

CHAPTER 7

ELECTION OFFICIALS, BOARDS, OBSERVERS; SELECTION AND DUTIES, CANVASSING

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SELECTION AND DUTIES

7.03 Compensation of election officials.

A reasonable compensation of not less than \$5 per day shall be paid to each election clerk, ballot clerk, inspector, voting machine custodian, member of a board of canvassers, messenger and tabulator who is employed and performing duties under this title. Alternatively, such officials may be paid by the hour at a proportionate rate for each hour actually worked. Special registration deputies appointed under s. 6.55 (6) may be paid or unpaid at the option of the municipality. The amount of compensation, when authorized or required, shall be fixed by the appropriate county board of supervisors or municipal governing body. The board shall fix the amount to be paid any person employed to perform duties for the state. Where such employment is necessitated to perform duties which are the responsibility of a county or municipality, the board shall charge the expense to such unit of government.

History: 1973 c. 334 s. 57; 1977 c. 394, 427.

7.08 Elections board. In addition to its duties for ballot arrangement under ch. 5 and date and notice requirements under ch. 10, the board shall:

(1) **ELECTION FORMS, BLANKS, VOTING APPARATUS.** (a) Prepare all official ballot forms necessary under this title and revise the official ballot forms to harmonize with legislation and the current official status of the political parties whenever necessary. Samples of the official ballots shall be published with this title for public use and distribution and the prescribed forms

shall be substantially followed in all elections under this title.

(b) Prepare and provide upon request the necessary blanks and ballot bags to make the canvass, returns, statements and tally sheet statements for all state, congressional, legislative and county elections whether general, special or judicial, and all other materials as it deems necessary. The blanks shall contain the necessary certificates of the inspectors and canvassers with notes explaining their use and statutory basis. Blanks for use at the September primary shall be forwarded to the county clerks not later than the 2nd Friday in August. Blanks for the general election shall be forwarded to the county clerks not later than the 2nd Friday in October. The board is required to furnish only the standard form tally sheet statement to any city or county.

(c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1), 6.40 (1) (b), 6.55 (2) and (3), 6.79 (5) and 6.86 (2) and (3). All such forms shall contain a statement of the penalty applicable to false or fraudulent registration or voting through use of the form. Forms are not required to be furnished by the board.

(d) Promulgate rules for the administration of the statutory requirements for voting machines and any other voting apparatus which may be introduced in this state for use at elections. Pursuant to such responsibility, the board may obtain assistance from competent persons to check the machines and apparatus and approve for use those types meeting the statutory requirements and shall establish reasonable compensation for persons performing duties under this paragraph.

(2) CERTIFIED LISTS. (a) As soon as possible after the closing date for filing nomination papers or after the canvass of the primary vote, but no later than the deadlines established in s. 10.06 transmit to each county clerk a certified list of all candidates on file in its office for which electors in that county may vote. The list shall designate the order of arrangement and contain each candidate's name in any combination of initials for the first and middle names, plus the last name, but no nicknames, abbreviations or titles; the candidate's residence and post-office address; the office for which the person is a candidate; and, the party or principle the candidate represents, if any, in 5 words or less. Names of candidates nominated under s. 7.38 (3) or 8.35 shall be certified by the board upon filing of the necessary papers with it. Nothing in this paragraph precludes the use by a candidate of a former legal surname as a middle name as well as the candidate's complete first name.

(b) The certified list of candidates for president and vice president nominated at a national convention by a party entitled to a September primary ballot or for whom electors have been nominated under s. 8.20 shall be sent as soon as possible after the closing date for filing nomination papers, but no later than the deadlines established in s. 10.06.

(c) As soon as possible after the canvass of the spring and September primary votes, but no later than the first Tuesday in March and the Thursday after the 4th Tuesday in September, transmit to the state treasurer a certified list of all eligible candidates for state office as defined in s. 11.01 (20) who have filed applications under s. 11.50 (2) and whom the board determines to be eligible to receive payments from the Wisconsin election campaign fund. The list shall contain each candidate's name, the mailing address indicated upon the candidate's registration form, the office for which the individual is a candidate and the party or principle which he or she represents, if any.

(3) ELECTION MANUAL. Prepare and publish separate from the election laws an election manual written so as to be easily understood by the general public explaining the duties of the election officials and the qualifications and privileges of electors, together with notes and references to the statutes as it deems advisable. The manual shall be furnished free to election officials and others in such manner as it deems most likely to promote the public welfare. The election manual shall:

(a) Be compiled by the board, with the advice of the elections advisory council.

(b) Emphasize the fact that election officials should help, not hinder, electors in exercising their voting rights.

(c) Include a separate section dealing with challenges and other election questions.

(d) Be subject to periodic review and revision when necessary.

(4) ELECTION LAWS. Prepare and publish the election laws. The election laws shall be furnished free to election officials. Distribution to all others shall be made at cost.

History: 1971 c. 242; 1973 c. 334 s. 6, 57; 1975 c. 85, 93, 94, 199; 1977 c. 29, 107, 394, 427.

7.10 County clerks. (1) ELECTION SUPPLIES AND BALLOTS. (a) Each county clerk shall provide printed ballots for every election in his county for all offices of county level or above. The official and sample ballots shall be printed in substantially the same form as those annexed to ch. 5.

(b) The county clerk shall supply sufficient poll list blanks for municipalities that do not have elector registration and other election supplies. The poll list blanks shall contain the forms for the official oaths of the election officials. The poll list blanks and other election supplies shall be enclosed in the sealed package containing the official ballots and delivered to the municipal clerk for each ward.

NOTE: Par. (b) is shown as amended by chapter 427, laws of 1977. An earlier amendment by chapter 394 is not shown. See the Preface section 6 (c) for the printing rule followed.

(c) With county board approval any county clerk may purchase or print the official forms of nomination papers for distribution to any person at cost or free.

(2) PREPARING BALLOTS. The county clerk shall prepare copy for the official ballots immediately upon receipt of the certified list of candidates' names from the board. Names certified by the board shall be arranged in the order certified. The county clerk shall place the names of all candidates filed in his office or certified to him by the board on the proper ballots under the appropriate office and party titles.

(3) TIME SCHEDULE. (a) The county clerk shall distribute the ballots to the municipal clerks 3 weeks before any primary or election. Election blanks prepared by the board shall be distributed at the same time.

(b) The county clerk shall distribute an adequate supply of separately wrapped official ballots to each municipal clerk so the municipal clerk may supply ballots to absent elector applicants. The remaining ballots shall be sent in separately sealed packages clearly designating the ward for which each is intended and the approximate number of ballots of each kind enclosed.

