

2013 DRAFTING REQUEST

Bill

Received: 10/12/2012 Received By: jkuesel
 Wanted: As time permits Same as LRB:
 For: Tim Carpenter (608) 266-8535 By/Representing: Stuart Ewy
 May Contact: Drafter: tkuczens
 Subject: Elections - miscellaneous Addl. Drafters:
 Extra Copies:
 Submit via email: YES
 Requester's email: Sen.Carpenter@legis.wisconsin.gov
 Carbon copy (CC) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Split ticket voting in partisan primaries authorized

Instructions:

Per 2011 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>
/?	tkuczens 11/14/2012	evinz 11/19/2012		_____			
/1			rschluet 11/19/2012	_____	sbasford 11/19/2012	mbarman 4/15/2013	

FE Sent For:

none

<END>

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 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:

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/?	jkuesel	1eev 11/15/12	1eev 11/16/12				

FE Sent For:



<END>



State of Wisconsin
2011 - 2012 LEGISLATURE

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LRB-009071

JTK:wjtjff

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2011 BILL

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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.

Analysis by the Legislative Reference Bureau ^{Similarly}

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 ^{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.¹ 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 ^{9 2014 partisan} ~~2012~~ September primary election.

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

SECTION 1. 5.02⁴ (16m) of the statutes is amended to read:

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

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

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

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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 3. 5.35^x (6) (b) of the statutes is repealed.

4 SECTION 4. 5.37 (4) of the statutes is amended to read:

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. 5.51^x (7) of the statutes is repealed.

16 SECTION 6. 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

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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

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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

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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 7.** 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

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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.~~

17 **SECTION 8.** 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.

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1 SECTION 9. 5.81^x (4) of the statutes is repealed.

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

3 5.84 (1) Where any municipality employs an electronic voting system ~~which~~ ^{that}
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~~ ^{that} 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.

22 SECTION 11. 5.91^x (1) and 5.91^x (3) 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~~ ^{or for which} ~~an elector will vote in secrecy at a partisan~~
25 primary election.

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1 (3) ~~Except in primary elections, it~~ 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^x (6) of the statutes is repealed.

7 **SECTION 13.** 6.80^x (2) (am) of the statutes is amended to read:

8 6.80 (2) (am) 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.** 6.80^λ (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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10-3 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.

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

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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 SECTION 16. 7.08^x (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^{partisan} 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^x (1) (d) of the statutes is repealed.

11 SECTION 18. 7.50^x (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^x (1), (6)^x and (7)^x 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

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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~~^{a partisan} primary ballot shall be
5 the party's candidates for president, vice president^{and} 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 20. 8.17^x (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~~^{a partisan} 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~~^{that}

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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 21.** 8.20^x (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 22.** 8.50^x (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 ^{& the partisan primary} 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 23.** 8.50^x (3) (c) of the statutes is repealed.

5 **SECTION 24.** 9.10^x (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~~^{that} is entitled to a separate column or row on the September^{partisan}
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 25.** 10.02 (3) (b) 2. and 2m^g of the statutes ~~are~~^{is} amended to read:

15 10.02 (3) (b) 2. At a special^v 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

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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.

4 SECTION 26. 11.06 (7m) (a) of the statutes is amended to read:

5 (5) 11.06 (7m) (a) If a committee ~~which~~ ^{that} 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 27. 11.31 (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

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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.** 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.** 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~~ 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.

14 **SECTION 30. Initial applicability.**

15 (1) This act first applies with respect to voting at the 2012 September primary
16 election.

6
2014 partisan

17

(END)

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INSERT 2-5

SECTION 1. 5.15^x (6) (b) of the statutes is amended to read:

5.15 (6) (b) No later than 30 days before each election, the governing body of any municipality may by resolution combine 2 or more wards for voting purposes to facilitate using a common polling place. Whenever wards are so combined, the original ward numbers shall continue to be utilized for all official purposes. Except as otherwise authorized under this paragraph, every municipality having a population of 35,000 or more shall maintain separate returns for each ward so combined. In municipalities having a population of less than 35,000, the governing body may provide in the resolution that returns shall be maintained only for each group of combined wards at any election. Whenever a governing body provides for common ballot boxes and ballots or voting machines, separate returns shall be maintained for each separate ballot required under ~~ss. 5.62 and s. 5.64~~ at the ~~partisan primary and~~ general election. The municipal clerk shall transmit a copy of the resolution to the county clerk of each county in which the municipality is contained. In municipalities having a population of less than 35,000, the resolution shall remain in effect for each election until modified or rescinded, or until a new division is made under this section.

History: 1971 c. 304 ss. 3 to 5, 29 (2); 1977 c. 26, 418, 427, 449; 1979 c. 260; 1981 c. 4 ss. 2 to 10, 18; 1981 c. 314; 1983 a. 29, 192, 442; 1983 a. 484 ss. 8e, 174; 1983 a. 538; 1985 a. 304 ss. 8 to 10, 12; 1987 a. 391; 1991 a. 5, 143, 315; 1993 a. 213; 1995 a. 201; 1999 a. 182; 2005 a. 149, 312; 2011 a. 39, 75.

INSERT 3-4

SECTION 2. 5.37^x (4) of the statutes is renumbered 5.37 (4) (intro.) and amended to read:

5.37 (4) Voting machines may be used at primary elections when they comply with subs. (1) and (2) and the following provisions: ~~All candidates' names~~

1 (a) Each candidate's name entitled to appear on the ~~ballots~~ ballot at the
 2 primary and the party that he or she represents shall appear on the machine; ~~the~~
 3 ~~elector cannot vote for candidates of more than one party, whenever the restriction~~
 4 ~~applies; the elector may secretly select the party for which he or she wishes to vote;~~
 5 ~~the~~.

6 (b) The elector may vote for as many candidates for each office as he or she is
 7 lawfully entitled to vote for, but no more.

8 History: 1971 c. 304 s. 29 (1), (2); 1977 c. 107, 427; 1981 c. 314; 1983 a. 484; 1991 a. 316; 1999 a. 182; 2011 a. 23, 32.

INSERT 3-16

9 ^x
SECTION 3. 5.62 (1) of the statutes is amended to read:

10 5.62 (1) (a) At the partisan primary, the following ballot shall be provided for
 11 the nomination of candidates of recognized political parties for national, state and
 12 county offices and independent candidates for state office in each ward, in the same
 13 form as prescribed by the board under s. 7.08 (1) (a), except as authorized in s. 5.655.
 14 The ~~ballots~~ ballot shall be made up of the several party tickets with each party
 15 entitled to participate in the primary under par. (b) or sub. (2) having its own ~~ballot~~
 16 column or row, except as authorized in s. 5.655. ~~The ballots shall be secured together~~
 17 ~~at the bottom.~~ The ~~party ballot~~ column or row of the party receiving the most votes
 18 for president or governor at the last general election shall be ~~on top~~ first with the
 19 other parties arranged in descending order based on their vote for president or
 20 governor at the last general election. The ~~ballots~~ columns or rows of parties
 21 qualifying under sub. (2) shall be placed ~~after~~ to the right of or below the parties
 22 qualifying under par. (b), in the same order in which the parties filed petitions with
 23 the board. Any ballot required under par. (b) 2. shall be placed next in order. At
 24 polling places where voting machines are used, each party shall be represented in

1 one or more separate columns or rows on the ballot. At polling places where an
2 electronic voting system is used other than an electronic voting machine, each party
3 may be represented in separate columns or rows on the ballot. An elector at the
4 partisan primary may vote for any candidate for each office regardless of the political
5 affiliation of the candidate.

6 (b) 1. Except as provided in subd. 2. and s. 5.64 (1) (e) 2., every recognized
7 political party listed on the official ballot at the last gubernatorial election whose
8 candidate for any statewide office received at least 1%¹ percent of the total votes cast
9 for that office and, if the last general election was also a presidential election, every
10 recognized political party listed on the ballot at that election whose candidate for
11 president received at least 1%¹ percent of the total ~~vote~~^{votes} cast for that office shall have
12 ~~a separate primary ballot or one or more separate columns or rows on the primary~~
13 ~~ballot as prescribed in par. (a) and a separate column on the general election ballot~~
14 ~~at the partisan primary and general election in every ward and election district. An~~
15 organization ~~which~~^{that} was listed as "independent" at the last general election and
16 whose candidate meets the same qualification shall receive the same ballot status
17 upon petition ~~of~~^{to the board by} the chairperson and secretary of the organization ~~to the board~~
18 requesting such status and specifying their party name, which may not duplicate the
19 name of an existing party. A petition under this subdivision may be filed no later
20 than 5 p.m. on April 1 in the year of each general election.

21 2. Subdivision 1. applies to a party within any assembly district or county at
22 any partisan primary election only if at least one candidate of the party for any
23 national, state, or county office qualifies to have his or her name appear on the ballot
24 under the name of that party within that assembly district or county. The county
25 clerk or county board of election commissioners shall provide ~~a combined separate~~

1 ~~ballot or~~ one or more separate columns or rows on the ballot that will permit an
2 elector to cast a vote for a write-in candidate for the nomination of any such party
3 for each national, state, and county office whenever that party qualifies to be
4 represented ~~on a separate primary ballot or~~ in one or more separate columns or rows
5 under subd. 1. but does not qualify under this subdivision. The ballot shall include
6 the name of each party qualifying for ~~a separate ballot or~~ one or more separate
7 columns or rows on the ballot under each office, with the names of the candidates for
8 each such party appearing in the same order in which the ~~ballots~~ columns or rows
9 of the parties would appear under par. (a).

History: 1971 c. 304 ss. 12, 29 (2); 1971 c. 336; 1973 c. 334 s. 57; 1975 c. 93; 1977 c. 107, 427; 1979 c. 260, 311, 328; 1981 c. 377; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 316; 1993 a. 184; 1999 a. 182; 2005 a. 149; 2007 a. 1; 2011 a. 32, 75; s. 35.17 correction in (1) (a).

10 **SECTION 4. 5.62 (2)** of the statutes is amended to read:

11 5.62 (2) (a) Except as provided in par. (b) and s. 5.64 (1) (e) 2., any political
12 organization may be represented ~~on a separate primary ballot or~~ in one or more
13 separate columns or rows on the partisan primary ballot as prescribed in sub. (1) (a)
14 and in a separate column or row on the general election ballot in every ward and
15 election district. To qualify for a separate ballot column or row under this paragraph,
16 the political organization shall, not later than 5 p.m. on April 1 in the year of the
17 partisan primary, file with the board a petition requesting separate ballot status.
18 The petition shall be signed by at least 10,000 electors, including at least 1,000
19 electors residing in each of at least 3 separate congressional districts. The petition
20 shall conform to the requirements of s. 8.40. No signature obtained before January
21 1 in the year of filing is valid. When the candidates of a political organization filing
22 a valid petition fulfill the requirements prescribed by law, they shall appear ~~on a~~
23 separate ballot or in one or more separate columns or rows on the ballot for the
24 period ending with the following general election.

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

History: 1971 c. 304 ss. 12, 29 (2); 1971 c. 336; 1973 c. 334 s. 57; 1975 c. 93; 1977 c. 107, 427; 1979 c. 260, 311, 328; 1981 c. 377; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 316; 1993 a. 184; 1999 a. 182; 2005 a. 149; 2007 a. 1; 2011 a. 32, 75; s. 35.17 correction in (1) (a).

15 **SECTION 5. 5.62 (3) of the statutes is amended to read:**

16 **5.62 (3)** The board shall designate the official primary ballot arrangement for
 17 statewide offices and district attorney within each prosecutorial district by using the
 18 same procedure as provided in s. 5.60 (1) (b). On each ~~ballot and on each~~ separate
 19 column or row on the ballot, the candidates for office shall be listed together with the
 20 offices ~~which~~ ^{that} they seek in the following order whenever these offices appear on the
 21 partisan primary ballot: governor, lieutenant governor, attorney general, secretary
 22 of state, state treasurer, U.S. senator, U.S. representative in congress, state senator,
 23 representative to the assembly, district attorney, and the county offices.

History: 1971 c. 304 ss. 12, 29 (2); 1971 c. 336; 1973 c. 334 s. 57; 1975 c. 93; 1977 c. 107, 427; 1979 c. 260, 311, 328; 1981 c. 377; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 316; 1993 a. 184; 1999 a. 182; 2005 a. 149; 2007 a. 1; 2011 a. 32, 75; s. 35.17 correction in (1) (a).

INSERT 10-3

SECTION 6. 6.87 (4) (b) 1. of the statutes is amended to read:

6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, the elector voting absentee shall make and subscribe to the certification before one witness who is an adult U.S. citizen. The absent elector, in the presence of the witness, shall mark the ballot in a manner that will not disclose how the elector's vote is cast. The elector shall then, still in the presence of the witness, fold the ballots so each is separate and so that the elector conceals the markings thereon and deposit them in the proper envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that the elector conceals the markings thereon and deposit the ballot in the proper envelope. If proof of residence under s. 6.34 is required and the document enclosed by the elector under this subdivision does not constitute proof of residence under s. 6.34, the elector shall also enclose proof of residence under s. 6.34 in the envelope. Proof of residence is required if the elector is not a military elector or an overseas elector and the elector registered by mail and has not voted in an election in this state. If the elector requested a ballot by means of facsimile transmission or electronic mail under s. 6.86 (1) (ac), the elector shall enclose in the envelope a copy of the request ~~which~~^{that} bears an original signature of the elector. The elector may receive assistance under sub. (5). The return envelope shall then be sealed. The witness may not be a candidate. The envelope shall be mailed by the elector, or delivered in person, to the municipal clerk issuing the ballot or ballots. If the envelope is mailed from a location outside the United States, the elector shall affix sufficient postage unless the ballot qualifies for delivery free of postage under federal law. ~~Failure to return an unused ballot in a primary does not invalidate the ballot on which the elector's votes are cast. Return of more than one marked ballot in a~~

(18)

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

History: 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1975 c. 85; 1975 c. 93 s. 119 (2); 1975 c. 199; 1977 c. 394; 1979 c. 232, 260, 311, 355; 1983 a. 36, 484, 538; 1985 a. 304; 1991 a. 316; 1999 a. 49, 182; 2001 a. 16, 38, 109; 2003 a. 265; 2005 a. 451; 2011 a. 23, 75, 227.

Barman, Mike

From: Ewy, Stuart
Sent: Monday, April 15, 2013 10:34 AM
To: LRB.Legal
Subject: Draft Review: LRB -0371/1 Topic: Split ticket voting in partisan primaries authorized

Please Jacket LRB -0371/1 for the SENATE.