

CHAPTER 9.

ELECTION OF SENATORS AND REPRESENTATIVES IN CONGRESS, AND ELECTORS OF PRESIDENT AND VICE PRESIDENT.

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9.01 Election of representative in congress. A representative in the congress of the United States shall be chosen in each of the congressional districts into which the state is or shall be divided, at the general election in the year one thousand eight hundred and ninety-eight and every two years thereafter.

9.02 Election of United States senator. (1) A senator in the congress of the United States shall be chosen at the general election in the year one thousand nine hundred and fourteen and every six years thereafter and also in the year one thousand nine hundred and sixteen and every six years thereafter.

(2) The names of all persons nominated for the office of United States senator shall be printed on the ballot provided in section 6.23 (1) in substantially the manner and form indicated in the annexed form "A" provided in section 6.23 (17) (a). All provisions of the statutes relating to the preparation, printing, distribution, voting, counting and returning of ballots used at general elections for state and county offices shall, as far as applicable and not inconsistent herewith, apply to the election of United States senators.

9.04 Presidential electors; election. At the general election next preceding the time fixed for the choice of president and vice president of the United States, there shall be elected, by general ticket, as many electors of president and vice president as this state may be entitled to elect senators and representatives in congress. A vote for the presidential and vice presidential nominees of any party is a vote for the electors of such nominees.

9.045 New residents eligible to vote. A person who has been a resident of this state for less than one year prior to the date of a presidential election shall be entitled to vote for presidential and vice presidential electors in such election, but for no other offices, providing he was either a qualified elector in another state immediately prior to his removal to this state or would have been eligible to vote in such other state had he remained there until such election, and provided further that he would be a qualified elector under s. 6.01 except that he has not resided in the state for one year.

9.046 Voting by new residents. A person qualifying under s. 9.045 and desiring to vote for presidential and vice presidential electors shall not be required to register in order to vote but shall apply for and cast his ballot as follows:

(1) APPLICATION FOR BALLOT. (a) Applications for ballot shall be made in person to the county clerk or municipal clerk of applicant's residence, during regular office hours, at any time within one year next preceding a presidential election. The application shall be in the form of an affidavit signed in the presence of the county, town, village or city clerk, or a duly authorized representative thereof, in substantially the following form:

STATE OF WISCONSIN }
County of } ss.

I,, do solemnly swear that I am a citizen of the United States; that prior to establishing Wisconsin residence, my legal residence was in the precinct of the ward of the (town) (village) (city) of, county of, state of, and residing at street; that on the day of the next presidential election, I shall be at least 21 years of age and that I have been a legal resident of the state of Wisconsin since, 19. . ., residing at street, in the precinct of the ward of the (town) (village) (city) of, county of; that I have resided in said precinct less than one year, and pursuant to section 9.045 of the Wisconsin statutes, that I am qualified to vote for president and vice president at the election to be held November . . ., 19. . .; and that

I hereby make application for an official presidential ballot, subject to complying with section 9.046 (1) (b) of the Wisconsin statutes.

Subscribed and sworn to before me
this day of, A.D. 19..

Signed:
P. O. Address:

County, town, village or city clerk

(b) Upon receipt of an application, the clerk of the county or municipality shall immediately forward to the applicant's election clerk, or equivalent official, of his former residence a request for proof that the said applicant was a qualified voter in the said state immediately prior to his removal to Wisconsin, or that he would have been qualified to vote for president and vice president or presidential electors, had he remained a legal resident of such state and complied with said state's legal requirements for voting. Said request shall include a form of certificate of proof. The forms of request for proof and certificate of proof, sent to the official of the applicant's former residence, shall be prepared by the secretary of state.

(2) VOTING PROCEDURE. (a) If satisfied that the certification required in sub. (1) (b) is in good order, the clerk shall notify the applicant, in writing, that satisfactory proof of eligibility has been received and that he is entitled to vote in person for the offices of president and vice president not sooner than 15 days, nor later than one day prior to the subsequent presidential election. The applicant, upon receiving a ballot containing the names of candidates for the offices of president and vice president, shall mark the ballot in the presence of the clerk, but in such manner that such officer cannot know how such ballot is marked. He shall then fold the ballot in the clerk's presence so as to conceal the markings, deposit and seal it in an envelope furnished by the clerk and execute the affidavit prescribed in par. (b).

(b) The envelope shall bear upon its face the name and official title of the clerk and upon the other side a printed affidavit in substantially the following form:

STATE OF WISCONSIN }
County of } ss.

I,, do solemnly swear that I am a citizen of the United States, that on the day of the next election I shall be at least 21 years of age, that within one year from this date I established permanent residency in Wisconsin and am a resident of the precinct of the (town) (village) of or of the ward in the city of, residing at in said city and the county of and the state of Wisconsin; that immediately prior to my removal to this state I resided in the state of, county of, (city) (town) (village) of, where I was a qualified elector at the time of my removal (or) where I would have been qualified to vote in the next presidential election had I maintained my residency there.

Subscribed and sworn to before me
this day of

. . . .
Signature of voter

. . . .
Signature of (county) (city) (town) (village) clerk

(e) The clerk shall enclose the envelope containing the ballot in a carrier envelope which shall be securely sealed and indorsed with the name and qualified title of the clerk and the words, "This envelope contains the vote for presidential and vice presidential electors of a new resident and must be opened only at the polls on election day while said polls are open," and the clerk shall keep the envelope in his office until delivered by him to the inspectors of election as provided in sub. (4).

(3) LIST OF NEW RESIDENT VOTERS FOR PUBLIC INSPECTION. The county or municipal clerk shall keep open to public inspection a list of all persons who have voted as new residents with the name, address and application date of each such voter.

(4) DELIVERY AND DEPOSIT OF BALLOTS. (a) County and municipal clerks shall deliver the ballots of new residents to the inspectors of election for the precinct in which the new resident voter resides in the manner prescribed by s. 11.61 for absentee ballots.

(b) While the polls are open on election day, the inspectors shall open each carrier envelope containing the inner envelope and ballot and shall announce the voter's name. If the inspectors find that the affidavit is duly executed and that the voter is qualified in that precinct under this section, they shall open the inner envelope so as not to tear the affidavit, take out the ballot without unfolding and, after determining that the ballot is indorsed by the issuing clerk, deposit in the proper ballot box. The inspector shall then enter the voter's name in the poll book with a notation designating him as a new resident voting for presidential and vice presidential electors only.

(c) The inspectors shall reject a vote if the affidavit is insufficient, if the voter is not a qualified elector under this section in such precinct or if the ballot is open or has been

opened and resealed. Such ballots shall be processed in the manner provided for rejected absentee ballots by s. 11.62.

(5) **CHALLENGE OF NEW RESIDENT'S VOTE.** The vote of any new resident under this section may be challenged for cause and the inspectors of election shall have all the powers and authority conferred upon them by ss. 6.50 to 6.53 in respect to hearing and determining the legality of challenged votes.

(6) **DEATH OF VOTER.** Whenever it appears by due proof to the inspectors of election that any person casting a vote under this section has died prior to the date of the election, the inspector shall return such ballot with defective ballots to the official issuing it.

(7) **IN CITIES OF FIRST CLASS.** In cities of the first class, application for ballots shall be made to the secretary of the board of election commissioners who shall perform all the duties required of city clerks by this section.

(8) **PENALTIES.** Any person wilfully swearing falsely to any affidavit shall be punished pursuant to s. 946.32. If any county or municipal clerk or any election officer shall refuse or neglect to perform any of the duties prescribed by this section or violate any of its provisions he shall be fined not less than \$100 nor more than \$1,000 or imprisonment not to exceed 90 days.

9.047 Presidential election privilege retained. Any qualified elector in this state who moves to another state may vote absentee for presidential electors in the voting precinct from which he moved for a period of 24 months after such removal unless he has become eligible to qualify as a voter in the state to which he moved before that time. When requesting an absentee ballot, such person shall indicate his eligibility for a ballot for presidential electors only.

History: 1961 c. 512.

Note: This section was created in 1961, to be effective upon a favorable referendum vote. The voters approved the section at the November, 1962 election.

9.05 Presidential electors; certificate of election. The secretary of state shall prepare three lists of the names of the electors, procure thereto the signature of the governor, affix the great seal of the state to the same, and deliver such certificates thus signed to one of the electors on or before the first Monday after the second Wednesday in December.

9.06 Meeting of presidential electors. The electors of president and vice president shall convene at the capitol of this state on the first Monday after the second Wednesday in December next after their election, at the hour of twelve o'clock, noon, of that day, and if there shall be any vacancy in the office of an elector, occasioned by death, refusal to act, neglect to attend or other cause, the electors present shall immediately proceed to fill by ballot, and by plurality of votes, such vacancy in the electoral college; and when all the electors shall appear, or the vacancies shall have been filled as above provided, they shall proceed to perform the duties required of such electors by the constitution and laws of the United States.