



2003 ASSEMBLY BILL 47

February 13, 2003 - Introduced by Representatives ZIEGELBAUER, GUNDERSON, HUBLER, JESKEWITZ, KERKMAN, LASSA, MUSSER, STASKUNAS, UNDERHEIM, VAN ROY, A. WILLIAMS and J. WOOD, cosponsored by Senators RISSER, BRESKE, HANSEN and SCHULTZ. Referred to Committee on Campaigns and Elections.

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); *to renumber* 5.35 (6) (a); and *to amend* 5.02 (16m), 5.15 (6) (b), 5.37 (4),
3 5.62 (1) and (2), 5.62 (2) (b), 5.62 (3) and (5), 5.655 (1), 5.84 (1), 5.91 (1) and (3),
4 6.80 (2) (am), 6.80 (2) (f), 6.87 (4), 7.08 (2) (b), 7.50 (2) (g), 8.16 (1), (6) and (7),
5 8.17 (1) (a), 8.20 (9), 8.50 (3) (b), 9.10 (3) (e), 10.02 (3) (b) 2. and 2m., 11.06 (7m)
6 (a), 11.31 (3m), 11.50 (1) (am) 2. and 15.61 of the statutes; **relating to:**
7 authorization for electors to vote in the primary of more than one political party.

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 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 regardless of party affiliation, including the offices of governor and lieutenant governor. 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 2004 September primary election.

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

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

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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 (6) (a) of the statutes is renumbered 5.35 (6).

4 **SECTION 4.** 5.35 (6) (b) of the statutes is repealed.

5 **SECTION 5.** 5.37 (4) of the statutes is amended to read:

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

16 **SECTION 6.** 5.51 (7) of the statutes is repealed.

17 **SECTION 7.** 5.62 (1) and (2) of the statutes are amended to read:

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

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1 candidates as under s. 5.64 (1) (e), except as authorized in s. 5.655. ~~The ballots shall~~
2 ~~be secured together at the bottom.~~ The party ballot column or row of the party
3 receiving the most votes for president or governor at the last general election shall
4 ~~be on top~~ first with the other parties arranged in descending order based on their vote
5 for president or governor at the last general election. The ~~ballots~~ columns or rows
6 of parties qualifying under sub. (2) shall be placed ~~after~~ to the right of or below the
7 parties qualifying under par. (b), in the same order in which the parties filed petitions
8 with the board. Any ballot required under par. (b) 2. shall be placed next in order.
9 The ~~ballot~~ column or row listing the independent candidates shall be placed ~~at the~~
10 ~~bottom~~ last. At polling places where voting machines are used, each party and the
11 independent candidates shall be represented in one or more separate columns or
12 rows on the ballot. At polling places where an electronic voting system is used other
13 than an electronic voting machine, each party and the independent candidates may
14 be represented in separate columns or rows on the ballot. Any elector at any
15 September primary may vote for any candidate for each office regardless of the
16 political affiliation of the candidate.

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

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

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

21 **(2)** Except as provided in par. (b) and s. 5.64 (1) (e) 2., any political organization
22 may be represented ~~on a separate primary ballot~~ or in one or more separate columns
23 or rows on the September primary ballot as prescribed in sub. (1) (a) and in a separate
24 column or row on the general election ballot in every ward and election district. To
25 qualify for a separate ~~ballot~~ column or row under this paragraph, the political

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1 organization shall, not later than 5 p.m. on June 1 in the year of the September
2 primary, file with the board a petition requesting separate ballot status. The petition
3 shall be signed by at least 10,000 electors, including at least 1,000 electors residing
4 in each of at least 3 separate congressional districts. The petition shall conform to
5 the requirements of s. 8.40. No signature obtained before January 1 in the year of
6 filing is valid. When the candidates of a political organization filing a valid petition
7 fulfill the requirements prescribed by law, they shall appear ~~on a separate ballot or~~
8 in one or more separate columns or rows on the ballot for the period ending with the
9 following general election.

10 **SECTION 8.** 5.62 (2) (b) of the statutes is amended to read:

11 5.62 (2) (b) Paragraph (a) applies to a party within any assembly district or
12 county at any September primary election only if at least one candidate of the party
13 for any national, state or county office qualifies to have his or her name appear on
14 the ballot under the name of that party within that assembly district or county. The
15 county clerk or county board of election commissioners shall provide ~~a combined~~
16 ~~separate ballot or~~ one or more separate columns or rows on the ballot that will permit
17 an elector to cast a vote for a write-in candidate for the nomination of any such party
18 for each national, state and county office whenever that party qualifies to be
19 represented ~~on a separate primary ballot or~~ in one or more separate columns or rows
20 under par. (a) but does not qualify under this paragraph. The ballot shall include the
21 name of each party qualifying for ~~a separate ballot or~~ one or more separate columns
22 or rows on the ballot under each office, with the names of the candidates for each such
23 party appearing in the same order in which the ~~ballots~~ columns or rows of the parties
24 would appear under sub. (1) (a).

25 **SECTION 9.** 5.62 (3) and (5) of the statutes are amended to read:

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1 5.62 (3) The board shall designate the official primary ballot arrangement for
2 statewide offices and district attorney within each prosecutorial district by using the
3 same procedure as provided in s. 5.60 (1) (b). On each ~~ballot and on each~~ separate
4 column or row on the ballot, the candidates for office shall be listed together with the
5 offices which they seek in the following order whenever these offices appear on the
6 September primary ballot: governor, lieutenant governor, attorney general,
7 secretary of state, state treasurer, U.S. senator, U.S. representative in congress,
8 state senator, representative to the assembly, district attorney and the county offices.
9 Below the names of the independent candidates shall appear the party or principle
10 of the candidates, if any, in 5 words or less, as shown on their nomination papers.

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

19 **SECTION 10.** 5.655 (1) of the statutes is amended to read:

20 5.655 (1) Whenever a separate ballot is required to be used, a municipality may
21 use a single ballot to facilitate the use of voting machines or an electronic voting
22 system or, if the municipality employs paper ballots, may use a consolidated paper
23 ballot that is authorized under sub. (2). If a municipality uses a single ballot in lieu
24 of separate ballots, the ballot shall include a separate column or row for any office,
25 or referendum ~~or party~~ for which a separate ballot is required by law and the ballot

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1 shall be distributed only to electors who are eligible to vote for all of the offices and
2 referenda appearing on the ballot.

3 **SECTION 11.** 5.81 (4) of the statutes is repealed.

4 **SECTION 12.** 5.84 (1) of the statutes is amended to read:

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

24 **SECTION 13.** 5.91 (1) and (3) of the statutes are amended to read:

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

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

9 **SECTION 14.** 5.91 (6) of the statutes is repealed.

10 **SECTION 15.** 6.80 (2) (am) of the statutes is amended to read:

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

17 **SECTION 16.** 6.80 (2) (f) of the statutes is amended to read:

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

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1 the completed ballot into the ballot box indicated by the inspectors, or give the ballots
2 to the inspector who shall deposit the ballots directly into the appropriate ballot
3 boxes. The inspectors shall keep the blank ballot box locked until the canvass is
4 completed and shall dispose of the blank ballots as prescribed by the municipal clerk.

5 **SECTION 17.** 6.87 (4) of the statutes is amended to read:

6 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee
7 shall make and subscribe to the certification before one witness. The absent elector,
8 in the presence of the witness, shall mark the ballot in a manner that will not disclose
9 how the elector's vote is cast. The elector shall then, still in the presence of the
10 witness, fold the ballots if they are paper ballots so each is separate and so that the
11 elector conceals the markings thereon and deposit them in the proper envelope. If
12 a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot if it is a
13 paper ballot so that the elector conceals the markings thereon and deposit the ballot
14 in the proper envelope. The elector may receive assistance under sub. (5). The return
15 envelope shall then be sealed. The witness may not be a candidate. The envelope
16 shall be mailed by the elector, postage prepaid, or delivered in person, to the
17 municipal clerk issuing the ballot or ballots. ~~Failure to return an unused ballot in~~
18 ~~a primary does not invalidate the ballot on which the elector's votes are cast. Return~~
19 ~~of more than one marked ballot in a primary or return of a ballot prepared under s.~~
20 ~~5.655 or a ballot used with an electronic voting system in a primary which is marked~~
21 ~~for candidates of more than one party invalidates all votes cast by the elector for~~
22 ~~candidates in the primary.~~

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

24 7.08 (2) (b) The certified list of candidates for president and vice president who
25 have been nominated at a national convention by a party entitled to a separate

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1 column or row on the September primary ballot or for whom electors have been
2 nominated under s. 8.20 shall be sent as soon as possible after the closing date for
3 filing nomination papers, but no later than the deadlines established in s. 10.06.

4 **SECTION 19.** 7.50 (1) (d) of the statutes is repealed.

5 **SECTION 20.** 7.50 (2) (g) of the statutes is amended to read:

6 7.50 (2) (g) In partisan primaries, if an elector writes in the name of an
7 individual ~~on a ballot~~ in a column or row other than the one on which that individual's
8 name is shown as a candidate, the write-in vote may not be counted.

