners shall make an audit of all electors registering to vote at the
12 polling place or other registration location under s. 6.55 (2) and all electors
13 registering by agent on election day under s. 6.86 (3) (a) 2. unless the clerk or board
14 of election commissioners receives notice from the ~~elections commission~~ secretary of
15 state under sub. (7) that the ~~elections commission~~ office of the secretary of state will
16 perform the audit. The audit shall be made by 1st class postcard. The postcard shall
17 be marked in accordance with postal regulations to ensure that it will be returned
18 to the clerk, board of election commissioners, or ~~elections commission~~ secretary of
19 state if the elector does not reside at the address given on the postcard. If any
20 postcard is returned undelivered, or if the clerk, board of election commissioners, or
21 ~~elections commission~~ secretary of state is informed of a different address than the
22 one specified by the elector which was apparently improper on the day of the election,
23 the clerk, board of election commissioners, or ~~elections commission~~ secretary of state
24 shall change the status of the elector from eligible to ineligible on the registration
25 list, mail the elector a notice of the change in status, and provide the name of the

ASSEMBLY BILL 899**SECTION 162**

1 elector to the district attorney for the county where the polling place is located and
2 the ~~elections commission~~ secretary of state.

3 **SECTION 163.** 6.56 (3m) of the statutes is amended to read:

4 6.56 (3m) As soon as possible after all information relating to registrations
5 after the close of registration for an election is entered on the registration list
6 following the election under s. 6.33 (5) (a), the ~~commission~~ secretary of state shall
7 compare the list of new registrants whose names do not appear on the poll lists for
8 the election because the names were added after the ~~commission~~ secretary certified
9 the poll lists for use at the election with the list containing the names transmitted
10 to the ~~commission~~ secretary by the department of corrections under s. 301.03 (20m)
11 as of election day. If the ~~commission~~ secretary finds that the name of any person
12 whose name appears on the list transmitted under s. 301.03 (20m) has been added
13 to the registration list, the ~~commission~~ secretary shall enter on the list the
14 information transmitted to the ~~commission~~ secretary under s. 301.03 (20m) and shall
15 notify the district attorney for the county where the polling place is located that the
16 person appears to have voted illegally at the election.

17 **SECTION 164.** 6.56 (4) of the statutes is amended to read:

18 6.56 (4) After each election, the municipal clerk shall perform an audit to
19 assure that no person has been allowed to vote more than once. Whenever the
20 municipal clerk has good reason to believe that a person has voted more than once
21 in an election, the clerk shall send the person a 1st class letter marked in accordance
22 with postal regulations to ensure that it will be returned to the clerk if the elector
23 does not reside at the address given on the letter. The letter shall inform the person
24 that all registrations relating to that person may be changed from eligible to
25 ineligible status within 7 days unless the person contacts the office of the clerk to

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1 clarify the matter. A copy of the letter and of any subsequent information received
2 from or about the addressee shall be sent to the district attorney for the county where
3 the person resides and the ~~commission~~ secretary of state.

4 **SECTION 165.** 6.56 (7) of the statutes is amended to read:

5 6.56 (7) The ~~commission~~ secretary of state may elect to perform the duties of
6 municipal clerks to conduct the audits required under subs. (3) and (4) for any
7 election on behalf of all municipalities in the state. If the ~~commission~~ secretary so
8 elects, the ~~commission~~ secretary shall, no later than the date of the election for which
9 the audits will be performed, notify the municipal clerk of each municipality that the
10 ~~commission~~ secretary will perform the audits.

11 **SECTION 166.** 6.57 of the statutes is amended to read:

12 **6.57 Registration list for special elections.** The municipal clerk of each
13 municipality where a special election is held nonconcurrently with a regularly
14 scheduled election shall obtain a copies of the current registration list from the
15 ~~commission~~ secretary of state for use in the special election.

16 **SECTION 167.** 6.79 (1m) of the statutes is amended to read:

17 6.79 (1m) SEPARATE POLL LISTS. The municipal clerk may elect to maintain the
18 information on the poll list manually or electronically. If the clerk elects to maintain
19 the list electronically, an election official at each election ward shall be in charge of
20 and shall maintain the poll list. The system employed to maintain the list
21 electronically is subject to the approval of the ~~commission~~ secretary of state. If the
22 clerk elects to maintain the information manually, 2 election officials at each election
23 ward shall be in charge of and shall maintain 2 separate poll lists.

24 **SECTION 168.** 6.86 (2) (a) of the statutes is amended to read:

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1 6.86 (2) (a) An elector who is indefinitely confined because of age, physical
2 illness or infirmity or is disabled for an indefinite period may by signing a statement
3 to that effect require that an absentee ballot be sent to the elector automatically for
4 every election. The application form and instructions shall be prescribed by the
5 ~~commission~~ secretary of state, and furnished upon request to any elector by each
6 municipality. The envelope containing the absentee ballot shall be clearly marked
7 as not forwardable. If any elector is no longer indefinitely confined, the elector shall
8 so notify the municipal clerk.

9 **SECTION 169.** 6.86 (2m) (a) of the statutes is amended to read:

10 6.86 (2m) (a) Except as provided in this subsection, any elector other than an
11 elector who receives an absentee ballot under sub. (2) or s. 6.22 (4) or 6.24 (4) (c) may
12 by written application filed with the municipal clerk of the municipality where the
13 elector resides require that an absentee ballot be sent to the elector automatically for
14 every election that is held within the same calendar year in which the application is
15 filed. The application form and instructions shall be prescribed by the ~~commission~~
16 secretary of state, and furnished upon request to any elector by each municipal clerk.
17 The municipal clerk shall thereupon mail an absentee ballot to the elector for all
18 elections that are held in the municipality during the same calendar year that the
19 application is filed, except that the clerk shall not send an absentee ballot for an
20 election if the elector's name appeared on the registration list in eligible status for
21 a previous election following the date of the application but no longer appears on the
22 list in eligible status. The municipal clerk shall ensure that any envelope containing
23 the absentee ballot is clearly marked as not forwardable. If an elector who files an
24 application under this subsection no longer resides at the same address that is
25 indicated on the application form, the elector shall so notify the municipal clerk. The

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1 municipal clerk shall discontinue mailing absentee ballots to an elector under this
2 subsection upon receipt of reliable information that the elector no longer qualifies as
3 an elector of the municipality. In addition, the municipal clerk shall discontinue
4 mailing absentee ballots to an elector under this subsection if the elector fails to
5 return any absentee ballot mailed to the elector. The municipal clerk shall notify the
6 elector of any such action not taken at the elector's request within 5 days, if possible.
7 An elector who fails to cast an absentee ballot but who remains qualified to receive
8 absentee ballots under this subsection may then receive absentee ballots for
9 subsequent elections by notifying the municipal clerk that the elector wishes to
10 continue receiving absentee ballots for subsequent elections.

11 **SECTION 170.** 6.86 (3) (a) 1. of the statutes is amended to read:

12 6.86 (3) (a) 1. Any elector who is registered and who is hospitalized, may apply
13 for and obtain an official ballot by agent. The agent may apply for and obtain a ballot
14 for the hospitalized absent elector by presenting a form prescribed by the ~~commission~~
15 secretary of state and containing the required information supplied by the
16 hospitalized elector and signed by that elector, unless the elector is unable to sign due
17 to physical disability. In this case, the elector may authorize another elector to sign
18 on his or her behalf. Any elector signing an application on another elector's behalf
19 shall attest to a statement that the application is made on request and by
20 authorization of the named elector, who is unable to sign the application due to
21 physical disability. The agent shall present this statement along with all other
22 information required under this subdivision. Except as authorized for an elector who
23 has a confidential listing under s. 6.47 (2) or as authorized under s. 6.87 (4) (b) 4., the
24 agent shall present any proof of identification required under sub. (1) (ar). The form
25 shall include a space for the municipal clerk or deputy clerk to enter his or her initials

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1 indicating that the agent presented proof of identification to the clerk on behalf of the
2 elector.

3 **SECTION 171.** 6.869 of the statutes is amended to read:

4 **6.869 Uniform instructions.** The ~~commission~~ secretary of state shall
5 prescribe uniform instructions for municipalities to provide to absentee electors. The
6 instructions shall include the specific means of electronic communication that an
7 absentee elector may use to file an application for an absentee ballot and, if the
8 absentee elector is required to register, to request a registration form or change his
9 or her registration. The instructions shall include information concerning whether
10 proof of identification is required to be presented or enclosed. The instructions shall
11 also include information concerning the procedure for correcting errors in marking
12 a ballot and obtaining a replacement for a spoiled ballot. The procedure shall, to the
13 extent possible, respect the privacy of each elector and preserve the confidentiality
14 of each elector's vote.

15 **SECTION 172.** 6.87 (3) (d) of the statutes is amended to read:

16 **6.87 (3) (d)** A municipal clerk shall, if the clerk is reliably informed by a military
17 elector, as defined in s. 6.34 (1), or an overseas elector, regardless of whether the
18 elector qualifies as a resident of this state under s. 6.10, of a facsimile transmission
19 number or electronic mail address where the elector can receive an absentee ballot,
20 transmit a facsimile or electronic copy of the elector's ballot to that elector in lieu of
21 mailing under this subsection. An elector may receive an absentee ballot only if the
22 elector is a military elector or an overseas elector and has filed a valid application
23 for the ballot as provided in s. 6.86 (1). If the clerk transmits an absentee ballot to
24 a military or overseas elector electronically, the clerk shall also transmit a facsimile
25 or electronic copy of the text of the material that appears on the certificate envelope

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1 prescribed in sub. (2), together with instructions prescribed by the ~~commission~~
2 secretary of state. The instructions shall require the military or overseas elector to
3 make and subscribe to the certification as required under sub. (4) (b) and to enclose
4 the absentee ballot in a separate envelope contained within a larger envelope, that
5 shall include the completed certificate. The elector shall then affix sufficient postage
6 unless the absentee ballot qualifies for mailing free of postage under federal free
7 postage laws and shall mail the absentee ballot to the municipal clerk. Except as
8 authorized in s. 6.97 (2), an absentee ballot received from a military or overseas
9 elector who receives the ballot electronically shall not be counted unless it is cast in
10 the manner prescribed in this paragraph and sub. (4) and in accordance with the
11 instructions provided by the ~~commission~~ secretary of state.

12 **SECTION 173.** 6.875 (5) of the statutes is amended to read:

13 6.875 (5) Prior to entering upon his or her duties, each individual appointed
14 to serve as a deputy under this section shall file the oath required by s. 7.30 (5). In
15 the oath, the individual shall swear that he or she is qualified to act as a deputy under
16 this section, that he or she has read the statutes governing absentee voting, that he
17 or she understands the proper absentee voting procedure, that he or she understands
18 the penalties for noncompliance with the procedure under s. 12.13, that his or her
19 sacred obligation will be to fully and fairly implement the absentee voting law and
20 seek to have the intent of the electors ascertained. In addition, the oath shall state
21 that the individual realizes that any error in conducting the voting procedure may
22 result in invalidation of an elector's vote under s. 7.51 (2) (e) and that the individual
23 realizes that absentee voting is a privilege and not a constitutional right. The form
24 of the oath shall be prescribed by the ~~commission~~ secretary of state.

25 **SECTION 174.** 6.92 (1) of the statutes is amended to read:

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1 6.92 (1) Except as provided in sub. (2), each inspector shall challenge for cause
2 any person offering to vote whom the inspector knows or suspects is not a qualified
3 elector or who does not adhere to any voting requirement under this chapter. If a
4 person is challenged as unqualified by an inspector, one of the inspectors shall
5 administer the following oath or affirmation to the person: “You do solemnly swear
6 (or affirm) that you will fully and truly answer all questions put to you regarding your
7 place of residence and qualifications as an elector of this election”; and shall then ask
8 questions which are appropriate as determined by the ~~commission~~ secretary of state,
9 by rule, to test the person’s qualifications.

10 **SECTION 175.** 6.925 of the statutes is amended to read:

11 **6.925 Elector making challenge in person.** Any elector may challenge for
12 cause any person offering to vote whom the elector knows or suspects is not a
13 qualified elector. If a person is challenged as unqualified by an elector, one of the
14 inspectors may administer the oath or affirmation to the challenged elector under s.
15 6.92 and ask the challenged elector the questions under that section which are
16 appropriate to test the elector’s qualifications. In addition, one of the inspectors shall
17 administer the following oath or affirmation to the challenging elector: “You do
18 solemnly swear (or affirm) that you will fully and truly answer all questions put to
19 you regarding the challenged person’s place of residence and qualifications as an
20 elector of this election”; and shall then ask questions which are appropriate as
21 determined by the ~~commission~~ secretary of state, by rule, to test the qualifications
22 of the challenged elector.

23 **SECTION 176.** 6.95 of the statutes is amended to read:

24 **6.95 Voting procedure for challenged electors.** Whenever the inspectors
25 under ss. 6.92 to 6.94 receive the vote of a person offering to vote who has been

ASSEMBLY BILL 899**SECTION 176**

1 challenged, the inspectors shall, before giving the elector a ballot, write on the back
2 of the ballot the serial number of the challenged person corresponding to the number
3 kept at the election on the poll list, or other list maintained under s. 6.79, and the
4 notation "s. 6.95". If voting machines are used in the municipality where the person
5 is voting, the person's vote may be received only upon an absentee ballot furnished
6 by the municipal clerk which shall have the corresponding serial number from the
7 poll list or other list maintained under s. 6.79 and the notation "s. 6.95" written on
8 the back of the ballot by the inspectors before the ballot is given to the elector. The
9 inspectors shall indicate on the list the reason for the challenge. The inspectors shall
10 then deposit the ballot. The challenged ballots shall be counted under s. 5.85 or 7.51.
11 The municipal board of canvassers may decide any challenge when making its
12 canvass under s. 7.53. If the returns are reported under s. 7.60, a challenge may be
13 reviewed by the county board of canvassers. If the returns are reported under s. 7.70,
14 a challenge may be reviewed by the ~~chairperson of the commission~~ secretary of state
15 or the ~~chairperson's~~ secretary's designee. The decision of any board of canvassers or
16 of the ~~chairperson or chairperson's~~ secretary or secretary's designee may be appealed
17 under s. 9.01. The standard for disqualification specified in s. 6.325 shall be used to
18 determine the validity of challenged ballots.

19 **SECTION 177.** 6.96 of the statutes is amended to read:

20 **6.96 Voting procedure for electors voting pursuant to federal court**
21 **order.** Whenever any elector is allowed to vote at a polling place pursuant to a
22 federal court order after the closing time provided under s. 6.78, the inspectors shall,
23 before giving the elector a ballot, write on the back of the ballot the notation "s. 6.96".
24 If voting machines are used in the municipality where the elector is voting, the
25 elector's vote may be received only upon an absentee ballot furnished by the

ASSEMBLY BILL 899**SECTION 177**

1 municipal clerk which shall have the notation “s. 6.96” written on the back of the
2 ballot by the inspectors before the ballot is given to the elector. When receiving the
3 elector’s ballot, the inspectors shall provide the elector with the written voting
4 information prescribed by the ~~commission~~ secretary of state under s. 7.08 (8). The
5 inspectors shall indicate on the list the fact that the elector is voting pursuant to a
6 federal court order. The inspectors shall then deposit the ballot. The ballot shall be
7 counted under s. 5.85 or 7.51 unless the order is vacated. If the order is vacated after
8 the ballot is counted, the appropriate board or boards of canvassers or the
9 ~~chairperson of the commission~~ secretary of state or his or her designee shall reopen
10 the canvass to discount any ballots that were counted pursuant to the vacated order
11 and adjust the statements, certifications, and determinations accordingly.

12 **SECTION 178.** 6.97 (1) of the statutes is amended to read:

13 6.97 (1) Whenever any individual who is required to provide proof of residence
14 under s. 6.34 in order to be permitted to vote appears to vote at a polling place and
15 cannot provide the required proof of residence, the inspectors shall offer the
16 opportunity for the individual to vote under this section. Whenever any individual,
17 other than a military elector, as defined in s. 6.34 (1), an overseas elector, or an elector
18 who has a confidential listing under s. 6.47 (2), appears to vote at a polling place and
19 does not present proof of identification under s. 6.79 (2), whenever required, the
20 inspectors or the municipal clerk shall similarly offer the opportunity for the
21 individual to vote under this section. If the individual wishes to vote, the inspectors
22 shall provide the elector with an envelope marked “Ballot under s. 6.97, stats.” on
23 which the serial number of the elector is entered and shall require the individual to
24 execute on the envelope a written affirmation stating that the individual is a
25 qualified elector of the ward or election district where he or she offers to vote and is

ASSEMBLY BILL 899**SECTION 178**

1 eligible to vote in the election. The inspectors shall, before giving the elector a ballot,
2 write on the back of the ballot the serial number of the individual corresponding to
3 the number kept at the election on the poll list or other list maintained under s. 6.79
4 and the notation "s. 6.97". If voting machines are used in the municipality where the
5 individual is voting, the individual's vote may be received only upon an absentee
6 ballot furnished by the municipal clerk which shall have the corresponding number
7 from the poll list or other list maintained under s. 6.79 and the notation "s. 6.97"
8 written on the back of the ballot by the inspectors before the ballot is given to the
9 elector. When receiving the individual's ballot, the inspectors shall provide the
10 individual with written voting information prescribed by the ~~commission~~ secretary
11 of state under s. 7.08 (8). The inspectors shall indicate on the list the fact that the
12 individual is required to provide proof of residence or proof of identification under s.
13 6.79 (2) but did not do so. The inspectors shall notify the individual that he or she
14 may provide proof of residence or proof of identification to the municipal clerk or
15 executive director of the municipal board of election commissioners. The inspectors
16 shall also promptly notify the municipal clerk or executive director of the name,
17 address, and serial number of the individual. The inspectors shall then place the
18 ballot inside the envelope and place the envelope in a separate carrier envelope.

19 **SECTION 179.** 7.03 (1) (a) of the statutes is amended to read:

20 7.03 (1) (a) Except as authorized under this paragraph, a reasonable daily
21 compensation shall be paid to each inspector, voting machine custodian, automatic
22 tabulating equipment technician, member of a board of canvassers, messenger, and
23 tabulator who is employed and performing duties under chs. 5 to 12. Daily
24 compensation shall also be provided to inspectors and inspector trainees for
25 attendance at training programs conducted by the ~~commission~~ secretary of state and

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1 municipal clerks under ss. 7.31 and 7.315. Alternatively, such election officials and
2 trainees may be paid by the hour at a proportionate rate for each hour actually
3 worked. Any election official or trainee may choose to volunteer his or her services
4 by filing with the municipal clerk of the municipality in which he or she serves a
5 written declination to accept compensation. The volunteer status of the election
6 official or trainee remains effective until the official or trainee files a written
7 revocation with the municipal clerk.

8 **SECTION 180.** 7.03 (1) (b) of the statutes is amended to read:

9 7.03 (1) (b) Except as provided in par. (bm), any compensation owed shall be
10 paid by the municipality in which the election is held, except that any compensation
11 payable to a technician, messenger, tabulator, or member of the board of canvassers
12 who is employed to perform services for the county shall be paid by the county and
13 compensation payable to any messenger or tabulator who is employed to perform
14 services for the state shall be paid by the ~~commission~~ secretary of state.

15 **SECTION 181.** 7.03 (2) of the statutes is amended to read:

16 7.03 (2) The amount of compensation of election officials, when authorized or
17 required, shall be fixed by the appropriate county board of supervisors, municipal
18 governing body, or municipal board of election commissioners in cities over 500,000
19 population. The ~~commission~~ secretary of state shall fix the amount to be paid any
20 person employed to perform duties for the state. If the ~~commission~~ secretary of state
21 employs an individual to perform duties which are the responsibility of a county or
22 municipality, the ~~commission~~ secretary shall charge the expense to the county or
23 municipality.

24 **SECTION 182.** 7.08 (intro.) of the statutes is amended to read:

ASSEMBLY BILL 899**SECTION 182**

1 **7.08 Elections commission Secretary of state.** (intro.) In addition to its
2 the duties for ballot arrangement under ch. 5 and date and notice requirements
3 under ch. 10, the ~~commission~~ secretary of state shall:

4 **SECTION 183.** 7.08 (1) of the statutes is amended to read:

5 7.08 (1) ELECTION FORMS, VOTING APPARATUS. (a) Prescribe all official ballot
6 forms necessary under chs. 5 to 10 and 12 and revise the official ballot forms to
7 harmonize with legislation and the current official status of the political parties
8 whenever necessary. The ~~commission~~ secretary of state shall include on each ballot
9 form, in the space for official endorsement, markings or spaces for identifying a ballot
10 as an overvoted ballot, a duplicate overvoted ballot, a damaged ballot, or a duplicate
11 damaged ballot, and for writing an identifying serial number. The ~~commission~~
12 secretary shall provide one copy of each ballot form without charge to each county
13 and municipal clerk and board of election commissioners. The ~~commission~~ secretary
14 shall distribute or arrange for distribution of additional copies. The prescribed forms
15 shall be substantially followed in all elections under chs. 5 to 10 and 12.

16 (b) Prescribe the necessary standard sample forms and ballot containers to
17 make the canvass, returns, statements and tally sheet statements for all elections
18 the results of which are reportable to the ~~commission~~ secretary of state under s. 7.60
19 (4) (a), and all other materials as it deems necessary to conduct the elections. The
20 sample forms shall contain the necessary certificates of the inspectors and
21 canvassers with notes explaining their use and statutory basis.

22 (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4) and (5), 6.33 (1), 6.47
23 (1) (am) 2. and (3), 6.55 (2), and 6.86 (2) to (3). All such forms shall contain a
24 statement of the penalty applicable to false or fraudulent registration or voting

ASSEMBLY BILL 899**SECTION 183**

1 through use of the form. Forms are not required to be furnished by the ~~commission~~
2 secretary of state.

3 (d) Promulgate rules for the administration of the statutory requirements for
4 voting machines and electronic voting systems and any other voting apparatus
5 which may be introduced in this state for use at elections. Pursuant to such
6 responsibility, the ~~commission~~ secretary of state may obtain assistance from
7 competent persons to check the machines, systems and apparatus and approve for
8 use those types meeting the statutory requirements and shall establish reasonable
9 compensation for persons performing duties under this paragraph.

10 **SECTION 184.** 7.08 (2) (a) of the statutes is amended to read:

11 7.08 (2) (a) As soon as possible after the closing date for filing nomination
12 papers or after the canvass of the primary vote, but no later than the deadlines
13 established in s. 10.06, transmit to each county clerk a certified list of all candidates
14 on file in its office for which electors in that county may vote. The list shall designate
15 the order of arrangement and contain each candidate's first name, middle initial or
16 initials and last name, unless the candidate on his or her nomination papers or
17 declaration of candidacy specifies that the middle initial be deleted, that a full middle
18 name or former legal surname be substituted for the middle initial, that an initial
19 be substituted for the candidate's first name or that a nickname be substituted for
20 a first or middle name or for a first initial or middle initial or initials, but no other
21 abbreviations or titles are permitted. The list shall also include each candidate's
22 residence and post-office address; the office for which the person is a candidate; and,
23 the party or principle the candidate represents, if any, in 5 words or less. Names of
24 candidates nominated under s. 7.38 or 8.35 shall be certified by the ~~commission~~
25 secretary of state upon filing of the necessary papers with it. At any time prior to an

ASSEMBLY BILL 899**SECTION 184**

1 election, the ~~commission~~ secretary may transmit an amended certification if a
2 candidate dies or is determined not to qualify for ballot placement.

3 **SECTION 185.** 7.08 (2) (d) of the statutes is amended to read:

4 7.08 (2) (d) As soon as possible after the last Tuesday in January of each year
5 in which there is a presidential election, the ~~commission~~ secretary of state shall
6 transmit to each county clerk a certified list of candidates for president who have
7 qualified to have their names appear on the presidential preference primary ballot.

8 **SECTION 186.** 7.08 (3) (intro.) of the statutes is amended to read:

9 7.08 (3) ELECTION MANUAL. (intro.) Prepare and publish separate from the
10 election laws an election manual written so as to be easily understood by the general
11 public explaining the duties of the election officials, together with notes and
12 references to the statutes as the ~~commission~~ secretary of state considers advisable.

13 The election manual shall:

14 **SECTION 187.** 7.08 (3) (a) of the statutes is amended to read:

15 7.08 (3) (a) Be compiled by the ~~commission~~ secretary of state.

16 **SECTION 188.** 7.08 (4) of the statutes is amended to read:

17 7.08 (4) ELECTION LAWS. Publish the election laws. The ~~commission~~ secretary
18 of state shall sell or distribute or arrange for the sale or distribution of copies of the
19 election laws to county and municipal clerks and boards of election commissioners
20 and members of the public.

21 **SECTION 189.** 7.08 (6) of the statutes is amended to read:

22 7.08 (6) ENFORCEMENT OF FEDERAL VOTING SYSTEM STANDARDS. Following each
23 general election, audit the performance of each voting system used in this state to
24 determine the error rate of the system in counting ballots that are validly cast by
25 electors. If the error rate exceeds the rate permitted under standards of the federal

ASSEMBLY BILL 899**SECTION 189**

1 election commission in effect on October 29, 2002, the ~~commission~~ secretary of state
2 shall take remedial action and order remedial action to be taken by affected counties
3 and municipalities to ensure compliance with the standards. Each county and
4 municipality shall comply with any order received under this subsection.

5 **SECTION 190.** 7.10 (1) (a) of the statutes is amended to read:

6 7.10 (1) (a) Each county clerk shall provide ballots for every election in the
7 county for all national, state and county offices, including metropolitan sewerage
8 commission elections under s. 200.09 (11) (am), for municipal judges elected under
9 s. 755.01 (4) and for state and county referenda. The official and sample ballots shall
10 be prepared in substantially the same form as those prescribed by the ~~commission~~
11 secretary of state under s. 7.08 (1) (a).

12 **SECTION 191.** 7.10 (2) of the statutes is amended to read:

13 7.10 (2) PREPARING BALLOTS. The county clerk shall prepare copy for the official
14 ballots immediately upon receipt of the certified list of candidates' names from the
15 ~~commission~~ secretary of state. Names certified by the ~~commission~~ secretary shall be
16 arranged in the order certified. The county clerk shall place the names of all
17 candidates filed in the clerk's office or certified to the clerk by the ~~commission~~
18 secretary on the proper ballot or ballots under the appropriate office and party titles.
19 The county clerk shall prepare a special ballot under s. 5.60 (8) showing only the
20 candidates in the presidential preference primary.

21 **SECTION 192.** 7.10 (3) (a) of the statutes is amended to read:

22 7.10 (3) (a) The county clerk shall distribute the ballots to the municipal clerks
23 no later than 48 days before each partisan primary and general election and no later
24 than 22 days before each other primary and election, except that the clerk shall
25 distribute the ballots under sub. (2) for the presidential preference primary no later

ASSEMBLY BILL 899**SECTION 192**

1 48 days before the presidential preference primary. Election forms prepared by the
2 ~~commission~~ secretary of state shall be distributed at the same time. If the
3 ~~commission~~ secretary transmits an amended certification under s. 7.08 (2) (a) or if
4 the ~~commission~~ secretary or a court orders a ballot error to be corrected under s. 5.06
5 (6) or 5.72 (3) after ballots have been distributed, the county clerk shall distribute
6 corrected ballots to the municipal clerks as soon as possible.

7 **SECTION 193.** 7.10 (4) of the statutes is amended to read:

8 7.10 (4) RESOLVING NOTICE DOUBTS. When in doubt as to compliance with the
9 statutory requirements for election notices or the correct fees to be paid for them, the
10 county clerk may consult the ~~commission~~ secretary of state.

11 **SECTION 194.** 7.10 (7) of the statutes is amended to read:

12 7.10 (7) VOTER EDUCATION. Each county clerk shall assist the ~~commission~~
13 secretary of state in conducting educational programs under s. 5.05 (12) to inform
14 electors about the voting process.

15 **SECTION 195.** 7.10 (8) of the statutes is amended to read:

16 7.10 (8) FREE ELECTION INFORMATION EXCHANGE. Each county clerk shall assist
17 the ~~commission~~ secretary of state and municipal clerks in maintaining toll-free
18 telephone lines and other free access systems under s. 5.05 (13) for exchange of voting
19 information.

20 **SECTION 196.** 7.10 (9) of the statutes is amended to read:

21 7.10 (9) TRAINING OF ELECTION OFFICIALS. Each county clerk shall assist the
22 ~~commission~~ secretary of state in the training of election officials under s. 5.05 (7).

23 **SECTION 197.** 7.10 (10) of the statutes is amended to read:

ASSEMBLY BILL 899**SECTION 197**

1 7.10 (10) INFORMATION TO ~~COMMISSION~~ SECRETARY OF STATE. Each county clerk
2 shall provide to the ~~commission~~ secretary of state any information requested under
3 s. 5.05 (14).

4 **SECTION 198.** 7.15 (1) (e) of the statutes is amended to read:

5 7.15 (1) (e) Train election officials in their duties, calling them together
6 whenever advisable, advise them of changes in laws, rules and procedures affecting
7 the performance of their duties, and administer examinations as authorized under
8 s. 7.30 (2) (c). The training shall conform with the requirements prescribed in rules
9 promulgated by the ~~commission~~ secretary of state under ss. 7.31 and 7.315. The clerk
10 shall assure that officials who serve at polling places where an electronic voting
11 system is used are familiar with the system and competent to instruct electors in its
12 proper use. The clerk shall inspect systematically and thoroughly the conduct of
13 elections in the municipality so that elections are honestly, efficiently and uniformly
14 conducted.

15 **SECTION 199.** 7.15 (1) (g) of the statutes is amended to read:

16 7.15 (1) (g) In the manner prescribed by the ~~commission~~ secretary of state,
17 report suspected election frauds, irregularities, or violations of which the clerk has
18 knowledge to the district attorney for the county where the suspected activity occurs
19 and to the ~~commission~~ secretary. The ~~commission~~ secretary shall annually report the
20 information obtained under this paragraph to the legislature under s. 13.172 (2).

