

**2007 DRAFTING REQUEST**

**Bill**

Received: **02/14/2007**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Gary Tauchen (608) 266-3097**

By/Representing: **Craig Arrowood**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Tauchen@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Eliminate straight party ticket voting option

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**Instructions:**

Per 2001 AB-641.

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 04/23/2007	lkunkel 04/26/2007		_____			Local
/1			rschluet 04/27/2007	_____	sbasford 04/27/2007	cduerst 09/28/2007	

FE Sent For: **06/13/2007.**

<END>

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/?	jkuesel 04/23/2007	lkunkel 04/26/2007		_____			Local
/1			rschluet 04/27/2007	_____	sbasford 04/27/2007		

FE Sent For:

"1" sent for 6-13-2007 per <END> Craig Arrowood

DNITRE

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Wanted: As time permits

Identical to LRB:

For: Gary Tauchen (608) 266-3097

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May Contact:

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Subject: Elections - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Tauchen@legis.wisconsin.gov

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Pre Topic:

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Topic:

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1/1	jkuesel 4/23/07	1/1mk 4/26					

FE Sent For:

<END>

NOTE

2007  
2001-2002 LEGISLATURE

-1932/1  
LRB-3617/1

RJM&JTK:rs&cmh:pg

lmk

wanted by Mon 4/30

## 2001 ASSEMBLY BILL 641

November 16, 2001 - Introduced by Representatives WALKER, GRONEMUS, LADWIG, GUNDRUM, WASSERMAN, KREIBICH, STARZYK, GUNDERSON, URBAN, MUSSER, SYKORA, SKINDRUD and STONE, cosponsored by Senator DARLING. Referred to Committee on Campaigns and Elections.

LPS: PLS PWF

(regenerate)

1 AN ACT ~~to repeal~~ 5.91 (2) and 7.50 (2) (a); and ~~to amend~~ 5.37 (1), 5.64 (1) (a) and  
2 (b), 5.81 (2) and 10.02 (3) (b) 1 of the statutes; **relating to:** eliminating the  
3 authority for certain electors to vote a straight party ticket. ✓

### Analysis by the Legislative Reference Bureau

Under current law, at the general election, an elector may vote a straight party ticket for the candidates of any party that has a separate ballot or column on the ballot. ✓

This bill eliminates the authority for any elector, other than an overseas or military elector, to vote a straight party ticket. This bill first applies to elections held on July 1, 2002 with respect to the 2008 general elections. <sup>political</sup> <sup>The</sup>

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

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

4 SECTION 1. 5.37 (1) of the statutes is amended to read:  
5 5.37 (1) Voting machines shall give every elector a reasonable opportunity to  
6 vote for any person for any office and on any proposition the elector is entitled to vote

Under federal law, an overseas or military elector may vote a straight party ticket on a write-in absentee ballot for national offices.

**ASSEMBLY BILL 641**

1 on, assure privacy to the elector so no one will know how the elector is voting or has  
 2 voted, preclude the electors from voting for persons or propositions upon which they  
 3 are not entitled to vote and from voting more than once for the same office or on the  
 4 same proposition. Voting machines shall be constructed to lock so they cannot be  
 5 manipulated, tampered with, or show the number of votes registered for any  
 6 candidate or proposition while voting is in progress. The machines shall provide a  
 7 method for electors to vote a straight party ticket, shall permit voting a split ticket  
 8 and shall record each vote cast.

*Inc*  
*2-8*

9 **SECTION 2.** 5.64 (1) (a) and (b) of the statutes are amended to read:

10 ~~5.64 (1) (a) The ballot shall permit an elector to vote a straight party ticket for~~  
 11 ~~president and vice president, whenever those offices are contested, and for all~~  
 12 ~~statewide, congressional, legislative and county offices, to vote for individual~~  
 13 ~~candidates for each office or to vote for a person whose name does not appear on the~~  
 14 ~~ballot for any office. When voting for president and vice president, the ballot shall~~  
 15 ~~permit an elector to vote only for the candidates on one ticket jointly or to write in~~  
 16 ~~the names of persons in both spaces. When voting for governor and lieutenant~~  
 17 ~~governor, the ballot shall permit an elector to vote only for the candidates on one~~  
 18 ~~ticket jointly or to write in the names of persons in both spaces.~~