9 **SECTION 21.** 8.16 (1), (6) and (7) of the statutes are amended to read:

10 8.16 (1) Except as provided in sub. (2), the person who receives the greatest
11 number of votes for an office ~~on a party ballot~~ at any partisan primary, regardless of
12 whether the person's name appears on the ballot, shall be the party's candidate for
13 the office, and the person's name shall so appear on the official ballot at the next
14 election. All independent candidates shall appear on the general election ballot
15 regardless of the number of votes received by such candidates at the September
16 primary.

17 (6) The persons who receive the greatest number of votes respectively for the
18 offices of governor and lieutenant governor ~~on~~ for any party ballot at a primary shall
19 be the party's joint candidates for the offices, and their names shall so appear on the
20 official ballot at the next election.

21 (7) Nominees chosen at a national convention and under s. 8.18 (2) by each
22 party entitled to a separate column or row on a September primary ballot shall be
23 the party's candidates for president, vice president and presidential electors. The
24 state or national chairperson of each such party shall certify the names of the party's
25 nominees for president and vice president to the board no later than 5 p.m. on the

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1 first Tuesday in September preceding a presidential election. Each name shall be in
2 one of the formats authorized in s. 7.08 (2) (a).

3 **SECTION 22.** 8.17 (1) (a) of the statutes is amended to read:

4 8.17 (1) (a) Political parties qualifying for a separate column or row on the
5 September primary ballot under s. 5.62 (1) (b) or (2) shall elect their party
6 committeemen and committeewomen as provided under sub. (5) (b). The function of
7 committeemen and committeewomen is to represent their neighborhoods in the
8 structure of a political party. Committeemen and committeewomen shall act as
9 liaison representatives between their parties and the residents of the election
10 districts in which they serve. Activities of committeemen and committeewomen
11 shall include, but not be limited to, voter identification; assistance in voter
12 registration drives; increasing voter participation in political parties; polling and
13 other methods of passing information from residents to political parties and elected
14 public officials; and dissemination of information from public officials to residents.
15 For assistance in those and other activities of interest to a political party, each
16 committeeman and committeewoman may appoint a captain to engage in these
17 activities in each ward, if the election district served by the committeeman or
18 committeewoman includes more than one ward. In an election district which
19 includes more than one ward, the committeeman or committeewoman shall
20 coordinate the activities of the ward captains in promoting the interests of his or her
21 party.

22 **SECTION 23.** 8.20 (9) of the statutes is amended to read:

23 8.20 (9) Persons nominated by nomination papers without a recognized
24 political party designation shall be placed on the official ballot at the general election
25 and at any partisan election to the right or below the recognized political party

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1 candidates in their own column or row designated "Independent". At the September
2 primary, persons nominated for state office by nomination papers without a
3 recognized political party designation shall be placed ~~on~~ in a separate ~~ballot~~ column
4 or row or, if a consolidated paper ballot under s. 5.655 (2), an electronic voting system
5 or voting machines are used, in a column or row designated "Independent". If the
6 candidate's name already appears under a recognized political party it may not be
7 listed on the independent ~~ballot~~, column or row.

8 **SECTION 24.** 8.50 (3) (b) of the statutes is amended to read:

9 8.50 (3) (b) Except as otherwise provided in this section, the provisions for
10 September primaries under s. 8.15 are applicable to all partisan primaries held
11 under this section, and the provisions for spring primaries under s. 8.10 are
12 applicable to all nonpartisan primaries held under this section. In a special partisan
13 primary or election, the order of the parties on the ballot shall be the same as
14 provided under s. 5.62 (1) or 5.64 (1) (b). Independent candidates for state office at
15 a special partisan election shall not appear on the primary ballot. No primary is
16 required for a nonpartisan election in which not more than 2 candidates for an office
17 appear on the ballot or for a partisan election in which not more than one candidate
18 for an office appears ~~on~~ in the ~~ballot~~ column or row of each recognized political party
19 on the ballot. In every special election except a special election for nonpartisan state
20 office where no candidate is certified to appear on the ballot, a space for write-in
21 votes shall be provided on the ballot, regardless of whether a special primary is held.

22 **SECTION 25.** 8.50 (3) (c) of the statutes is repealed.

23 **SECTION 26.** 9.10 (3) (e) of the statutes is amended to read:

24 9.10 (3) (e) For any partisan office, a recall primary shall be held for each
25 political party which is entitled to a separate column or row on the September

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1 primary ballot under s. 5.62 (1) (b) or (2) and from which more than one candidate
2 competes for the party's nomination in the recall election. The primary ballot shall
3 be prepared in accordance with s. 5.62, insofar as applicable. The person receiving
4 the highest number of votes in the recall primary for each political party shall be that
5 party's candidate in the recall election. Independent candidates shall be shown on
6 the ballot for the recall election only.