(4) RESOLVING NOTICE DOUBTS. When in doubt as to compliance with the statutory requirements for election notices or the correct

fees to be paid for them, the county clerk may consult the board.

History: 1971 c. 304 s. 29 (2); 1973 c. 280; 1973 c. 334 s. 57; 1977 c. 394 s. 53; 1977 c. 427.

7.11 Menominee county; town elections.

The clerk shall prepare a ballot distinguishing between supervisors elected at large and by ward in any county having only one town with a part of the county board members elected by wards.

History: 1971 c. 304 s. 29 (2); 1973 c. 334.

7.15 Municipal clerks. (1) SUPERVISE REGISTRATION AND ELECTIONS. Each municipal clerk has charge and supervision of elections and registration in the municipality. He shall perform the following duties and any others which may be necessary to properly conduct elections or registration:

- (a) Equip polling places.
- (b) Provide for the purchase and maintenance of election equipment.
- (c) Provide ballots and other supplies for conducting elections. Materials received from the county clerk shall be delivered with the ballots before the polls open.
- (d) Prepare the necessary notices and publications in connection with the conduct of elections or registrations.
- (e) Instruct election officials in their duties, calling them together whenever advisable, advise them of changes in laws, rules and procedures affecting the performance of their duties, and administer examinations as authorized under s. 7.30 (2) (c). The clerk shall inspect systematically and thoroughly the conduct of elections in the municipality so that elections are honestly, efficiently and uniformly conducted.
- (f) May discharge an election official for improper conduct or wilful neglect of duties.
- (g) Report suspected election frauds, irregularities or violations of which he has knowledge to the district attorney.
- (h) Review, examine and certify the sufficiency and validity of petitions and nomination papers.
- (i) Direct how and when to destroy the contents of the blank ballot boxes and unused election materials.
- (j) Send an absentee ballot automatically to each person making an authorized request therefor in accordance with s. 6.86 (2).

(2) MUNICIPAL ELECTION DUTIES. (a) In municipal elections, the municipal clerks shall perform the duties prescribed for county clerks by s. 7.10.

(b) Cities over 500,000 population may print their own official and sample ballots. The ballots shall be printed so they are ready at least 2 days before the election.

(c) With the consent of the county clerk, municipalities may print their own ballots whenever voting machines are used in nonpartisan elections where both local and judicial candidates appear on the ballot. This paragraph does not apply to cities under par. (b).

(d) Whenever by ordinance or resolution the governing body of any municipality submits any question, ordinance or proposed recall from office to a vote of the electors, the municipal clerk shall issue a call for the election and prepare and distribute ballots as required in the authorization of submission. The ballot shall conform to s. 5.64(2). If there is already an official ballot for the election, the question, ordinance or recall may be printed at the bottom of the ballot.

(3) VOTING MACHINE DUTIES. (a) Where voting machines are used, the municipal clerk shall provide at least 2 duplicate sample ballots for each voting ward in diagram form showing the front of the machine as it will appear in the voting booths on election day.

(b) Machine and sample ballots shall be furnished to the ward officials at least one day before the election.

(4) RECORDING ELECTORS. After each election where registration is used, the municipal clerk shall make a record of each elector who has voted at the election by stamping or writing the date of the election in the appropriate space on the original registration form of the elector. Municipalities employing data processing may, in lieu of this requirement, record voting information in such a manner that it is readily available for retrieval by computer.

(5) RECORD OF BALLOTS RECEIVED. Each municipal clerk shall keep a record of when and in what condition the packages containing the ballots were received from the county clerk. The municipal clerk shall deliver to the proper officials the unopened packages of ballots the day before the election.

(6) SUBSTITUTE BALLOTS. The municipal clerk shall provide substitute ballots in substantially the form of the original ballots whenever the necessary original ballots are not delivered to the municipality, are destroyed, are lost or stolen after delivery, are not ready for distribution or the supply is exhausted during polling hours. Upon receiving the substitute ballots accompanied by a statement made under oath by the municipal clerk that the ballots have been prepared and furnished by him to replace the original ballots which are not available, the

election officials shall use the substitute ballots the same as if originals.

(7) **REQUEST CANVASS ASSISTANCE.** The municipal clerk may request all election officials to assist the inspectors in canvassing the votes received at the respective polling places.

(8) **RESOLVING NOTICE DOUBTS.** When in doubt as to compliance with the statutory requirements for election notices or the correct fees to be paid for them, the municipal clerk may consult the board.

History: 1971 c. 304 s. 29 (2); 1973 c. 334 s. 57; 1975 c. 85 ss. 50, 65; 1975 c. 275, 422; 1977 c. 283; 1977 c. 394 s. 54; 1977 c. 427, 447.

7.20 Board of election commissioners.

(1) A municipal board of election commissioners and a county board of election commissioners shall be established in every city and county over 500,000 population.

(2) Each board of election commissioners shall consist of 3 members, each member being chosen from lists of at least 3 names each, selected and approved by the county committee of the 2 political parties receiving the most votes for governor in the county in the case of the county board of election commissioners, and receiving the most votes for governor in the city in the case of the city board of election commissioners, in the last general election. The county executive, for the county election board, shall select from the list 2 persons from the majority party and one person from the next highest party in the county. The mayor, for the city election board, shall select from the list 2 persons from the majority party and one person from the next highest party in the city.

(3) The persons chosen shall be qualified electors and residents of the state and county and, for the city election board, of the city.

(4) Before beginning their duties as election commissioners each appointee shall take and file the official oath.

(5) Each board of election commissioners shall choose its own chairman. An act of a majority of the board is an act of the board.

(6) The election commissioners shall not hold any other public office and are ineligible for any appointive or elective public office, except the office of notary public, during their term.

(7) The term of office shall be 4 years, and until successors have been commissioned and qualified, beginning on July 1 each year following a presidential election. Successors shall be appointed the same way.

History: 1973 c. 334; 1975 c. 124.

7.21 Election commissioners, duties and regulations. (1) All duties and provisions of

Title II for elections assigned to the municipal or county clerk, the municipal or county board of canvassers, or the municipal or county governing body shall be carried out by the proper local election board or its executive secretary, unless specially retained or assigned in this section or s. 7.22.

(2) The local election board may hire an executive secretary who shall perform whatever duties the board assigns to him. The common council for cities and the county board for counties shall determine the salary. If the same person serves as executive secretary for both a city and county election board, he shall receive only one salary, the city and county each paying half. Appointment and removal shall be subject to civil service standards.

(3) The local election board is authorized to employ additional clerical assistants to carry out their necessary duties. Their salaries shall be fixed by the governing body of the municipality or county.

(4) The local election board may procure a seal to authenticate official papers and documents.

(5) The city council and county board shall provide office space in the city hall and county courthouse, respectively, pay all the necessary expenses, cooperate with the local election board, provide storage space for the election equipment and supplies and assist with the moving and conducting of the elections as necessary.

History: 1973 c. 334.

7.22 Municipal election board. (1) The common council shall determine the salaries of the election commissioners and shall include sufficient funds in its budget to allow the municipal election board to fulfill its duties.

(2) All expenses shall be paid upon order of the municipal election board, signed by the chairman and executive secretary and countersigned by the city comptroller. The orders, made payable to persons in whose favor issued, shall be the vouchers for the city treasurer for the payment of the orders.

(3) The municipal election board shall prepare and furnish copies of all registrations, books, maps, instructions and blanks pertaining to the rules for registration and conducting elections for the use and guidance of the election officials.

(4) The municipal election board shall compile and publish a biennial report, containing election statistics and returns of all primaries and elections held within their city and county. Copies of the same shall be distributed to persons in such quantities as the municipal election board deems proper.

(5) The chief of police shall station a police officer at polling places designated by the municipal board of election commissioners for each election.

History: 1973 c. 334; 1977 c. 51.

7.23 Destruction of election materials.

(1) All materials and supplies associated with an election, except as provided in sub. (2), may be destroyed according to the following schedule:

(a) Any unused materials after an election and the contents of the blank ballot box after a primary may be destroyed at a time and in a manner designated by the appropriate clerk.

(b) Voting machine recorders essential for proper operation of the voting machine may be reactivated 14 days after the primary and 60 days after any spring or general election unless there is litigation pending, a demand for recount or notice of an election contest.

(c) Registration cards which are canceled under s. 6.50 (7) may be destroyed 4 years after cancellation.

(d) Except as provided in s. 11.21 (11) (a), financial statements and reports may be destroyed after 6 years.

(e) Registration and poll lists may be destroyed 90 days after the spring or general election next succeeding the election at which they were created.

(f) Applications for ballots or registration, or other records and papers requisite to voting at any federal election, other than registration cards, may be destroyed after 22 months.

(g) All other materials and supplies associated with an election may be destroyed 90 days after the election.

(2) If any contest of the election is pending at the expiration of the time, the relevant material shall not be destroyed until the contest is finally determined. In all contested election cases, the contesting parties shall have the right to have the ballots opened and to have all errors of the inspectors, either in counting or refusing to count any ballot, corrected by the court or body trying the contest. The ballots shall be opened only in open court or in open session of the body and in the presence of the official having custody over them.

History: 1973 c. 334; 1975 c. 85, 200; 1977 c. 394 s. 53; 1977 c. 427.

7.24 Title to election materials. The filing of a nomination paper, ballot application, financial report, affidavit, or other form or statement with the appropriate official or agency responsible for accepting such materials under this title irrevocably transfers the legal title to such official or agency, regardless of the sufficiency of

the filing. The official or agency shall retain all election materials until destruction or other disposition is authorized under s. 7.23.

History: 1975 c. 93.

7.25 Voting machine officials duties. (1)

The municipal clerk of each municipality in which voting machines are used is responsible for the proper ballot being placed on each machine, the sample ballots, setting, adjusting, and putting the machine in order to use in voting when delivered to the ward. For the purpose of labeling, setting, adjusting and putting the voting machines in order, one or more competent voting machine custodians may be employed.

(2) Under the direction of the municipal clerk, the custodian shall label, set, adjust, put in order and deliver the machines with all necessary furniture and appliances to the rooms where the election will be held in each ward at least one hour before the time set for opening the polls on election day.

(3) In preparing a voting machine for an election according to the directions furnished, the custodian shall arrange the machine and ballot so both will meet all the requirements for voting and counting the election in the manner provided for in machine construction.

(4) When a voting machine is properly prepared for an election and delivered to the election ward, it shall be locked and sealed against any movement and the officials or governing body shall provide proper protection to prevent tampering with the machines. The custodians preparing the machines shall deliver the keys for the machines to the municipal clerk together with a written report of each machine's condition.

(5) Before an election each election official serving at a polling place where voting machines are used shall be instructed in their use and their duties in connection with them by the municipal clerk, who shall call as many meetings to give instructions to the election officials as are necessary. Officials and trainees may be compensated for attendance. Any person who does not understand the machines shall not be paid nor be allowed to serve.

(6) (a) Where voting machines are used, the election officials for each ward shall meet at their proper polling place at least 15 minutes before the time set for opening of the polls to arrange the voting machines and furniture to properly conduct the election.

(b) Before opening the polls, they shall compare the ballot labels on the machines with the sample ballots furnished to insure that the names, numbers and letters thereon agree; examine the seal on each machine to see that it has not been broken; and examine the counter on

each machine to see that each registers 000. If any counter on any machine does not register 000, the counter number and the number showing on the counter shall be recorded, signed by all the election officials and a copy conspicuously posted at the polling place during polling hours.

(c) After the inspection under par. (b), on the blanks furnished, they shall certify the condition of each voting machine and its counters. Each form shall be signed by each election official. After the election, one copy of each machine's certification shall be delivered with each copy of the election returns.

History: 1971 c. 304 s. 29 (2); 1977 c. 427.

7.30 Inspectors, clerks, tabulators. (1) NUMBER. There shall be 3 inspectors, 2 election clerks, and 2 ballot clerks for each polling place at each election held under Title II. Where voting machines are used, the ballot clerks shall be dispensed with, and, if more than one voting machine is used, additional inspectors may be appointed. Additional inspectors shall be appointed in such a manner that the total number of inspectors is an odd number and the predominant party under sub. (2) is represented by one more inspector than the other party. Election clerks shall not be appointed in cities over 500,000 population.

(2) QUALIFICATIONS AND PROCEDURE. (a) Each inspector and clerk shall be a qualified elector in the ward for which the polling place is established. Special registration deputies appointed under s. 6.55 (6) and election officials serving more than one ward or when necessary to fill a vacancy under par. (b) need not be a resident of that ward, but shall be a resident of the municipality. Special registration deputies may be appointed to serve more than one polling place. All officials shall be able to read and write the English language, be capable, be of good understanding, and shall not be a candidate, other than for party committeeman, to be voted for at an election at which they serve. In 1st class cities, they shall hold no public office other than notary public. All officials, except special registration deputies, shall be affiliated with one of the 2 recognized political parties which received the largest number of votes for president, or governor in nonpresidential general election years, in the ward or combination of wards served by the polling place at the last election. The party which received the largest number of votes shall be entitled to 2 inspectors, one clerk and one ballot clerk for each polling place. The party receiving the next largest number of votes shall be entitled to one inspector, one clerk and one ballot clerk for each polling place. The same election officials may serve

the electors of more than one ward where wards are combined under s. 5.15 (6) (b). If a municipality is not divided into wards, the ward requirements in this paragraph apply to the municipality at large.

(b) When a vacancy occurs, the appointment shall be filled by the municipal clerk from the remaining names on the submitted lists or from additional names submitted by the chairman of the county party committee under s. 8.17. If the vacancy is due to candidacy, sickness or any other temporary cause, the appointment shall be a temporary appointment and effective only for that election. The same qualifications shall be required, but vacancies may be filled in cases of emergency or because of time limitations by a person from another aldermanic district or ward within the election district so the proper balance of party representation is maintained.

(c) The governing body of any municipality may require all persons named on the party lists for election officials to prove their ability to read and write English and to have a general knowledge of the election laws. Examinations may be given to prove the qualifications can be met.

(3) TABULATORS. (a) Not less than 30 days before any election the governing body of any municipality, by resolution, may authorize the municipal clerk to select and employ tabulators for any election. Such authorization applies to the elections specified in the resolution, and if not specified, applies until the authorization is modified or revoked.

(b) The tabulators shall assist and be under the direction of the election inspectors after the close of the polls.

(4) APPOINTMENTS. (a) Except in cities where there is a board of election commissioners, the mayor, president or chairman of each municipality shall nominate to the governing body no later than their last regular meeting in December of each even-numbered year the necessary election officials for each election ward. If no regular meeting is scheduled, the mayor, president or chairman shall call a special meeting for the purpose no later than December 31.

(b) The 2 dominant parties, under sub. (2), are each responsible for submitting a list of names from which the appointees shall be chosen.

1. In cities where there is a board of election commissioners, the aldermanic district committeemen of each of the 2 dominant recognized political parties shall submit a certified list no later than November 30 of each even-numbered year containing the names of at least twice as many electors as there are inspectors from that

party for each of the voting wards in the aldermanic district. The board of election commissioners shall appoint, no later than December 31 of even-numbered years, at least 5 inspectors for each ward, and may designate such alternates for each ward as it deems advisable.

2. In municipalities other than 1st class cities the party committees shall submit a list containing at least twice as many names as there are needed appointees from that party. The list shall be submitted by the chairman of each of the 2 regular party committees under s. 8.17 to the mayor, president or chairman of the municipality. If committees are organized in subdivisions of a city, the list shall be submitted through the chairman of the city committee under s. 8.17. If there is no municipal committee, the list shall be submitted by the chairman of the county or legislative district committee. Except as provided in par. (c), only those persons submitted by the chairman of each committee under s. 8.17 may act as election officials. The list shall contain the signature of the chairman and secretary of the submitting committee. Upon submission of each nominee's name, the governing body shall approve or disapprove the nomination. If any nominees are disapproved, the mayor, president or chairman of the municipality shall immediately nominate another person from the appropriate lists submitted and continue until the necessary number of election officials from each party is achieved at that meeting.

(c) If the lists are not submitted by November 30 of the year in which an appointment is to be made, the board of election commissioners shall appoint, or the mayor, president or chairman of a municipality shall nominate as appears appropriate.

(d) A party committee under s. 8.17 may submit additional names for inclusion in its list of nominations under this section at any time. Whenever there are no available names on any list, the board of election commissioners or the mayor, president or chairman of the municipality shall so notify the chairman of the appropriate party committee. However, an appointment need at no time be delayed because of the lack of availability of party nominees.

(5) OATH OF OFFICE. Within 5 days after appointment of the election officials the municipal clerk shall give each appointee notice. The appointees shall file the official oath with the municipal clerk within 10 days after the mailing of the notice. Appointees to fill vacancies or any other election official who has not filed the oath, before receiving any ballots, shall sign the oath and return it to the municipal clerk. An inspector, after taking the oath, may administer any oath required to conduct an election.

(6) OFFICE TENURE. (a) The appointed election officials shall hold office for 2 years and until their successors are appointed and qualified. They shall serve at every election held in their ward during their term of office.

(b) At the first election following their appointment, the inspectors shall elect one of their number as chairman of the inspectors. The chairman shall hold the position for the remainder of the term. If a vacancy occurs in the chairman position, the municipal clerk may appoint one of their number to serve as chairman until the vacancy is removed.

(c) If any election official lacks the qualifications set forth in this section, is guilty of neglecting his official duties or commits official misconduct he shall be summarily removed from office and the vacancy shall be filled under sub. (2)(b).

History: 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1971 c. 336; 1973 c. 280, 334; 1975 c. 93, 101; 1977 c. 394, 427, 447.

7.31 Compulsory service. (1) Service as an election official under this chapter shall be mandatory upon all qualified electors appointed, during the full 2-year term, after which they shall be exempt from further service as an election official, under this chapter, until 3 terms of 2 years each have elapsed. Municipal clerks may grant exemptions from service at any time.

(2) Every employer, including the state and political subdivisions thereof, shall grant to each employe who is appointed to serve as an election official a leave of absence for the entire 24-hour period of each election day in which the official serves in his or her official capacity. An employe who serves as an election official shall provide his or her employer with at least 7 days' notice of application for a leave. No penalty, other than a deduction for time lost, may be imposed upon an employe who requests a leave under this subsection. The municipal clerk shall verify appointments upon request of any employer.

History: 1977 c. 398.

7.33 Change of election official numbers and power. Notwithstanding s. 7.30 (1), the governing body of any municipality may by ordinance or resolution reduce the number of election officials, provide a redistribution of duties among the remaining officials, and modify or rescind any similar previous action.

History: 1977 c. 427.

7.35 Ballot clerk duties. (1) GENERAL. Ballot clerks serve only on election days when paper ballots are used. They shall take charge of the official ballots, write their initials on the

back of each ballot, fold it in the proper manner to be deposited and deliver to each elector as he enters the voting booth one ballot properly folded and indorsed by 2 ballot clerks. If asked, ballot clerks may instruct any elector as to the proper manner of marking the ballot, but shall not give advice, suggestions, express any preferences or make any requests as to the person for whom or the ballot on which the elector shall vote.

(2) **IMPROPER CONDUCT.** Any election official who intentionally fails to properly indorse a ballot or who intentionally gives an elector a ballot not properly indorsed shall be removed as an election official.

(3) **ATTACH PASTERS.** Whenever a vacancy occurs in a nomination after the ballots have been printed and pasters are provided under s. 7.38(3) or 8.35 (2), the ballot clerks shall properly paste them on the official ballots before indorsement.

History: 1975 c. 93; 1977 c. 427.

7.36 Election clerk duties. (1) Election clerks, under ch. 6, shall have charge of the registration lists at each election. In 1st class cities, this duty shall be assigned to the inspectors.

(2) Except in cities of the 1st class, the election clerks also shall certify to the correctness of the tally sheets, under s. 7.51(4) when they assist in the canvass.

History: 1977 c. 394 s. 53.

7.37 Inspectors duties. (1) **ADJOURN TO ANOTHER LOCATION.** Whenever it becomes impossible or inconvenient to hold an election at the designated location, the inspectors, after assembling at or as near the designated polling place as practicable and before receiving any votes, may adjourn to the nearest convenient place for holding the election. A proclamation of the move shall be made and a constable or other proper person shall be stationed at or as near as possible to the place where the adjournment was made, to notify all electors of the place to which the election adjourned. At the new location they shall immediately proceed with the election.

(2) **CHECK BALLOT BOXES.** Immediately before the proclamation that the polls are open the election inspectors shall open each ballot box in the presence of the people assembled there, turn the boxes upside down so as to empty them of everything that may be inside and then lock them. The ballot boxes shall remain locked and shall not be reopened until the polls close for the purpose of counting the ballots therein.

(3) **PRESERVE ORDER.** The inspectors shall possess full authority to maintain order and to enforce obedience to their lawful commands

during the election and the canvass of the votes. They shall permit only one person in a voting booth at a time and shall prevent any person from taking notice of how another person has voted, except when assistance is given under s. 6.82. They shall enforce s. 5.35 (5) and prevent electioneering from taking place in violation of s. 12.03. If any person refuses to obey the lawful commands of an inspector, or is disorderly in the presence or hearing of the inspectors, interrupts or disturbs the proceedings, they may order any law enforcement officer to remove the person from the voting area or to take the person into custody.

(4) **POSTING SAMPLE BALLOTS.** Where voting machines are used, 2 sample ballots sent by the municipal clerk shall be posted by the inspectors near the entrance to the polling location for public inspection throughout the day.

(5) **CHALLENGED ELECTORS.** If any person is challenged for cause, the inspectors shall proceed under ss. 6.92 and 6.925 and with the aid of other provisions of ch. 6 as appear applicable, shall resolve the challenge.

(6) **SPOILED BALLOTS.** Any spoiled ballot returned to an inspector under s. 6.80(2)(c) shall be immediately destroyed by one of the inspectors.

(7) **CANVASSERS.** The election inspectors shall constitute the board of canvassers of their respective ward and in that capacity shall perform the duties under s. 7.51.

History: 1971 c. 304 s. 29 (2); 1975 c. 85; 1977 c. 427.

7.38 Political party election functions.

(1) **OBSERVERS.** (a) For every election ward each recognized political party may appoint 2 party observers and an alternate for each, as observers of the election proceedings and the canvassing of the ballots. The appointments may be made by the county committee of the party that nominated the candidates. Party appointments shall be filled by the chairman of the party. Except at primary elections, observers appointed by a party shall serve as observers for all candidates appearing on the ballot of that party. Candidates at partisan primary elections, independent candidates at partisan elections and candidates at nonpartisan elections may similarly appoint one observer for each ward to represent them. If a municipality is not divided into wards, observers shall be appointed for the municipality.

(b) The board may by rule prescribe procedures and standards whereby nonpartisan and bipartisan organizations of electors not affiliated with any candidate may be authorized to appoint observers under this subsection.

(c) Each appointment shall be filed with the proper municipal clerk at least 4 days before the

election, and signed by the person making them. The file copy shall specify the name and residence of the appointee, the election ward to which appointed, and the name of the alternate appointee, in case the original appointee is absent.

(d) Upon filing, the clerk shall issue permits to the appointees giving authority to be present during the election and counting of the ballots. Upon request, the clerk shall issue a permit to the alternate appointee when an original appointee fails to serve for all or a part of the day.

(e) Observers of election proceedings, as a matter of right, shall be so positioned at the polls by the chairman of inspectors as to reasonably be enabled to closely observe proceedings and hear instructions given to voters.

(2) **SAMPLE BALLOTS.** Any individual, committee or candidate, at their own expense, subject to limitations upon contributions and disbursements under ch. 11, may print a supply of sample ballots, provided they bear on their face the information required by s. 11.30 (2) and they contain all the names shown on the official ballot.

(3) **VACANCIES AFTER NOMINATION.** (a) Whenever a vacancy occurs after a primary due to death of a candidate, the vacancy may be filled by the nominee's political party. In the case of candidates for county offices, the vacancy shall be filled by the chairman of the county party. For other offices, the vacancy shall be filled by the chairman of the state party, except as provided in s. 8.17 (5) (g). If no county party exists, the vacancy shall be filled by the chairman of the state party. The chairman shall file with the proper official a certificate signed, certified and sworn to the same as an original certificate. The certificate shall state the cause of the vacancy, the name of the new nominee and the office for which nominated. A political party may not nominate a candidate for an office for which no person representing that party has filed nomination papers and a declaration of acceptance.

(b) The certificate shall be filed within 4 days of the date of the vacancy and shall have the same effect as an original certificate.

(c) If the vacancy occurs after the ballots have been printed, the chairman of the committee filling the vacancy shall supply the ballot clerks with pasters containing the name of the new nominee only.

(d) There can be no vacancy in nomination prior to a party primary.

History: 1971 c. 304 s. 29 (2); 1973 c. 334; 1975 c. 93, 200; 1977 c. 340, 427.

CANVASS OF RETURNS AND CERTIFICATION

7.50 Elector Intent. (1) REQUIREMENTS AND RESTRICTIONS. (a) Except as provided in s. 7.15(6), only ballots provided by the person authorized to have them printed shall be cast and counted in any election.

(b) When an elector casts more votes for any office or measure than he is entitled to cast at any election, all his votes for that office or measure shall be rejected and he shall be deemed to have voted for none of them.

(2) **ASCERTAINMENT OF INTENT.** All ballots cast at an election which bear the initials of 2 ballot clerks shall be counted for the person or referendum question for whom or for which they were intended, so far as the electors' intent can be ascertained from the ballots notwithstanding informality or failure to fully comply with other provisions of this title. To determine intent:

(a) At a general election, if the elector places a mark or symbol under a party designation at the head of a column in or near the space indicated for that purpose, it is a vote for all the candidates whose names appear in the marked column except as otherwise provided in this paragraph. If a name is stricken, it shall not be a vote for that candidate. If a name is written in, it shall be a vote for the write-in candidate. If a sticker is attached it shall be a vote for the candidate on the sticker. If in some other column there is a mark in the square to the right of a specific candidate's name for the same office, it shall be a vote for that specific candidate and no vote shall be counted for the candidate for the same office in the column marked for a straight party vote.

(b) A ballot cast without any marks shall not be counted. A ballot without a mark at the top of a party column shall be counted only for persons for whom marks are applicable.

(c) If an elector marks his ballot with a cross (X), or any other marks, as I, A, V, O, /, √, +, within the square to the right of a candidate's name, or any place within the space in which the name appears, indicating an intent to vote for that candidate, it is a vote for the candidate whose name it is opposite.

(d) When an elector writes a person's name in the proper space for write-ins for that office, it is a vote for the person written in, even if the elector fails to strike the name printed in the same column for the same office, or makes a mark by the same or any other name for the same office, or omits the mark to the right of the name written in.

(e) No ballot shall be regarded as defective due to misspelling a candidate's name, or by abbreviation, addition, omission or use of a wrong initial in the name. Every ballot shall be counted for the candidate for whom it was intended, if the elector's intent can be ascertained from the ballot itself.

(f) If a sticker is applied it is a vote for the name appearing on the sticker even if the elector omits the mark to the right of the name, or makes a mark in another column for a candidate for the same office, but pasting of names over the space for voting a straight party ballot or over any name printed on the ballot shall not be allowed and any name so pasted shall not be counted. If the sticker on its face lists the office, the candidate's name for that office and has a box with a cross (X) to the right of the candidate's name, it shall be a vote for that named person for that named office even if the sticker is pasted somewhere else on the face of the ballot or the elector makes a mark for another candidate for the same office. The sticker shall be no larger than the space provided for the office for which it is intended. If the sticker does not contain a box with a cross (X), it shall be counted, but only stickers appearing on the face of the ballot are valid and counted.

(g) In partisan primaries, if an elector writes in the name of a person who is a candidate for the same office on a ballot other than the one on which the elector writes the name, the vote shall not be counted for that office. Only those votes for a candidate on the ballot upon which the candidate's name is written or write-ins not appearing on another ballot shall be counted for the person as a candidate for that office.

(h) Where voting machines are used, write-in votes shall not be counted for any person for any party, if the person's name appears on the printed ballot labels of that party. To vote for any person as the candidate of any party when that person's name does not appear on the printed ballot label of that party, the elector shall write the name of the person in the irregular ballot device designating the party for which he desires such person to be the nominee.

History: 1977 c. 107, 272, 427.

7.51 Local board of canvassers. (1) CANVASSING. Immediately after the polls close the inspectors shall proceed to canvass publicly all votes received at that polling place. The canvass shall continue, without adjournment, until the canvass is completed and the return statements are made. The inspectors shall first compare the registration lists, correcting any mistakes until the registration lists agree and verify their correctness by each signing their name thereto.

(a) Where paper ballots are used, they shall then open the ballot box and remove and count the number of ballots therein without examination except as is necessary to ascertain that each is a single ballot. If 2 or more ballots are folded together so as to appear as a single ballot, they shall be laid aside until the count is completed; and if, after a comparison of the count and the appearance of the ballots it appears to a majority of the inspectors that the ballots folded together were voted by the same person they shall be destroyed. If, after any ballots folded together have been destroyed, the number of ballots exceeds the total number of electors recorded on the registration or poll lists the ballots shall be placed in the ballot box and one of the inspectors shall publicly draw therefrom by chance, and without examination, destroy the number of ballots equal to the excess number. When the number of ballots and total shown on the registration lists agree, the inspectors shall open, count and record the number of votes.

(b) Immediately after the polls close, where voting machines are used, they shall open the registering or recording compartments and canvass, record, announce and return on the provided return sheets and certificates furnished. In recording the votes registered on any counter which, before the opening of the polls, did not register 000, the inspectors shall upon the return sheets subtract the number registered before the polls opened from the number registered when the polls closed. The difference between the 2 numbers shall be the correct vote for the candidate whose name was represented by the counter, except if the number registered on the counter when the polls closed is smaller than the number registered thereon when the polls opened, the number 1,000 shall be added to the number registered when the polls closed, before the subtraction is made.

(2) DEFECTIVE AND IRREGULAR BALLOTS. When, during the counting of the ballots cast at an election, the inspectors find a ballot which is so defective that it cannot be determined with reasonable certainty for whom it was cast, a majority of the inspectors shall determine whether the ballot is defective, and if so, it shall be so marked, preserved and not counted. No ballot may be counted unless it bears the initials of 2 ballot clerks. A ballot which does not bear 2 initials is void. Such ballot shall be marked "defective", and shall be laid aside and preserved. During the count the inspectors shall count those ballots cast by challenged electors and marked "Objected to" the same as the other ballots. The inspectors shall keep a written statement, in duplicate, of the number of defective and objected to ballots. The officials shall

certify that the statement is correct, sign it, and attach it to the canvass statements.

(3) SECURING THE BALLOTS. (a) The inspectors shall place together all ballots counted by them and secure them together so that they cannot be untied or tampered with without breaking the seal. The secured ballots together with any ballots marked "Defective" shall then be secured by the inspectors in the container provided in such a manner that the containers cannot be opened without breaking the seals or locks, or destroying the container. The ballots returned to the county clerk shall be delivered in the bag provided or a bag similar to that provided at the same time as the other election materials under s. 7.08 (1) (b).

(b) For municipal elections the inspectors, in lieu of par. (a), after counting the ballots shall return them to the proper ballot boxes, lock the boxes, paste paper over the slots, sign their names to the paper and deliver them and the keys thereof to the municipal clerk.

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

(4) ANNOUNCE AND REPORT. (a) When the canvass is complete, the inspectors shall publicly announce the results from the tally sheets. They shall state the total number of votes cast for each office and for each person receiving votes for that office and shall state the vote for and against each proposition voted on. They shall immediately complete the inspectors' statements in duplicate, which shall be combined with the tally sheet setting forth in written words as well as figures, the total number of votes for each office, the names of all persons receiving votes, the number of votes each person received, and the number of votes for and against any proposition at the election. They shall state the excess by which the number of ballots exceeds the number of electors voting as shown by the poll or registration list, if any, and shall state the number of the last elector as shown by the registration or poll lists. The inspectors shall then certify to the correctness of the statements and sign their names. All other

election officials assisting with the canvass shall also certify to the correctness of the tally sheets.

(b) The inspectors' chairman, or one of the inspectors appointed by him or her, immediately after the votes are tabulated or counted at each election, shall report the returns of the election to the proper clerk who shall then make them public.

(5) RETURNS. The inspectors shall make full and accurate return of the votes cast for each candidate and proposition on blanks provided for the purpose. After recording the votes, one tally sheet statement and registration or poll list shall be properly sealed for delivery to the county clerk and one tally sheet statement and registration or poll list shall be properly sealed for the municipal clerk. The envelopes and all ballots and materials shall be delivered immediately to the municipal clerk. The municipal clerk shall deliver the appropriate election materials for his or her municipality to the county clerk by 2 p.m. the day following each election. The person delivering the returns shall be paid out of the municipal treasury.

History: 1971 c. 304 s. 29 (2); 1977 c. 29; 1977 c. 394 s. 53; 1977 c. 427, 447.

7.53 Municipal canvass. (1) MUNICIPALITIES WITH ONE WARD. Where the municipality constitutes one ward, the canvass shall be conducted publicly under s. 7.51. Upon completion of the canvass and ascertainment of the results by the inspectors, the clerk shall publicly read to the meeting the names of the persons voted for, the number of votes for each person for each office, and the persons' names declared to be duly elected by the inspectors to each office.

(2) MUNICIPALITIES WITH 2 OR MORE WARDS. (a) Unless the municipality otherwise elects under par. (b), the municipal board of canvassers in municipal elections shall be composed of the municipal governing body in every municipality comprised of 2 or more wards.

(b) Except for cities of more than 500,000 population, any municipality with 2 or more wards may provide by ordinance for establishment of a separate board of canvassers for the municipality. Under this ordinance, the municipality may designate the number, qualifications, method of selection and terms of office of members of the board of canvassers.

(c) The municipal board of canvassers shall canvass publicly the returns of every local election. The canvass shall begin within 24 hours after the polls close. When annual elections are held, the results shall be declared on or before the 2nd Tuesday of April in each year. In cities of more than 500,000 population, the board of election commissioners shall perform the canvass.

(3) MUNICIPAL CLERK, DUTY. The canvass of returns for other than municipal offices shall be made under ss. 7.60 and 7.70. The municipal clerk shall deliver the appropriate election materials for his municipality by 2 p.m. the day following each election.

(4) CERTIFICATE OF ELECTION. The municipal clerk shall issue promptly a certificate of election to each person elected to any office. When a valid petition for a recount is filed, the municipal clerk shall not issue the certificate of election for the office in question until the recount has been completed and the time allowed for filing an appeal has passed.

History: 1971 c. 304 s. 29 (2); 1977 c. 290, 427, 447.

7.60 County canvass. (1) KEEP OFFICE OPEN. On election night the county clerk shall keep his office open to receive reports from the ward inspectors and shall post all returns.

(2) COUNTY BOARD OF CANVASSERS. The county clerk and 2 reputable citizens previously chosen by the clerk constitute the county board of canvassers. One member of the board of canvassers shall belong to a political party other than the clerk's. If the county clerk's office is vacant, or if the clerk cannot perform his or her duties, the chairperson of the county board of supervisors or a reputable citizen appointed by the chairperson shall perform the county clerk's duties, and is subject to the same punishments for violations. No person may serve on the county board of canvassers if the person is a candidate for an office to be canvassed by that board. If lists of candidates for the county board of canvassers are submitted to the county clerk by political party county committees, the lists shall consist of at least 3 names and the clerk shall choose the board members from the lists. Where there is a county board of election commissioners, it shall perform these duties.

(3) CANVASSING. Not later than 9 a.m. on the Thursday after each election the county board of canvassers shall open and publicly examine the returns. If returns have not been received from any election district or ward in the county, they shall dispatch a messenger and the person having them shall deliver the returns to the messenger. If, on examination, any of the returns received are so informal or incomplete that the board cannot intelligently canvass them, they shall dispatch a messenger to deliver the returns back to the inspectors with written specifications of the informalities and defects and command them to immediately complete the forms in the manner required and deliver them to the messenger. Every messenger shall safely keep all returns, show them to no one but the inspectors and deliver them to the county clerk with all possible dispatch. To acquire the

necessary full returns the board of canvassers may adjourn not longer than one day at a time nor more than 2 days in all.

(4) STATEMENTS AND DETERMINATIONS. (a) The board of canvassers shall make separate duplicate statements for the president and vice president; state officials; U.S. senators and representatives in congress; state legislators; justice; court of appeals judge; and circuit judges. Each statement shall state in numbers written out the total number of votes cast in the county for each office; the names of all persons for whom the votes were cast, as returned; and the number of votes cast for each. One statement shall be used to report to the elections board under sub. (5) and the other statement shall be filed in the office of the county clerk.

(b) The board of canvassers shall then prepare a written determination, in duplicate where necessary, giving those persons receiving the highest number of votes and therefore elected to any county office.

(c) In preparing the statements and determinations, persons not regularly nominated and receiving a comparatively small number of votes may be omitted and their votes designated as scattering votes. Appended to each statement and determination shall be a tabulation of the votes cast at each polling place in the county for each office and person entering into the canvass and listed in the statement, whether canvassed or not, as well as the total votes cast for each person and each office. If any votes were rejected, the reasons shall be specified.

(d) Each statement and determination issued under pars. (a) and (b) shall be certified as correct and attested to by each canvasser's signature. For state legislators, the statement shall include the post-office address and party designation.

(5) REPORTING. Immediately following the canvass the county clerk shall send the elections board, by certified mail with return receipt requested, a certified copy of each statement of the county board of canvassers for president and vice president, state officials, senators and representatives in congress, state legislators, justice, court of appeals judge and circuit judge. Following primaries the county clerk shall enclose on blanks furnished by the elections board, the names, party or principle designation, if any, and number of votes received by each candidate by voting wards or by municipalities, if not divided into wards.

(6) CERTIFICATE OF ELECTION. Immediately after expiration of the time allowed to file a petition for a recount the county clerk shall issue a certificate of election to each person having the largest number of votes for any county office

and any county judgeship unless the district consists of more than one county. The certificate notice shall state the amount of the required official bond, if any. When a petition for a recount is filed, the county clerk shall not issue the certificate of election for the office in question until the recount has been completed and the time allowed for filing an appeal has passed.