19 *5.64(1)(b)* The names of the candidates for the offices of president and vice president  
 20 that are certified under s. 8.16 (7) or that are contained in nomination papers filed  
 21 under s. 8.20 shall appear on the ballot in the form prescribed in s. 7.08 (2) (a). The  
 22 names of the candidates on the regular party tickets nominated at the primary or  
 23 replacements appointed under s. 8.35 (2) shall appear in a separate column under  
 24 the party designation. The columns shall be arranged from left to right according to  
 25 rank, based on the number of votes received by each party's candidate for president

*SECTION # Am; 5.64(1)(b)*

**ASSEMBLY BILL 641**

1 or governor at the last general election beginning with the party that received the  
 2 most votes. To the right of the columns for parties qualifying under s. 5.62 (1) (b) shall  
 3 be placed the columns for parties qualifying under s. 5.62 (2) in the same order in  
 4 which the parties filed petitions with the board. Any column required under par. (e)  
 5 2. shall be placed next in order. To the right of the party columns shall be a column  
 6 for the names of independent candidates for each office, or more than one column if  
 7 the first column does not provide sufficient space for the names of all such  
 8 candidates.

9 **SECTION 3.** ~~5.81 (2)~~ of the statutes is amended to read:

10 5.81 (2) When an electronic voting system utilizes a ballot label booklet and  
 11 ballot card, ballots for candidates and ballots on referenda may be placed on the  
 12 voting device by providing in the ballot booklet separate ballot label pages or series  
 13 of pages distinguished by differing colors. Whenever practicable, all candidates for  
 14 the same office shall appear in the booklet on the same page or facing pages. More  
 15 than one question may be placed on the same ballot page or series of pages. In  
 16 elections where provision is made for straight party voting, the designation of the  
 17 political parties for straight party voting shall be on a separate page on which no  
 18 names of candidates may appear. On each succeeding page of the candidate booklet,  
 19 where the ballot information is listed vertically, the party affiliation of each  
 20 candidate or the designation "independent" or the candidate's statement of  
 21 principles, if any, shall appear next to the candidate's name, and the name of  
 22 candidates for the same office shall be listed vertically under the title of that office.

23 **SECTION 4.** 5.91 (2) of the statutes is repealed.

24 **SECTION 5.** 7.50 (2) (a) of the statutes, ~~as affected by 2001 Wisconsin Act 16,~~ is  
 25 repealed.

ASSEMBLY BILL 641

1 SECTION 6. 10.02 (3) (b) 1. of the statutes is amended to read:

2 10.02 (3) (b) 1. ~~If an elector wishes to vote for all candidates nominated by any~~  
3 ~~party, the elector shall make a cross (7) or depress the lever or button next to the party~~  
4 ~~designation shown at the top of the ballot. Unless a name has been erased or crossed~~  
5 ~~out, another name written in, a cross made next to the name of a candidate for the~~  
6 ~~same office in another column or a sticker applied, a cross next to a party designation~~  
7 ~~at the top of the column is a vote for all the party's candidates listed in the column.~~  
8 ~~If an elector does not wish to vote for all the candidates nominated by one party, the~~  
9 The elector shall make a cross (7) next to or separately depress the levers or buttons  
10 next to each candidate's name for whom he or she intends to vote, or shall insert or  
11 write in the name of a candidate.

X ← bold  
↓

12 SECTION 7. Initial applicability.

13 (1) This act first applies to elections held on July 1, 2002.

14 2008 general elections  
(END)

with respect to voting at the

(dn)

RMS  
4/11

2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1932/lins  
JTK.....

INS 2-8:

~~SECTION 1.~~ <sup>WA</sup> 5.64 (1) (ar) 1. a. of the statutes is repealed.

~~SECTION 2.~~ 5.64 (1) (ar) 1m. of the statutes is created to read:

5.64 (1) (ar) 1m. When voting for president and vice president, the ballot shall permit an elector to vote only for the candidates on one ticket jointly or to write in the names of persons in both spaces. ✓

INS 4-11:

~~SECTION 3.~~ 10.02 (3) (c) of the statutes is amended to read:

10.02 (3) (c) In presidential elections, ~~unless the elector wishes to vote for all candidates nominated by any party,~~ the elector shall make a cross (x) <sup>↙ bold</sup> next to or depress the button or lever next to the set of candidates for president and vice president for whom he or she intends to vote. A vote for candidates for president and vice president is a vote for the presidential electors of those candidates.

