

Sub. (2) is based on s. 6.82 (2) (3rd sentence). The provision has been changed from requiring authorization when more than 2 newspapers are used. The last sentence of 6.82 (2) has been deleted as ch. 985 provides the necessary standards for newspapers.

Sub. (3) is new. It is intended to present alternatives when more than one newspaper is used or when weeklies are used.

Sub. (4) is a restatement of ss. 6.22 (2) (a) (last sentence) and 6.82 (3).

Sub. (5) is a restatement of s. 6.21 (4) (last part, in part). [Bill 755-A]

**10.05 History:** 1965 c. 666; Stats. 1965 s. 10.05; 1969 c. 360.

**Legislative Council Note, 1965:** This section replaces the posting provisions throughout Title II of the general statutes. It is intended to provide uniformity to those municipalities which use posting, but it does not prevent any municipality, county or the state from posting in addition to their statutory notice requirements. [Bill 755-A]

**10.06 History:** 1965 c. 666; Stats. 1965 s. 10.06; 1969 c. 419.

**Legislative Council Note, 1965:** This section is based on ss. 5.04, 6.10, 6.11, 6.21, 8.03, 8.04 (1) and (2) (1st sentence), 10.36 (3), 10.45 (2nd sentence through end of section), 10.52 (1) (2nd sentence) and 11.10 (5) (1st sentence). The dates have been changed and the number of newspaper insertions have been made uniform for all areas of the state whether paper ballots or voting machines are used. The exceptions of s. 6.10 (1) (b) as to what constitutional amendments can be made and when, have been deleted for uniformity. [Bill 755-A]

Failure to give the prescribed statutory notice of a vacancy to be filled at a general election, and where the existence of such vacancy was not, in fact, known generally to the electors, made the election as to that office invalid. State ex rel. Chase v. McKinney, 25 W 416.

In the absence of proof in the record to the contrary, the presumption is that notice of an election was regularly given. State ex rel. Ennis v. Janesville, 90 W 157, 62 NW 933.

The legislature may submit to the voters the question whether Congress shall amend the Volstead act so as to authorize the manufacture and sale of 2.75 per cent beer. A prior joint resolution designated the question to be submitted and 6.10, 6.19, 6.22, 6.23, 6.68 and 6.71, Stats. 1925, impose on the secretary of state the duty of submitting such question to the people. State ex rel. Fulton v. Zimmerman, 191 W 10, 210 NW 381.

The publication of information to voters required by this sec. 36, Stats. 1898, is not optional as regards city elections, but the omission of the publication does not necessarily invalidate the election. 1902 Atty. Gen. 114.

Under sec. 36 (4), Stats. 1911, where there are both daily and weekly newspapers, the notice of election may be published in either. 1 Atty. Gen. 279.

The election laws do not provide for certification to secretary of state of nominations for president and vice president of United States made by political party national conven-

tions; secretary of state and county clerks take official notice of such nominations as matters of common knowledge obtained through public press and otherwise and prepare election notices and ballots, etc., as provided by statute accordingly. 13 Atty. Gen. 421.

Suggestions for form of ballot relating to submission of proposed constitutional amendment to people at general election. 13 Atty. Gen. 446; 15 Atty. Gen. 346.

Suggestion for statement in notice submitting question of proposed state television network to the people at the general election. 43 Atty. Gen. 234.

Suggestion for statement in notice submitting question of change in eligibility of voters at presidential elections at the general election. 43 Atty. Gen. 235.