(7) PUBLICATION. After the certificates of election have been prepared under sub. (6), the county clerk shall publish the results for those offices in one or more newspapers in the county. The papers designated shall be paid by the county.

(8) REFERENDA. Whenever a question is submitted to the people by the state legislature, the vote for and against shall be canvassed, certified and recorded and statements certified and delivered the same as for state officials.

History: 1971 c. 304 s. 29 (2); 1973 c. 334 ss. 14, 57; 1975 c. 93, 199; 1977 c. 187, 427, 449.

7.70 State canvass. (1) RECORDING AND PRESERVING RETURNS. (a) Upon receipt of the certified statements from the county clerks, the elections board shall record the election results by counties and file and carefully preserve the statements.

(b) If any county clerk fails or neglects to forward any statements, the elections board may require the clerk to do so immediately and if not received within 8 days after a spring or special primary, or within 15 days after any other election, the elections board may dispatch a special messenger to obtain them. Whenever it appears upon the face of any statement that an error has been made in reporting or computing, the elections board may return it to the county clerk for correction.

(3) CANVASSING. (a) The board of state canvassers shall meet publicly at the state capitol or at the office of the elections board on or before the 2nd Thursday following a spring primary, the 15th day of May following a spring election, the 3rd Thursday following a September primary, the first day of December following a general election, the 2nd Thursday following a special primary, or within 25 days after any special election to canvass the returns and determine the election results.

(b) The board of state canvassers shall examine the certified statements of the county canvassers. If it appears any material mistake has been made in the computation of votes for any person, or any county canvassers failed to canvass the votes or omitted votes from any ward in the county, the board of state canvassers may dispatch a messenger to that county clerk with their written requirement to the county clerk to certify the facts concerning the

mistake or the reason why the votes were not canvassed. A clerk to whom the written requirement is delivered shall immediately make a true and full answer, sign it, affix the county seal and deliver it to the messenger. The messenger shall deliver it with all possible dispatch to the elections board.

(c) The board of state canvassers may adjourn as necessary but not more than 10 days in all.

(d) When the certified statements and returns are received, the board of state canvassers shall proceed to examine and make a statement of the total number of votes cast at any election for the offices involved in the election for president and vice president; a statement for each of the offices of governor, lieutenant governor, if a primary, and a joint statement for the offices of governor and lieutenant governor, if a general election; a statement for each of the offices of secretary of state, state treasurer, attorney general, and state superintendent; for U.S. senator; representative in congress for each congressional district; the state legislature; justice; court of appeals judge; circuit judge; and for any referenda questions submitted by the legislature.

(e) The board of state canvassers shall make a special statement to the elections board as soon as possible after the canvass certifying:

1. After each September primary, the name of each candidate not defeated in the primary, and the percentage of the total vote received. Such percentage shall be calculated within each district in the case of legislative candidates.

2. After the general election in years in which statewide officers are elected, the name of each political party which receives at least one percent of the vote cast in such election for any statewide office.

(f) The statements shall show the persons' names receiving votes, and any referenda questions; the whole number of votes given to each; and an individual listing by the districts or counties in which they were given. The names of persons not regularly nominated who received only a comparatively small number of votes may be omitted and their votes designated as scattering votes.

(g) The board of state canvassers shall certify the statements to be correct and shall determine what persons, by the largest number of votes, have been elected to the various offices. They shall likewise determine the outcome of any referenda questions. Each statement shall have the certificate of determination attached to it and shall be delivered to the elections board.

(h) Whenever a referendum question submitted to a vote of the people is approved, the

elections board shall record it and the secretary of state shall have the record bound in the volume containing the original enrolled laws passed at the next succeeding session of the legislature and have the record published with the laws thereof. Whenever a constitutional amendment or other validating or ratifying referendum which is adopted by the people does not expressly state the date of effectiveness, it shall become effective on the day after the last day which is allowed to file a petition for recount. If a recount is made, it shall become effective on the day after the last day which is allowed to file an appeal. If an appeal is filed, it shall become effective at the time the appellate court issues its decision unless the court finds any legal impediment to implementation.

(i) The board of state canvassers shall canvass only regular returns made by the county board of canvassers and shall not count or canvass any additional or supplemental returns or statements made by the county board or any other board or person. The board of state canvassers shall not count or canvass any statement or return which has been made by the county board of canvassers at any other time than that provided in s. 7.60. This provision does not apply to any return made subsequent to a recount under s. 9.01, when the return is accepted in lieu of any prior return from the same county for the same office; or to a statement given to the board of state canvassers or a messenger sent by it to obtain a correction.

(5) CERTIFICATES OF ELECTION. (a) The elections board shall record in its office each certified statement and determination made by the board of state canvassers. Immediately after the expiration of the time allowed to file a petition for recount, it shall make and transmit to each person declared elected, a certificate of election under the seal of the elections board and cause a copy of the certified statements and determinations to be published once in a newspaper under ch. 985. It shall also prepare similar certificates, attested by the executive secretary of the elections board, addressed to the U.S. house of representatives, stating the names of those persons elected as representatives to the

congress from this state. In the case of U.S. senators, the board shall prepare a certificate of election for the governor's signature, and the governor shall sign and affix the great seal of the state and transmit the certificate to the president of the U.S. senate. The certificate shall be countersigned by the secretary of state. If a person elected was elected to fill a vacancy, the certificate shall so state. When a valid petition for recount is filed, the elections board shall not certify a nomination or issue a certificate of election or determination until the recount has been completed and the time allowed for filing an appeal has passed.

(b) For presidential electors, the elections board shall prepare a certificate showing the determination of the results of the canvass and the names of the persons elected, and the governor shall sign, affix the great seal of the state and transmit the certificate by registered mail to the U.S. administrator of general services. The governor shall also prepare 6 duplicate originals of such certificate and deliver them to one of the presidential electors on or before the first Monday after the 2nd Wednesday in December.

History: 1971 c. 304 s. 29 (2); 1973 c. 334 ss. 15, 57; 1975 c. 93, 199; 1977 c. 107, 187, 427, 449.

7.75 Presidential electors meeting. The electors for president and vice president shall meet at the state capitol following the presidential election at 12:00 noon the first Monday after the 2nd Wednesday in December. If there is a vacancy in the office of an elector due to death, refusal to act, failure to attend or other cause, the electors present shall immediately proceed to fill by ballot, by a plurality of votes, the electoral college vacancy. When all electors are present, or the vacancies filled, they shall perform their required duties under the constitution and laws of the United States.

7.80 Notice of election. Personal service or service by first class mail of a certificate of election is official notification for all legal purposes to any person of his or her election to office.

History: 1977 c. 427.