

1999 DRAFTING REQUEST

Bill

Received: **07/21/1999**

Received By: **kuesejt**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Walker (608) 266-9180**

By/Representing: **Greg Reiman**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Ah. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies: **JTK - 1**

Pre Topic:

No specific pre topic given

Topic:

Eliminate straight party ticket option

Instructions:

Eliminate the option for electors to cast a single vote for all candidates of a recognized political party in partisan elections, beginning with the 2000 general election.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	Jacketed	<u>Required</u>
I?	rmarchan 08/19/1999	csicilia 0812411999		_____			Local
		chanaman 09/02/1999		_____			
/1			martykr 09/08/1999	_____	lrb-docadmin 09/08/1999	lrb-docadmin 09/09/1999	

FE Sent For:

11/24/99

<END>

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1/?	rmarchan	cm /1 9/2	rm 9/8	kg 9/8 rm/8			
FE Sent For:							

<END>

✓ 5.37 (1) AM "straight party ballot"
✓ (3) RP "all of one party" ★
✓ (4) AM "select the party for which he or she"

✓ 5.04 (1) (a) AM
✓ (c) AM

✓ 5.81 (→) AM "straight party voting"
(4) AM or RP? "party preference"

✓ Search "straight party"
✓ Search "all of one party's"
✓ Search all candidates * party *

✓ Research ability to vote for all nominees of one party in election for nat'l
office under fed. law. see s. 6.25(1) + 42 USC 1973ff-2

~~Provisions re: vote for all candidates of one party in presidential
election? For e.g. 5.37(3). of RP, then what? →~~

Didn't treat party selection @ primary election

Call Mike H. who does research in the state of the subject
ballot vs federal absentee ballot? Do both come from
muni. clerk?

WESTLAW ELECTRONIC RESEARCH

Civil rights cases: 78k[add key number].
Elections cases: 144k[add key number].
See, also; WESTLAW guide following the Explanation pages of this volume.

§ 1973ee-5. Relationship to Voting Rights Act of 1965

This subchapter shall not be construed to impair any right guaranteed by the Voting Rights Act of 1965 (42 USC, § 1973) (Pub.L. 98-435, § 7, Sept. 28, 1984, 98 Stat. 1679.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports
1984 Acts. Senate Report No. 98-590, see 1984 U.S. Code Cong. and Adm. News, p. 2801.

References in Text

The Voting Rights Act of 1965, referred to in text, is Pub.L. 89-110, Aug. 6, 1965, 79 Stat. 437, as amended, which is classified generally to subchapters I-A (section 1973 et seq.), I-B (section 1973aa et

seq.), and I-C (section 1973bb et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1973 of this title and Tables.

Effective Dates

1984 Acts. Section applicable to elections taking place after Dec. 31, 1984, section 9 of Pub.L. 98-435, set out as note under section 1973ee of this title.

LIBRARY REFERENCES.

American Digest System

Establishment, location, and alteration of polling places, see Elections § 200 et seq.

Prohibition of discrimination on the basis of age or handicap, see Civil Rights § 106, 107(1, 2), 119 et seq.

Encyclopedias

Establishment, location, and alteration of polling places, see C.J.S. Elections § 193 et seq.

Prohibition of discrimination on the basis of age or handicap, see C.J.S. Civil Rights §§ 12 et seq., 49 et seq., 53 et seq., 85.

WESTLAW ELECTRONIC RESEARCH

Civil rights cases: 78k[add key number].
Elections cases: 144k[add key number].
See, also; WESTLAW guide following the Explanation pages of this volume.

§ 1973ee-6. Definitions

As used in this subchapter, the term-

(1) "accessible" means accessible to handicapped and elderly individuals for the purpose of voting or registration, as determined under guidelines established by the chief election officer of the State involved;

(2) "elderly" means 65 years of age or older;

(3) "Federal election" means a general, special, primary, runoff election for the office of President or Vice President, or of

Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

(4) "handicapped" means having a temporary or permanent physical disability; and

(5) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.,

(Pub.L. 98-435, § 8, Sept. 28, 1984, 98 Stat. 1679.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports
1984 Acts. Senate Report No. 98-590, see 1984 U.S. Code Cong. and Adm. News, p. 2801.

Effective Dates

1984 Acts. Section applicable to elections taking place after Dec. 31, 1985, see

section 9 of Pub.L. 98435, set out as a note under section 1973ee of this title.

LIBRARY REFERENCES

American Digest System

Establishment, location, and alteration of polling places, see Elections § 200 et seq.

Prohibition of discrimination on the basis of age or handicap, see Civil Rights § 106, 107(1, 2), 119 et seq.

Encyclopedias

Establishment, location, and alteration of polling places, see C.J.S. Elections § 193 et seq.

Prohibition of discrimination on the basis of age or handicap, see C.J.S. Civil Rights §§ 12 et seq., 49 et seq., 53 et seq., 85.

WESTLAW ELECTRONIC RESEARCH

Civil rights cases: 78k[add key number].
Elections cases: 144k[add key number].
See, also; WESTLAW guide following the Explanation pages of this volume.

SUBCHAPTER I-G-REGISTRATION AND VOTING BY ABSENT-UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS IN ELECTIONS FOR FEDERAL OFFICE

CROSS REFERENCES

Absent uniformed services voters and overseas voters, see 18 USCA § 608.
Balloting materials for uniformed services voters and overseas voters, free of postage, see 39 USCA § 3406.

§ 1973ff. Federal responsibilities

(a) Presidential designee

The President shall designate the head of an executive department to have primary responsibility for Federal functions under this subchapter.

(b) Duties of Presidential designee

The Presidential designee shall—

(1) consult State and local election officials in carrying out this subchapter;

(2) prescribe an official post card form, containing both an absentee voter registration application and an absentee ballot application, for use by the States as recommended in section 1973ff-3 of this title;

(3) carry out section 1973ff-2 of this title with respect to the Federal write-in absentee ballot for overseas voters in general elections for Federal office;

(4) prescribe a suggested design for absentee ballot mailing envelopes for use by the States as recommended in section 1973ff-3 of this title;

(5) compile and distribute (A) descriptive material on State absentee registration and voting procedures, and (B) to the extent practicable, facts relating to specific elections, including dates, offices involved, and the text of ballot questions; and

(6) not later than the end of each year after a Presidential election year, transmit to the President and the Congress a report on the effectiveness of assistance under this subchapter, including a statistical analysis of voter participation and a description of State-Federal cooperation.

(c) Duties of other Federal officials**(1) In general**

The head of each Government department, agency, or other entity shall, upon request of the Presidential designee, distribute balloting materials and otherwise cooperate in carrying out this subchapter.

(2) Administrator of General Services

As directed by the Presidential designee, the Administrator of General Services shall furnish official post card forms (prescribed under subsection (b) of this section) and Federal write-in absentee ballots (prescribed under section 1973ff-2 of this title).

(Pub.L. 99-410, Title I, § 101, Aug. 28, 1986, 100 Stat. 924.)

HISTORICAL AND STATUTORY NOTES**Revision Notes and Legislative Reports**

1986 Acts. House Report No. 99-765, see 1986 U.S. Code Cong. and Adm. News, p. 2009.

Effective Dates

1986 Acts. Section 204 of Pub.L. 99-410 provided that: "The amendments and repeals made by this Act [enacting this subchapter, sections 608 and 609 of Title 18 Crimes and Criminal Procedure

and section 3406 of Title 39, Postal Service, amending sections 2401, 3627, and 3684 of Title 39, and repealing sections 1973cc, 1973cc notes, 1973cc-1 to 1973cc-26, 1973dd, 1973dd notes, and 1973dd-1 to 1973dd-6 of this title] shall apply with respect to elections taking place after December 31, 1987."

Short Title

1986 Acts. Section 1 of Pub.L. 99-410 provided that: "This Act [which enacted

this subchapter, sections 608 and 609 of Title 18, Crimes and Criminal Procedure, and section 3406 of Title 39, Postal Service, amended sections 2401, 3627, and 3684 of Title 39, repealed sections 1973cc, 1973cc notes, 1973cc-1 to 1973cc-26, 1973dd, 1973dd notes, and 1973dd-1 to 1973dd-6 of this title, and enacted provisions set out as notes under this section] may be cited as the 'Uniformed and Overseas Citizens Absentee Voting Act.'"

EXECUTIVE ORDERS**EXECUTIVE ORDER NO. 12642**

June 8, 1988, 53 F.R. 21975

DESIGNATION OF SECRETARY OF DEFENSE AS PRESIDENTIAL DESIGNEE

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, including section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (public Law 99-410) ("the Act") [subsec. (a) of this section], it is hereby ordered as follows:

Section 1. The Secretary of Defense is hereby designated as the "Presidential designee" under Title I of the Act [this subchapter].

Sec. 2. In order to effectuate the purposes of the Act [see Short Title note set out under this section], the Secretary of Defense is hereby authorized to delegate any or all of the functions, responsibilities, powers, authority, or discretion devolving upon him in consequence of this Order to any person or persons within the Department of Defense.

RONALD REAGAN

LIBRARY REFERENCES

American Digest System

Voting by absentee ballot, see Elections -216.1.

Encyclopedias

Voting by absentee ballot, see C.J.S. Elections § 210 et seq.

WESTLAW ELECTRONIC RESEARCH

Elections cases: 144k[add key number].

See, also, WESTLAW guide following the Explanation pages of this volume.

§ 1973ff-1. State responsibilities

Each State shall—

(1) permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office;

(2) accept and process, with respect to any general, special, primary, or runoff election for Federal office, any otherwise valid voter registration application from an absent uniformed services

voter or overseas voter, if the application is received by the appropriate State election official not less than 30 days before the election; and

(3) permit overseas voters to use Federal write-in ballots (in accordance with section 1973ff-2 of this title) in general elections for Federal office.

(Pub.L. W-410, Title I, § 102, Aug. 28, 1986, 100 Stat. 925.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports
1986 Acts. House Report No. 99-765,
see 1986 U.S. Code Cong. and Adm.
News, p. 2009. 31, 1987, see section 204 of
99-410, set out as a note under section
1973ff of this title.

Effective Dates

1986 Acts. Section applicable with respect to elections taking place after Dec.

LIBRARY REFERENCES

American Digest System

Voting by absentee ballot, see Elections ¶216.1.

Encyclopedias

Voting by absentee ballot, see C.J.S. Elections § 210 et seq.

WESTLAW ELECTRONIC RESEARCH

Elections cases: 144k[add key number].
See, also, WESTLAW guide following the Explanation pages of this volume.

NOTES OF DECISIONS

Qualification to vote 1

1. Qualification to vote

Neither Voting Rights Amendments nor Uniformed and Overseas Citizens Absentee Voting Act which grants United States citizens living abroad right to vote in federal elections impair ability of United

States citizens moving to Puerto Rico to continue voting in presidential elections but, rather, issue of whether Puerto Rican residents were qualified voters was state law issue to be determined by states where they previously resided. *de la Rosa v. U.S.*, D.Puerto Rico 1994, 842 F.Supp. 607.

§ 1973ff-2. Federal write-in absentee ballot for overseas voters in general elections for Federal office

(a) In general

The Presidential designee shall prescribe the ballot (including a secrecy envelope and mailing envelope for such ballot) for use in general elections for Federal office by overseas voters who make timely application for, and do not receive, State absentee ballots.

(b) Submission and processing

Except as otherwise provided in this subchapter, a Federal write-in absentee ballot shall be submitted and processed in the manner

provided by law for absentee ballots in the State involved. A Federal write-in absentee ballot of an overseas voter shall not be counted-

(1) if the ballot is submitted from any location in the United States;

(2) if the application of the overseas voter for a State absentee ballot is received by the appropriate State election Official less than 30 days before the general election; or

(3) if a State absentee ballot of the overseas voter is received by the appropriate State election official not later than the deadline for receipt of the State absentee ballot under State law.

(c) Special rules

The following rules shall apply with respect to Federal write-in absentee ballots:

(1) In completing the ballot, the overseas voter may designate a candidate by writing in the name of the candidate or by writing in the name of a political party (in which case the ballot shall be counted for the candidate of that political party).

(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of a political party shall be counted as a vote for the electors supporting the candidate involved.

(3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained.

(d) Second ballot submission; instruction to overseas voter

An overseas voter who submits a Federal write-in absentee ballot and later receives a State absentee ballot, may submit the State absentee ballot. The Presidential designee shall assure that the instructions for each Federal write-in absentee ballot clearly state that an overseas voter who submits a Federal write-in absentee ballot and later receives and submits a State absentee ballot should make every reasonable effort to inform the appropriate State election official that the voter has submitted more than one ballot.

(e) Use of approved State absentee ballot in place of Federal write-in absentee ballot

The Federal write-in absentee ballot shall not be valid for use in a general election if the State involved provides a State absentee ballot that-

(1) at the request of the State, is approved by the Presidential designee for use in place of the Federal write-in absentee ballot;

(2) is made available to overseas voters at least 60 days before the deadline for receipt of the State ballot under § 1973ff-6(5)(B) of this title.

(f) Certain States exempted

A State is not required to permit use of the Federal absentee ballot, if, on and after August 28, 1986, the State effect a law providing that-

(1) a State absentee ballot is required to be available to a voter described in section 1973ff-6(5)(A) of this title at least 60 days before the general election involved; and

(2) a State absentee ballot is required to be available to a voter described in section 1973ff-6(5)(B) or (C) of this title as soon as the official list of candidates in the general election is complete.

(Pub.L. 99-410, Title I, § 103, Aug. 28, 1986, 100 Stat. 925.)

¹ So in original.

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports 1986 Acts, House Report No. 99-765, see 1986 U.S. Code Cong. and Adm. News, p. 2009. 31, 1987, see section 204 of Pub.L. 99-410, set out as a note under section 1973ff of this title.

Effective Dates

1986 Acts. Section applicable with respect to elections taking place after Dec.

LIBRARY REFERENCES

American Digest System

Voting by absentee ballot, see Elections ⇨216.1.

Encyclopedias

Voting by absentee ballot, see C.J.S. Elections § 210 et seq.

WESTLAW ELECTRONIC RESEARCH

Elections cases: 144k[add key number].

See, also, WESTLAW guide following the Explanation pages of this volume.

NOTES OF DECISIONS

Constitutionality 1

1. Constitutionality

Distinction between United States citizens living abroad and those living within the United States in Uniformed and Overseas Citizens Absentee Voting Act which insures that overseas citizens can contin-

last place of residence is constitutional as Act has legitimate governmental purpose of facilitating absentee voting by United States citizens, both military and civilian, who are overseas and limitation of Act to United States citizens who are absent from country is rationally related to Act's purpose and is nondiscriminatory. In *Rosa v. U.S.D. Puerto Rico*

§ 1973ff-3. Recommendations to States to maximize access to polls by absent uniformed services voters and overseas voters

To afford maximum access to the polls by absent uniformed services voters and overseas voters, it is recommended that the States-

(1) use the official post card form (prescribed under section 1973ff of this title) for simultaneous voter registration application and absentee ballot application;

(2) adopt the suggested design for absentee ballot mailing envelopes prescribed under section 1973ff of this title;

(3) waive registration requirements for absent uniformed services voters and overseas voters who, by reason of service or residence, do not have an opportunity to register;

(4) if an application other than an official post card form (prescribed under section 1973ff of this title) is required for absentee registration, provide that registration forms be sent with the absentee ballot and may be returned with it;

(5) expedite processing of balloting materials with respect to absent uniformed services voters and overseas voters;

(6) permit any oath required for a document under this subchapter to be administered by a commissioned officer of the Armed Forces or any official authorized to administer oaths under Federal law or the law of the State or other place where the oath is administered;

(7) assure that absentee ballots are mailed to absent uniformed services voters and overseas voters at the earliest opportunity;

(8) assist the Presidential designee in compiling statistical and other information relating to this subchapter; and

(9) provide late registration procedures for persons recently separated from the Armed Forces.

(Pub.L. 99-410, Title I, § 104, Aug. 28, 1986, 100 Stat. 926.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports 1986 Acts, House Report No. 99-765, see 1986 U.S. Code Cong. and Adm. News, p. 2009. 31, 1987, see section 204 of Pub.L. 99-410, set out as a note under section 1973ff of this title.

Effective Dates

1986 Acts. Section applicable with respect to elections taking place after Dec.

LIBRARY REFERENCES

American Digest System



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-33 12/2

RJM:.....

CMH (RM) (DNOTE)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ^{gen cat}; relating to: eliminating the authority for certain electors to vote a
2 straight party ticket and eliminating the separate ballot for the offices of
3 president and 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.

FE-L

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

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

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

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

11 SECTION 3. 5.37 (3) of the statutes is repealed.

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

13 5.64 (1) OFFICIAL, BALLOT. (intro.) There shall be a separate ballot giving the
 14 names of all candidates for the offices of ~~n~~resident and vice ~~n~~resident and for[✓]
 15 statewide, congressional, legislative and county offices in the same form as
 16 prescribed by the board under s. 7.08 (1) (a).

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

18 5.64 (1) (a) The ballot shall be labeled "Official Ballot" in lettering at least
 19 three-eighths inch high. Directly underneath in plain, legible type, shall be the

20 following voting instructions, as appropriate: If you desire to vote a straight party
 21 ticket for all statewide, congressional, legislative and county offices, make a cross (X)
 22 in the circle under the party designation at the top of the party column. If you desire
 23 to vote for individual candidates a candidate whose name appears on the ballot,
 24 make a cross (X) in the square at the RIGHT of the name of each candidate from
 25 you desire to vote candidate's name. To vote for a person whose name does not appear

Handwritten annotations:
 - A circled "20" is next to the start of the voting instructions.
 - A circled "23" is next to the start of the second instruction.
 - A circle containing a colon ":" is next to the first instruction, with the note "add stricken colon".
 - A circle containing a colon ":" is next to the second instruction, with the note "score colon".
 - A circle containing a colon ":" is next to the second instruction, with the note "strike quotation marks".
 - A circle containing a colon ":" is next to the second instruction, with the note "add scored quotation marks".
 - A circle containing a colon ":" is next to the second instruction, with the note "move scored text".

1 on the ballot, write the name in the blank space provided for the purpose. [When
 2 voting for nresident and vice oresident. YOU may vote only for the candidates on one
 3 ticket jointly or write in the names of persons in both snaces.1 [When voting for
 4 governor and lieutenant governor, you may vote only for the candidates on one ticket
 5 jointly or write in the names of persons in both spaces.”]. ~~Under the party~~
 6 ~~designation at the top of each party column shall appear the following words in~~
 7 ~~boldface type: “Make a cross (X) in this circle to vote a straight party ticket.”.~~

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

9 5.64 (1) (b) Below the voting instructions the ballot shall be divided into
 10 vertical columns. The names of the candidates for the offices of nresident and vice
 11 president that are certified under s. 8.16 (7) or that are contained in nomination
 12 papers filed under s. 8.20 shall ~~be printed~~ appear on the ballot in the form orescribed in s.
 13 7.08 (2) (a). The names of the candidates on the regular party tickets nominated-a
 14 the primary or replacements appointed under s. 8.35 (2) shall ~~be printed~~ each in a
 15 separate column under the party designation. The columns shall be arranged from
 16 left to right according to rank, based on the number of votes received by the party’s
 17 candidate for president or governor at the last general election beginning with the
 18 party that received the most votes. To the right of the columns for parties qualifying
 19 under s. 5.62 (1) (b) shall be placed the columns for parties qualifying under s. 5.62
 20 (2) in the same order in which the parties filed petitions with the board. To the right
 21 of the party columns shall be a column for the names of independent candidates for
 22 each office, or more than one column if the first column does not provide sufficient
 23 space for the names of all such candidates.

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

1 candidate booklet, where the ballot information is listed vertically, the party
2 affiliation of each candidate or the designation "independent" or the candidate's
3 statement of principles, if any, shall appear immediately to the left of the candidate's
4 name, and the name of candidates for the same office shall be listed vertically under
5 the title of that office.

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

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

8 6.24 (5) BALLOTS. The board shall prescribe a special ballot for use under this
9 section whenever necessary. Official ballots under ~~ss. s.~~ 5.60 (8) and 5.64 (3) may also
10 be used. The ballot shall be designed to comply with the requirements of ss. 5.60 (8),
11 5.62 and 5.64 (1) insofar as applicable. All ballots shall be limited to national offices
12 only.

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

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

15 10.02 (3) (b) 1. ~~If an elector wishes to vote for all candidates nominated by any~~
16 ~~party, the elector shall make a cross (X) in the circle or depress the lever or button~~
17 ~~under the party designation printed at the top of the ballot. Unless a name has been~~
18 ~~erased or crossed out, another name written in, a cross made to the right of a~~
19 ~~candidate for the same office in another column or a sticker applied, a cross in the~~
20 ~~circle at the top of the column is a vote for all the party's candidates listed in the~~
21 ~~column. If an elector does not wish to vote for all the candidates nominated by one~~
22 ~~party, the~~ The elector shall make a cross (X) in the square at the right of or separately
23 depress the levers or buttons next to each candidate's name for whom he or she
24 intends to vote, or shall insert or write in the name of a candidate.

25 SECTION 16. Initial applicability.

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

2 (END)

DRAFTERS Nom
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3312/1dn
RJM:.....
cm 4

Currently, overseas electors may only vote in elections for national office, including the September primary, whereas military electors may vote in any election.