**History:** 1971 c. 304 s. 29 (2); 1973 c. 334 s. 57; 1975 c. 85, 199; 1977 c. 107, 427, 447; 1979 c. 311; 1981 c. 377; 1983 a. 484 ss. 119, 172 (3); 1985 a. 304; 1989 a. 31; 1997 a. 250; 1999 a. 182; 2003 a. 265; 2005 a. 451.

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

-1932/1dn  
LRB-3617/1dn  
RTM&JTK:fs&cmh:pg  
mk

October 2, 2001  
(date)

Representative Takken

This bill is generally the same as 1999 AB-598, except that this bill will first apply to the 2002 general election. Also, some of the technical changes contained in 1999 AB-598 were enacted in 1999 Act 182. Those changes are therefore not included in this bill.

Like 1999 AB-598, this bill raises an issue with respect to absentee voting by overseas and military electors. Currently, overseas electors may vote only in elections for national office, including the September primary, whereas military electors may vote in any election. Under ss. 6.22 and 6.24, stats., these electors may receive standard absentee ballots listing the names of the candidates for each office for which these electors are allowed to vote. In addition, because overseas and military electors may not receive these standard absentee ballots in time to vote in the applicable election, under s. 6.25, stats., these electors may also receive write-in absentee ballots that list only the offices for which the electors may vote at the upcoming election. Because write-in absentee ballots do not list any candidates, they can be mailed to overseas and military electors earlier than standard absentee ballots and, thus, can more easily be returned on time.

Also, with certain exceptions, federal law requires states to allow overseas and military electors to cast their votes for candidates for national office by using federal write-in absentee ballots. Federal write-in absentee ballots allow overseas and military electors either to write in a candidate or to write in the political party whose eventual candidate the electors choose. See 42 USC 1973ff-2 (c) (1) and s. 6.25 (1), stats. In addition, under s. 6.25 (2) and (3), stats., this state permits overseas and military electors to use a similar state write-in absentee ballot for any applicable election.

This bill does not eliminate the authority for overseas and military electors using a state or federal write-in absentee ballot to write in a political party rather than a candidate. Eliminating this authority would require some overseas and military electors to write in a candidate at a time when the candidates for the election may not be known. In addition, federal approval is required in order to eliminate this authority as it applies to the use of a state or federal write-in absentee ballot in elections for national office. See 42 USC 1973ff-2 (e).

Please let us know if this bill is inconsistent with your intent or if you want to discuss the procedure for obtaining this federal approval.

If you have any question regarding the draft.

JTK

*in elimination of straight-party ticket voting in national elections*  
*overseas or military*  
*might*  
*an*  
*the names of*  
*the name of*  
*the name of*  
*names of the*  
*law would need to be changed*

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1932/1dn  
JTK:lmk:rs

April 27, 2007

Representative Tauchen:

The elimination of straight-party ticket voting in national elections raises an issue with respect to absentee voting by overseas and military electors. Currently, overseas electors may vote only in elections for national office, including the September primary, whereas military electors may vote in any election. Under ss. 6.22 and 6.24, stats., overseas or military electors may receive standard absentee ballots listing the names of the candidates for each office for which these electors are allowed to vote. In addition, because overseas and military electors might not receive these standard absentee ballots in time to vote in the applicable election, under s. 6.25, stats., these electors may also receive write-in absentee ballots that list only the offices for which the electors may vote at an election. Because write-in absentee ballots do not list the names of any candidates, they can be mailed to overseas and military electors earlier than standard absentee ballots and, thus, can more easily be returned on time.

Also, with certain exceptions, federal law requires states to allow overseas and military electors to cast their votes for candidates for national office by using federal write-in absentee ballots. Federal write-in absentee ballots allow overseas and military electors either to write in the name of a candidate or to write in the name of the political party whose eventual candidate the electors choose. See 42 USC 1973ff-2 (c) (1) and s. 6.25 (1), stats. In addition, under s. 6.25 (2) and (3), stats., this state permits overseas and military electors to use a similar state write-in absentee ballot for any applicable election.

This bill does not eliminate the authority for overseas and military electors using a state or federal write-in absentee ballot to write in a political party rather than a candidate. Eliminating this authority would require some overseas and military electors to write in the name of a candidate at a time when the names of the candidates for the election may not be known. In addition, federal law would need to be changed to eliminate this authority as it applies to the use of a state or federal write-in absentee ballot in elections for national office. See 42 USC 1973ff-2 (e).

Please let me know if this draft is not in accord with your intent or if you have any question regarding the draft.

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

**Barman, Mike**

---

**From:** Kuesel, Jeffery  
**Sent:** Wednesday, June 13, 2007 9:43 AM  
**To:** Barman, Mike  
**Subject:** LRB-1932

Mike,

Please send EM copies of the above draft to Rep. Tauchen and his aide, Craig Arrowood. Thanks.  
Jeff

## Barman, Mike

---

**From:** Barman, Mike  
**Sent:** Wednesday, June 13, 2007 9:56 AM  
**To:** Arrowood, Craig  
**Cc:** Rep.Tauchen  
**Subject:** LRB 07-1932/1 (un-introduced) (attached - requested by Craig)

**Attachments:** 07-1932/1; 07-1932/1dn



07-19321.pdf (21  
KB)



07-19321dn.pdf  
(11 KB)

**Mike Barman (Senior Program Assistant)**  
State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)

## **Barman, Mike**

---

**From:** Barman, Mike  
**Sent:** Friday, September 28, 2007 11:02 AM  
**To:** Arrowood, Craig  
**Subject:** RE: LRB 07-1932/1 (un-introduced) (attached - requested by Craig)

Sure ... we will Jacket it for the Assembly and send it over to your office later today.

**Mike Barman (Senior Program Assistant)**  
State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)

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**From:** Arrowood, Craig  
**Sent:** Friday, September 28, 2007 10:22 AM  
**To:** Barman, Mike  
**Subject:** RE: LRB 07-1932/1 (un-introduced) (attached - requested by Craig)

Mike-

Is it possible to receive a jacketed form of LRB 07-1932/1? I don't believe we ever ordered one.

Thanks-

Craig Arrowood  
Legislative Aide Representative Tauchen

---

**From:** Barman, Mike  
**Sent:** Wednesday, June 13, 2007 9:56 AM  
**To:** Arrowood, Craig  
**Cc:** Rep.Tauchen  
**Subject:** LRB 07-1932/1 (un-introduced) (attached - requested by Craig)

<< File: 07-1932/1 >> << File: 07-1932/1dn >>

**Mike Barman (Senior Program Assistant)**  
State of Wisconsin - Legislative Reference Bureau

# Memo

To: Representative **Tauchen**

(The Draft's Requester)

**Per your request ... the attached fiscal estimate was prepared for your un-introduced 2007 session draft.**

**LRB Number: 2007 LRB-1932**

**Version: "/1"**

**Fiscal Estimate Prepared By: (agency abbr.) ELB**

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 06 / 18 / 2007

\* \* \* \* \*

**To: LRB - Legal Section PA's**

**Subject:** *Fiscal Estimate Received For An Unintroduced Draft*

> **If redrafted ...** please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.

> **If introduced ...** and the version of the attached fiscal estimate is for a **previous version ...** please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Christina) get the ball rolling on getting a fiscal estimate prepared for the introduced version.

> **If introduced ...** and the version of the attached fiscal estimate is for the **current version ...** please write the draft's introduction number below and give to Mike (or Christina) to process.

**THIS DRAFT WAS INTRODUCED AS: 2007** AB - 587

## Barman, Mike

---

**From:** Barman, Mike  
**Sent:** Monday, June 18, 2007 10:48 AM  
**To:** Rep.Tauchen  
**Cc:** Arrowood, Craig  
**Subject:** LRB 07-1932/1 (un-introduced) (FE by ELB - attached - for your review)

**Attachments:** FE\_Tauchen.PDF



FE\_Tauchen.PDF  
(380 KB)

**Mike Barman (Senior Program Assistant)**  
State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)