

register of deeds the secretary of state shall issue a certificate of amendment.

Approved July 12, 1945.

No. 628, A.]

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CHAPTER 466.

AN ACT to amend Section 40.07 (1a) (2) (4) and (4a) and to create 40.07 (2a) of the statutes, relating to election and term of members of common school district boards and referendum elections in common school districts.

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

SECTION 1. Section 40.07 (1a) is amended to read:

Section 40.07 (1a) Any school district with a population of * * * *two thousand or more* * * * may, at any annual school district meeting or at any special school district meeting called for such specific purpose, by resolution adopted by a majority of the ballots cast in favor of such resolution, substitute for its district board consisting of three members a board consisting of five members to be elected at the next ensuing annual meeting or at the next ensuing annual referendum election as follows: The two members whose terms have not expired shall complete their respective terms and the respective offices for which they were elected. Three members who shall be electors of the district shall be elected, the one receiving the greatest number of votes for a term of three years, the second highest for a term of two years and the third highest for a term of one year. In case of a tie vote the election shall be determined by lot. Thereafter each member who shall be an elector of the district shall be elected for a term of three years and until his successor is elected and qualifies. Said board at its first regular meeting following the annual meeting shall elect officers of the board from its members as follows each for a term of one year: A director, a clerk and a treasurer, except as above stated. All provisions of this chapter relating to the powers and duties of the school district board and of the officers of the school district shall apply to the board and the director, clerk and treasurer provided for by this subsection. All members of such board shall be officers of the district, and the compensation of the

director, clerk, treasurer and other members of the board shall be the amount fixed at each annual district meeting for the ensuing year.

SECTION 2. Section 40.07 (2) is amended to read:

Section 40.07 (2) * * * *when a petition signed by 100 electors in any common school district asking that the district officers be chosen at an election * * * shall be filed with the district clerk at least 30 days prior to the annual meeting date, the clerk shall incorporate, in his notice of the annual district meeting a statement that such election * * * will be held and shall within 3 days after filing of such petition, publish notice of the filing of such petition in 4 public places in the school district or in a newspaper having general circulation in the district; and that the polls will be open therefor from 3 p. m. to 8 p. m. of the annual meeting day; except that in counties having a population of 500,000 or more, the polls shall be open from 1 p. m. to 8 p. m. and except that in * * * any county the polls may be open from 1 p. m. to 8 p. m. on the day of the annual school meeting. Whenever such petition asking that the district officers shall be chosen at an election shall be filed as hereinbefore provided, such election shall be held annually thereafter, unless * * * the electors shall by resolution adopted pursuant to a petition requesting a return to the former procedure of electing district officers or a change to another date provided by law, filed as hereinbefore provided, determine otherwise. If in such petition or in any separate petition a request is made for more than one polling place, the board shall provide polling places to the number requested, not exceeding the number of election precincts in the district.*

SECTION 3. Section 40.07 (2a) is created to read:

Section 40.07 (2a) When a petition signed by 100 electors in any common school district asking that a referendum be held on a special subject or item of business shall be filed with the district clerk at least 30 days prior to the day when the district officers are elected, the clerk shall incorporate such referendum subject or item of business in his notice of election or notice of the annual meeting as the case may be. He shall prepare the proper ballot to permit voting on such referendum subject.

SECTION 4. Section 40.07 (4) is amended to read:

Section 40.07 (4) The election shall be by ballot, and suitable

ballot boxes shall be provided. The provisions of sections 11.54 to 11.68 shall apply to the operation of this section so far as applicable. Except in counties having a population of 500,000 or more, the polls shall be open from 1 p. m. to 8 p. m., and except that in * * * *any county* the polls may be open from 1 p. m. to 8 p. m. The time of opening and closing the polls and the place of holding the election shall be specified in the notice, but a failure to so specify the time and the place shall not invalidate the election.

SECTION 5. Section 40.07 (4a) is amended to read:

Section 40.07 (4a) * * * The board may establish such additional polling places for the election of board members as it may deem necessary. Whenever practical, such polling places shall be established in the building where the annual school meeting is held. In such counties, the board shall also provide for an official ballot for the election of board members upon which shall be printed only the name of each person who files with the district clerk a written declaration of his candidacy at least 20 days prior to the date of such election. Such primary and regular election ballots shall be so arranged as to admit of any other person being voted for by the elector if he so desires, and if more than 2 candidates have filed for any school district office, the clerk shall have ballots printed and shall within 3 days after the last legal date for filing such candidacy cause notice to be published as specified in subsection (2) which notice shall state that a primary election will be held at the district polling place 10 days preceding the date of the annual meeting, except if such day should be a legal holiday, the notice of such primary election shall be for the day preceding the holiday. Two copies of the results of the canvass of the vote of such primary election shall be made by the inspectors and signed by them. One copy, together with one registry of voters, shall be sealed in a ballot box to be retained for 60 days by an inspector of the election who was not a candidate, and the other shall be forwarded to the district clerk. The district clerk shall cause ballots to be prepared for the regular election on which shall appear the names of the 2 persons receiving the highest and next to the highest number of votes respectively in the primary.

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