In addition

1. This bill raises two issues with respect to absentee voting by overseas and military electors. Currently, under ss. 6.22 and 6.24, stats., these electors may receive standard absentee ballots listing the names of the candidates for each office for which these electors are allowed to vote. However, because overseas and military electors may not receive these standard absentee ballots in time to vote in the applicable election, under s. 6.25, stats., these electors may also receive write-in absentee ballots that list only the offices to be filled at the upcoming election. Because write-in absentee ballots do not list any candidates, they can be mailed to overseas and military electors earlier than standard absentee ballots and, thus, can more easily be returned on time.

for which the electors may vote

With certain exceptions, federal law requires states to allow overseas and military electors to cast their votes for candidates for national office by using federal write-in absentee ballots. Federal write-in absentee ballots allow overseas and military electors either to write in a candidate or to write in the political party whose eventual candidate the electors choose. See 42 USC 1973ff-2 (c) (1) and s. 6.25 (1), stats. In addition, under s. 6.25 (2) and (3), stats., this state permits overseas and military electors to use a similar state write-in absentee ballot for any applicable election.

This draft does not eliminate the authority for overseas and military electors using a state or federal write-in absentee ballot to write in a political party rather than a candidate. Eliminating this authority would require some overseas and military electors to write in a candidate at a time when the candidates for the election may not be known. In addition, federal approval is required in order to eliminate this authority as it applies to elections for national office. See 42 USC 1973ff-2 (e).

the use of a state or federal write-in absentee ballot in

Please let me know if you have misunderstood your intent or if you want to discuss the procedure for obtaining this federal approval.

A separate presidential ballot is unnecessary if straight party ticket voting is eliminated. Thus, this bill eliminates the separate presidential ballot. Please let me know if this treatment is not consistent with your intent.

and separate votes are required for each office

this draft is inconsistent with

The only purpose for using a separate presidential ballot is to ensure that electors cast separate votes in the presidential election and in state elections. Thus, a

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2. Another option would be to eliminate the state write-in absentee ballot altogether. However, this option is not recommended because, under 42 USC 1973ff-2, overseas electors could continue to use the federal write-in absentee ballot. This change would cause administrative problems if the electors write in incorrect or improperly named offices. Furthermore, the electors would still be authorized to write in a political party rather than a candidate.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3312/1dn
RJM:cmh:km

September 8, 1999

1. This bill raises two issues with respect to absentee voting by overseas and military electors. Currently, overseas electors may only vote in elections for national office, including the September primary, whereas military electors may vote in any election. Under ss. 6.22 and 6.24, stats., these electors may receive standard absentee ballots listing the names of the candidates for each office for which these electors are allowed to vote. In addition, because overseas and military electors may not receive these standard absentee ballots in time to vote in the applicable election, under s. 6.25, stats., these electors may also receive write-in absentee ballots that list only the offices for which the electors may vote at the upcoming election. Because write-in absentee ballots do not list any candidates, they can be mailed to overseas and military electors earlier than standard absentee ballots and, thus, can more easily be returned on time.

With certain exceptions, federal law requires states to allow overseas and military electors to cast their votes for candidates for national office by using federal write-in absentee ballots. Federal write-in absentee ballots allow overseas and military electors either to write in a candidate or to write in the political party whose eventual candidate the electors choose. See 42 USC 1973ff-2 (c) (1) and s. 6.25 (1), stats. In addition, under s. 6.25 (2) and (3), stats., this state permits overseas and military electors to use a similar state write-in absentee ballot for any applicable election.

This draft does not eliminate the authority for overseas and military electors using a state or federal write-in absentee ballot to write in a political party rather than a candidate. Eliminating this authority would require some overseas and military electors to write in a candidate at a time when the candidates for the election may not be known. In addition, federal approval is required in order to eliminate this authority as it applies to the use of a state or federal write-in absentee ballot in elections for national office. See **42** USC 1973ff-2 (e).

Please let me know if this draft is inconsistent with your intent or if you want to discuss the procedure for obtaining this federal approval.

2. Another option would be to eliminate the state write-in absentee ballot altogether. However, this option is not recommended because, under 42 USC 1973ff-2, overseas electors could continue to use the federal write-in absentee ballot. This change would cause administrative problems if the electors wrote in incorrect or improperly named offices. Furthermore, the electors would still be authorized to write in a political party rather than a candidate.

3. The only purpose for using a separate presidential ballot is to ensure that electors cast separate votes in the presidential election and in state elections. Thus, a separate presidential ballot is unnecessary if straight party ticket voting is eliminated and separate votes are required for each office. This bill eliminates the separate presidential ballot. Please let me know if this treatment is not consistent with your intent.

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**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 09/08/1999

To: Representative Walker

Relating to LRB drafting number: LRB-33 12

Topic

Eliminate straight party ticket option

Subject(s)

Elections - miscellaneous

1. **JACKET** the draft for introduction _____
in the **Senate** _____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Robert J. Marchant, Legislative Attorney
Telephone: (608) 261-4454