

2011 DRAFTING REQUEST

Senate Amendment (SA-AB7)

Received: **05/17/2011**

Received By: **jkuesel**

Wanted: **Soon**

Companion to LRB:

For: **Tim Carpenter (608) 266-8535**

By/Representing: **Stuart Ewy**

May Contact:

Drafter: **jkuesel**

Subject: **Elections - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Carpenter@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Split ticket voting in primaries authorized

Instructions:

Per LRB-0090/1.

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 05/17/2011			_____			
/1		csicilia 05/17/2011	phenry 05/17/2011	_____	lparisi 05/17/2011	lparisi 05/17/2011	

FE Sent For:

<END>

D Notes

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1/1	jkuesel 5/17/11	1 cjs 5/17/11	8/17/11 ph	ph Ple			

FE Sent For: <END>

Kuesel, Jeffery

To: LRB.Legal
Subject: RE: Correction!! Rush Amendment for Voter ID - AB-7

Stuart,
I have your request and we are working on it.

Jeffery T. Kuesel
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 266-6778
Jeffery.Kuesel@legis.wisconsin.gov

From: LRB.Legal
Sent: Tuesday, May 17, 2011 4:52 PM
To: Kuesel, Jeffery
Subject: FW:Correction!! Rush Amendment for Voter ID

Gigi Godwin, Program Assistant
State of Wisconsin - Legislative Reference Bureau
1 East Main Street, Suite 200
Madison, WI 53703
(608) 266-3561
Gigi.Godwin@legis.wisconsin.gov

From: Ewy, Stuart
Sent: Tuesday, May 17, 2011 4:50 PM
To: LRB.Legal; Kuesel, Jeffery
Subject: FW: Rush Amendment for Voter ID

AB 7!
Sorry.
Stuart

From: Ewy, Stuart
Sent: Tuesday, May 17, 2011 4:43 PM
To: Kuesel, Jeffery; LRB.Legal
Subject: Rush Amendment for Voter ID

Hello--

I apologize for the last minute request, but Tim would like to know if you can draft LRB 0090/1 as an amendment to AB 6, being debated right now.

Here is a copy of the LRB

<< File: 11-00901.pdf >>
When this is drafted, can it be delivered directly to the floor?

Thank you very much.

Regards,

G. Stuart Ewy
Office of Senator Tim Carpenter
State Capitol 19 S
608.266.8535



DNOTE
State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa1067/7

JTK.../.....

Tues/17 7:15 PM

1
gls

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SENATE AMENDMENT,
TO 2011 ASSEMBLY BILL 7

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 2, as follows:

3 (END)



2011 BILL

(4) # Page 2, line 16: after "ticket;" insert ^{no 9}

1 AN ACT *to repeal* 5.35 (6) (b), 5.51 (7), 5.81 (4), 5.91 (6), 7.50 (1) (d) and 8.50 (3)

2 (c); and *to amend* 5.02 (16m), 5.15 (6) (b), 5.37 (4), 5.62 (1) and (2), 5.62 (3) and

3 (5), 5.655 (1), 5.84 (1), 5.91 (1) and (3), 6.80 (2) (am), 6.80 (2) (f), 6.87 (4), 7.08

4 (2) (b), 7.50 (2) (g), 8.16 (1), (6) and (7), 8.17 (1) (a), 8.20 (9), 8.50 (3) (b), 9.10 (3)

5 (e), 10.02 (3) (b) 2. and 2m., 11.06 (7m) (a), 11.31 (3m), 11.50 (1) (a) 1. and 11.50

6 (1) (a) 2. of the statutes; ~~relating to~~ authorization for electors to vote in the

7 primary of more than one political party; _{no 9}

Analysis by the Legislative Reference Bureau

Presently, a voter in a partisan primary election may cast a ballot or vote in the column of only one major political party, regardless of the number of candidates who are running for office in that party, if any. Alternatively, a voter in the September primary may vote for any of the independent candidates for state office, but if the voter chooses this option, he or she may not vote for any party candidates for any office. (Candidates of minor parties appear on the ballot as independent candidates.)

This bill permits a voter in the September primary and other partisan primaries to "split tickets," designating the candidate of his or her choice for each office, including the offices of governor and lieutenant governor, regardless of party affiliation. The bill also allows a voter to vote for independent candidates for one or more state offices in the September primary, in addition to party candidates for one

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or more state or county offices. Under the bill, a voter may still vote for only one candidate for each office. The voting procedure at the general election and other partisan elections is unaffected by the bill.

The bill initially applies to voting at the 2012 September primary election.

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

⑨ # Page 9, line 14: after that line insert:

1 ✓ SECTION 1. 5.02 (16m) of the statutes is amended to read:

2 5.02 (16m) "Recognized political party" means a political party which qualifies
3 for a separate ballot or column or row on partisan primary and election ballots under
4 s. 5.62 (1) (b) or (2).

5 SECTION 2. 5.15 (6) (b) of the statutes is amended to read:

6 5.15 (6) (b) No later than 60 days before each September primary and general
7 election, and no later than 30 days before each other election the governing body of
8 any municipality may by resolution combine 2 or more wards for voting purposes to
9 facilitate using a common polling place. Whenever wards are so combined, the
10 original ward numbers shall continue to be utilized for all official purposes. Except
11 as otherwise authorized under this paragraph, every municipality having a
12 population of 35,000 or more shall maintain separate returns for each ward so
13 combined. In municipalities having a population of less than 35,000, the governing
14 body may provide in the resolution that returns shall be maintained only for each
15 group of combined wards at any election. Whenever a governing body provides for
16 common ballot boxes and ballots or voting machines, separate returns shall be
17 maintained for each separate ballot required under ~~ss. 5.62 and s. 5.64~~ at the
18 ~~September primary and general election~~. The municipal clerk shall transmit a copy
19 of the resolution to the county clerk of each county in which the municipality is
20 contained. In municipalities having a population of less than 35,000, the resolution

BILL

1 shall remain in effect for each election until modified or rescinded, or until a new
2 division is made under this section.

3 ~~SECTION 5.35 (6) (b) of the statutes is repealed.~~ *Handwritten: after that line insert.*

4 ~~SECTION 5.37 (4) of the statutes is amended to read:~~ *Handwritten: after that line insert.*

5 5.37 (4) Voting machines may be used at primary elections when they comply
6 with subs. (1) and (2) and the following provisions: All candidates' names. Each
7 candidate's name entitled to appear on the ballots ballot at the primary and the party
8 that he or she represents shall appear on the machine; ~~the elector cannot vote for~~
9 ~~candidates of more than one party, whenever the restriction applies, and an elector~~
10 ~~who votes for candidates of any party may not vote for independent candidates at the~~
11 ~~September primary; the elector may secretly select the party for which he or she~~
12 ~~wishes to vote, or the independent candidates in the case of the September primary;~~
13 ~~the.~~ The elector may vote for as many candidates for each office as he or she is
14 lawfully entitled to vote for, but no more.

15 SECTION 5.51 (7) of the statutes is repealed.

16 SECTION 5.62 (1) and (2) of the statutes are amended to read:

17 5.62 (1) (a) At September primaries, the following ballot shall be provided for
18 the nomination of candidates of recognized political parties for national, state and
19 county offices and independent candidates for state office in each ward, in the same
20 form as prescribed by the board under s. 7.08 (1) (a), except as authorized in s. 5.655.
21 The ballots shall be made up of the several party tickets with each party entitled to
22 participate in the primary under par. (b) or sub. (2) having its own ballot column or
23 row, except as authorized in s. 5.655. The independent candidates for state office
24 other than district attorney shall have a separate ballot column or row for all such
25 candidates as under s. 5.64 (1) (e), except as authorized in s. 5.655. ~~The ballots shall~~

BILL**SECTION 6**

1 ~~be secured together at the bottom.~~ The ~~party ballot~~ column or row of the party
2 receiving the most votes for president or governor at the last general election shall
3 ~~be on top~~ first with the other parties arranged in descending order based on their vote
4 for president or governor at the last general election. The ~~ballots~~ columns or rows
5 of parties qualifying under sub. (2) shall be placed ~~after~~ to the right of or below the
6 parties qualifying under par. (b), in the same order in which the parties filed petitions
7 with the board. Any ballot required under par. (b) 2. shall be placed next in order.
8 The ~~ballot~~ column or row listing the independent candidates shall be placed ~~at the~~
9 ~~bottom~~ last. At polling places where voting machines are used, each party and the
10 independent candidates shall be represented in one or more separate columns or
11 rows on the ballot. At polling places where an electronic voting system is used other
12 than an electronic voting machine, each party and the independent candidates may
13 be represented in separate columns or rows on the ballot. An elector at the
14 September primary may vote for any candidate for each office regardless of the
15 political affiliation of the candidate.

16 (b) 1. Except as provided in subd. 2. and s. 5.64 (1) (e) 2., every recognized
17 political party listed on the official ballot at the last gubernatorial election whose
18 candidate for any statewide office received at least ~~4%~~ 1 percent of the total votes cast
19 for that office and, if the last general election was also a presidential election, every
20 recognized political party listed on the ballot at that election whose candidate for
21 president received at least ~~4%~~ 1 percent of the total vote cast for that office shall have
22 ~~a separate primary ballot or one or more separate columns or rows on the primary~~
23 ~~ballot as prescribed in par. (a) and a separate column on the general election ballot~~
24 at the September primary and general election in every ward and election district.
25 An organization which was listed as "independent" at the last general election and

BILL

1 whose candidate meets the same qualification shall receive the same ballot status
2 upon petition of the chairperson and secretary of the organization to the board
3 requesting such status and specifying their party name, which may not duplicate the
4 name of an existing party. A petition under this subdivision may be filed no later
5 than 5 p.m. on June 1 in the year of each general election.

6 2. Subdivision 1. applies to a party within any assembly district or county at
7 any September primary election only if at least one candidate of the party for any
8 national, state or county office qualifies to have his or her name appear on the ballot
9 under the name of that party within that assembly district or county. The county
10 clerk or county board of election commissioners shall provide ~~a combined separate~~
11 ~~ballot or~~ one or more separate columns or rows on the ballot that will permit an
12 elector to cast a vote for a write-in candidate for the nomination of any such party
13 for each national, state and county office whenever that party qualifies to be
14 represented ~~on a separate primary ballot or~~ in one or more separate columns or rows
15 under subd. 1. but does not qualify under this subdivision. The ballot shall include
16 the name of each party qualifying for ~~a separate ballot or~~ one or more separate
17 columns or rows on the ballot under each office, with the names of the candidates for
18 each such party appearing in the same order in which the ~~ballots~~ columns or rows
19 of the parties would appear under par. (a).

20 (2) (a) Except as provided in par. (b) and s. 5.64 (1) (e) 2., any political
21 organization may be represented ~~on a separate primary ballot or~~ in one or more
22 separate columns or rows on the September primary ballot as prescribed in sub. (1)
23 (a) and in a separate column or row on the general election ballot in every ward and
24 election district. To qualify for a separate ~~ballot~~ column or row under this paragraph,
25 the political organization shall, not later than 5 p.m. on June 1 in the year of the

BILL**SECTION 6**

1 September primary, file with the board a petition requesting separate ballot status.
2 The petition shall be signed by at least 10,000 electors, including at least 1,000
3 electors residing in each of at least 3 separate congressional districts. The petition
4 shall conform to the requirements of s. 8.40. No signature obtained before January
5 1 in the year of filing is valid. When the candidates of a political organization filing
6 a valid petition fulfill the requirements prescribed by law, they shall appear ~~on a~~
7 ~~separate ballot or in~~ one or more separate columns or rows on the ballot for the period
8 ending with the following general election.

9 (b) Paragraph (a) applies to a party within any assembly district or county at
10 any September primary election only if at least one candidate of the party for any
11 national, state or county office qualifies to have his or her name appear on the ballot
12 under the name of that party within that assembly district or county. The county
13 clerk or county board of election commissioners shall provide ~~a combined separate~~
14 ~~ballot or~~ one or more separate columns or rows on the ballot that will permit an
15 elector to cast a vote for a write-in candidate for the nomination of any such party
16 for each national, state and county office whenever that party qualifies to be
17 represented ~~on a separate primary ballot or~~ in one or more separate columns or rows
18 under par. (a) but does not qualify under this paragraph. The ballot shall include the
19 name of each party qualifying for ~~a separate ballot or~~ one or more separate columns
20 or rows on the ballot under each office, with the names of the candidates for each such
21 party appearing in the same order in which the ~~ballots~~ columns or rows of the parties
22 would appear under sub. (1) (a).