**10.08 History:** 1965 c. 666; Stats. 1965 s. 10.08; 1967 c. 88.

**10.10 History:** 1967 c. 88; Stats. 1967 s. 10.10.

**10.12 History:** 1967 c. 88, 90, 228; Stats. 1967 s. 10.12; 1969 c. 55; 1969 c. 392 s. 87 (33).

**10.14 History:** 1967 c. 88; Stats. 1967 s. 10.14.

**10.16 History:** 1967 c. 88; Stats. 1967 s. 10.16; 1969 c. 137.

**10.18 History:** 1967 c. 88; Stats. 1967 s. 10.18; 1969 c. 55.

**10.20 History:** 1967 c. 88; Stats. 1967 s. 10.20; 1969 c. 392 s. 87 (33).

**10.22 History:** 1967 c. 88; Stats. 1967 s. 10.22; 1969 c. 392 s. 87 (33); 1969 c. 421.

**10.24 History:** 1967 c. 88; Stats. 1967 s. 10.24.

**10.26 History:** 1967 c. 88; Stats. 1967 s. 10.26; 1969 c. 55.

**10.28 History:** 1967 c. 88; Stats. 1967 s. 10.28; 1969 c. 55; 1969 c. 392 s. 87 (33); 1969 c. 421.

**10.30 History:** 1967 c. 88; Stats. 1967 s. 10.30; 1969 c. 392 s. 87 (33).

**10.32 History:** 1967 c. 88; Stats. 1967 s. 10.32; 1969 c. 2, 355; 1969 c. 392 s. 87 (33).

## CHAPTER 12.

### Corrupt Practices Relating to Elections.

**12.01 History:** 1911 c. 650; Stats. 1911 s. 94—1; 1915 c. 499 s. 2; Stats. 1915 s. 12.01; 1935 c. 308; 1937 c. 101; 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (5) is a restatement of s. 5.012 (3). [Bill 755-A]

The corrupt practices act applies to the activities of those interested in a recall election prior to the calling thereof. 1 Atty. Gen. 266.

The corrupt practices act does not apply to work done in an effort merely to create a more general public sentiment and understanding favorable to woman suffrage, such work not being for the purpose of influencing

voting at an election or primary within the meaning of the law. 2 Atty. Gen. 378.

The corrupt practices act applies to a candidate for selection as a delegate to a party national convention. 13 Atty. Gen. 101.

The corrupt practices act applies to campaign and election of presidential electors. 13 Atty. Gen. 507.

A candidate for precinct committeeman is a candidate within the meaning of the corrupt practices act. 25 Atty. Gen. 508.

**12.02 History:** 1911 c. 650; Stats. 1911 s. 42—2; 1915 c. 499 s. 3; Stats. 1915 s. 12.02.

**12.03 History:** 1911 c. 650; Stats. 1911 s. 94—3; 1915 c. 499 s. 4; Stats. 1915 s. 12.03.

**12.04 History:** 1911 c. 650; Stats. 1911 s. 94—4; 1915 c. 499 s. 5; Stats. 1915 s. 12.04.

The corrupt practices act does not permit the appointment of the same persons to act as the personal campaign committee of 2 or more candidates where it is contemplated that they shall make expenditures for the joint benefit of such candidates from a common fund to which the latter have contributed. 7 Atty. Gen. 380.

**12.06 History:** 1911 c. 650; Stats. 1911 s. 94—6; 1915 c. 499 s. 7; Stats. 1915 s. 12.06; 1937 c. 101.

The giving of a pass to the state fair by a member of the board who is a candidate for office is a disbursement within the corrupt practices act, and if such disbursement is made for political purposes it is forbidden by that act. 1 Atty. Gen. 230.

Payment for postage and stationery made by or for a candidate to file a statutory declaration of acceptance is not a contribution or disbursement for "political purposes" as defined in the corrupt practices act. 3 Atty. Gen. 360.

The use of moving pictures in a campaign is not a violation of the corrupt practices act. 10 Atty. Gen. 173.

A candidate may not legally make disbursements in payment for the circulation of nomination papers. 21 Atty. Gen. 808.

Distribution of blotters bearing campaign material is not a violation of the corrupt practices act. 25 Atty. Gen. 518.

Distribution of a campaign card with a baseball schedule printed thereon is not an unauthorized disbursement where the value is the same as, or slighter than, the value of book matches. 39 Atty. Gen. 300.

**12.07 History:** 1911 c. 650; Stats. 1911 s. 94—7; 1915 c. 499 s. 8; 1915 c. 604 s. 84; Stats. 1915 s. 12.07; 1937 c. 101.

**12.08 History:** 1911 c. 650; Stats. 1911 s. 94—8; 1915 c. 499 s. 9; Stats. 1915 s. 12.08.

**12.09 History:** 1911 c. 650; Stats. 1911 s. 94—9, 94—35; Spl. S. 1912 c. 10; 1915 c. 144; 1915 c. 499 ss. 10, 28; 1915 c. 604 s. 84; Stats. 1915 s. 12.09, 12.27; 1917 c. 466; 1921 c. 161; Stats. 1921 s. 12.09; 1923 c. 249; 1925 c. 343 ss. 2, 3; 1933 c. 433 s. 3; 1949 c. 504; 1951 c. 411; 1959 c. 556; 1961 c. 449, 502, 622; 1963 c. 354; 1969 c. 392 s. 86; 1969 c. 418.

Organizations working to accomplish passage of question relating to woman suffrage to

be submitted at the next general election must file statements. 1912 Atty. Gen. 384.

"Filing" requires that statements shall be deposited in the office of or with proper filing officer, except that the same may be filed by registered mail. 3 Atty. Gen. 350.

A disbursement for political purposes, made on election day, must be accounted for. 3 Atty. Gen. 401.

The corrupt practices act applies to candidates for town offices, and if such candidate incurs expense in his candidacy for such office he must comply with the filing requirements. 4 Atty. Gen. 326.

A candidate for office at the spring election, who is not a candidate for nomination at the spring primary, need file financial statements with reference to the election only and not with reference to the primary. 7 Atty. Gen. 161.

A "Peoples Committee" organized to secure the election of a candidate for mayor of a city, though neither a personal campaign committee nor party committee, is required to file the verified statements provided for by 12.09, Stats. 1923. 13 Atty. Gen. 263.

**12.10 History:** 1911 c. 650; Stats. 1911 s. 94—10; Spl. S. 1912 c. 10; 1915 c. 499 s. 11; 1915 c. 604 s. 94; Stats. 1915 s. 12.10.

The statute does not charge the secretary of state with the duty and invest him with the power to investigate and determine whether a statement of campaign expenses filed by a candidate for office is correct. State ex rel. Wylie v. Dammann, 197 W 93, 226 NW 470.

Although a candidate for the office of state superintendent at the primary of April 5, did not mail a required statement of receipts and disbursements until March 30 nor file it with the secretary of state until March 31, nor obtain a court order approving its filing until April 8, so that the mailing and filing were not within the time limited by this section, there was nevertheless a substantial compliance entitling such candidate to have his name certified and placed on the ballot for the election of May 3, in view of the statutory rule that Title II of the statutes, relating to elections, should be construed so as to give effect to the will of the electors if ascertainable, notwithstanding informality or failure to comply with some of its provisions, and in view of the fact that the electors had determined by their votes at the primary of April 5 that the name of such candidate be on the ballot for the election of May 3. State ex rel. Zimmerman v. Carpenter, 254 W 619, 37 NW (2d) 469.

The corrupt practices act prohibits placing the name of a candidate, who has not filed statements, on the ballot at elections but not at primaries. The secretary of state should give notification of the failure to file expense statements immediately after the time therefor has expired and not wait until the 7-day period has expired. 1 Atty. Gen. 225.

The election of a person who failed to file his expense accounts may be declared forfeited in an appropriate proceeding, but this will not redound to the advantage of the defeated candidate. 5 Atty. Gen. 837.

The name of a candidate defeated in the primary for a party nomination is not barred

from the election ballot as an individual nominee upon nomination papers filed, though he failed to file an account of his expenses as a candidate for a party nomination. 7 Atty. Gen. 576; 11 Atty. Gen. 818; 13 Atty. Gen. 511.

A successful candidate at the primary, even though he had no disbursements, who does not file the statements required in 12.09, Stats. 1921, cannot have his name printed on the official ballot in the general election. 11 Atty. Gen. 790.

**12.12 History:** 1911 c. 650; Stats. 1911 s. 94—12; 1915 c. 471; 1915 c. 499 s. 13; Stats. 1915 s. 12.12; 1925 c. 343 s. 1.

**12.13 History:** 1911 c. 650; Stats. 1911 s. 94—13; 1915 c. 499 s. 14; Stats. 1915 s. 12.13.

A person using his own carriage or automobile to transport voters to an election is not violating the corrupt practices act. 1912 Atty. Gen. 365.

See note to sec. 3, art. I, on limitations imposed by the Fourteenth Amendment, citing 55 Atty. Gen. 133.

**12.14 History:** 1911 c. 650; Stats. 1911 s. 94—14; 1915 c. 499 s. 15; Stats. 1915 s. 12.14; 1917 c. 566 s. 10; 1935 c. 122; 1949 c. 219; 1951 c. 307.

**12.15 History:** 1911 c. 650; Stats. 1911 s. 94—15; 1915 c. 499 s. 16; Stats. 1915 s. 12.15; 1949 c. 219, 446; 1951 c. 307.

**12.16 History:** 1911 c. 650; Stats. 1911 s. 94—16; 1913 c. 773 s. 10; 1915 c. 499 s. 17; Stats. 1915 s. 12.16; 1935 c. 122; 1965 c. 45.

A campaign circular must bear the name and address of the candidate and the author, or its publication and distribution is in violation of 94.16, Stats. 1913. 3 Atty. Gen. 358.

Use by or on behalf of a candidate for public office of posters attached to automobiles bearing only the words "Vote for (name of candidate) for (designation of office)" violates 12.16, Stats. 1925. 15 Atty. Gen. 298.

Mailing to a prospective voter a sample primary ballot with cross marked after certain candidate's name is a violation of the corrupt practices act unless the name of the author is disclosed. 17 Atty. Gen. 608.

Printing of a sample ballot by a citizen's committee of a village without the author's name and its distribution to certain workers at polls, the purpose of which was to gain votes for the candidate for village president not nominated at primary and to have his name written on official ballot, said sample being designed and intended only for use of a worker and to be given to a voter only upon request, is not a violation of the corrupt practices act, especially in view of the fact that authors and object of distribution of sample ballots were well known in the village. 25 Atty. Gen. 310.

Printing of handbills without the author's name by a printer who does not aid in circulating them does not violate the corrupt practices act. 25 Atty. Gen. 312.

A campaign button issued by or in behalf of a candidate for public office and urging his election must contain on its face information required by this section. 37 Atty. Gen. 124.

This section is applicable to a school district referendum. 39 Atty. Gen. 341.

**12.17 History:** 1911 c. 650; Stats. 1911 s. 94—17; 1915 c. 499 s. 18; Stats. 1915 s. 12.17.

This section does not change the principles of law relating to privilege in a civil action for libel, but adds to the penalties which may follow the publication of false and libelous statements concerning candidates. Putnam v. Browne, 162 W 524, 155 NW 910.

A complaint for ouster of a person from office on the ground that during the campaign for the office he made false statements concerning another candidate in violation of this section must set out such statement at least in substance. State ex rel. Hampel v. Mitten, 227 W 598, 278 NW 431.

To constitute a violation of this section it is necessary that the statements concerning a candidate be false, knowingly made or published, and be intended to or tend to affect the voting at an election; they must be statements of fact, not conclusions or opinions. To constitute the basis of an ouster from office under 12.24, Stats. 1965, the violation must be deliberate, wilful, and substantial, for the remedy of ouster is not available for insubstantial or technical violations which would not affect the result of the election, nor is the law intended to be a trap for the innocent or unwary candidate. State ex rel. Skibinski v. Tadych, 31 W (2d) 189, 142 NW (2d) 838.

This section is violated if a charge, made by a candidate that his opponent was bribed at a convention, is false. 10 Atty. Gen. 508.

**12.18 History:** 1911 c. 650; Stats. 1911 s. 94—18; 1915 c. 499 s. 19; Stats. 1915 s. 12.18.

**12.19 History:** 1911 c. 650; Stats. 1911 s. 94—19; 1915 c. 499 s. 20; Stats. 1915 s. 12.19.

**12.20 History:** 1911 c. 650; Stats. 1911 s. 94—28; 1913 c. 773 s. 11; 1915 c. 499 s. 21; 1915 c. 604 s. 94; Stats. 1915 s. 12.20; 1927 c. 263; 1945 c. 24; 1951 c. 413; 1961 c. 502; 1965 c. 211; 1969 c. 276 s. 589 (2) (a).

The phrase "on behalf of" in the corrupt practices act, providing that no disbursement shall be made or incurred by or on behalf of any candidate for any office in excess of specified amounts, is construed to mean, as applied to a candidate, made or incurred by some one who acts for him in the sense that an agent acts for and on behalf of his principal. The authority to so act may be express or implied, but it must exist; otherwise, the disbursement is not made on behalf of the person sought to be charged. This section is valid. Its limitation which a candidate for governor and his personal campaign committee may expend in a primary campaign is not so clearly unreasonable as to be subject to judicial condemnation, but, on the contrary, is within the bounds of reasonableness in view of the fact that the amount so limited does not include disbursements by others not agents of the candidate, leaving with reference to all other citizens the amount of money which may be expended unrestricted and requiring only that the amount thereof be publicly filed. State ex rel. La Follette v. Kohler, 200 W 518, 228 NW 895.

Where an election for an unexpired term and an election for a full term are held at the

same time, a candidate who is running for both short and long terms must file separate expense statement for each candidacy and may disburse for each candidacy the amount specified by this section. 19 Atty. Gen. 443.

The amount which a candidate for circuit judge may expend in a campaign for election is governed by this section. 28 Atty. Gen. 479.

**12.21 History:** 1911 c. 650; Stats. 1911 s. 94—29; 1913 c. 773 s. 11; 1915 c. 499 s. 22; 1915 c. 604 s. 94; Stats. 1915 s. 12.21.

**12.22 History:** 1911 c. 650; Stats. 1911 s. 94—30; 1915 c. 499 s. 23; Stats. 1915 s. 12.22; 1961 c. 296.

The regulation of elections is the regulation of the right of suffrage. The power of the legislature in this field is very broad. This power is not limited to the enactment of laws which merely enlarge the offenses of corruption, bribery, coercion, intimidation, or misconduct as those terms were defined, and elections tainted with which were declared void by the courts, at common law; but the legislature may declare what constitutes a reasonable disbursement and what are proper methods of disbursement in campaigns for election, and provide that a violation of the law shall as to the offender render the election void. The legislature has power to provide that an election shall be declared void as to a candidate by reason of his illegal conduct at the primary, as the primary is a part of the election process and is so connected and related to the election that a valid election cannot be based upon an illegal nomination. The corrupt practices act limiting and restricting the amount and purposes of disbursements by or on behalf of candidates in campaigns for nomination and election to public office, is constitutional, and its provisions for declaring an election void, the office vacant and for ouster of a candidate who may be found to have violated the act in securing his nomination and election, are valid, as applied to the office of governor and other so-called constitutional offices. State ex rel. La-Follette v. Kohler, 200 W 518, 228 NW 895.

Where the governor had authorized a suit under the corrupt practices act, and had appointed special counsel to prosecute an action, but where no summons and complaint had been served, the circuit court was without power to limit the time in which the summons and complaint should be served and to order dismissal of the proceedings if not served within such time. A writ of prohibition was issued to restrain the circuit court in its attempted exercise of such power. A judgment under the corrupt practices act is in the nature of an ouster and, therefore, the right to enter complaint expires with the accused's term of office. The discretion vested in officers charged with the duty of prosecuting proceedings under this act, cannot be controlled by mandamus. The proceedings should be conducted with reasonable speed, but what constitutes reasonable speed is determined by administrative officers. State ex rel. Connors v. Zimmerman, 202 W 69, 231 NW 590.

A complaint charging false statements in violation of 12.17, Stats. 1953, was sufficient to

state a cause of action under the corrupt practices act. State ex rel. Mattison v. Baudhuin, 270 W 249, 70 NW (2d) 674.

Proceedings under this section to investigate an alleged violation of the corrupt practices act are civil and not criminal; hence their expenses are not payable by the county, nor, in the absence of an appropriation therefor, by the state. 10 Atty. Gen. 636.

The state is not liable for witness fees under this section. 25 Atty. Gen. 516.

**12.23 History:** 1911 c. 650; Stats. 1911 s. 94.31; 1915 c. 499 s. 24; Stats. 1915 s. 12.23; 1917 c. 566 s. 11.

A defendant in a proceeding under this section cannot be compelled to give evidence against himself. State ex rel. Schumacher v. Markham, 162 W 55, 155 NW 917.

**12.24 History:** 1911 c. 650; Stats. 1911 s. 94.32; 1915 c. 499 s. 25; Stats. 1915 s. 12.24.

In view of 5.01 (6), Stats. 1935, the failure of a candidate for the office of mayor to file under 12.14 (2) a declaration in the office of the county clerk as to the nature and extent of his interest in a weekly newspaper in which articles relating to his candidacy were published, did not require a judgment of ouster from the office under 12.24 (1), where the electorate had much more widely published notice of the fact that such candidate was the editor and publisher and had a large financial interest in the newspaper than could have been given by mere filing of the statutory declaration. State ex rel. Pelishek v. Washburn, 223 W 595, 270 NW 541.

The distribution by a candidate of articles of value upon which political advertising was printed is a violation of the corrupt practices act and upon proof thereof judgment should be entered declaring the election void and excluding the candidate from office and declaring the office vacant. State ex rel. Orvis v. Evans, 229 W 304, 282 NW 14.

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

Payment of money by a candidate, party committee or personal campaign committee, for services in circulating nomination papers, is a violation of 12.06 or 12.07, Stats. 1947, which may be punished under 348.226 (12.70) but is insufficient ground to void the election under 12.24, in view of 5.01 (6). 37 Atty. Gen. 431.

**12.25 History:** 1911 c. 650; Stats. 1911 s. 94—33; 1913 c. 772 s. 6; 1915 c. 499 s. 26; Stats. 1915 s. 12.25; 1919 c. 628 s. 8; 1947 c. 9 s. 31; 1959 c. 228 s. 66; 1963 c. 544; 1965 c. 433 s. 121; 1967 c. 291 s. 14.

**12.26 History:** 1911 c. 650; Stats. 1911 s. 94—34; 1915 c. 499 s. 27; Stats. 1915 s. 12.26.

**12.28 History:** 1911 c. 650; Stats. 1911 s. 94—36; 1915 c. 499 s. 29; Stats. 1915 s. 12.28.

**12.29 History:** 1911 c. 650; Stats. 1911 s. 94—37; 1915 c. 499 s. 30; Stats. 1915 s. 12.29.

**12.45 History:** 1941 c. 105; Stats. 1941 s. 5.225; 1943 c. 375 s. 3; 1951 c. 455; Stats. 1951 s. 6.85; 1965 c. 666 ss. 1, 4; Stats. 1965 s. 12.45.

**Legislative Council Note, 1965:** This section is a restatement of s. 6.85. [Bill 755-A]

**12.49 History:** 1965 c. 666; Stats. 1965 s. 12.49.

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

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

Sub. (3) is based on s. 10.071 but is broadened in scope to include the entire state instead of just Milwaukee. [Bill 755-A]

**12.50 History:** 1875 c. 56; R. S. 1878 s. 4478; 1897 c. 358 s. 1; Stats. 1898 s. 4478; 1925 c. 4; Stats. 1925 s. 346.09; 1955 c. 696 s. 152; Stats. 1955 s. 12.50.

Payment or promise of money or its equivalent for votes constitutes offense of bribery or attempt to bribe. If money or any property is offered to individual electors for their votes at any election held under the laws of this state, all votes shown to have been obtained thereby will be rejected in an action to determine the right to the office. State ex rel. Hopkins v. Olin, 23 W 309.

A vote given for a candidate for any public office in consideration of his promise, if he is elected, to donate a sum of money, as a part of the salary fixed for the office or other valuable thing to a third person, as to county in which he is a candidate, will be rejected. State ex rel. Newell v. Purdy, 36 W 213.

A promise by a candidate for the office of county judge that he would "draw all papers necessary in the settlement of estates and give the necessary advice free of charge" was within the condemnation of this and the following section. In order to oust such a person from the office to which he was afterward elected it was necessary to show that electors sufficient in number to change the result of the election voted for him in consequence of such promise. State ex rel. Dithmar v. Bunnell, 131 W 198, 110 NW 177.

An offer by a candidate for public office made to electors to serve for less than salary fixed by law is in violation of election bribery statutes and disqualifies candidate from holding such office and subjects him to penalties provided in those statutes. 21 Atty. Gen. 774.

Giving a flag emblem of slight intrinsic value at the polls to persons who have already voted is not a violation of law. 39 Atty. Gen. 371.

**12.51 History:** 1897 c. 358 s. 2; Stats. 1898 s. 4478a; 1925 c. 4; Stats. 1925 s. 346.10; 1955 c. 696 s. 153; Stats. 1955 s. 12.51.

**12.52 History:** 1875 c. 56; R. S. 1878 s. 4480; 1897 c. 358 s. 3; Stats. 1898 s. 4480; 1925 c. 4; Stats. 1925 s. 346.17; 1955 c. 696 s. 160; Stats. 1955 s. 12.52.

**12.53 History:** 1905 c. 363 s. 29; Supl. 1906 s. 990—29; 1917 c. 306 s. 34; Stats. 1917 s. 4548q; 1925 c. 4; Stats. 1925 s. 348.271; 1955 c. 696 s. 243; Stats. 1955 s. 12.53.

**12.54 History:** 1875 c. 56; R. S. 1878 s. 4479; Stats. 1898 s. 4479; 1903 c. 451 s. 24; Spl. S.

1905 c. 5 s. 3; Supl. 1906 s. 11—24; 1907 c. 666; Stats. 1911 s. 11—24, 4479; 1915 c. 381 s. 24; Stats. 1915 s. 4479; 1925 c. 4; Stats. 1925 s. 346.11; 1955 c. 696 s. 154; Stats. 1955 s. 12.54; 1965 c. 666 s. 22 (4).

**12.55 History:** 1955 c. 696 s. 2; Stats. 1955 s. 12.55.

**12.56 History:** 1905 c. 492 ss. 1, 2, 3, 5; Supl. 1906 ss. 4479a, 4479b, 4479c, 4479e; 1911 c. 663 ss. 461, 462; 1925 c. 4; Stats. 1925 ss. 346.12, 346.13, 346.14, 346.16; 1943 c. 500; 1955 c. 135; 1955 c. 696 ss. 155, 156, 157, 159; Stats. 1955 s. 12.56; 1959 c. 429.