21 **SECTION 200.** 7.15 (1m) of the statutes is amended to read:

22 7.15 (1m) ATTEND TRAINING. Each municipal clerk shall, at least once every 2
23 years during the period beginning on January 1 of each even-numbered year and
24 ending on December 31 of the following year, attend a training program sponsored
25 by the ~~commission~~ secretary of state under ss. 7.31 and 7.315.

ASSEMBLY BILL 899**SECTION 201**

1 **SECTION 201.** 7.15 (8) of the statutes is amended to read:

2 7.15 (8) RESOLVING NOTICE DOUBTS. When in doubt as to compliance with the
3 statutory requirements for election notices or the correct fees to be paid for them, the
4 municipal clerk may consult the ~~commission~~ secretary of state.

5 **SECTION 202.** 7.15 (9) of the statutes is amended to read:

6 7.15 (9) VOTER EDUCATION. Each municipal clerk shall assist the ~~commission~~
7 secretary of state in conducting educational programs under s. 5.05 (12) to inform
8 electors about the voting process.

9 **SECTION 203.** 7.15 (10) of the statutes is amended to read:

10 7.15 (10) FREE ELECTION INFORMATION EXCHANGE. Each municipal clerk shall
11 assist the ~~commission~~ secretary of state in maintaining toll-free telephone lines and
12 any other free access systems under s. 5.05 (13) for exchange of voting information.

13 **SECTION 204.** 7.15 (13) of the statutes is amended to read:

14 7.15 (13) INFORMATION TO ~~COMMISSION~~ SECRETARY OF STATE. Each municipal clerk
15 shall provide to the ~~commission~~ secretary of state any information requested under
16 s. 5.05 (14).

17 **SECTION 205.** 7.30 (2) (c) of the statutes is amended to read:

18 7.30 (2) (c) The governing body of any municipality may require all persons
19 serving as election officials to prove their ability to read and write English and to
20 have a general knowledge of the election laws. Examinations may be given to prove
21 the qualifications can be met. The municipal clerk shall ensure that all training
22 meets the training requirements prescribed in rules promulgated by the ~~commission~~
23 secretary of state under ss. 7.31 and 7.315.

24 **SECTION 206.** 7.30 (4) (e) of the statutes is amended to read:

ASSEMBLY BILL 899**SECTION 206**

1 7.30 (4) (e) If an appointing authority believes that, for good cause, it should
2 not appoint an individual whose name is submitted as a first choice nominee under
3 par. (b), it may request the ~~commission~~ secretary of state to authorize
4 nonappointment. The ~~commission~~ secretary may permit nonappointment of an
5 individual for cause demonstrated by an appointing authority.

6 **SECTION 207.** 7.30 (6) (b) of the statutes is amended to read:

7 7.30 (6) (b) Prior to the first election following the appointment of the
8 inspectors, the municipal clerk shall appoint one of the inspectors at each polling
9 place, other than an inspector who is appointed under sub. (1) (b), to serve as chief
10 inspector. No person may serve as chief inspector at any election who is not certified
11 by the ~~commission~~ secretary of state under s. 7.31 at the time of the election. The
12 chief inspector shall hold the position for the remainder of the term unless the
13 inspector is removed by the clerk or the inspector ceases to be certified under s. 7.31,
14 except that whenever wards are combined or separated under s. 5.15 (6) (b), the
15 municipal clerk shall appoint another inspector who is certified under s. 7.31 to serve
16 as chief inspector at each polling place designated under s. 5.15 (6) (b). If a vacancy
17 occurs in the position of chief inspector at any polling place, the municipal clerk shall
18 appoint one of the other inspectors who is certified under s. 7.31 to fill the vacancy.

19 **SECTION 208.** 7.31 of the statutes is amended to read:

20 **7.31 Training and certification of chief inspectors.** (1) The ~~commission~~
21 secretary of state shall establish requirements for certification of individuals to serve
22 as chief inspectors. The requirements shall include a requirement to attend at least
23 one training session held under sub. (5) before beginning service.

ASSEMBLY BILL 899**SECTION 208**

1 (2) No individual may serve as a chief inspector at a polling place in an election
2 unless the individual is certified by the ~~commission~~ secretary of state to hold that
3 office on the date of the election at which the individual serves.

4 (3) The ~~commission~~ secretary of state shall, upon application, issue certificates
5 to qualified individuals who meet the requirements to be certified as chief inspectors.
6 Each certificate shall carry an expiration date.

7 (4) The ~~commission~~ secretary of state shall require each individual to whom
8 a certificate is issued under this section to meet requirements to maintain that
9 certification. The requirements shall include a requirement to attend at least one
10 training session held under sub. (5) every 2 years during the period beginning on
11 January 1 of each even-numbered year and ending on December 31 of the following
12 year. The ~~commission~~ secretary shall renew the certificate of any individual who
13 requests renewal and who meets the requirements prescribed under this subsection.

14 (5) The ~~commission~~ secretary of state shall conduct regular training programs
15 to ensure that individuals who are certified by the ~~commission~~ secretary under this
16 section are knowledgeable concerning their authority and responsibilities. The
17 ~~commission~~ secretary shall pay all costs required to conduct the training programs
18 from the appropriation under s. ~~20.510(1)~~ 20.575(2) (bm).

19 **SECTION 209.** 7.315 (1) (a) of the statutes is amended to read:

20 7.315 (1) (a) The ~~commission~~ secretary of state shall, by rule, prescribe the
21 contents of the training that municipal clerks must provide to inspectors, other than
22 chief inspectors, and to special voting deputies appointed under s. 6.875.

23 **SECTION 210.** 7.315 (2) of the statutes is amended to read:

24 7.315 (2) The ~~commission~~ secretary of state shall, by rule, prescribe
25 requirements for, and the content of, training required of municipal clerks under s.

ASSEMBLY BILL 899**SECTION 210**

1 7.15 (1m). The ~~commission~~ secretary may provide such training directly or arrange
2 for such training to be provided by other organizations. The rules shall provide a
3 method for notifying the relevant municipal governing body if a municipal clerk fails
4 to attend required training.

5 **SECTION 211.** 7.315 (3) of the statutes is amended to read:

6 7.315 (3) The ~~commission~~ secretary of state may produce and periodically
7 reissue as necessary a video program for the purpose of training election officials,
8 including special voting deputies and election registration officials. The ~~commission~~
9 secretary shall make any such program available for viewing electronically through
10 an Internet-based system.

11 **SECTION 212.** 7.38 (5) of the statutes is amended to read:

12 7.38 (5) In the event of failure to file the name of a current state chairperson,
13 as required under s. 8.17 (12), the ~~commission~~ secretary of state may not recognize
14 the state committee for the purpose of filling vacancies under sub. (1).

15 **SECTION 213.** 7.41 (5) of the statutes is repealed.

16 **SECTION 214.** 7.52 (1) (a) of the statutes is amended to read:

17 7.52 (1) (a) The governing body of any municipality may provide by ordinance
18 that, in lieu of canvassing absentee ballots at polling places under s. 6.88, the
19 municipal board of absentee ballot canvassers designated under s. 7.53 (2m) shall,
20 at each election held in the municipality, canvass all absentee ballots received by the
21 municipal clerk by 8 p.m. on election day. Prior to enacting an ordinance under this
22 subsection, the municipal clerk or board of election commissioners of the
23 municipality shall notify the ~~elections commission~~ secretary of state in writing of the
24 proposed enactment and shall consult with the ~~elections commission~~ secretary
25 concerning administration of this section. At every election held in the municipality

ASSEMBLY BILL 899**SECTION 214**

1 following enactment of an ordinance under this subsection, the board of absentee
2 ballot canvassers shall, any time after the opening of the polls and before 10 p.m. on
3 election day, publicly convene to count the absentee ballots for the municipality. The
4 municipal clerk shall give at least 48 hours' notice of any meeting under this
5 subsection. Any member of the public has the same right of access to a meeting of
6 the municipal board of absentee ballot canvassers under this subsection that the
7 individual would have under s. 7.41 to observe the proceedings at a polling place. The
8 board of absentee ballot canvassers may order the removal of any individual
9 exercising the right to observe the proceedings if the individual disrupts the meeting.

10 **SECTION 215.** 7.60 (4) (a) of the statutes is amended to read:

11 7.60 (4) (a) The board of canvassers shall make separate duplicate statements
12 showing the numbers of votes cast for the offices of president and vice president; state
13 officials; U.S. senators and representatives in congress; state legislators; justice;
14 court of appeals judge; circuit judges; district attorneys; and metropolitan sewerage
15 commissioners, if the commissioners are elected under s. 200.09 (11) (am). If a
16 municipal judge elected under s. 755.01 (4) serves a municipality that is located
17 partially within the county and candidates for that judgeship file nomination papers
18 in another county, the board of canvassers shall prepare a duplicate statement
19 showing the numbers of votes cast for that judgeship in that county for transmittal
20 to the other county. For partisan candidates, the statements shall include the
21 political party or principle designation, if any, next to the name of each candidate.
22 The board of canvassers shall also prepare a statement showing the results of any
23 county, technical college district, or statewide referendum. Each statement shall
24 state the total number of votes cast in the county for each office; the names of all
25 persons for whom the votes were cast, as returned; the number of votes cast for each

ASSEMBLY BILL 899**SECTION 215**

1 person; and the number of votes cast for and against any question submitted at a
2 referendum. The board of canvassers shall use one copy of each duplicate statement
3 to report to the ~~elections commission~~ secretary of state, technical college district
4 board, or board of canvassers of any other county and shall file the other statement
5 in the office of the county clerk or board of election commissioners.

6 **SECTION 216.** 7.60 (5) of the statutes is amended to read:

7 7.60 (5) REPORTING. (a) Immediately following the canvass, the county clerk
8 shall deliver or transmit to the ~~elections commission~~ secretary of state a certified
9 copy of each statement of the county board of canvassers for president and vice
10 president, state officials, senators and representatives in congress, state legislators,
11 justice, court of appeals judge, circuit judge, district attorney, and metropolitan
12 sewerage commissioners, if the commissioners are elected under s. 200.09 (11) (am).
13 The statement shall record the returns for each office or referendum by ward, unless
14 combined returns are authorized under s. 5.15 (6) (b) in which case the statement
15 shall record the returns for each group of combined wards. Following primaries the
16 county clerk shall enclose on forms prescribed by the ~~elections commission~~ secretary
17 of state the names, party or principle designation, if any, and number of votes
18 received by each candidate recorded in the same manner. The county clerk shall
19 deliver or transmit the certified statement to the ~~elections commission~~ secretary of
20 state no later than 9 days after each primary except the partisan primary, no later
21 than 10 days after the partisan primary and any other election except the general
22 election, and no later than 14 days after the general election. The board of canvassers
23 shall deliver or transmit a certified copy of each statement for any technical college
24 district referendum to the secretary of the technical college district board.

ASSEMBLY BILL 899**SECTION 216**

1 (b) If the board of canvassers becomes aware of a material mistake in the
2 canvass of an election for state or national office or a statewide or technical college
3 district referendum prior to the close of business on the day the ~~elections commission~~
4 secretary of state receives returns from the last county board of canvassers with
5 respect to that canvass, the board of canvassers may petition the ~~elections~~
6 ~~commission~~ secretary of state to reopen and correct the canvass. The ~~elections~~
7 ~~commission~~ secretary of state shall direct the canvass to be reopened and corrected
8 if it ~~the secretary~~ determines that the public interest so requires. If the ~~elections~~
9 ~~commission~~ secretary of state directs the canvass to be reopened, the board of
10 canvassers shall reconvene and transmit a certified corrected copy of the canvass
11 statement to the ~~elections commission~~ secretary of state or secretary of the technical
12 college district board.

13 **SECTION 217.** 7.70 (1) of the statutes is amended to read:

14 7.70 (1) RECORDING AND PRESERVING RETURNS. (a) Upon receipt of the certified
15 statements from the county clerks, the ~~commission~~ secretary of state shall record the
16 election results by counties and file and carefully preserve the statements.

17 (b) If any county clerk fails or neglects to forward any statements, the
18 ~~commission~~ secretary of state may require the clerk to do so immediately and if not
19 received by the 8th day after a primary, or by the 11th day after any other election,
20 the ~~commission~~ secretary of state may dispatch a special messenger to obtain them.
21 Whenever it appears upon the face of any statement that an error has been made in
22 reporting or computing, the ~~commission~~ secretary of state may return it to the county
23 clerk for correction.

24 **SECTION 218.** 7.70 (3) (a), (b), (c), (d), (e), (g), (h) and (i) of the statutes are
25 amended to read:

ASSEMBLY BILL 899**SECTION 218**

1 7.70 (3) (a) ~~The chairperson of the commission~~ secretary of state or a designee
2 of the ~~chairperson~~ secretary of state appointed by the ~~chairperson~~ secretary to
3 canvass a specific election shall publicly canvass the returns and make his or her
4 certifications and determinations on or before the 2nd Tuesday following a spring
5 primary, the 15th day of May following a spring election, the 3rd Wednesday
6 following a partisan primary, the first day of December following a general election,
7 the 2nd Thursday following a special primary, or within 18 days after any special
8 election.

9 (b) ~~The commission chairperson~~ secretary of state or the ~~chairperson's~~
10 secretary's designee shall examine the certified statements of the county boards of
11 canvassers. If it appears that any material mistake has been made in the
12 computation of votes, or any county board of canvassers failed to canvass the votes
13 or omitted votes from any ward or election district in the county, the ~~commission~~
14 ~~chairperson~~ secretary of state or the ~~chairperson's~~ secretary's designee may dispatch
15 a messenger to the county clerk with written instructions to certify the facts
16 concerning the mistake or the reason why the votes were not canvassed. A clerk to
17 whom such instructions are delivered shall immediately make a true and full
18 answer, sign it, affix the county seal and deliver it to the messenger. The messenger
19 shall deliver it with all possible dispatch to the ~~commission~~ secretary of state.

20 (c) ~~The chairperson of the commission~~ secretary of state or the ~~chairperson's~~
21 secretary's designee shall conclude the state canvass within 10 days after its
22 commencement.

23 (d) When the certified statements and returns are received, the ~~chairperson of~~
24 ~~the commission~~ secretary of state or the ~~chairperson's~~ secretary's designee shall
25 proceed to examine and make a statement of the total number of votes cast at any

ASSEMBLY BILL 899**SECTION 218**

1 election for the offices involved in the election for president and vice president; a
2 statement for each of the offices of governor, lieutenant governor, if a primary, and
3 a joint statement for the offices of governor and lieutenant governor, if a general
4 election; a statement for each of the offices of secretary of state, state treasurer,
5 attorney general, and state superintendent; for U.S. senator; representative in
6 congress for each congressional district; the state legislature; justice; court of appeals
7 judge; circuit judge; district attorney; metropolitan sewerage commission, if the
8 commissioners are elected under s. 200.09 (11) (am); and for any referenda questions
9 submitted by the legislature.