7 **SECTION 27.** 10.02 (3) (b) 2. and 2m. of the statutes are amended to read:

8 10.02 (3) (b) 2. At a special partisan primary, the elector shall select the party
9 ~~ballot~~ candidate of his or her choice for each office and shall make a cross (X) next
10 to or depress the lever or button next to the candidate's name for each office for whom
11 the elector intends to vote, or shall insert or write in the name of the elector's choice
12 for a candidate.

13 2m. At the September primary, the elector shall select the ~~party ballot~~
14 candidate of his or her choice ~~or the ballot containing the names of the independent~~
15 ~~candidates for state~~ each office, and make a cross (X) next to or depress the lever or
16 button next to the candidate's name for each office for whom the elector intends to
17 vote or insert or write in the name of the elector's choice for a party candidate, if any.
18 In order to qualify for participation in the Wisconsin election campaign fund, a
19 candidate for state office at the September primary, other than a candidate for
20 district attorney, must receive at least 6% of all votes cast on all ballots for the office
21 for which he or she is a candidate, in addition to other requirements.

22 **SECTION 28.** 11.06 (7m) (a) of the statutes, as affected by 2001 Wisconsin Act
23 109, is amended to read:

24 11.06 (7m) (a) If a committee which was registered under s. 11.05 as a political
25 party committee supporting candidates of a political party files an oath under sub.

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1 (7) affirming that it does not act in cooperation or consultation with any candidate
2 who is nominated to appear on the party ballot in the column or row of the party at
3 a general or special election, that the committee does not act in concert with, or at
4 the request or suggestion of, such a candidate, that the committee does not act in
5 cooperation or consultation with such a candidate or agent or authorized committee
6 of such a candidate who benefits from a disbursement made in opposition to another
7 candidate, and that the committee does not act in concert with, or at the request or
8 suggestion of, such a candidate or agent or authorized committee of such a candidate
9 who benefits from a disbursement made in opposition to another candidate, the
10 committee filing the oath may not make any contributions in support of any
11 candidate of the party at the general or special election or in opposition to any such
12 candidate's opponents exceeding the applicable amounts specified in s. 11.26 (2) and
13 (2m), except as authorized in par. (c).

14 **SECTION 29.** 11.31 (3m) of the statutes is amended to read:

15 11.31 (3m) UNOPPOSED CANDIDATES; EXCEPTION. Notwithstanding subs. (1) and
16 (2), if all candidates for state senator or representative to the assembly in a
17 legislative district who are certified under s. 7.08 (2) (a) to appear in the columns or
18 rows on the September primary ballot of all parties recognized under s. 5.62 (1) (b)
19 or (2) have no opponent who is certified to appear on the same primary ballot, or if
20 no primary is required for all candidates of parties recognized under s. 5.62 (1) (b)
21 or (2) for state senator or representative to the assembly in a legislative district who
22 are certified under s. 8.50 (1) (d) to appear on a special partisan election ballot, then
23 the separate limitation specified in sub. (1) for disbursements during the primary
24 and election period does not apply to candidates for that office in that primary and

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1 election, and the candidates are bound only by the total limitations specified for the
2 primary and election.

3 **SECTION 30.** 11.50 (1) (am) 2. of the statutes, as created by 2001 Wisconsin Act
4 109, is amended to read:

5 11.50 (1) (am) 2. A party qualifying under s. 5.62 (2) for ~~a separate ballot or~~
6 one or more separate columns or rows on a ballot for the period beginning on the
7 preceding June 1, or if that June 1 is in an odd-numbered year, the period beginning
8 on June 1 of the preceding even-numbered year, and ending on May 31 of the 2nd
9 year following that June 1.

10 **SECTION 31.** 15.61 of the statutes is amended to read:

11 **15.61 Elections board; creation.** There is created an elections board
12 consisting of persons who shall be appointed by the governor for 2-year terms as
13 follows: one member selected by the governor; one member each designated by the
14 chief justice of the supreme court, the speaker of the assembly, the senate majority
15 leader, the minority leader in each house of the legislature, and the chief officer of
16 each political party qualifying for a separate column or row on the September
17 primary ballot under s. 5.62 (1) (b) or (2) whose candidate for governor received at
18 least 10% of the vote in the most recent gubernatorial election.

19 **SECTION 32. Initial applicability.**

20 (1) This act first applies with respect to voting at the 2004 September primary
21 election.

22 **SECTION 33. Effective dates.** This act takes effect on the day after publication,
23 except as follows:

