SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 205

June 28, 2001 – Offered by COMMITTEE ON JUDICIARY, CONSUMER AFFAIRS, AND CAMPAIGN FINANCE REFORM.

1   AN ACT *to renumber* 5.01 (5) (a); *to renumber and amend* 5.01 (5) (b); *to*

2   *amend* 5.62 (3), 5.91 (8), 7.50 (2) (i), 7.70 (3) (d), 8.15 (5) (a) (intro.), 8.16 (6),

3   11.26 (12) and 11.31 (3); and *to create* 5.01 (5) (c), 8.03 (1m) and 8.15 (1m) of

4   the statutes; **relating to:** nominating major party candidates for the office of

5   lieutenant governor.

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

6   **SECTION 1.** 5.01 (5) (a) of the statutes is renumbered 5.01 (5) (a) 1.

7   **SECTION 2.** 5.01 (5) (b) of the statutes is renumbered 5.01 (5) (a) 2. and amended

8   to read:

9   5.01 **(5)** (a) 2. ~~In case~~ If 2 or more slates of candidates for governor and

10   lieutenant governor have an equal and the highest number of votes ~~for governor and~~

11   ~~lieutenant governor~~ cast at the general election, the 2 houses of the legislature shall

1   at the next annual session choose by joint ballot one of the slates so having an equal

2   and the highest number of votes for ~~governor and lieutenant governor~~ those offices.

3   **SECTION 3.** 5.01 (5) (c) of the statutes is created to read:

4   5.01 **(5)** (c) In every September primary to choose the candidates of each

5   recognized political party under s. 5.62 (1) (b) or (2) for governor and lieutenant

6   governor, each elector shall have a single vote applicable to both offices. The persons

7   who together receive the greatest number of votes cast jointly for them for governor

8   and lieutenant governor shall be declared nominated.

9   **SECTION 4.** 5.62 (3) of the statutes is amended to read:

10   5.62 **(3)** The board shall designate the official primary ballot arrangement for

11   statewide offices and district attorney within each prosecutorial district by using the

12   same procedure as provided in s. 5.60 (1) (b). On each ballot and on each separate

13   column or row on the ballot, the candidates for office shall be listed together with the

14   offices which they seek in the following order whenever these offices appear on the

15   September primary ballot: governor~~,~~ and lieutenant governor, attorney general,

16   secretary of state, state treasurer, U.S. senator, U.S. representative in congress,

17   state senator, representative to the assembly, district attorney and the county offices.

18   Candidates for governor and lieutenant governor whose names are filed on the same

19   nomination papers under s. 8.15 (1m) shall be listed together. Below the names of

20   the independent candidates shall appear the party or principle of the candidates, if

21   any, in 5 words or less, as shown on their nomination papers.

22   **SECTION 5.** 5.91 (8) of the statutes is amended to read:

23   5.91 **(8)** It permits an elector, at a presidential ~~or gubernatorial~~ election, by one

24   action to vote for the candidates of a party for president and vice president ~~or~~ and,

1   at a September primary or general election, by one action to vote for the candidates

2   of a party for governor and lieutenant governor, respectively.

3   **SECTION 6.** 7.50 (2) (i) of the statutes is amended to read:

4   7.50 **(2)** (i) The failure by an elector to write in the name of a candidate for the

5   office of vice president of the United States on the general election ballot does not

6   invalidate the elector's vote for any candidate whose name is written in for the office

7   of president of the United States. The failure of an elector to write in the name of

8   a candidate for the office of president of the United States on the general election

9   ballot invalidates the elector's vote for any candidate whose name is written in for

10   the office of vice president of the United States. The failure of an elector to write in

11   the name of a candidate for the office of governor or lieutenant governor on the

12   September primary or general election ballot does not invalidate the elector's vote

13   for any candidate whose name is written in for the office of governor or lieutenant

14   governor alone.

15   **SECTION 7.** 7.70 (3) (d) of the statutes is amended to read:

16   7.70 **(3)** (d)   When the certified statements and returns are received, the

17   chairperson of the board or the chairperson's designee shall proceed to examine and

18   make a statement of the total number of votes cast at any election for the offices

19   involved in the election for president and vice president; ~~a statement for each of the~~

20   ~~offices of governor, lieutenant governor, if a primary, and~~ a joint statement for the

21   offices of governor and lieutenant governor, ~~if a general election~~; a statement for each

22   of the offices of secretary of state, state treasurer, attorney general, and state

23   superintendent; for U.S. senator; representative in congress for each congressional

24   district; the state legislature; justice; court of appeals judge; circuit judge; district

1   attorney; metropolitan sewerage commission, if the commissioners are elected under

2   s. 200.09 (11) (am); and for any referenda questions submitted by the legislature.

3   **SECTION 8.** 8.03 (1m) of the statutes is created to read:

4   8.03 **(1m)** Subsection (1) does not apply to a candidate for lieutenant governor

5   at the September primary whose name appears on the nomination papers of more

6   than one candidate for governor of the same political party.

7   **SECTION 9.** 8.15 (1m) of the statutes is created to read:

8   8.15 **(1m)** In the case of candidates for the offices of governor and lieutenant

9   governor, each nomination paper shall be in the form required under sub. (5), except

10   that the nomination paper shall contain both candidates' names; the office for which

11   each candidate is nominated; the residence and post–office address of each

12   candidate; and the party that the candidates represent. The name of a particular

13   candidate for lieutenant governor may appear on nomination papers of more than

14   one candidate for governor representing the same political party if each set of

15   nomination papers is accompanied by a separate declaration under sub. (4) (b) signed

16   by that candidate.

17   **SECTION 10.** 8.15 (5) (a) (intro.) of the statutes is amended to read:

18   8.15 **(5)** (a) (intro.) ~~Each~~ Except as provided in sub. (1m), each nomination

19   paper shall have substantially the following words printed at the top:

20   **SECTION 11.** 8.16 (6) of the statutes is amended to read:

21   8.16 **(6)** The persons who jointly receive the greatest number of votes

22   ~~respectively~~ for the offices of governor and lieutenant governor on any party ballot

23   at a primary shall be the party's joint candidates for the offices, and their names shall

24   so appear on the official ballot at the next election.

25   **SECTION 12.** 11.26 (12) of the statutes is amended to read:

1   11.26 **(12)** In computing the limitations under this section, any transfer of

2   funds between the candidates for governor and lieutenant governor of the same

3   political party ~~in the general election~~ <u>whose names are filed on the same nomination</u>

4   <u>papers under s. 8.15 (1m)</u> may be excluded.

5   **SECTION 13.** 11.31 (3) of the statutes is amended to read:

6   11.31 **(3)** GUBERNATORIAL CAMPAIGNS. For purposes of compliance with the

7   limitations imposed under sub. (2), candidates for governor and lieutenant governor

8   ~~of the same political party~~ <u>whose names are filed on the same nomination papers</u>

9   <u>under s. 8.15 (1m) and</u> who both accept grants from the Wisconsin election campaign

10   fund may agree to combine disbursement levels under sub. (1) (a) and (b) and

11   reallocate the total level between them. The candidates shall each inform the board

12   of any such agreement.

13   **(END)**