

1 **AN ACT** *to amend* 10.01 (2) (c), 10.02 (2) (a), 10.03, 10.04 (1) and (2), 10.05, 10.07
 2 (1), 10.66 (4) (L) and 10.66 (5) (L) 1.; and *to create* 10.04 (3) (c) of the statutes;
 3 **relating to:** publication of election notices in local government newsletters.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council’s special committee on election law review.

Generally, under current law, election notices may be published only in newspapers qualified under ch. 985, stats., relating to publication of legal notices, public newspapers, and fees.

County clerks are required to publish election notices in all newspapers published within the county that qualify under ch. 985, stats., unless the county board provides otherwise by resolution. The board of election commissioners or governing body of a municipality may authorize by resolution the publication of election notices in more than one newspaper. Whenever an election notice is required to be published on a specific date and a weekly newspaper is chosen for publication, the notice must appear in the newspaper’s closest preceding issue.

Additionally, under current law, whenever an election notice is required to be published, a village, town, or school district may post 3 notices in lieu of newspaper publication whenever there is not a newspaper published within the village, town, or school district or whenever the governing body of a village, town, or school district chooses to post in order to supplement notice provided in a newspaper.

This draft provides for an alternative form of publication of election notices. Under the draft, a county or municipality may, instead of publishing a required election notice in a newspaper, publish the notice by including it in a newsletter produced by the county or municipality if the newsletter is mailed to all residents of the county or municipality. However, if the statutes require a notice to be published on a specific date and the notice is made via a newsletter, the draft requires the newsletter to be mailed to all residents so that it is received as reasonably close to the specified date of publication as possible.

The draft contains an effective date of January 1, 2006.

1 **SECTION 1.** 10.01 (2) (c) of the statutes is amended to read:

2 10.01 (2) (c) Type C—The type C notice shall be entitled “Notice of Referendum”. The
3 notice shall be given whenever a referendum is held. The notice shall contain the date of the
4 referendum, the entire text of the question and the proposed enactment, if any, as well as an
5 explanatory statement of the effect of either a “yes” or “no” vote. For state questions, the
6 statement shall be prepared by the attorney general. For county questions, the statement shall
7 be prepared by the corporation counsel. For other questions, the statement shall be prepared
8 by the attorney for the jurisdiction in which the question is submitted. County clerks and, for
9 questions submitted by municipalities or special purpose districts, the clerk of the
10 municipality or special purpose district shall publish the type C notice once at the same time
11 that the type B notice is published. The type C notice shall be printed in the newspaper or
12 newsletter as close as possible to that portion of the type B notice showing the facsimile
13 referendum ballot.

14 **SECTION 2.** 10.02 (2) (a) of the statutes is amended to read:

15 10.02 (2) (a) The headline or caption, the introductory paragraph and the voting
16 instructions shall be printed once at the beginning of the notice followed by a facsimile of each
17 ballot to be used at the election. The headline or caption shall be conspicuously displayed, but
18 the caption together with the necessary spacing above and below shall not exceed 1 1/4 inches
19 in depth. The introductory paragraph and voting instructions shall be set solid in the type of
20 the regular reading matter of the newspaper or newsletter but no smaller than 5 1/2–point nor
21 larger than 10–point type.

22 **SECTION 3.** 10.03 of the statutes is amended to read:

1 **10.03 Cross-references required.** Whenever possible the complete election notice
2 shall appear on a single page of the newspaper or newsletter. If this is impracticable, a footnote
3 in 12-point caps shall indicate the page where the notice is continued. At the top of each
4 succeeding page, or column of the notice, shall appear in 12-point caps and figures the
5 notation, “For information to Electors and other facsimile ballots, see page”.

6 **SECTION 4.** 10.04 (1) and (2) of the statutes are amended to read:

7 10.04 ~~Newspaper selection~~ **Where notices published and fees.** (1) Election notices
8 required by law to be published may be published only in newspapers qualified under ch. 985
9 or in newsletters produced by the county or municipality responsible for publishing the notice
10 if the newsletter is mailed to all residents of the county or municipality.

11 (2) (a) County clerks shall publish election notices in all newspapers published within
12 the county that qualify under ch. 985 unless notice is published in a newsletter produced by
13 the county that is mailed to all residents of the county or unless the county board provides
14 otherwise by resolution.

15 **SECTION 5.** 10.04 (3) (c) of the statutes is created to read:

16 10.04 (3) (c) Whenever, in chs. 5 to 12, provision is made for the publication of a notice
17 on a specific date and a newsletter is used as the means of publication under sub. (1), the
18 newsletter shall be mailed to all residents so that it is received as reasonably close to the
19 required date of publication as possible.

COMMENT: This SECTION requires a newsletter that is used to satisfy a
publication requirement that calls for publication on a specific date to be
mailed so that it is received as reasonably close to the required
publication date as possible. Is this requirement adequate? Should the
draft require mailing a specific number of days in advance of the
required publication date instead?

20 **SECTION 6.** 10.05 of the statutes is amended to read:

1 **10.05 Posting of notice.** Unless specifically designated elsewhere, this section applies
2 to villages, towns and school districts. Whenever a notice is required to be published, a village,
3 town or school district may post 3 notices in lieu of publication under ch. 985 whenever there
4 is not a newspaper published within the village, town or school district and whenever the
5 governing body of the village, town, or school district chooses not to publish notice in a
6 newsletter mailed to all residents of the village, town, or school district, or whenever the
7 governing body of the village, town or school district chooses to post in order to supplement
8 notice provided in a newspaper. Whenever the manner of giving notice is changed by the
9 governing body, the body shall give notice of the change in the manner used before the change.
10 Whenever posting is used, the notices shall be posted no later than the day prescribed by law
11 for publication, or if that day falls within the week preceding the election to be noticed, at least
12 one week before the election. All notices given for the same election shall be given in the same
13 manner.

14 **SECTION 7.** 10.07 (1) of the statutes is amended to read:

15 10.07 (1) Except as provided in sub. (2) in the case of voting machine ballots, whenever
16 any county clerk or municipal or school district clerks within the same county ~~are directed to~~
17 publish any notice or portion of a notice under this chapter on the same date in the same
18 newspaper to satisfy a requirement of this chapter, the text of which is identical, the clerks may
19 publish one notice only. The cost of publication of such notice or the portion of the notice
20 required shall be apportioned equally between the county and each municipality or school
21 district sharing in its publication.

22 **SECTION 8.** 10.66 (4) (L) of the statutes is amended to read:

1 10.66 (4) (L) *Thursday before primary*. The Thursday before the spring primary is the
2 latest posting may be substituted for newspaper publication in villages, towns and school
3 districts taking part in the spring primary. See s. 10.05.

4 **SECTION 9.** 10.66 (5) (L) 1. of the statutes is amended to read:

5 10.66 (5) (L) 1. The Tuesday before spring election is the latest date posting may be
6 substituted for newspaper publication in villages, towns and school districts taking part in the
7 spring election. See s. 10.05.

8 **SECTION 10. Initial applicability.**

9 (1) The treatment of sections 10.01 (2) (c), 10.02 (2) (a), 10.03, 10.04 (1) and (2), 10.05,
10 10.07 (1), 10.66 (4) (L), 10.66 (5) (L) 1., and 10.04 (3) (c) by this act first applies to election
11 notices required to be published on or after the effective date of this act.

12 **SECTION 11. Effective date.** This act takes effect on January 1, 2006.

13 (END)