10 (e) ~~The chairperson of the commission~~ secretary of state or the chairperson's
11 secretary's designee shall make a special statement ~~to the commission~~ as soon as
12 possible after the canvass of the general election certifying the name of each political
13 party which receives at least ~~one~~ 1 percent of the vote cast in such election for any
14 statewide office.

15 (g) Following each primary election, ~~the chairperson of the commission~~
16 secretary of state or ~~the chairperson's~~ secretary's designee shall prepare a statement
17 certifying the results of the primary, which shall indicate the names of the persons
18 who have won nomination to any state or national office. Following each other
19 election, ~~the chairperson of the commission~~ secretary of state or ~~the chairperson's~~
20 secretary's designee shall prepare a statement certifying the results of the election
21 and shall attach to the statement a certificate of determination which shall indicate
22 the names of persons who have been elected to any state or national office. The
23 ~~chairperson of the commission~~ secretary of state or ~~the chairperson's~~ secretary's
24 designee shall likewise prepare a statement and certificate for any statewide

ASSEMBLY BILL 899**SECTION 218**

1 referendum. ~~The chairperson of the commission or the chairperson's designee shall~~
2 ~~deliver each statement and determination to the commission.~~

3 (h) Whenever a referendum question submitted to a vote of the people is
4 approved, the ~~commission~~ secretary of state shall record it and the ~~secretary of state~~
5 legislative reference bureau shall have the record bound in the volume containing
6 the original enrolled laws passed at the next succeeding session of the legislature and
7 have the record published with the laws thereof. Whenever a constitutional
8 amendment or other statewide validating or ratifying referendum question which is
9 approved by the people does not expressly state the date of effectiveness, it shall
10 become effective at the time the ~~chairperson of the commission~~ secretary of state or
11 the ~~chairperson's~~ secretary's designee certifies that the amendment or referendum
12 question is approved.

13 (i) The ~~commission chairperson~~ secretary of state or the ~~chairperson's~~
14 secretary's designee shall canvass only regular returns made by the county board of
15 canvassers and shall not count or canvass any additional or supplemental returns
16 or statements made by the county board or any other board or person. The
17 ~~commission chairperson~~ secretary of state or the ~~chairperson's~~ secretary's designee
18 shall not count or canvass any statement or return which has been made by the
19 county board of canvassers at any other time than that provided in s. 7.60. This
20 provision does not apply to any return made subsequent to a recount under s. 9.01,
21 when the return is accepted in lieu of any prior return from the same county for the
22 same office; or to a statement given to the ~~commission chairperson~~ secretary of state
23 or ~~chairperson's~~ the secretary's designee or a messenger sent by the ~~chairperson~~
24 secretary or designee to obtain a correction.

25 **SECTION 219.** 7.70 (5) of the statutes is amended to read:

ASSEMBLY BILL 899**SECTION 219**

1 7.70 (5) CERTIFICATES OF ELECTION. (a) ~~The commission~~ secretary of state shall
2 record in its the secretary's office each certified statement and determination made
3 by the ~~commission chairperson~~ secretary or the chairperson's secretary's designee.
4 Immediately after the expiration of the time allowed to file a petition for recount, the
5 ~~commission~~ secretary of state shall make and transmit to each person declared
6 elected a certificate of election under the seal of the ~~commission~~ secretary of state,
7 except that the ~~commission~~ secretary need not wait until expiration of the time
8 allowed to file a petition for recount if there is no aggrieved party, as defined in s. 9.01
9 (1) (a) 5. ~~It~~ The secretary of state shall also prepare similar certificates, attested by
10 the ~~commission administrator~~ secretary, addressed to the U.S. house of
11 representatives, stating the names of those persons elected as representatives to the
12 congress from this state. In the case of U.S. senators, the ~~commission~~ secretary of
13 state shall prepare and sign a certificate of election for the governor's signature, and
14 the governor shall sign and affix the great seal of the state and transmit the
15 certificate to the president of the U.S. senate. ~~The certificate shall be countersigned~~
16 ~~by the secretary of state.~~ If a person elected was elected to fill a vacancy, the
17 certificate shall so indicate. When a valid petition for recount is filed, the ~~commission~~
18 ~~chairperson~~ secretary of state or the chairperson's secretary's designee may not
19 certify a nomination, and the governor or ~~commission~~ secretary of state may not issue
20 a certificate of election until the recount has been completed and the time allowed
21 for filing an appeal has passed, or if appealed until the appeal is decided.

22 (b) For presidential electors, the ~~commission~~ secretary of state shall prepare
23 a certificate showing the determination of the results of the canvass and the names
24 of the persons elected, and the governor shall sign, affix the great seal of the state,
25 and transmit the certificate by registered mail to the U.S. administrator of general

ASSEMBLY BILL 899**SECTION 219**

1 services. The governor shall also prepare 6 duplicate originals of such certificate and
2 deliver them to one of the presidential electors on or before the first Monday after the
3 2nd Wednesday in December.

4 **SECTION 220.** 8.07 of the statutes is amended to read:

5 **8.07 Validity of nomination papers.** ~~The commission~~ secretary of state shall
6 promulgate rules under this chapter for use by election officials in determining the
7 validity of nomination papers and signatures thereon.

8 **SECTION 221.** 8.10 (6) (a) of the statutes is amended to read:

9 8.10 **(6)** (a) For state offices or seats on a metropolitan sewerage commission,
10 if the commissioners are elected under s. 200.09 (11) (am), in the office of the ~~elections~~
11 ~~commission~~ secretary of state.

12 **SECTION 222.** 8.12 (1) of the statutes is amended to read:

13 8.12 **(1)** SELECTION OF NAMES FOR BALLOT. (a) No later than 5 p.m. on the 2nd
14 Tuesday in December of the year before each year in which electors for president and
15 vice president are to be elected, the state chairperson of each recognized political
16 party listed on the official ballot at the last gubernatorial election whose candidate
17 for governor received at least 10 percent of the total votes cast for that office may
18 certify to the ~~commission~~ secretary of state that the party will participate in the
19 presidential preference primary. For each party filing such a certification, the voters
20 of this state shall at the spring election be given an opportunity to express their
21 preference for the person to be the presidential candidate of that party.

22 (b) On the first Tuesday in January of each year, or the next day if Tuesday is
23 a holiday, in which electors for president and vice president are to be elected, there
24 shall be convened in the capitol a committee consisting of, for each party filing a
25 certification under this subsection, the state chairperson of that state party

ASSEMBLY BILL 899**SECTION 222**

1 organization or the chairperson's designee, one national committeeman and one
2 national committeewoman designated by the state chairperson; the speaker and the
3 minority leader of the assembly or their designees, and the president and the
4 minority leader of the senate or their designees. All designations shall be made in
5 writing to the ~~commission~~ secretary of state. This committee shall organize by
6 selecting an additional member who shall be the chairperson and shall determine,
7 and certify to the ~~commission~~ secretary of state, no later than on the Friday following
8 the date on which the committee convenes under this paragraph, the names of all
9 candidates of the political parties represented on the committee for the office of
10 president of the United States. The committee shall place the names of all
11 candidates whose candidacy is generally advocated or recognized in the national
12 news media throughout the United States on the ballot, and may, in addition, place
13 the names of other candidates on the ballot. The committee shall have sole discretion
14 to determine that a candidacy is generally advocated or recognized in the national
15 news media throughout the United States.

16 (c) No later than 5 p.m. on the last Tuesday in January of each presidential
17 election year, any person seeking the nomination by the national convention of a
18 political party filing a certification under this subsection for the office of president
19 of the United States, or any committee organized in this state on behalf of and with
20 the consent of such person, may submit to the ~~commission~~ secretary of state a
21 petition to have the person's name appear on the presidential preference ballot. The
22 petition may be circulated no sooner than the first Tuesday in January of such year,
23 or the next day if Tuesday is a holiday, and shall be signed by a number of qualified
24 electors equal in each congressional district to not less than 1,000 signatures nor
25 more than 1,500 signatures. The form of the petition shall conform to the

ASSEMBLY BILL 899**SECTION 222**

1 requirements of s. 8.40. All signers on each separate petition paper shall reside in
2 the same congressional district.

3 (d) The ~~commission~~ secretary of state shall forthwith contact each person
4 whose name has been placed in nomination under par. (b) and notify him or her that
5 his or her name will appear on the Wisconsin presidential preference ballot unless
6 he or she files, no later than 5 p.m. on the last Tuesday in January of such year, with
7 the ~~commission~~ secretary of state, a disclaimer stating without qualification that he
8 or she is not and does not intend to become a candidate for the office of president of
9 the United States at the forthcoming presidential election. The disclaimer may be
10 filed with the ~~commission~~ secretary by certified mail, telegram, or in person.

11 **SECTION 223.** 8.12 (2) of the statutes is amended to read:

12 8.12 (2) BALLOTS. The form of the official ballots shall be prescribed by the
13 ~~commission~~ secretary of state. The ballot shall provide to an elector the opportunity
14 to vote for an uninstructed delegation to represent this state at the presidential
15 nominating convention of his or her party, or to write in the name of a candidate for
16 the presidential nomination of his or her party.

17 **SECTION 224.** 8.12 (3) of the statutes is amended to read:

18 8.12 (3) REPORTING OF RESULTS. No later than May 15 following the presidential
19 preference primary, the ~~commission~~ secretary of state shall notify each state party
20 organization chairperson under sub. (1) (b) of the results of the presidential
21 preference primary within the state and within each congressional district.

22 **SECTION 225.** 8.15 (8) (a) of the statutes is amended to read:

23 8.15 (8) (a) For state offices and the offices of U.S. senator and representative
24 in congress, in the office of the ~~commission~~ secretary of state.

25 **SECTION 226.** 8.16 (2) (b) of the statutes is amended to read:

ASSEMBLY BILL 899**SECTION 226**

1 8.16 (2) (b) If the person is a candidate for state office, the person files a
2 statement of economic interests under s. 19.43 (4), no later than 4:30 p.m. on the 3rd
3 day after notification of nomination is mailed or personally delivered to the person
4 by the ~~commission~~ secretary of state; and

5 **SECTION 227.** 8.16 (7) of the statutes is amended to read:

6 8.16 (7) Nominees chosen at a national convention and under s. 8.18 (2) by each
7 party entitled to a partisan primary ballot shall be the party's candidates for
8 president, vice president and presidential electors. The state or national chairperson
9 of each such party shall certify the names of the party's nominees for president and
10 vice president to the ~~commission~~ secretary of state no later than 5 p.m. on the first
11 Tuesday in September preceding a presidential election. Each name shall be in one
12 of the formats authorized in s. 7.08 (2) (a).

13 **SECTION 228.** 8.17 (9) (a) of the statutes is amended to read:

14 8.17 (9) (a) If a county has no committee as provided by sub. (5) (a), residents
15 of that county may voluntarily form a committee, which, upon approval of the state
16 committee and certification by the secretary of the state committee to the
17 ~~commission~~ secretary of state and the county clerk or board of election
18 commissioners, shall then become the county committee with equal standing as if it
19 had been organized under sub. (5) (a). This standing shall remain unless and until
20 a committee is organized under sub. (5) (a).

21 **SECTION 229.** 8.17 (12) of the statutes is amended to read:

22 8.17 (12) The secretary of the state committee of each recognized political party
23 under s. 5.62 (1) (b) or (2) shall notify the ~~commission~~ secretary of state in writing
24 of the name and address of the elected state committee chairperson within 10 days
25 of his or her election.

ASSEMBLY BILL 899**SECTION 230**

1 **SECTION 230.** 8.18 (2) of the statutes is amended to read:

2 8.18 (2) The purpose of the convention is to nominate one presidential elector
3 from each congressional district and 2 electors from the state at large. The names
4 of the nominees shall be certified immediately by the chairperson of the state
5 committee of each party to the ~~chairperson of the commission~~ secretary of state.

6 **SECTION 231.** 8.185 (1) of the statutes is amended to read:

7 8.185 (1) The names of candidates for president and vice president may be
8 written in, in the place provided, on the general ballot at the general election for
9 choosing the president and vice president of the United States. Write-in votes shall
10 be listed as scattering unless the person whose name is written in has a list of
11 presidential electors on file with the ~~commission~~ secretary of state in accordance
12 with this section or unless the person whose name is written in has received more
13 than 10 percent of the total vote cast in the ward, or in the municipality if not divided
14 into wards.

15 **SECTION 232.** 8.185 (2) of the statutes is amended to read:

16 8.185 (2) Any candidates for the office of president and vice president of the
17 United States as write-in candidates shall file a list of presidential electors and a
18 declaration of candidacy in the manner prescribed in s. 8.21 with the ~~commission~~
19 secretary of state no later than 4:30 p.m. on the 2nd Tuesday preceding the day of the
20 general election to choose the president and vice president of the United States. The
21 list shall contain one presidential elector from each congressional district and 2
22 electors from the state at large and the names of the candidates for president and vice
23 president for whom they intend to vote, if elected. Compliance with this subsection
24 may be waived by the ~~commission~~ secretary of state but only if the results of the
25 general election indicate that a write-in candidate for the office of president is

ASSEMBLY BILL 899**SECTION 232**

1 eligible to receive the electoral votes of this state except for noncompliance with this
2 subsection. In such event, the write-in candidate shall have until 4:30 p.m. on the
3 Friday following the general election to comply with the filing requirements of this
4 subsection.

5 **SECTION 233.** 8.185 (3) of the statutes is amended to read:

6 8.185 (3) If more than one list of presidential electors is filed with the
7 ~~commission~~ secretary of state by any write-in candidates for the offices of president
8 and vice president of the United States, the first list filed shall be considered the valid
9 list, provided that this list meets the additional requirements of this section.

10 **SECTION 234.** 8.19 (1) of the statutes is amended to read:

11 8.19 (1) The state committee of any party polling less than 75,000 presidential
12 votes in this state in the last election may change the name of the party. The new
13 name may not duplicate that of an existing national party. A certificate of approval
14 by the party's national committee which has been certified by the national committee
15 secretary, the state committee chairperson and the state committee secretary shall
16 be filed with the ~~commission~~ secretary of state.

17 **SECTION 235.** 8.19 (3) of the statutes is amended to read:

18 8.19 (3) Every political party entitled, under s. 5.62, to have its candidates on
19 the partisan primary and general election ballots has exclusive right to the use of the
20 name designating it at any election involving political parties. The ~~commission~~
21 secretary of state shall not certify nor the county clerk print the name of any person
22 whose nomination papers indicate a party name comprising a combination of
23 existing party names, qualifying words, phrases, prefixes, or suffixes in connection
24 with any existing party name.

25 **SECTION 236.** 8.20 (7) of the statutes is amended to read:

ASSEMBLY BILL 899**SECTION 236**

1 8.20 (7) Nomination papers shall be filed in the office of the ~~commission~~
2 secretary of state for all state offices and the offices of U.S. senator and
3 representative in congress, and in the office of county clerk or board of election
4 commissioners for all county offices.

5 **SECTION 237.** 8.30 (2m) of the statutes is amended to read:

6 8.30 (2m) The official or agency with whom nomination papers and
7 declarations of candidacy are required to be filed shall not place a candidate's name
8 on the ballot if the candidate's name is ineligible for ballot placement under s. 5.05
9 (2m) (d) ~~2., 15.61 (3)~~, or 19.49 (2) (c) 2.

10 **SECTION 238.** 8.40 (3) of the statutes is amended to read:

11 8.40 (3) The ~~commission~~ secretary of state shall, by rule, prescribe standards
12 consistent with this chapter and s. 9.10 (2) to be used by all election officials and
13 governing bodies in determining the validity of petitions for elections and signatures
14 thereon.

15 **SECTION 239.** 8.50 (1) (a) of the statutes is amended to read:

16 8.50 (1) (a) When there is to be a special election, the special election for county
17 office shall be ordered by the county board of supervisors except as provided in s.
18 17.21 (5); the special election for city office shall be ordered by the common council;
19 the special election for village office shall be ordered by the board of trustees; the
20 special election for town office shall be ordered by the town board of supervisors; the
21 special election for school board member in a school district organized under ch. 119
22 shall be ordered by the school board; the special election for municipal judge shall
23 be ordered by the governing body of the municipality, except in 1st class cities, or if
24 the judge is elected under s. 755.01 (4) jointly by the governing bodies of all
25 municipalities served by the judge; and all other special elections shall be ordered

ASSEMBLY BILL 899**SECTION 239**

1 by the governor. When the governor or attorney general issues the order, it shall be
2 filed and recorded in the office of the ~~commission~~ secretary of state. When the county
3 board of supervisors issues the order, it shall be filed and recorded in the office of the
4 county clerk. When the county executive issues the order, it shall be filed in the office
5 of the county board of election commissioners. When the common council issues the
6 order, it shall be filed in the office of the city clerk. When the board of trustees issues
7 the order, it shall be filed in the office of the village clerk. When the town board of
8 supervisors issues the order, it shall be filed in the office of the town clerk. When the
9 school board of a school district organized under ch. 119 issues the order, it shall be
10 filed and recorded in the office of the city board of election commissioners. If a
11 municipal judge is elected under s. 755.01 (4), the order shall be filed in the office of
12 the county clerk or board of election commissioners of the county having the largest
13 portion of the population of the jurisdiction served by the judge.

14 **SECTION 240.** 8.50 (1) (b) of the statutes is amended to read:

15 8.50 (1) (b) Notice of any special election shall be given upon the filing of the
16 order under par. (a) by publication in a newspaper under ch. 985. If the special
17 election concerns a national or state office, the ~~commission~~ secretary of state shall
18 give notice as soon as possible to the county clerks. Upon receipt of notice from the
19 ~~commission~~ secretary, or when the special election is for a county office or a municipal
20 judgeship under s. 755.01 (4), the county clerk shall give notice as soon as possible
21 to the municipal clerks of all municipalities in which electors are eligible to vote in
22 the election and publish one type A notice for all offices to be voted upon within the
23 county as provided in s. 10.06 (2) (n). If the special election is for a city, village, or
24 town office, the municipal clerk shall publish one type A notice as provided under s.
25 10.06 (3) (f).

ASSEMBLY BILL 899**SECTION 241**

1 **SECTION 241.** 8.50 (1) (d) of the statutes is amended to read:

2 8.50 (1) (d) When the election concerns a national office or a special election for
3 state office is held concurrently with the general election, the ~~commission~~ secretary
4 of state shall transmit to each county clerk a certified list of all persons for whom
5 nomination papers have been filed in its his or her office at least 62 days before the
6 special primary, and in other cases the ~~commission~~ secretary of state shall transmit
7 the list to each county clerk at least 22 days before the special primary. If no primary
8 is required, the list shall be transmitted at least 42 days prior to the day of the special
9 election unless the special election concerns a national office or is held concurrently
10 with the general election, in which case the list shall be transmitted at least 62 days
11 prior to the day of the special election. Immediately upon receipt of the certified list,
12 the county clerk shall prepare his or her ballots. For a county special election, the
13 county clerk shall certify the candidates and prepare the ballots. If there is a
14 primary, the county clerk shall publish one type B notice in a newspaper under ch.
15 10. When a primary is held, as soon as possible after the primary, the county clerk
16 shall certify the candidates and prepare the ballots for the following special election.
17 The clerk shall publish one type B notice in a newspaper under ch. 10 for the election.

18 **SECTION 242.** 8.50 (3) (e) of the statutes is amended to read:

19 8.50 (3) (e) In a special election for a state or national office, the county clerk
20 or board of election commissioners shall transmit the statement of the county board
21 of canvassers to the ~~elections commission~~ secretary of state no later than 7 days after
22 the special primary and 13 days after the special election.

23 **SECTION 243.** 9.01 (1) (a) 1. of the statutes is amended to read:

24 9.01 (1) (a) 1. Any candidate voted for at any election who is an aggrieved party,
25 as determined under subd. 5., or any elector who voted upon any referendum

ASSEMBLY BILL 899**SECTION 243**

1 question at any election may petition for a recount. The petitioner shall file a verified
2 petition or petitions with the proper clerk or body under par. (ar) not earlier than the
3 time of completion of the canvass following canvassing of any valid provisional
4 ballots under s. 6.97 (4) and, except as provided in this subdivision, not later than
5 5 p.m. on the 3rd business day following the last meeting day of the municipal or
6 county board of canvassers determining the election for that office or on that
7 referendum question following canvassing of all valid provisional ballots or, if more
8 than one board of canvassers makes the determination, not later than 5 p.m. on the
9 3rd business day following the last meeting day of the last board of canvassers which
10 makes a determination following canvassing of all valid provisional ballots. If the
11 ~~commission chairperson~~ secretary of state or ~~chairperson's~~ secretary's designee
12 makes the determination for the office or the referendum question, the petitioner
13 shall file the petition not earlier than the last meeting day of the last county board
14 of canvassers to make a statement in the election or referendum following
15 canvassing of all valid provisional ballots and not later than 5 p.m. on the 3rd
16 business day following the day on which the ~~commission~~ secretary of state receives
17 the last statement from a county board of canvassers for the election or referendum
18 following canvassing of all valid provisional ballots. With regard to an election for
19 president, the petitioner shall file the petition not later than 5 p.m. on the first
20 business day following the day on which the ~~commission~~ secretary of state receives
21 the last statement from a county board of canvassers for the election following
22 canvassing of all valid provisional ballots.

23 **SECTION 244.** 9.01 (1) (a) 4. of the statutes is amended to read:

24 9.01 (1) (a) 4. The petition under subd. 1. may be amended to include
25 information discovered as a result of the investigation of the board of canvassers or

ASSEMBLY BILL 899**SECTION 244**

1 the ~~commission chairperson~~ secretary of state or chairperson's secretary's designee
2 after the filing of the petition if the petitioner moves to amend the petition as soon
3 as possible after the petitioner discovers, or reasonably should have discovered, the
4 information that is the subject of the amendment and if the petitioner was unable
5 to include the information in the original petition.

6 **SECTION 245.** 9.01 (1) (ag) 2. of the statutes is amended to read:

7 9.01 (1) (ag) 2. If subd. 1 does not apply to the difference between the votes cast
8 for the leading candidate and those cast for the petitioner or the difference between
9 the affirmative and negative votes cast upon any referendum question following
10 canvassing of all valid provisional and absentee ballots, the petitioner shall pay a fee
11 equal to the actual cost of performing the recount in each ward for which the petition
12 requests a recount, or in each municipality for which the petition requests a recount
13 where no wards exist, plus the actual cost incurred by the ~~commission~~ secretary of
14 state to provide services for performing the recount.

15 **SECTION 246.** 9.01 (1) (ag) 4. of the statutes is amended to read:

16 9.01 (1) (ag) 4. The ~~commission~~ secretary of state shall deposit all moneys
17 received by it the secretary into the account under s. ~~20.510 (1)~~ 20.575 (2) (g), and
18 shall pay the fees required for each recount to the county clerks of the counties in
19 which the recount is to be held and shall retain the amount necessary to pay for the
20 actual cost incurred by the ~~commission~~ secretary of state to provide services for
21 performing the recount. The county clerk shall deposit fees received by him or her
22 with the county treasurer. The municipal clerk shall deposit fees received by him or
23 her with the municipal treasurer.

24 **SECTION 247.** 9.01 (1) (ar) 2. of the statutes is amended to read:

ASSEMBLY BILL 899**SECTION 247**

1 9.01 (1) (ar) 2. In the event of a recount for a referendum, the petition shall be
2 filed with the clerk of the jurisdiction in which the referendum is called, and, in the
3 case of the state, with the ~~commission~~ secretary of state.

4 **SECTION 248.** 9.01 (1) (ar) 3. of the statutes is amended to read:

5 9.01 (1) (ar) 3. Whenever a clerk receives a valid petition and any payment
6 under par. (ag) 3., the clerk shall thereupon notify the proper board of canvassers.
7 Whenever the ~~commission~~ secretary of state receives a valid petition and any
8 payment under par. (ag) 3., the ~~commission~~ secretary shall promptly by certified mail
9 or other expeditious means order the proper county boards of canvassers to
10 commence the recount. County boards of canvassers shall convene no later than 9
11 a.m. on the 3rd day after receipt of an order and may adjourn for not more than one
12 day at a time until the recount is completed in the county, except that the ~~commission~~
13 secretary may permit extension of the time for adjournment. Returns from a recount
14 ordered by the ~~commission~~ secretary of state shall be transmitted to the office of the
15 ~~commission~~ secretary as soon as possible, but in no case later than 13 days from the
16 date of the order of the ~~commission~~ secretary directing the recount. The ~~commission~~
17 ~~chairperson~~ secretary of state or the ~~chairperson's~~ secretary's designee may not
18 make a determination in any election if a recount is pending before any county board
19 of canvassers in that election. The ~~commission-chairperson~~ secretary of state or the
20 ~~chairperson's~~ secretary's designee need not recount actual ballots, but shall verify
21 the returns of the county boards of canvassers in making his or her determinations.

22 **SECTION 249.** 9.01 (5) (a) of the statutes is amended to read:

23 9.01 (5) (a) The board of canvassers or the ~~commission-chairperson~~ secretary
24 of state or the ~~chairperson's~~ secretary's designee shall keep complete minutes of all
25 proceedings before the board of canvassers or the ~~chairperson~~ secretary or designee.

ASSEMBLY BILL 899**SECTION 249**

1 The minutes shall include a record of objections and offers of evidence. If the board
2 of canvassers or the ~~commission chairperson~~ secretary of state or the chairperson's
3 secretary's designee receives exhibits from any party, the board of canvassers or the
4 ~~chairperson~~ secretary or designee shall number and preserve the exhibits. The board
5 of canvassers or the ~~chairperson~~ secretary or ~~chairperson's~~ secretary's designee shall
6 make specific findings of fact with respect to any irregularity raised in the petition
7 or discovered during the recount. Any member of the board of canvassers or the
8 ~~chairperson~~ secretary or ~~chairperson's~~ secretary's designee may administer oaths,
9 certify official acts, and issue subpoenas for purposes of this section. Witness fees
10 shall be paid by the county. In the case of proceedings before the ~~commission~~
11 ~~chairperson~~ secretary of state or ~~chairperson's~~ the secretary's designee, witness fees
12 shall be paid by the ~~commission~~ secretary of state.

13 **SECTION 250.** 9.01 (5) (bm) of the statutes is amended to read:

14 9.01 (5) (bm) Upon the completion of its proceedings, a board of canvassers
15 shall deliver to the ~~commission~~ secretary of state one copy of the minutes of the
16 proceedings kept under par. (a). In addition, in the case of a recount of an election
17 for state or national office, for each candidate whose name appears on the ballot for
18 that office under the name of a political party, the board of canvassers shall deliver
19 one copy of the minutes to the chief officer, if any, who is named in any registration
20 statement filed under s. 11.0302 by the state committee of that political party, and
21 in the case of a recount of an election for county office, for each candidate whose name
22 appears on the ballot for that office under the name of a political party, the board of
23 canvassers shall deliver one copy of the minutes to the chief officer, if any, who is
24 named in any registration statement filed under s. 11.0302 by the county committee
25 of that political party.

ASSEMBLY BILL 899**SECTION 251**

1 **SECTION 251.** 9.01 (5) (c) of the statutes is amended to read:

2 9.01 (5) (c) If the recount is made by a municipal or county board of canvassers
3 and the result is required to be reported to a county board of canvassers or to the
4 ~~commission chairperson~~ secretary of state or the ~~chairperson's~~ secretary's designee,
5 the board of canvassers making the initial recount shall immediately certify the
6 results to the county board of canvassers or to the ~~commission chairperson~~ secretary
7 of state or designee. If a county board of canvassers receives such results, it shall
8 then convene not later than 9 a.m. on the next business day following receipt to
9 examine the returns and determine the results. If the ~~commission chairperson~~
10 secretary of state or the ~~chairperson's~~ secretary's designee receives such results, the
11 ~~chairperson~~ secretary or designee shall publicly examine the returns and determine
12 the results not later than 9 a.m. on the 3rd business day following receipt, but if that
13 day is earlier than the latest day permitted for that election under s. 7.70 (3) (a), the
14 ~~commission chairperson~~ secretary or designee may examine the returns and
15 determine the results not later than the day specified in s. 7.70 (3) (a).

16 **SECTION 252.** 9.01 (6) (a) of the statutes is amended to read:

17 9.01 (6) (a) Within 5 business days after completion of the recount
18 determination by the board of canvassers in all counties concerned, or within 5
19 business days after completion of the recount determination by the ~~commission~~
20 ~~chairperson~~ secretary of state or the ~~chairperson's~~ secretary's designee whenever a
21 determination is made by the ~~chairperson~~ secretary or designee, any candidate, or
22 any elector when for a referendum, aggrieved by the recount may appeal to circuit
23 court. The appeal shall commence by serving a written notice of appeal on the other
24 candidates and persons who filed a written notice of appearance before each board
25 of canvassers whose decision is appealed, or in the case of a statewide recount, before

ASSEMBLY BILL 899**SECTION 252**

1 the ~~commission chairperson~~ secretary of state or the chairperson's secretary's
2 designee. The appellant shall also serve notice on the ~~commission~~ secretary of state
3 if the ~~commission chairperson~~ secretary or the chairperson's secretary's designee is
4 responsible for determining the election. The appellant shall serve the notice by
5 certified mail or in person. The appellant shall file the notice with the clerk of circuit
6 court together with an undertaking and surety in the amount approved by the court,
7 conditioned upon the payment of all costs taxed against the appellant.

8 **SECTION 253.** 9.01 (7) (a) of the statutes is amended to read:

9 9.01 (7) (a) The court with whom an appeal is filed shall forthwith issue an
10 order directing each affected county, municipal clerk, or board, and the ~~commission~~
11 secretary of state, to transmit immediately all ballots, papers and records affecting
12 the appeal to the clerk of court or to impound and secure such ballots, papers and
13 records, or both. The order shall be served upon each affected county, municipal
14 clerk, or board, the ~~commission~~ secretary of state, and all other candidates and
15 persons who filed a written notice of appearance before any board of canvassers
16 involved in the recount.

17 **SECTION 254.** 9.01 (8) (a) of the statutes is amended to read:

18 9.01 (8) (a) Unless the court finds a ground for setting aside or modifying the
19 determination of the board of canvassers or the ~~commission chairperson~~ secretary
20 of state or ~~chairperson's~~ secretary's designee, it shall affirm the determination.

21 **SECTION 255.** 9.01 (8) (c) of the statutes is amended to read:

22 9.01 (8) (c) The court may not receive evidence not offered to the board of
23 canvassers or the ~~commission chairperson~~ secretary of state or the chairperson's
24 secretary's designee except for evidence that was unavailable to a party exercising
25 due diligence at the time of the recount or newly discovered evidence that could not

ASSEMBLY BILL 899**SECTION 255**

1 with due diligence have been obtained during the recount, and except that the court
2 may receive evidence not offered at an earlier time because a party was not
3 represented by counsel in all or part of a recount proceeding. A party who fails to
4 object or fails to offer evidence of a defect or irregularity during the recount waives
5 the right to object or offer evidence before the court except in the case of evidence that
6 was unavailable to a party exercising due diligence at the time of the recount or
7 newly discovered evidence that could not with due diligence have been obtained
8 during the recount or evidence received by the court due to unavailability of counsel
9 during the recount.

10 **SECTION 256.** 9.01 (8) (d) of the statutes is amended to read:

11 9.01 (8) (d) The court shall set aside or modify the determination of the board
12 of canvassers or the ~~commission chairperson~~ secretary of state or the chairperson's
13 secretary's designee if it finds that the board of canvassers or the ~~chairperson~~
14 secretary or ~~chairperson's~~ secretary's designee has erroneously interpreted a
15 provision of law and a correct interpretation compels a particular action. If the
16 determination depends on any fact found by the board of canvassers or the
17 ~~commission chairperson~~ secretary of state or the ~~chairperson's~~ secretary's designee,
18 the court may not substitute its judgment for that of the board of canvassers or the
19 ~~chairperson~~ secretary or designee as to the weight of the evidence on any disputed
20 finding of fact. The court shall set aside the determination if it finds that the
21 determination depends on any finding of fact that is not supported by substantial
22 evidence.

23 **SECTION 257.** 9.01 (10) of the statutes is amended to read:

24 9.01 (10) STANDARD FORMS AND METHODS. The ~~commission~~ secretary of state
25 shall prescribe, by rule, standard forms and procedures for the making of recounts

ASSEMBLY BILL 899**SECTION 257**

1 under this section. The procedures prescribed by the ~~commission~~ secretary shall
2 require the boards of canvassers in recounts involving more than one board of
3 canvassers to consult with the ~~commission staff~~ office of the secretary of state prior
4 to beginning any recount in order to ensure that uniform procedures are used, to the
5 extent practicable, in such recounts.

6 **SECTION 258.** 10.01 (1) of the statutes is amended to read:

7 10.01 (1) The form of the various election notices shall be prescribed by the
8 ~~commission~~ secretary of state to standardize election notices. To accomplish this
9 purpose, the ~~commission~~ secretary shall make rules and draft whatever forms it the
10 secretary considers necessary. Notification or certification lists of candidates or
11 referenda questions sent to the county clerks shall prescribe the form in which the
12 county clerks shall publish the relevant portions of the notice and any additional
13 county offices and referenda questions. The ~~commission~~ secretary of state shall also
14 prescribe the provisions for municipal notices which shall be sent to each county
15 clerk who shall immediately forward them to each municipal clerk.

16 **SECTION 259.** 10.01 (2) (intro.) of the statutes is amended to read:

17 10.01 (2) (intro.) For election purposes there shall be 5 basic types of notices,
18 modified as necessary to apply to the various elections, which shall be published in
19 substantially the same form as prescribed by the ~~commission~~ secretary of state. The
20 5 types of notices are:

21 **SECTION 260.** 10.02 (1) of the statutes is amended to read:

22 10.02 (1) Before any election an appropriate type B notice shall be published
23 in substantially the form prescribed by the ~~commission~~ secretary of state at the times
24 prescribed in s. 10.06. The type B notice shall include the following relevant sections
25 and be within the guidelines established in this section.

ASSEMBLY BILL 899**SECTION 261**

1 **SECTION 261.** 10.02 (2) (c) of the statutes is amended to read:

2 10.02 (2) (c) The facsimile ballots shall follow the voting instructions. The size
3 and style of type and the general display of the facsimile ballots shall be prescribed
4 by the ~~commission~~ secretary of state and shall conform to the form prescribed by the
5 ~~commission~~ secretary under s. 7.08 (1) (a). The party columns shall not exceed 2-1/6
6 inches in width and the ballot size may be reduced. Voting machine facsimile ballots
7 shall show a reduced diagram of the front of the voting machine and instructions to
8 electors on how to vote on the machine. If the ballots in the wards or election districts
9 within a county or municipality are identical but for the names of different
10 candidates, districts or seats, the facsimile ballot may show the ballot for one ward
11 or election district, accompanied by a list of candidates, districts and seats to be voted
12 upon in the other wards or election districts.

13 **SECTION 262.** 10.02 (3) (intro.) of the statutes is amended to read:

14 10.02 (3) (intro.) The notice shall contain the following:

15 FACSIMILE BALLOT NOTICE

16 OF ... ELECTION

17 Office of ... [County] [Municipal] Clerk.

18 To the Electors of ... [County] [Municipality]:

19 Notice is hereby given of a ... election to be held in the several wards in the
20 [county] [municipality] of ..., on the ... day of ..., ... (year), at which the officers
21 named below shall be chosen. The names of the candidates for each office to be voted
22 for, whose nominations have been certified to or filed in this office, are given under
23 the title of the office and under the appropriate party or other designation, each in
24 its proper column, together with the questions submitted to a vote, in the sample
25 ballot below.

ASSEMBLY BILL 899**SECTION 262**

1 INFORMATION TO ELECTORS

2 Except where a different statement is prescribed by the ~~commission~~ secretary
3 of state for use in whole or in part by municipalities using electronic voting systems
4 under s. 5.95, the voting instructions shall be given substantially as follows:

5 **SECTION 263.** 10.06 (1) of the statutes is amended to read:

6 10.06 (1) ~~ELECTIONS COMMISSION~~ SECRETARY OF STATE. (a) On or before November
7 15 preceding a spring election the ~~commission~~ secretary of state shall send a type A
8 notice to each county clerk.

9 (c) As soon as possible after the deadline for filing nomination papers for the
10 spring election, but no later than the 2nd Tuesday in January, the ~~commission~~
11 secretary of state shall send a type B notice certifying the list of candidates to each
12 county clerk if a primary is required.

13 (e) As soon as possible following the state canvass of the spring primary vote,
14 but no later than the first Tuesday in March, the ~~commission~~ secretary of state shall
15 send a type B notice certifying to each county clerk the list of candidates for the
16 spring election. When no state spring primary is held, this notice shall be sent under
17 par. (c). When there is a referendum, the ~~commission~~ secretary shall send type A and
18 C notices certifying each question to the county clerks as soon as possible, but no later
19 than the first Tuesday in March.

20 (f) On or before the 3rd Tuesday in March preceding a partisan primary and
21 general election the ~~commission~~ secretary of state shall send a type A notice to each
22 county clerk.

23 (h) As soon as possible after the deadline for determining ballot arrangement
24 for the partisan primary on June 10, the ~~commission~~ secretary of state shall send a

ASSEMBLY BILL 899**SECTION 263**

1 type B notice to each county clerk certifying the list of candidates for the partisan
2 primary.

3 (i) As soon as possible after the state canvass, but no later than the 4th Tuesday
4 in August, the ~~commission~~ secretary of state shall send a type B notice certifying the
5 list of candidates and type A and C notices certifying each question for any
6 referendum to each county clerk for the general election.

7 **SECTION 264.** 10.06 (2) (a) of the statutes is amended to read:

8 10.06 (2) (a) On the 4th Tuesday in November preceding a spring election each
9 county clerk shall publish a type A notice based on the notice received from the
10 ~~commission~~ secretary of state for all state offices to be filled at the election by any
11 electors voting in the county and a similar notice incorporating any county offices.

12 **SECTION 265.** 10.06 (2) (b) of the statutes is amended to read:

13 10.06 (2) (b) Upon receipt of the type B notice from the ~~commission~~ secretary
14 of state preceding the spring election each county clerk shall add any county offices,
15 prepare the ballots, and send notice to each municipal clerk of the spring primary.
16 When there is no state spring primary within the county, but there is to be a county
17 spring primary, the county clerk shall prepare the ballots and send notice to each
18 municipal clerk.

19 **SECTION 266.** 10.06 (2) (e) of the statutes is amended to read:

20 10.06 (2) (e) Upon receipt of the type B notice from the ~~commission~~ secretary
21 of state each county clerk shall add any county offices and referenda, prepare the
22 ballots and send notice to each municipal clerk of the coming spring election.

23 **SECTION 267.** 10.06 (2) (h) of the statutes is amended to read:

24 10.06 (2) (h) On the 2nd Tuesday in April preceding a partisan primary and
25 general election, the county clerk shall publish a type A notice based on the notice

ASSEMBLY BILL 899**SECTION 267**

1 received from the ~~commission~~ secretary of state for all national and state offices to
2 be filled at the election by any electors voting in the county and incorporating county
3 offices.

4 **SECTION 268.** 10.06 (2) (k) of the statutes is amended to read:

5 10.06 (2) (k) Upon receipt of the type B notice from the ~~commission~~ secretary
6 of state preceding the general election, the county clerk shall add county offices and
7 referenda, if any, and send notice to each municipal clerk of the coming general
8 election and prepare the ballots.

9 **SECTION 269.** 12.01 (intro.) and (1) of the statutes are consolidated,
10 renumbered 12.01 and amended to read:

11 **12.01 Definitions.** The definitions given under s. 11.0101 apply to this
12 chapter, except as follows: ~~(1) “Candidate”~~ that “candidate” includes a candidate for
13 national office.

14 **SECTION 270.** 12.01 (2) of the statutes is repealed.

15 **SECTION 271.** 12.13 (5) (a) of the statutes is amended to read:

16 12.13 (5) (a) Except as specifically authorized by law and except as provided
17 in par. (b), no investigator, prosecutor, employee of an investigator or prosecutor, or
18 ~~member or~~ employee of the ~~commission~~ secretary of state may disclose information
19 related to an investigation or prosecution under chs. 5 to 10 or 12, or any other law
20 specified in s. 978.05 (1) or (2) or provide access to any record of the investigator,
21 prosecutor, or the ~~commission~~ secretary of state that is not subject to access under
22 s. 5.05 (5s) to any person other than an employee or agent of the prosecutor or
23 investigator or ~~a member,~~ an employee, or agent of the ~~commission~~ secretary of state
24 prior to presenting the information or record in a court of law.

25 **SECTION 272.** 12.13 (5) (b) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 899**SECTION 272**

1 12.13 (5) (b) (intro.) This subsection does not apply to any of the following
2 communications made by an investigator, prosecutor, employee of an investigator or
3 prosecutor, or ~~member or~~ employee of the ~~commission~~ secretary of state:

4 **SECTION 273.** 12.13 (5) (b) 3. of the statutes is amended to read:

5 12.13 (5) (b) 3. Communications made to the attorney of an investigator,
6 prosecutor, or employee, ~~or member~~ of the ~~commission~~ secretary of state or to a
7 person or the attorney of a person who is investigated or prosecuted by the
8 ~~commission~~ secretary of state.

9 **SECTION 274.** 13.123 (3) (b) 2. of the statutes is amended to read:

10 13.123 (3) (b) 2. In making the determination under subd. 1., the chief clerk is
11 bound by the determination of the ~~chairperson of the elections commission~~ secretary
12 of state or the chairperson's secretary's designee if such determination has been
13 issued.

14 **SECTION 275.** 13.23 of the statutes is amended to read:

15 **13.23 Election contests; notice.** Any person wishing to contest the election
16 of any senator or member of the assembly shall, within 30 days after the decision of
17 the board of canvassers, serve a notice in writing on the person whose election the
18 contestant intends to contest, stating briefly that the election will be contested and
19 the cause of such contest, and shall file a copy thereof in the office of the ~~elections~~
20 ~~commission~~ secretary of state at least 10 days before the day fixed by law for the
21 meeting of the legislature. The ~~elections commission~~ secretary of state shall then
22 send a copy of s. 13.24 to both contestants. If any contestant fails to so file a copy of
23 such notice, the contestant shall not be entitled to any mileage or salary in case
24 payment has been made therefor to the sitting member.

25 **SECTION 276.** 14.38 (10m) of the statutes is amended to read:

ASSEMBLY BILL 899**SECTION 276**

1 14.38 **(10m)** NOTIFICATION OF CONSTITUTIONAL AMENDMENT. If an amendment to
2 the Wisconsin Constitution is approved that requires the legislature to provide for
3 temporary succession to the powers and duties of public offices for the period of an
4 emergency resulting from a cause other than an enemy action, within 30 days after
5 the ~~elections commission~~ secretary of state records the approval under s. 7.70 (3) (h),
6 notify the legislature that the amendment has been approved.

7 **SECTION 277.** 15.01 (2) of the statutes is amended to read:

8 15.01 **(2)** “Commission” means a 3-member governing body in charge of a
9 department or independent agency or of a division or other subunit within a
10 department, except for the employment relations commission which shall consist of
11 one chairperson, the Wisconsin waterways commission which shall consist of 5
12 members, ~~the elections commission which shall consist of at least 6 members~~, the
13 ethics commission which shall consist of at least 6 members, and the parole
14 commission which shall consist of 4 members. A Wisconsin group created for
15 participation in a continuing interstate body, or the interstate body itself, shall be
16 known as a “commission”, but is not a commission for purposes of s. 15.06. The parole
17 commission created under s. 15.145 (1) shall be known as a “commission”, but is not
18 a commission for purposes of s. 15.06.

19 **SECTION 278.** 15.06 (1) (d) of the statutes is repealed.

20 **SECTION 279.** 15.06 (2) (b) 1. of the statutes is repealed.

21 **SECTION 280.** 15.06 (2) (b) 2. of the statutes is renumbered 15.06 (2) (b).

22 **SECTION 281.** 15.06 (3) (a) 5. of the statutes is repealed.

23 **SECTION 282.** 15.06 (5) of the statutes is amended to read:

24 15.06 **(5)** FREQUENCY OF MEETINGS; PLACE. Every commission shall meet on the
25 call of the chairperson or a majority of its members. Every commission shall

ASSEMBLY BILL 899**SECTION 282**

1 maintain its offices in Madison, but may meet or hold hearings at such other
2 locations as will best serve the citizens of this state. ~~The elections commission and~~
3 ~~the~~ ethics commission shall meet in person at least 4 times each year and shall
4 conduct meetings in accordance with accepted parliamentary procedure.

5 **SECTION 283.** 15.06 (6) of the statutes is amended to read:

6 15.06 (6) QUORUM. A majority of the membership of a commission constitutes
7 a quorum to do business, except that vacancies shall not prevent a commission from
8 doing business. This subsection does not apply to the parole commission, ~~elections~~
9 ~~commission,~~ or ethics commission.

10 **SECTION 284.** 15.06 (10) of the statutes is amended to read:

11 15.06 (10) COMPENSATION. ~~A member of the elections commission and a member~~
12 of the ethics commission shall receive a per diem of \$115 for each day on which the
13 member attends or participates by audio or video conference call in a meeting of the
14 ~~member's~~ commission.

15 **SECTION 285.** 15.61 of the statutes is repealed.

16 **SECTION 286.** 16.79 (2) of the statutes is amended to read:

17 16.79 (2) The department shall distribute in pamphlet form copies of the
18 constitution and such laws as may be required to meet the public demand, including
19 the election laws. The department shall distribute election manuals, forms, and
20 supplies specified by the ~~elections commission~~ secretary of state. The laws, manuals,
21 forms, and supplies shall be sold by the department at cost, including distribution
22 cost as determined under s. 35.80. ~~The elections commission~~ secretary of state shall
23 inform the department in writing as to which election manuals, forms, and supplies
24 shall be offered for distribution under this subsection.

25 **SECTION 287.** 16.96 (3) (b) of the statutes is amended to read:

ASSEMBLY BILL 899**SECTION 287**

1 16.96 (3) (b) Maintain and keep current throughout the decade the maps of
2 congressional and legislative district boundaries received from the legislative
3 reference bureau under s. 13.92 (1) (a) 6. and provide copies thereof to the elections
4 ~~commission~~ secretary of state.

5 **SECTION 288.** 17.17 (1) of the statutes is amended to read:

6 17.17 (1) SENATORS AND MEMBERS OF CONGRESS. In the office of United States
7 senator or member of congress from this state, by the county clerk of the county
8 wherein such officer resided at the time of election, to the elections ~~commission~~
9 secretary of state.

10 **SECTION 289.** 17.17 (4) of the statutes is amended to read:

11 17.17 (4) JUSTICES AND JUDGES. In the office of justice of the supreme court, court
12 of appeals judge, or judge of a circuit court, by the director of state courts to the
13 governor and the elections ~~commission~~ secretary of state.

14 **SECTION 290.** 19.42 (10) (a) of the statutes is repealed.

15 **SECTION 291.** 19.42 (13) (p) of the statutes is repealed.

16 **SECTION 292.** 19.43 (4) of the statutes is amended to read:

17 19.43 (4) A candidate for state public office shall file with the commission a
18 statement of economic interests meeting each of the requirements of s. 19.44 (1) no
19 later than 4:30 p.m. on the 3rd day following the last day for filing nomination papers
20 for the office which the candidate seeks, or no later than 4:30 p.m. on the next
21 business day after the last day whenever that candidate is granted an extension of
22 time for filing nomination papers or a declaration of candidacy under s. 8.05 (1) (j),
23 8.10 (2) (a), 8.15 (1), or 8.20 (8) (a); no later than 4:30 p.m. on the 5th day after
24 notification of nomination is mailed or personally delivered to the candidate by the
25 municipal clerk in the case of a candidate who is nominated at a caucus; or no later

ASSEMBLY BILL 899**SECTION 292**

1 than 4:30 p.m. on the 3rd day after notification of nomination is mailed or personally
2 delivered to the candidate by the appropriate official or agency in the case of a
3 write-in candidate or candidate who is appointed to fill a vacancy in nomination
4 under s. 8.35 (2) (a). The information contained on the statement shall be current
5 as of December 31 of the year preceding the filing deadline. Before certifying the
6 name of any candidate for state public office under s. 7.08 (2) (a), the elections
7 ~~commission~~ secretary of state, municipal clerk, or board of election commissioners
8 shall ascertain whether that candidate has complied with this subsection. If not, the
9 ~~elections commission~~ secretary of state, municipal clerk, or board of election
10 commissioners may not certify the candidate's name for ballot placement.

11 **SECTION 293.** 19.85 (1) (h) of the statutes is amended to read:

12 19.85 (1) (h) Consideration of requests for confidential written advice from the
13 ~~elections commission~~ secretary of state under s. 5.05 (6a) or the ethics commission
14 under s. 19.46 (2), or from any county or municipal ethics board under s. 19.59 (5).

15 **SECTION 294.** 19.851 (title) of the statutes is amended to read:

16 **19.851 (title) Closed sessions by ethics or elections commission.**

17 **SECTION 295.** 19.851 (1) of the statutes is amended to read:

18 19.851 (1) Prior to convening under this section or under s. 19.85 (1), the ethics
19 commission and the ~~elections commission~~ shall vote to convene in closed session in
20 the manner provided in s. 19.85 (1). The ethics commission shall identify the specific
21 reason or reasons under sub. (2) and s. 19.85 (1) (a) to (h) for convening in closed
22 session. ~~The elections commission shall identify the specific reason or reasons under~~
23 ~~s. 19.85 (1) (a) to (h) for convening in closed session.~~ No business may be conducted
24 by the ethics commission or the ~~elections commission~~ at any closed session under this

ASSEMBLY BILL 899**SECTION 295**

1 section except that which relates to the purposes of the session as authorized in this
2 section or as authorized in s. 19.85 (1).

3 **SECTION 296.** 20.505 (1) (d) of the statutes is amended to read:

4 20.505 (1) (d) *Special counsel.* A sum sufficient, subject to s. 5.05 (2q), for
5 supplementing the appropriation under s. ~~20.510 (1)~~ 20.575 (2) (be) for ongoing
6 investigations; subject to s. 19.49 (2q), for supplementing the appropriation under
7 s. 20.521 (1) (be) for ongoing investigations; and, subject to the procedures
8 established in s. 14.11 (2) (c), for the compensation of special counsel appointed as
9 provided in ss. 14.11 (2) and 321.42.

10 **SECTION 297.** 20.510 (intro.) and (1) (title) of the statutes are repealed.

11 **SECTION 298.** 20.510 (1) (a) of the statutes is renumbered 20.575 (2) (a) and
12 amended to read:

13 20.575 (2) (a) *General program operations; general purpose revenue.*
14 Biennially, the amounts in the schedule for general program operations of the
15 ~~commission~~ secretary of state with regard to election administration, including the
16 printing of forms, materials, manuals, and election laws under s. 7.08 (1) (b), (3), and
17 (4), and the training of election officials under s. 5.05 (7).

18 **SECTION 299.** 20.510 (1) (be) of the statutes is renumbered 20.575 (2) (be) and
19 amended to read:

20 20.575 (2) (be) *Investigations.* The amounts in the schedule for the purpose of
21 financing the costs of investigations authorized by the ~~commission~~ secretary of state
22 of potential violations of chs. 5 to 10 and 12.

23 **SECTION 300.** 20.510 (1) (bm) of the statutes is renumbered 20.575 (2) (bm).

24 **SECTION 301.** 20.510 (1) (br) of the statutes is renumbered 20.575 (2) (br).

25 **SECTION 302.** 20.510 (1) (c) of the statutes is renumbered 20.575 (2) (c).

ASSEMBLY BILL 899**SECTION 303**

1 **SECTION 303.** 20.510 (1) (d) of the statutes is renumbered 20.575 (2) (d).

2 **SECTION 304.** 20.510 (1) (e) of the statutes is renumbered 20.575 (2) (e).

3 **SECTION 305.** 20.510 (1) (g) of the statutes is renumbered 20.575 (2) (g) and
4 amended to read:

5 20.575 (2) (g) *Recount fees.* The amounts in the schedule to be apportioned to
6 the ~~commission~~ secretary of state and the county clerks or county board of election
7 commissioners as prescribed in s. 9.01 (1) (ag). All moneys received on account of
8 recount petitions filed with the ~~commission~~ secretary of state shall be credited to this
9 appropriation account.

10 **SECTION 306.** 20.510 (1) (h) of the statutes is renumbered 20.575 (2) (h) and
11 amended to read:

12 20.575 (2) (h) *Materials and services.* ~~The~~ For the purpose of administering
13 elections, the amounts in the schedule for the costs of publishing documents, locating
14 and copying records, and conducting administrative meetings and conferences, for
15 compiling, disseminating, and making available information prepared by and filed
16 with the ~~commission~~ secretary of state, and for supplies, postage, and shipping. All
17 With regard to election administration, all moneys received by the ~~commission~~
18 secretary of state from collections for sales of publications, for copies of records, for
19 supplies, for postage, for shipping and records location fees, and for charges assessed
20 to participants in administrative meetings and conferences, except moneys received
21 from requesters from sales of copies of the official registration list, shall be credited
22 to this appropriation account.

23 **SECTION 307.** 20.510 (1) (jm) of the statutes is renumbered 20.575 (2) (jm) and
24 amended to read:

ASSEMBLY BILL 899**SECTION 307**

1 20.575 (2) (jm) *Gifts and grants.* The amounts in the schedule to carry out the
2 purposes, not inconsistent with the law, for which gifts, grants, and bequests to the
3 ~~commission~~ secretary of state are made. All moneys received by the ~~commission~~
4 secretary of state from gifts, grants, and bequests shall be credited to this
5 appropriation account.

6 **SECTION 308.** 20.510 (1) (jn) of the statutes, as created by 2021 Wisconsin Act
7 58, is renumbered 20.575 (2) (jn).

8 **SECTION 309.** 20.510 (1) (m) of the statutes is renumbered 20.575 (2) (m).

9 **SECTION 310.** 20.510 (1) (t) of the statutes is renumbered 20.575 (2) (t).

10 **SECTION 311.** 20.510 (1) (x) of the statutes is renumbered 20.575 (2) (x).

11 **SECTION 312.** 20.575 (1) (g) of the statutes is amended to read:

12 20.575 (1) (g) *Program fees.* The amounts in the schedule for the purpose of
13 carrying out general program operations. Except as provided under par. (ka) and
14 sub. (2), all amounts received by the secretary of state, including all moneys
15 transferred from the appropriation under s. 20.144 (1) (g), shall be credited to this
16 appropriation. Notwithstanding s. 20.001 (3) (a), any unencumbered balance at the
17 close of a fiscal year exceeding 10 percent of that fiscal year's expenditures under this
18 appropriation shall lapse to the general fund.

19 **SECTION 313.** 20.575 (1) (ka) of the statutes is amended to read:

20 20.575 (1) (ka) *Agency collections.* The amounts in the schedule for
21 photocopying and microfilm copying of documents, generation of copies of documents
22 from optical disc or electronic storage, publication of books, and other services
23 provided in carrying out the functions of the office. ~~All~~ Except for moneys received
24 under sub. (2) (h), all moneys received by the office as fees or other charges for
25 photocopying, microfilm copying, generation of copies of documents from optical disc

ASSEMBLY BILL 899**SECTION 313**

1 or electronic storage, sales of books, and other services provided in carrying out the
2 functions of the office shall be credited to this appropriation.

3 **SECTION 314.** 38.16 (3) (br) 3. of the statutes is amended to read:

4 38.16 (3) (br) 3. The referendum shall be held in accordance with chs. 5 to 12.
5 The district board shall provide the election officials with all necessary election
6 supplies. The form of the ballot shall correspond substantially with the standard
7 form for referendum ballots prescribed by the ~~elections commission~~ secretary of state
8 under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall be whether the limit
9 under this subsection may be exceeded by a specified amount. The limit otherwise
10 applicable to the district under this subsection is increased by the amount approved
11 by a majority of those voting on the question.

12 **SECTION 315.** 49.165 (4) (a) of the statutes is amended to read:

13 49.165 (4) (a) The department shall certify to the ~~elections commission~~
14 secretary of state, on a continuous basis, a list containing the name and address of
15 each organization that is eligible to receive grants under sub. (2).

16 **SECTION 316.** 59.605 (3) (a) 3. of the statutes is amended to read:

17 59.605 (3) (a) 3. The referendum shall be held in accordance with chs. 5 to 12.
18 The governing body shall provide the election officials with all necessary election
19 supplies. The form of the ballot shall correspond substantially with the standard
20 form for referendum ballots prescribed by the ~~elections commission~~ secretary of state
21 under ss. 5.64 (2) and 7.08 (1) (a). If the resolution under subd. 1. specifies the
22 operating levy rate, the question shall be submitted as follows: "Under state law, the
23 operating levy rate for the (name of county), for the tax to be imposed for the year
24 (year), is limited to \$.... per \$1,000 of equalized value. Shall the (name of
25 county) be allowed to exceed this rate limit for (a specified number of years) (an

ASSEMBLY BILL 899**SECTION 316**

1 indefinite period) by \$... per \$1,000 of equalized value that results in an operating
2 levy rate of \$... per \$1,000 of equalized value?” If the resolution under subd. 1.
3 specifies the operating levy, the question shall be submitted as follows: “Under state
4 law, the operating levy rate for the ... (name of county), for the tax to be imposed for
5 the year ... (year), is limited to \$... per \$1,000 of equalized value. Notwithstanding
6 the operating levy rate limit, shall the ... (name of county) be allowed to levy an
7 amount not to exceed \$... (operating levy) for operating purposes for the year ...
8 (year), which may increase the operating levy rate for ... (a specified number of
9 years) (an indefinite period)? This would allow a ...% increase above the levy of \$...
10 (preceding year operating levy) for the year ... (preceding year).”

11 **SECTION 317.** 67.05 (3) (b) of the statutes is amended to read:

12 67.05 (3) (b) The clerk of the jurisdiction in which the referendum is held shall
13 prepare or arrange for the preparation of the ballots. If the jurisdiction in which the
14 referendum is held is not a city, village, or town, and the clerk of the jurisdiction in
15 which the referendum is held prepares the ballots, the clerk shall deliver the ballots
16 to the municipal clerk of each city, village, or town which is wholly or partly contained
17 within the jurisdiction in which the referendum is held. The form of the ballot shall
18 correspond with the form prescribed by the ~~elections commission~~ secretary of state
19 under ss. 5.64 (2) and 7.08 (1) (a).

20 **SECTION 318.** 67.05 (6) of the statutes is amended to read:

21 67.05 (6) REFERENDUM IN OTHER CASES. Whenever an initial resolution has been
22 adopted by the governing body of any municipality other than a county, a town, a city,
23 a village, a technical college district, a metropolitan sewerage district created under
24 ss. 200.01 to 200.15 or 200.21 to 200.65, a town sanitary district, a public inland lake
25 protection and rehabilitation district, or a board of park commissioners, the clerk of

ASSEMBLY BILL 899**SECTION 318**

1 such municipality shall immediately record the resolution and call a special meeting
2 for the purpose of submitting it to the electors of the municipality for ratification or
3 rejection. The calling and conduct of the meeting shall be governed by those statutes,
4 so far as applicable, which govern the calling and conduct of special meetings in
5 general. The notice of the meeting, which shall be publicly read before the balloting
6 shall commence, and the ballot used, shall embody a copy of the resolution; the form
7 of the ballot shall correspond with the form prescribed by the ~~elections commission~~
8 secretary of state under ss. 5.64 (2) and 7.08 (1) (a); and the question submitted shall
9 be whether the resolution shall be approved.

10 **SECTION 319.** 85.61 (1) of the statutes is amended to read:

11 85.61 (1) The secretary of transportation and the ~~administrator of the elections~~
12 ~~commission~~ secretary of state shall enter into an agreement to match personally
13 identifiable information on the official registration list maintained by the
14 ~~commission~~ secretary of state under s. 6.36 (1) and the information specified in s. 6.34
15 (2m) with personally identifiable information in the operating record file database
16 under ch. 343 and vehicle registration records under ch. 341 to the extent required
17 to enable the secretary of transportation and the ~~administrator of the elections~~
18 ~~commission~~ secretary of state to verify the accuracy of the information provided for
19 the purpose of voter registration.

20 **SECTION 320.** 117.20 (2) of the statutes is amended to read:

21 117.20 (2) The clerk of each affected school district shall publish notice, as
22 required under s. 8.55, in the territory of that school district. The procedures for
23 school board elections under s. 120.06 (9), (11), (13), and (14) apply to a referendum
24 held under this section. The school board and school district clerk of each affected
25 school district shall each perform, for that school district, the functions assigned to

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1 the school board and the school district clerk, respectively, under those subsections.
2 The form of the ballot shall correspond to the form prescribed by the elections
3 ~~commission~~ secretary of state under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each
4 affected school district shall file with the secretary of ~~the commission~~ state a certified
5 statement prepared by the school district board of canvassers of the results of the
6 referendum in that school district.

7 **SECTION 321.** 117.27 (2) (b) (intro.) of the statutes is amended to read:

8 117.27 (2) (b) (intro.) The school district clerk shall include in the notice of the
9 spring election a statement that the election ballot will include a question on the
10 change requested by the petition. The form of the ballot shall correspond to the form
11 prescribed by the ~~elections commission~~ secretary of state under ss. 5.64 (2) and 7.08
12 (1) (a) and the question on the ballot shall be:

13 **SECTION 322.** 121.91 (3) (c) of the statutes is amended to read:

14 121.91 (3) (c) A referendum under this subsection shall be held in accordance
15 with chs. 5 to 12. The school district clerk shall provide the election officials with all
16 necessary election supplies. The form of the ballot shall correspond substantially
17 with the standard form for referendum ballots prescribed by the ~~elections~~
18 ~~commission~~ secretary of state under ss. 5.64 (2) and 7.08 (1) (a). The question
19 submitted shall be whether the limit under sub. (2m) may be exceeded by a specified
20 amount. If the resolution provides that any of the excess revenue will be used for a
21 nonrecurring purpose, the ballot in the election shall so state and shall specify the
22 amount that will be used for a nonrecurring purpose. The limit otherwise applicable
23 to the school district under sub. (2m) is increased by the amount approved by a
24 majority of those voting on the question.

25 **SECTION 323.** 165.93 (4) (a) of the statutes is amended to read:

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1 165.93 (4) (a) The department shall certify to the ~~elections commission~~
2 secretary of state, on a continuous basis, a list containing the name and address of
3 each organization that is eligible to receive grants under sub. (2).

4 **SECTION 324.** 198.08 (10) of the statutes is amended to read:

5 198.08 (10) ELECTION STATISTICS. The clerk of the district shall seasonably
6 obtain, compile, and file in his or her office, for the information of the public, a
7 statement showing the total number of votes cast for the office of governor in the last
8 preceding general election in each subdistrict of the district. The clerk of every
9 municipality and the ~~elections commission~~ secretary of state shall furnish such
10 information so far as obtainable from their records, duly certified, to the clerk of the
11 district upon request therefor by the clerk of the district. If the total number of votes
12 cast in any subdistrict for the office of governor in the last preceding election cannot,
13 because of an intervening change of boundaries of election wards or for any reason,
14 be ascertained from any official record the clerk of the district shall fairly estimate
15 such number for the purposes of such statement to be filed in his or her office.

16 **SECTION 325.** 200.09 (11) (am) 2. of the statutes is amended to read:

17 200.09 (11) (am) 2. No resolution passed under subd. 1. may authorize election
18 of commissioners sooner than 6 months after the date of passage. The metropolitan
19 sewerage district commission shall immediately notify the ~~elections commission~~
20 secretary of state under s. 5.05 upon passage of a resolution under subd. 1.

21 **SECTION 326.** 200.09 (11) (am) 3. of the statutes is amended to read:

22 200.09 (11) (am) 3. If the governing bodies of each city, town, and village
23 comprising the district pass a resolution to discontinue election of commissioners,
24 each commissioner may hold office until a successor is appointed and qualified. The
25 metropolitan sewerage district commission shall immediately notify the ~~elections~~

ASSEMBLY BILL 899**SECTION 326**

1 ~~commission~~ secretary of state under s. 5.05 upon passage of a resolution under this
2 subdivision.

3 **SECTION 327.** 227.03 (6) of the statutes is amended to read:

4 227.03 (6) Orders of the elections ~~commission~~ secretary of state under s. 5.06
5 (6) are not subject to this chapter.

6 **SECTION 328.** 227.52 (6) of the statutes is amended to read:

7 227.52 (6) Decisions of the ~~chairperson of the elections commission~~ secretary
8 of state or the ~~chairperson's~~ secretary's designee.

9 **SECTION 329.** 230.08 (2) (eL) of the statutes is repealed.

10 **SECTION 330.** 301.03 (20m) of the statutes is amended to read:

11 301.03 (20m) Transmit to the elections ~~commission~~ secretary of state, on a
12 continuous basis, a list containing the name of each living person who has been
13 convicted of a felony under the laws of this state and whose civil rights have not been
14 restored, together with his or her residential address and the date on which the
15 department expects his or her civil rights to be restored.

16 **SECTION 331.** 342.06 (1) (eg) of the statutes is amended to read:

17 342.06 (1) (eg) Except as provided in par. (eh), if the applicant is an individual,
18 the social security number of the applicant. The department of transportation may
19 not disclose a social security number obtained under this paragraph to any person
20 except to the department of children and families for the sole purpose of
21 administering s. 49.22, to the department of workforce development for the sole
22 purpose of enforcing or administering s. 108.22, to the department of revenue for the
23 purposes of administering state taxes and collecting debt, and to the elections
24 ~~commission~~ secretary of state for the sole purpose of allowing the ~~chief election officer~~
25 secretary of state to comply with the terms of the agreement under s. 6.36 (1) (ae).

ASSEMBLY BILL 899**SECTION 332**

1 **SECTION 332.** 343.027 of the statutes is amended to read:

2 **343.027 Confidentiality of signatures.** Any signature collected under this
3 chapter may be maintained by the department and shall be kept confidential, except
4 that the department shall release a signature or a facsimile of a signature to the
5 department of revenue for the purposes of administering state taxes and collecting
6 debt, to the ~~elections commission~~ secretary of state, in electronic or digital format,
7 for the purposes specified in s. 6.30 (5), to the person to whom the signature relates,
8 to a court, district attorney, county corporation counsel, city, village, or town attorney,
9 to a law enforcement agency, or to the driver licensing agency of another jurisdiction.

10 **SECTION 333.** 343.11 (2m) of the statutes is amended to read:

11 343.11 (2m) Within 30 days following surrender of a license under sub. (1), the
12 department shall provide notice to the ~~elections commission~~ secretary of state of the
13 person's name and address, the name of the jurisdiction issuing the surrendered
14 license, and the date on which the license was surrendered.

15 **SECTION 334.** 343.14 (2j) of the statutes is amended to read:

16 343.14 (2j) Except as otherwise required to administer and enforce this
17 chapter, the department of transportation may not disclose a social security number
18 obtained from an applicant for a license under sub. (2) (bm) to any person except to
19 the department of children and families for the sole purpose of administering s.
20 49.22, to the department of workforce development for the sole purpose of enforcing
21 or administering s. 108.22, to the department of revenue for the purposes of
22 administering state taxes and collecting debt, to the driver licensing agency of
23 another jurisdiction, or to the ~~elections commission~~ secretary of state for the sole
24 purpose of allowing the ~~chief election officer~~ secretary of state to comply with the
25 terms of the agreement under s. 6.36 (1) (ae).

ASSEMBLY BILL 899**SECTION 335**

1 **SECTION 335.** 343.50 (8) (c) 3. of the statutes is amended to read:

2 343.50 (8) (c) 3. Notwithstanding par. (b) and s. 343.14 (2j), the department
3 may, upon request, provide to the ~~elections commission~~ secretary of state for the sole
4 purpose of allowing the ~~chief election officer~~ secretary of state to comply with the
5 terms of the agreement under s. 6.36 (1) (ae) any applicant information or
6 identification card holder information maintained by the department of
7 transportation and identified in s. 343.14 (2).

8 **SECTION 336.** 756.04 (2) (c) 1. of the statutes is amended to read:

9 756.04 (2) (c) 1. A list of registered voters from the ~~elections commission~~
10 secretary of state.

11 **SECTION 337.** 778.135 of the statutes is amended to read:

12 **778.135 Campaign finance, lobbying, and ethics forfeitures; how**
13 **recovered.** Notwithstanding s. 778.13, whenever any action or proposed action by
14 the ~~elections commission~~ secretary of state under s. 5.05 (1) (c) or the ethics
15 commission under s. 19.49 (1) (b) is settled as a result of agreement between the
16 parties without approval of the court, the moneys accruing to the state on account
17 of such settlement shall be paid to the secretary of state or the ethics commission,
18 as appropriate, and deposited with the secretary of administration.

19 **SECTION 338.** 978.05 (1) of the statutes is amended to read:

20 978.05 (1) CRIMINAL ACTIONS. Except as otherwise provided by law, prosecute
21 all criminal actions before any court within his or her prosecutorial unit and have
22 sole responsibility for prosecution of all criminal actions arising from violations of
23 chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 and from violations of other
24 laws arising from or in relation to the official functions of the subject of the
25 investigation or any matter that involves elections, ethics, or lobbying regulation

ASSEMBLY BILL 899**SECTION 338**

1 under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, that are alleged to be
2 committed by a resident of his or her prosecutorial unit, or if alleged to be committed
3 by a nonresident of this state, that are alleged to occur in his or her prosecutorial unit
4 unless another prosecutor is substituted under s. 5.05 (2m) (i) or 19.49 (2) (h) or this
5 chapter or by referral of the ~~elections commission~~ secretary of state under s. 5.05 (2m)
6 (c) 15. or 16. or the ethics commission under s. 19.49 (2) (b) 13. or 14. For purposes
7 of this subsection, a person other than an individual is a resident of a prosecutorial
8 unit if the person's principal place of operation is located in that prosecutorial unit.

9 **SECTION 339.** 978.05 (2) of the statutes is amended to read:

10 978.05 (2) FORFEITURES. Except as otherwise provided by law, prosecute all
11 state forfeiture actions, county traffic actions and actions concerning violations of
12 county ordinances which are in conformity with state criminal laws in the courts
13 within his or her prosecutorial unit and have joint responsibility, together with the
14 ~~elections commission~~ secretary of state and the ethics commission, for prosecution
15 of all forfeiture actions arising from violations of chs. 5 to 12, subch. III of ch. 13, or
16 subch. III of ch. 19 and from violations of other laws arising from or in relation to the
17 official functions of the subject of the investigation or any matter that involves
18 elections, ethics, or lobbying regulation under chs. 5 to 12, subch. III of ch. 13, or
19 subch. III of ch. 19 that are alleged to be committed by a resident of his or her
20 prosecutorial unit, or if alleged to be committed by a nonresident of this state, that
21 are alleged to occur within his or her prosecutorial unit unless another prosecutor
22 is substituted under s. 5.05 (2m) (h) or 19.49 (2) (g) or this chapter or by referral of
23 the ~~elections commission~~ secretary of state under s. 5.05 (2m) (c) 15. or 16. or the
24 ethics commission under s. 19.49 (2) (b) 13. or 14. For purposes of this subsection,

ASSEMBLY BILL 899**SECTION 339**

1 a person other than an individual is a resident of a prosecutorial unit if the person's
2 principal place of operation is located in that prosecutorial unit.

3 **SECTION 340. Nonstatutory provisions.**

4 (1) AUDIT REPORT RECOMMENDATIONS. The secretary of state and the secretary's
5 employees shall, to the extent practicable within their responsibilities, implement
6 the recommendations contained in the legislative audit bureau's Report 21-19
7 regarding the past performance of the elections commission. The secretary of state
8 shall report the progress in implementing those recommendations to the legislature
9 no later than December 31, 2023.

10 (2) ASSETS AND LIABILITIES. On the effective date of this subsection, all assets
11 and liabilities of the elections commission are transferred to the secretary of state.

12 (3) POSITIONS AND EMPLOYEES.

13 (a) On the effective date of this paragraph, all full-time equivalent positions
14 of the elections commission are transferred to the secretary of state.

15 (b) All incumbent employees holding positions at the elections commission on
16 the effective date of this paragraph, except the incumbent employee holding the
17 position of administrator, are transferred on the effective date of this paragraph to
18 the secretary of state.

19 (c) Employees transferred under par. (b) have all the rights and the same status
20 under subch. V of ch. 111 at the office of the secretary of state that they enjoyed at
21 the elections commission immediately before the transfer. Notwithstanding s.
22 230.28 (4), no employee so transferred who has attained permanent status in class
23 is required to serve a probationary period.

ASSEMBLY BILL 899**SECTION 340**

1 (4) TANGIBLE PERSONAL PROPERTY. On the effective date of this subsection, all
2 tangible personal property, including records, of the elections commission is
3 transferred to the secretary of state.

4 (5) CONTRACTS. All contracts entered into by the elections commission that are
5 in effect on the effective date of this subsection shall remain in effect and are
6 transferred to the secretary of state, except that no such contract may be extended,
7 modified, or renewed. The secretary of state shall carry out all contractual
8 obligations under each contract until the contract expires or is rescinded by the
9 secretary of state to the extent allowed under the contract.

10 (6) ORDERS AND FORMAL OPINIONS. All formal opinions and orders issued by the
11 elections commission that are in effect on the effective date of this subsection are
12 transferred to the secretary of state and shall remain in effect until the secretary of
13 state repeals an order or changes or withdraws a formal opinion.

14 (7) PENDING MATTERS. All matters pending with the elections commission on the
15 effective date of this subsection are transferred to the secretary of state, and all
16 materials submitted to or actions taken by the elections commission with respect to
17 any pending matter are considered as having been submitted to or taken by the
18 secretary of state.

19 (8) TRANSITION. Notwithstanding s. 15.61, 2019 stats., the terms of office of all
20 members of the elections commission holding office on the effective date of this
21 subsection shall expire on the effective date of this subsection.

22 (9) IMPLEMENTATION PLAN. The individual who is serving as the administrator
23 of the elections commission on the date of publication of this act shall work in concert
24 with the secretary of state to ensure a smooth transition and shall participate in
25 formulating an implementation plan.