23 SECTION ⁵ 5.62 (3) and (5) of the statutes are amended to read:

24 5.62 (3) The board shall designate the official primary ballot arrangement for
25 statewide offices and district attorney within each prosecutorial district by using the

BILL

1 same procedure as provided in s. 5.60 (1) (b). On each ~~ballot and on each~~ separate
 2 column or row on the ballot, the candidates for office shall be listed together with the
 3 offices which they seek in the following order whenever these offices appear on the
 4 September primary ballot: governor, lieutenant governor, attorney general,
 5 secretary of state, state treasurer, U.S. senator, U.S. representative in congress,
 6 state senator, representative to the assembly, district attorney and the county offices.
 7 Below the names of the independent candidates shall appear the party or principle
 8 of the candidates, if any, in 5 words or less, as shown on their nomination papers.

9 ~~(5) At the September primary, an elector may vote for the candidates of only~~
 10 ~~one party, or the elector may vote for any of the independent candidates for state~~
 11 ~~office listed; but the elector may not vote for more than one candidate for a single~~
 12 ~~office.~~ A space shall be provided on the ballot for an elector to write in the name of
 13 his or her choice as a party candidate for any office, including a party candidate of
 14 a party whose name appears on the ballot, column or row designated for independent
 15 candidates, as provided in sub. (1) (b) or (2) (b), but no space shall be provided to write
 16 in the names of independent candidates.

Handwritten: ~~SECTION 5.655 (1) of the statutes is amended to read:~~
5.655 (1) Whenever a separate ballot is required to be used, a municipality may
use a single ballot to facilitate the use of voting machines or an electronic voting
system or, if the municipality employs paper ballots, may use a consolidated paper
ballot that is authorized under sub. (2). If a municipality uses a single ballot in lieu
of separate ballots, the ballot shall include a separate column or row for any office,
or referendum or party for which a separate ballot is required by law and the ballot
shall be distributed only to electors who are eligible to vote for all of the offices and
referenda appearing on the ballot.

17 ~~SECTION 5.655 (1) of the statutes is amended to read:~~
 18 **5.655 (1)** Whenever a separate ballot is required to be used, a municipality may
 19 use a single ballot to facilitate the use of voting machines or an electronic voting
 20 system or, if the municipality employs paper ballots, may use a consolidated paper
 21 ballot that is authorized under sub. (2). If a municipality uses a single ballot in lieu
 22 of separate ballots, the ballot shall include a separate column or row for any office,
 23 or referendum or party for which a separate ballot is required by law and the ballot
 24 shall be distributed only to electors who are eligible to vote for all of the offices and
 25 referenda appearing on the ballot.

BILL

8/1
8/2

1 SECTION 5.81 (4) of the statutes is repealed.

2 SECTION 10. 5.84 (1) of the statutes is amended to read:

3 5.84 (1) Where any municipality employs an electronic voting system which
 4 utilizes automatic tabulating equipment, either at the polling place or at a central
 5 counting location, the municipal clerk shall, on any day not more than 10 days prior
 6 to the election day on which the equipment is to be utilized, have the equipment
 7 tested to ascertain that it will correctly count the votes cast for all offices and on all
 8 measures. Public notice of the time and place of the test shall be given by the clerk
 9 at least 48 hours prior to the test by publication of a class 1 notice under ch. 985 in
 10 one or more newspapers published within the municipality if a newspaper is
 11 published therein, otherwise in a newspaper of general circulation therein. The test
 12 shall be open to the public. The test shall be conducted by processing a preaudited
 13 group of ballots so marked as to record a predetermined number of valid votes for
 14 each candidate and on each referendum. The test shall include for each office one
 15 or more ballots which have votes in excess of the number allowed by law and, for a
 16 partisan primary election, one or more ballots which have votes cast for candidates
 17 of more than one recognized political party, in order to test the ability of the
 18 automatic tabulating equipment to reject such votes. If any error is detected, the
 19 municipal clerk shall ascertain the cause and correct the error. The clerk shall make
 20 an errorless count before the automatic tabulating equipment is approved by the
 21 clerk for use in the election.

8/3

8/15

22 SECTION 11. 5.91 (1) and (B) of the statutes are amended to read:

23 5.91 (1) It enables an elector to vote in secrecy and to select the party or the
 24 independent candidates for whom an elector will vote in secrecy at a partisan
 25 primary election.

11/6

BILL

*# Page 11, line 5: after that line insert SECTION 11
5.91(3) Am; 5.91(3)*



1 ~~5.91(3)~~ Except in primary elections, it enables an elector to vote for a ticket
2 selected in part from the nominees of one party, and in part from the nominees of
3 other parties, and in part from independent candidates and, except in the case of
4 independent candidates at primary elections, in part ~~of~~ from candidates whose
5 names are written in by the elector.

