

No. 532, S.]

[Published July 12, 1917.

**CHAPTER 621**

AN ACT to amend section 6.66 of the statutes, relating to recount proceedings.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section 6.66 of the statutes is amended to read: 6.66. (1) Whenever any candidate, or any elector who voted upon any constitutional amendment or upon any proposition voted for at any election, shall, on or before the last day of the meeting of the board of county canvassers, or, in case of an annual, special or referendum election in any city, town or village, within ten days after the result of such election is declared, file with the county clerk or with the city, town or village clerk, as the case may be, a verified petition setting forth that he was a candidate for a specified office or that he voted upon any such constitutional amendment or proposition at said election, and that he is informed and believes that a mistake or fraud has been committed in specified precincts in the counting or return of the votes cast for the office for which he was a candidate, or upon the matter voted upon, or specifying any other defect, irregularity or illegality in the conduct of said election, said board of county, city, town or village canvassers, as the case may be, shall forthwith proceed to ascertain and determine the facts alleged in said petition and make correction accordingly and recount the ballots in every precinct so specified in accordance therewith. Such petition shall first be served, as a summons is served in a court of record, upon all opposing candidates and if such petition pertains to a constitutional amendment or proposition voted upon, the petition need be served upon no one other than the said clerk. Such petition and proof of service thereof shall be filed with the \* \* \* said clerk, together with a fee of two dollars for each precinct in which a recount of the ballots is demanded in such petition. The petitioner and all opposing candidates or persons interested therein shall be entitled to be present in person and by counsel and observe the proceedings.

(2) Each member of said board of canvassers, for the purposes mentioned in this section, shall have power to administer oaths, certify to official acts and issue subpoenas, and the provisions of section 1797—13, with regard to compelling the attendance of witnesses, shall apply to the proceedings before

such board, except that the fees of witnesses shall be paid by the county.

(3) Within five days after the determination of said board, any candidate, *or any elector who voted upon such constitutional amendment or proposition, as the case may be*, aggrieved thereby may appeal therefrom to the circuit court of said county, by serving a notice in writing to that effect upon such other candidates \* \* \* *or persons who filed written notices of appearance with said board*. Such notice shall be filed with the clerk of the circuit court, together with an undertaking by the appellant, with surety *and in an amount* to be approved by the clerk of said court or the judge thereof, conditioned for the payment of all costs taxed against said appellant. The circuit judge shall forthwith issue an order directing the \* \* \* clerk of said county, *or of said city, town or village*, to transmit to the clerk of said court forthwith all ballots, papers and records affecting such appeal and fixing a time and place for hearing thereon, in open court or at chambers, or before a referee, not later than five days from the making of such order. Such order shall be served upon the county clerk, *or the city, town or village clerk, as the case may be*, and all such other candidates *or persons* who have appeared before said board. A reference may be ordered upon any or all questions. At the time and place so fixed the matter shall be summarily heard and determined and the costs taxed as in other civil actions.

(4) Nothing in this section shall be construed to abrogate any right or remedy that any candidate may now have affecting the trying of title to office.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 10, 1917.

No. 549, S.]

[Published July 12, 1917.

## CHAPTER 622

AN ACT to renumber the present chapter 12b of the statutes relating to constitutional state officers, and to renumber and revise the sections of said chapter.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The number and title of chapter 12b of the statutes are amended to read: