

1999 ASSEMBLY BILL 598

November 24, 1999 – Introduced by Representatives WALKER, HUEBSCH, KLUSMAN, STONE, GUNDRUM, KESTELL, MUSSER, SPILLNER, GOETSCH, PORTER, SYKORA, F. LASEE, KELSO, GROTHMAN, HANDRICK, SERATTI and GUNDERSON, cosponsored by Senator DARLING. Referred to Committee on Campaigns and Elections.

1 **AN ACT to repeal** 5.35 (6) (a) 4., 5.37 (3), 5.64 (3), 5.91 (2) and 7.50 (2) (a); **to**
2 **amend** 5.37 (1), 5.64 (1) (intro.), 5.64 (1) (a), 5.64 (1) (b), 5.64 (1) (c), 5.64 (1) (d),
3 5.81 (2), 6.24 (5) and 10.02 (3) (b) 1.; and **to create** 5.64 (1) (em) of the statutes;
4 **relating to:** eliminating the authority for certain electors to vote a straight
5 party ticket and eliminating the separate ballot for the offices of president and
6 vice president.

Analysis by the Legislative Reference Bureau

Under current law, at the general election, an elector may vote a straight party ticket for the candidates of any party that has a separate ballot or column on the ballot, except for candidates for the offices of president and vice president. In order to vote for candidates for the offices of president and vice president, an elector must cast a separate ballot or vote, regardless of whether he or she votes a straight party ticket.

This bill eliminates the authority for any elector, other than an overseas or military elector, to vote a straight party ticket. In addition, this bill eliminates the separate presidential ballot. This bill first applies to elections held on January 1, 2000.

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

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

1 **SECTION 1.** 5.35 (6) (a) 4. of the statutes is repealed.

2 **SECTION 2.** 5.37 (1) of the statutes is amended to read:

3 **5.37 (1)** Voting machines shall give every elector a reasonable opportunity to
4 vote for any person for any office and on any proposition the elector is entitled to vote
5 on, assure privacy to the elector so no one will know how the elector is voting or has
6 voted, preclude the electors from voting for persons or propositions upon which they
7 are not entitled to vote and from voting more than once for the same office or on the
8 same proposition. Voting machines shall be constructed to lock so they cannot be
9 manipulated, tampered with, or show the number of votes registered for any
10 candidate or proposition while voting is in progress. The machines shall provide a
11 ~~method for electors to vote a straight party ticket,~~ shall permit voting a split ticket
12 and shall record each vote cast.

13 **SECTION 3.** 5.37 (3) of the statutes is repealed.

14 **SECTION 4.** 5.64 (1) (intro.) of the statutes is amended to read:

15 **5.64 (1) OFFICIAL BALLOT.** (intro.) There shall be a separate ballot giving the
16 names of all candidates for the offices of president and vice president and for
17 statewide, congressional, legislative and county offices in the same form as
18 prescribed by the board under s. 7.08 (1) (a).

19 **SECTION 5.** 5.64 (1) (a) of the statutes is amended to read:

20 **5.64 (1) (a)** The ballot shall be labeled “Official Ballot” in lettering at least
21 three-eighths inch high. Directly underneath in plain, legible type, shall be the

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1 following voting instructions: ~~“If you desire to vote a straight party ticket for all~~
2 ~~statewide, congressional, legislative and county offices, make a cross (X) in the circle~~
3 ~~under the party designation at the top of the party column. If you desire to, as~~
4 ~~appropriate: “To vote for individual candidates a candidate whose name appears on~~
5 ~~the ballot, make a cross (X) in the square at the RIGHT of the name of each candidate~~
6 ~~for whom you desire to vote candidate’s name. To vote for a person whose name does~~
7 ~~not appear on the ballot, write the name in the blank space provided for the purpose.~~
8 ~~[When voting for president and vice president, you may vote only for the candidates~~
9 ~~on one ticket jointly or write in the names of persons in both spaces.] [When voting~~
10 ~~for governor and lieutenant governor, you may vote only for the candidates on one~~
11 ~~ticket jointly or write in the names of persons in both spaces.”]. Under the party~~
12 ~~designation at the top of each party column shall appear the following words in~~
13 ~~boldface type: “Make a cross (X) in this circle to vote a straight party ticket.”.~~

14 **SECTION 6.** 5.64 (1) (b) of the statutes is amended to read:

15 5.64 (1) (b) Below the voting instructions the ballot shall be divided into
16 vertical columns. The names of the candidates for the offices of president and vice
17 president that are certified under s. 8.16 (7) or that are contained in nomination
18 papers filed under s. 8.20 shall appear on the ballot in the form prescribed in s. 7.08
19 (2) (a). The names of the candidates on the regular party tickets nominated at the
20 primary or replacements appointed under s. 8.35 (2) shall be printed appear each in
21 a separate column under the party designation. The columns shall be arranged from
22 left to right according to rank, based on the number of votes received by the party’s
23 candidate for president or governor at the last general election beginning with the
24 party that received the most votes. To the right of the columns for parties qualifying
25 under s. 5.62 (1) (b) shall be placed the columns for parties qualifying under s. 5.62

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1 (2) in the same order in which the parties filed petitions with the board. To the right
2 of the party columns shall be a column for the names of independent candidates for
3 each office, or more than one column if the first column does not provide sufficient
4 space for the names of all such candidates.

5 **SECTION 7.** 5.64 (1) (c) of the statutes is amended to read:

6 5.64 (1) (c) The party designation shall be printed appear at the top of each
7 column and under it shall appear a circle at least three eighths of an inch in
8 diameter for electors wishing to vote a straight party ticket. Within each column only
9 candidates nominated by the party designated at the head of the column shall
10 appear.

11 **SECTION 8.** 5.64 (1) (d) of the statutes is amended to read:

12 5.64 (1) (d) The offices shall be arranged beginning with president and vice
13 president, followed by governor and lieutenant governor, whenever these offices are
14 to be filled, and then the remaining offices in the order designated under s. 5.62 (3).

15 **SECTION 9.** 5.64 (1) (em) of the statutes is created to read:

16 5.64 (1) (em) In the case of balloting for the offices of president and vice
17 president, the names of the candidates shall be placed in the party column by which
18 nominated or if independent, in a column designated independent. To the right of
19 the names of the set of candidates for president and vice president in each column
20 shall be one square for the elector to cast a ballot jointly for both offices.

21 **SECTION 10.** 5.64 (3) of the statutes is repealed.

22 **SECTION 11.** 5.81 (2) of the statutes is amended to read:

23 5.81 (2) When an electronic voting system utilizes a ballot label booklet and
24 ballot card, ballots for candidates and ballots on referenda may be placed on the
25 voting device by providing in the ballot booklet separate ballot label pages or series

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1 of pages distinguished by differing colors. Whenever practicable, all candidates for
2 the same office shall appear in the booklet on the same page or facing pages. More
3 than one question may be placed on the same ballot page or series of pages. In
4 elections where provision is made for straight party voting by marking a party circle,
5 the designation of the political parties for straight party voting shall be on a separate
6 page on which no names of candidates may appear. On each succeeding page of the
7 candidate booklet, where the ballot information is listed vertically, the party
8 affiliation of each candidate or the designation “independent” or the candidate’s
9 statement of principles, if any, shall appear immediately to the left of the candidate’s
10 name, and the name of candidates for the same office shall be listed vertically under
11 the title of that office.

12 **SECTION 12.** 5.91 (2) of the statutes is repealed.

13 **SECTION 13.** 6.24 (5) of the statutes is amended to read:

14 6.24 (5) BALLOTS. The board shall prescribe a special ballot for use under this
15 section whenever necessary. Official ballots under ss. s. 5.60 (8) and 5.64 (3) may also
16 be used. The ballot shall be designed to comply with the requirements of ss. 5.60 (8),
17 5.62 and 5.64 (1) insofar as applicable. All ballots shall be limited to national offices
18 only.

19 **SECTION 14.** 7.50 (2) (a) of the statutes is repealed.

20 **SECTION 15.** 10.02 (3) (b) 1. of the statutes is amended to read:

21 10.02 (3) (b) 1. ~~If an elector wishes to vote for all candidates nominated by any~~
22 ~~party, the elector shall make a cross (x) in the circle or depress the lever or button~~
23 ~~under the party designation printed at the top of the ballot. Unless a name has been~~
24 ~~erased or crossed out, another name written in, a cross made to the right of a~~
25 ~~candidate for the same office in another column or a sticker applied, a cross in the~~

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1 ~~circle at the top of the column is a vote for all the party's candidates listed in the~~
2 ~~column. If an elector does not wish to vote for all the candidates nominated by one~~
3 ~~party, the~~ The elector shall make a cross (x) in the square at the right of or separately
4 depress the levers or buttons next to each candidate's name for whom he or she
5 intends to vote, or shall insert or write in the name of a candidate.

6 **SECTION 16. Initial applicability.**

7 (1) This act first applies to elections held on January 1, 2000.

8 (END)