6 SECTION 12. 5.91 (6) of the statutes is repealed. *9r*
7 *# Page 31, line 12: after that line insert:*
8 SECTION 13. 6.80 (2) (am) of the statutes is amended to read:

8 6.80 (2) (am) *53g* In partisan primaries, an elector may vote for a person as the
9 candidate of the party of the elector's choice, if that person's name does not appear
10 on the official ballot ~~of that party~~, by writing in the name of the person in the space
11 provided on the ballot or the ballot provided for that purpose, or where voting
12 machines are used, in the irregular ballot device, designating the party for which the
13 elector desires such person to be the nominee.

14 SECTION 14. *53r* 6.80 (2) (f) of the statutes is amended to read:

15 6.80 (2) (f) In the presidential preference primary ~~and other partisan primary~~
16 ~~elections~~ at polling places where ballots are distributed to electors, unless the ballots
17 are prepared under s. 5.655 or are utilized with an electronic voting system in which
18 all candidates appear on the same ballot, after the elector prepares his or her ballot
19 the elector shall detach the remaining ballots, fold the ballots to be discarded and fold
20 the completed ballot unless the ballot is intended for counting with automatic
21 tabulating equipment. The elector shall then either personally deposit the ballots
22 to be discarded into the separate ballot box marked "blank ballot box," and deposit
23 the completed ballot into the ballot box indicated by the inspectors, or give the ballots
24 to an inspector who shall deposit the ballots directly into the appropriate ballot

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1 boxes. The inspectors shall keep the blank ballot box locked until the canvass is
2 completed and shall dispose of the blank ballots as prescribed by the municipal clerk.

→ ① #. Page 42, line 23: delete the material beginning with "Failure" and ending with "primary" on page 43, line 3, and substitute "no" ②

3 SECTION 15. 6.87 (4) of the statutes is amended to read:
4 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee

5 shall make and subscribe to the certification before one witness who is an adult U.S.
6 citizen. The absent elector, in the presence of the witness, shall mark the ballot in
7 a manner that will not disclose how the elector's vote is cast. The elector shall then,
8 still in the presence of the witness, fold the ballots so each is separate and so that the
9 elector conceals the markings thereon and deposit them in the proper envelope. If
10 a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that
11 the elector conceals the markings thereon and deposit the ballot in the proper
12 envelope. If proof of residence is required, the elector shall enclose proof of residence
13 under s. 6.34 in the envelope. Proof of residence is required if the elector is not a
14 military elector or an overseas elector, as defined in s. 6.34 (1), and the elector
15 registered by mail and has not voted in an election in this state. If the elector
16 requested a ballot by means of facsimile transmission or electronic mail under s. 6.86
17 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an
18 original signature of the elector. The elector may receive assistance under sub. (5).
19 The return envelope shall then be sealed. The witness may not be a candidate. The
20 envelope shall be mailed by the elector, or delivered in person, to the municipal clerk
21 issuing the ballot or ballots. If the envelope is mailed from a location outside the
22 United States, the elector shall affix sufficient postage unless the ballot qualifies for
23 delivery free of postage under federal law.

24 Failure to return an unused ballot in a
25 primary does not invalidate the ballot on which the elector's votes are cast. Return
of more than one marked ballot in a primary or return of a ballot prepared under s.

BILL

1 5.655 or a ballot used with an electronic voting system in a primary which is marked
2 for candidates of more than one party invalidates all votes cast by the elector for
3 candidates in the primary.

4 *92m* SECTION 18. 7.08 (2) (b) of the statutes is amended to read:

5 7.08 (2) (b) The certified list of candidates for president and vice president who
6 have been nominated at a national convention by a party entitled to a separate
7 column or row on the September primary ballot or for whom electors have been
8 nominated under s. 8.20 shall be sent as soon as possible after the closing date for
9 filing nomination papers, but no later than the deadlines established in s. 10.06.

10 SECTION 17. 7.50 (1) (d) of the statutes is repealed.

11 SECTION 18. 7.50 (2) (g) of the statutes is amended to read:

12 7.50 (2) (g) In partisan primaries, if an elector writes in the name of an
13 individual ~~on a ballot~~ in a column or row other than the one on which that individual's
14 name is shown as a candidate, the write-in vote may not be counted.

15 SECTION 19. 8.16 (1), (6) and (7) of the statutes are amended to read:

16 8.16 (1) Except as provided in sub. (2), the person who receives the greatest
17 number of votes for an office ~~on a party ballot~~ at any partisan primary, regardless of
18 whether the person's name appears on the ballot, shall be the party's candidate for
19 the office, and the person's name shall so appear on the official ballot at the next
20 election. All independent candidates shall appear on the general election ballot
21 regardless of the number of votes received by such candidates at the September
22 primary.

23 (6) The persons who receive the greatest number of votes respectively for the
24 offices of governor and lieutenant governor ~~on for any party ballot~~ at a primary shall

Handwritten notes:
→ # Page 58, line 6: after that line insert:
→ # Page 59, line 6: after that line insert:
→ # Page 59, line 7: after that line insert:
→ # Page 61, line 5: after that line insert:
92m
99m
100m
102c

BILL**SECTION 19**

1 be the party's joint candidates for the offices, and their names shall so appear on the
2 official ballot at the next election.

3 (7) Nominees chosen at a national convention and under s. 8.18 (2) by each
4 party entitled to a separate column or row on a September primary ballot shall be
5 the party's candidates for president, vice president and presidential electors. The
6 state or national chairperson of each such party shall certify the names of the party's
7 nominees for president and vice president to the board no later than 5 p.m. on the
8 first Tuesday in September preceding a presidential election. Each name shall be in
9 one of the formats authorized in s. 7.08 (2) (a).

10 SECTION ¹⁰²⁹~~30~~. 8.17 (1) (a) of the statutes is amended to read:

11 8.17 (1) (a) Political parties qualifying for a separate column or row on the
12 September primary ballot under s. 5.62 (1) (b) or (2) shall elect their party
13 committeemen and committeewomen as provided under sub. (5) (b). The function of
14 committeemen and committeewomen is to represent their neighborhoods in the
15 structure of a political party. Committeemen and committeewomen shall act as
16 liaison representatives between their parties and the residents of the election
17 districts in which they serve. Activities of committeemen and committeewomen
18 shall include, but not be limited to, identifying voters; assistance in voter
19 registration drives; increasing voter participation in political parties; polling and
20 other methods of passing information from residents to political parties and elected
21 public officials; and dissemination of information from public officials to residents.
22 For assistance in those and other activities of interest to a political party, each
23 committeeman and committeewoman may appoint a captain to engage in these
24 activities in each ward, if the election district served by the committeeman or
25 committeewoman includes more than one ward. In an election district which

BILL

1 includes more than one ward, the committeeman or committeewoman shall
2 coordinate the activities of the ward captains in promoting the interests of his or her
3 party.

4 SECTION ¹⁰²ⁿ 21. 8.20 (9) of the statutes is amended to read:

5 8.20 (9) Persons nominated by nomination papers without a recognized
6 political party designation shall be placed on the official ballot at the general election
7 and at any partisan election to the right or below the recognized political party
8 candidates in their own column or row designated "Independent". At the September
9 primary, persons nominated for state office by nomination papers without a
10 recognized political party designation shall be placed ~~on~~ in a separate ~~ballot~~ column
11 or row or, if a consolidated paper ballot under s. 5.655 (2), an electronic voting system
12 or voting machines are used, in a column or row designated "Independent". If the
13 candidate's name already appears under a recognized political party it may not be
14 listed on the independent ~~ballot~~, column or row.

15 SECTION ^{102r} 22. 8.50 (3) (b) of the statutes is amended to read:

16 8.50 (3) (b) Except as otherwise provided in this section, the provisions for
17 September primaries under s. 8.15 are applicable to all partisan primaries held
18 under this section, and the provisions for spring primaries under s. 8.10 are
19 applicable to all nonpartisan primaries held under this section. In a special partisan
20 primary or election, the order of the parties on the ballot shall be the same as
21 provided under s. 5.62 (1) or 5.64 (1) (b). Independent candidates for state office at
22 a special partisan election shall not appear on the primary ballot. No primary is
23 required for a nonpartisan election in which not more than 2 candidates for an office
24 appear on the ballot or for a partisan election in which not more than one candidate
25 for an office appears ~~on~~ in the ~~ballot~~ column or row of each recognized political party

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1 on the ballot. In every special election except a special election for nonpartisan state
2 office where no candidate is certified to appear on the ballot, a space for write-in
3 votes shall be provided on the ballot, regardless of whether a special primary is held.

4 SECTION ^{102W}~~23~~. 8.50 (3) (c) of the statutes is repealed.

5 SECTION ^{102X}~~24~~. 9.10 (3) (e) of the statutes is amended to read:

6 9.10 (3) (e) For any partisan office, a recall primary shall be held for each
7 political party which is entitled to a separate column or row on the September
8 primary ballot under s. 5.62 (1) (b) or (2) and from which more than one candidate
9 competes for the party's nomination in the recall election. The primary ballot shall
10 be prepared in accordance with s. 5.62, insofar as applicable. The person receiving
11 the highest number of votes in the recall primary for each political party shall be that
12 party's candidate in the recall election. Independent candidates shall be shown on
13 the ballot for the recall election only.

14 SECTION ^{104m}~~25~~. 10.02 (3) (b) 2. and 2m. of the statutes are amended to read:

15 10.02 (3) (b) 2. At a special partisan primary, the elector shall select the party
16 ~~ballot~~ candidate of his or her choice for each office and shall make a cross (X) next
17 to or depress the lever or button next to the candidate's name for each office for whom
18 the elector intends to vote, or shall insert or write in the name of the elector's choice
19 for a candidate.

20 2m. At the September primary, the elector shall select the ~~party ballot~~
21 candidate of his or her choice ~~or the ballot containing the names of the independent~~
22 ~~candidates for state~~ each office, and make a cross (X) next to or depress the lever or
23 button next to the candidate's name for each office for whom the elector intends to
24 vote or insert or write in the name of the elector's choice for a party candidate, if any.

25 In order to qualify for participation in the Wisconsin election campaign fund, a

Handwritten notes:
- Arrow pointing to line 13: # Page 62, line 6: after that line insert.
- Arrow pointing to line 14: SECTION 25. 104m

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1 candidate for state office at the September primary, other than a candidate for
2 district attorney, must receive at least 6% 6 percent of all votes cast on all ballots for
3 the office for which he or she is a candidate, in addition to other requirements. *YK*

4 *→ # Page 62, line 12: after that line in SA 7;*
SECTION ~~11.06~~ ^{11.05d} (7m) (a) of the statutes is amended to read:

5 11.06 (7m) (a) If a committee which was registered under s. 11.05 as a political
6 party committee or legislative campaign committee supporting candidates of a
7 political party files an oath under sub. (7) affirming that it does not act in cooperation
8 or consultation with any candidate who is nominated to appear on the party ballot
9 in the column or row of the party at a general or special election, that the committee
10 does not act in concert with, or at the request or suggestion of, such a candidate, that
11 the committee does not act in cooperation or consultation with such a candidate or
12 agent or authorized committee of such a candidate who benefits from a disbursement
13 made in opposition to another candidate, and that the committee does not act in
14 concert with, or at the request or suggestion of, such a candidate or agent or
15 authorized committee of such a candidate who benefits from a disbursement made
16 in opposition to another candidate, the committee filing the oath may not make any
17 contributions in support of any candidate of the party at the general or special
18 election or in opposition to any such candidate's opponents exceeding the amounts
19 specified in s. 11.26 (2), except as authorized in par. (c).

20 SECTION ~~11.31~~ ^{105h} (3m) of the statutes is amended to read:

21 11.31 (3m) UNOPPOSED CANDIDATES; EXCEPTION. Notwithstanding subs. (1) and
22 (2), if all candidates for state senator or representative to the assembly in a
23 legislative district who are certified under s. 7.08 (2) (a) to appear in the columns or
24 rows on the September primary ballot of all parties recognized under s. 5.62 (1) (b)
25 or (2) have no opponent who is certified to appear on the same primary ballot, or if

BILL**SECTION 27**

1 no primary is required for all candidates of parties recognized under s. 5.62 (1) (b)
2 or (2) for state senator or representative to the assembly in a legislative district who
3 are certified under s. 8.50 (1) (d) to appear on a special partisan election ballot, then
4 the separate limitation specified in sub. (1) for disbursements during the primary
5 and election period does not apply to candidates for that office in that primary and
6 election, and the candidates are bound only by the total limitations specified for the
7 primary and election.

8 **SECTION 28.** ^{105P} 11.50 (1) (a) 1. of the statutes is amended to read:

9 11.50 (1) (a) 1. With respect to a spring or general election, any individual who
10 is certified under s. 7.08 (2) (a) as a candidate in the spring election for state
11 superintendent, or an individual who receives at least 6% 6 percent of the vote cast
12 for all candidates on all ~~ballots~~ columns or rows for any state office, except district
13 attorney, for which the individual is a candidate at the September primary and who
14 is certified under s. 7.08 (2) (a) as a candidate for that office in the general election,
15 or an individual who has been lawfully appointed and certified to replace either such
16 individual on the ballot at the spring or general election; and who has qualified for
17 a grant under sub. (2).

18 **SECTION 29.** ^{105P} 11.50 (1) (a) 2. of the statutes is amended to read:

19 11.50 (1) (a) 2. With respect to a special election, an individual who is certified
20 under s. 8.50 (1) (d) as a candidate in a special election for state superintendent, or
21 an individual who is certified under s. 8.50 (1) (d) as a candidate in a special election
22 for any state office, except district attorney, on the ~~ballot or column~~ or row of a party
23 whose candidate for the same office at the preceding general election received at least
24 6 percent of the vote cast for all candidates on all ballots for the office, or an individual
25 who has been lawfully appointed and certified to replace either such individual on

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1 the ballot at a special election, or an individual who receives at least 6 percent of the
 2 vote cast for all candidates on all ballots for any state office, except district attorney,
 3 at a partisan special election; and who qualifies for a grant under sub. (2). Where
 4 the boundaries of a district in which an individual seeks office have been changed
 5 since the preceding general election such that it is not possible to calculate the exact
 6 number of votes that are needed by that individual to qualify as an eligible candidate
 7 prior to an election under this subdivision, the number of votes cast for all candidates
 8 for the office at the preceding general election in each ward, combination of wards
 9 or municipality which is wholly contained within the boundaries of the newly formed
 10 district shall be calculated. If the candidate of the political party on whose ballot or
 11 column or row the individual appears in the newly formed district obtained at least
 12 6 percent of the number of votes calculated, the individual is deemed to qualify as an
 13 eligible candidate prior to the election under this subdivision.

CS

14 *# vote 77, line 24: after that line, insert.*
 14 **SECTION 30. Initial applicability.**
 15 (5) **SPLIT TICKET VOTING IN PRIMARIES.** *They*
 15 ~~(1)~~ *not* first applies with respect to voting at the 2012 September primary
 16 election.

17 (END) *treatment of sections and (b).*
 5.02(16m), 5.15(6)(b), 5.35(6)(b), 5.37(4),
 5.51(7), 5.62(1), (2), (3), and (5), 5.655(1),
 5.81(4), 5.84(1), 5.91(1) ~~and~~, (3), 6.80(2) ~~(a)~~
 and (f), 6.87(4) (with respect to split ticket
 voting in primaries), 7.08(2)(b), 7.50(1)(d) and
 (2)(g), 8.16(1), (6), and (7), 8.17(1)(a),
 8.20(9), 8.50(3)(b) ~~and~~ (c), 9.10(3)(e),
 10.02(3)(b) 2, and 2m, 11.06(7m)(a), 11.31(3m),
 and 11.50(1)(a) 1. and 2. of the statutes

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

91067/1dn
LRB-00907/dn
JTK:wj:jf

~~September 28, 2010~~

(today's date)

cjs

Senator Carpenter:

In *California Democratic Party v. Jones*, 120 S. Ct. 2402, 2414 (2000), the U.S. Supreme Court held that a state may not constitutionally require a political party to accept the result of a "blanket primary," as proposed in this draft, to nominate the party's candidates for office because this burdens the party's First Amendment right to freedom of association by permitting nonadherents of the party to determine the party's candidates for office. If this proposal becomes law, it is possible that Wisconsin parties would nevertheless acquiesce in a "blanket primary" procedure, but there would be no legal remedy should they choose not to do so.

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Phone: (608) 266-6778

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

LRBa1067/1dn
JTK:cjs:ph

May 17, 2011

Senator Carpenter:

In *California Democratic Party v. Jones*, 120 S. Ct. 2402, 2414 (2000), the U.S. Supreme Court held that a state may not constitutionally require a political party to accept the result of a "blanket primary," as proposed in this draft, to nominate the party's candidates for office because this burdens the party's First Amendment right to freedom of association by permitting nonadherents of the party to determine the party's candidates for office. If this proposal becomes law, it is possible that Wisconsin parties would nevertheless acquiesce in a "blanket primary" procedure, but there would be no legal remedy should they choose not to do so.

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