The activities of corporations which the legislature intended to be prohibited were only those of corporations having a profit motive and engaged in a business for profit and gain, and the prohibition was directed against the furnishing of money by corporations from funds derived from their profits. The statute is broad enough to prohibit corporations, organized without capital stock, and with an avowed purpose of operating without profit, but engaging in business and making profits to be used for the furtherance of the activity for which they were incorporated, from taking such profits from their treasuries and diverting them for political purposes. State v. Joe Must Go Club, 270 W 108, 70 NW (2d) 681.

**12.57 History:** 1905 c. 363 s. 28; Supl. 1906 s. 990—28; 1917 c. 306 s. 31; Stats. 1917 s. 4548n; 1925 c. 4; Stats. 1925 s. 348.268; 1955 c. 696 s. 240; Stats. 1955 s. 12.57.

**12.58 History:** 1897 c. 358 ss. 8, 9, 10, 11, 12, 14; Stats. 1898 ss. 4543d, 4543e, 4543f, 4543g; 1925 c. 4; Stats. 1925 ss. 348.213, 348.214, 348.215, 348.216; 1955 c. 696 ss. 209, 210, 211, 212; Stats. 1955 s. 12.58.

**12.59 History:** 1857 c. 85 ss. 4 to 7, 10; R. S. 1858 c. 169 ss. 30 to 33, 36, 46; 1864 c. 445 ss. 8, 14; 1877 c. 264 ss. 8, 9, 14; R. S. 1878 s. 4543; Stats. 1898 s. 4543; 1905 c. 313 s. 1; Supl. 1906 s. 4543; 1925 c. 4; Stats. 1925 s. 348.21; 1955 c. 696 s. 207; Stats. 1955 s. 12.59; 1965 c. 666.

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

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

Sub. (4) is a restatement of s. 11.67 except the penalties are in both instances "or both" rather than in the alternative. [Bill 755-A]

**12.60 History:** 1897 c. 358 s. 4; Stats. 1898 s. 4543a; 1925 c. 4; Stats. 1925 s. 348.211; 1955 c. 696 s. 208; Stats. 1955 s. 12.60.

**12.61 History:** 1887 c. 499; Ann. Stats. 1889 s. 39a; 1893 c. 288 s. 68; Stats. 1898 s. 73; 1915 c. 383 s. 60; Stats. 1915 s. 4543m; 1925 c. 4; Stats. 1925 s. 348.217; 1955 c. 696 s. 213; Stats. 1955 s. 12.61.

**12.62 History:** Ann. Stats. 1889 s. 23g; 1893 c. 288 s. 120; Stats. 1898 s. 4544a; 1925 c. 4; Stats. 1925 s. 348.231; 1955 c. 696 s. 224; Stats. 1955 s. 12.62; 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (2) is restatement of s. 5.05 (8m). [Bill 755-A]

See note to 939.30, citing Wood v. Plackey, 202 W 247, 232 NW 564.

An inspector of election who had ballots printed for use at election with names thereon

other than those nominated either at primary or by nomination papers, who threw away official ballots and had such unofficial ballots used as official ballots, may be prosecuted under either this section or the last provision of 348.24, Stats. 1927. 18 Atty. Gen. 239.

**12.63 History:** Ann. Stats. 1889 s. 23g; 1893 c. 228 s. 122; Stats. 1898 s. 4544c; 1925 c. 4; Stats. 1925 s. 348.233; 1955 c. 696 s. 226; Stats. 1955 s. 12.63.

**12.64 History:** Ann. Stats. 1889 s. 23g; 1893 c. 288 s. 123; Stats. 1898 s. 4544d; 1925 c. 4; Stats. 1925 s. 348.234; 1955 c. 696 s. 227; Stats. 1955 s. 12.64; 1959 c. 556.

A charge that a candidate was bribed at a convention constitutes electioneering and if made on election day by an election official or by others within 100 feet of the polls it is a violation of election laws. 10 Atty. Gen. 508.

One not an inspector of election who destroys a marked ballot should be prosecuted. 12 Atty. Gen. 410.

**12.65 History:** 1893 c. 288 s. 124; Stats. 1898 s. 4544e; 1925 c. 4; Stats. 1925 s. 348.235; 1955 c. 696 s. 228; Stats. 1955 s. 12.65.

Sec. 4544e, Stats. 1911, applies to elections at town meetings. 1 Atty. Gen. 209.

**12.66 History:** R. S. 1849 c. 13 s. 2; 1857 c. 85 ss. 21, 24, 25; R. S. 1858 c. 169 ss. 40, 42, 43, 45; 1864 c. 445 s. 14; 1877 c. 264 s. 14; R. S. 1878 s. 4545; Stats. 1898 s. 4545; 1925 c. 4; Stats. 1925 s. 348.24; 1955 c. 696 s. 231; Stats. 1955 s. 12.66; 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (2) is a restatement of s. 6.44 (5). [Bill 755-A]

The words "any person not having all the qualifications of an elector" mean any person disqualified to vote from any of the causes fixed by the law, and referred to the condition at time his vote is received. Inspectors acting in a quasi-judicial capacity and discharging their duty in good faith are not criminally liable for errors of judgment or mistakes of law. *Byrne v. State*, 12 W 519.

Persons offering to vote and taking prescribed oath must be permitted to do so. Action lies against inspector for unlawfully refusing to receive vote, though without malice. *Gillespie v. Palmer*, 20 W 544.

**12.67 History:** 1857 c. 85 ss. 12, 20; R. S. 1858 c. 169 ss. 38, 39; R. S. 1878 s. 4546; Stats. 1898 s. 4546; 1925 c. 4; Stats. 1925 s. 348.25; 1955 c. 696 s. 233; Stats. 1955 s. 12.67.

**12.68 History:** R. S. 1858 c. 169 s. 48; R. S. 1878 s. 4548; Stats. 1898 s. 4548; 1925 c. 4; Stats. 1925 s. 348.26; 1955 c. 696 s. 234; Stats. 1955 s. 12.68; 1965 c. 666.

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

Sub. (3) is a restatement of s. 11.19. [Bill 755-A]

**12.69 History:** 1857 c. 85 s. 26; R. S. 1858 c. 7 s. 114; R. S. 1858 c. 169 s. 44; R. S. 1878 s. 4544; Stats. 1898 s. 4544; 1925 c. 4; Stats. 1925 s. 348.23; 1955 c. 696 s. 223; Stats. 1955 s. 12.69; 1965 c. 666.

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

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

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

Sub. (5) is a restatement of s. 11.20. [Bill 755-A]

Where the inspectors and clerks place on the poll list the name of a person not voting, and not a qualified elector, and certify that such list contains the names of persons voting and none others, they may be prosecuted under secs. 4544 or 4545, Stats. 1911. 1 Atty. Gen. 213.

**12.70 History:** 1911 c. 650; Stats. 1911 s. 94—38; 1915 c. 499 s. 31; Stats. 1915 s. 4543v; 1925 c. 4; Stats. 1925 s. 348.226; 1955 c. 696 s. 222; Stats. 1955 s. 12.70.

The principles of law relating to privilege in a civil action for libel are not changed by secs. 94—17 and 94—38, Stats. 1911; they add to the penalties which may follow the publication of false and libelous statements concerning candidates. *Putnam v. Browne*, 162 W 524, 155 NW 910.

**12.71 History:** 1909 c. 435; Stats. 1911 s. 4545a; 1925 c. 4; Stats. 1925 s. 348.241; 1955 c. 696 s. 232; Stats. 1955 s. 12.71.

**12.75 History:** R. S. 1849 c. 6 ss. 89, 95; R. S. 1858 c. 7 s. 101; R. S. 1878 s. 74; 1893 c. 288 s. 104; Stats. 1898 s. 94f; 1915 c. 383 s. 82; Stats. 1915 s. 6.74; 1965 c. 666 ss. 1, 16; Stats. 1965 s. 12.75.

**Legislative Council Note, 1965:** This section is a restatement of s. 6.74. [Bill 755-A]

The implication from sec. 74, R. S. 1878, is that service of process on election day upon one who is not an elector is good. *Weil v. Greier*, 61 W 414, 21 NW 246.

## CHAPTER 13.

### Legislative Branch.

**Editor's Note:** The table shows the sections of the 1963 Wisconsin Statutes (as amended through Chapter 532, Laws of 1965), from which the new sections of Chapter 13, as repealed and recreated by this draft, evolved. In some cases, the new sections are changed considerably from their predecessors.

#### CONVERSION TABLE

1965 Stats.	1963 Stats.
13.01	13.01
13.02	13.02
13.03	13.03
13.04	13.36
13.05	13.73
13.06	13.74
13.07	13.75
13.08	13.04
13.09	13.05
13.10	13.06
13.11	13.07
13.12	13.08
13.13	13.097
13.14	13.055
13.15	13.10
13.16	13.11