

1999 DRAFTING REQUEST

Bill

Received: 09/15/98

Received By: **kuesejt**

Wanted: **As time permits**

Identical to LRB:

For: **Fred Risser (608) 266-1627**

By/Representing: **him**

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

Drafter: **kuesejt**

May Contact:

Alt. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies: **JTK - 1**

Pre Topic:

No specific pre topic given

Topic:

Split ticket voting at primaries permitted

Instructions:

Per 1997 SB 91.

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>
/?	kuesejt 10/19/98			_____			
/1		ptellez 10/27/98	jfrantze 10/27/98	_____	lrb_docadmin 02/10/99		
		gilfokm 02/9/99	jfrantze 10/28/98	_____			
			haugca 01/25/99	_____			
			haugca 02/10/99	_____			
			jfrantze	_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typist</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			02/10/99	_____			
/2	kuesejt 03/4/99	gilfokm 03/4/99	jfrantze 03/5/99	_____	lrb_docadmin 03/5/99		
/3	kuesejt 04/8/99	gilfokm 04/8/99	martykr 04/9/99	_____	lrb_docadmin 04/9/99	lrb_docadmin 04/12/99	lrb_docadmin 04/12/99

FE Sent For:

→ Not Needed

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		<i>13-4-8-99</i> <i>kmg</i>	haugca 01/25/99	_____			
			haugca 02/10/99	_____			
			jfrantze	_____			
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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typist</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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4/2/99
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*12-3-4-99
Kmg*

*12 kuesejt
3/4*

FE Sent For:

J 3/5 *J 3/5*

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12/1	kuesejt 10/19/98	11-29-99 kg	10/27	10/27 KJ			
			10/31	10/31 KJ			

FE Sent For:

<END>

FRED A. RISSER

State Senator

September 14, 1998



Jeffery T. Kuesel
Legislative Reference Bureau - Legal Section
100 North Hamilton - 3rd Floor
Madison, Wi. 53703

Dear Jeffery:

I'm writing to request that 1997 Senate Bill 91 relating to qualifications for absentee voting be redrafted for introduction during the upcoming 1999-2001 legislative session.

If you have any questions relative to this request, please feel free to contact me.

Thank you.

Most sincerely,


FRED A. RISSER
State Senator

FAR:ca



(DND) State of Wisconsin 1997-1998 LEGISLATURE 199

-036811 LRB-06674 JTK:km

By [Signature] Today 2:30 [Signature] kg

1997 SENATE BILL 71

February 12, 1997 - Introduced by Senators RISSER, RUDE and A. LASEE, cosponsored by Representatives PORTER, OTTE, VANDER LOOP, JOHNSRUD, SERATTI, OURADA, BALDWIN, ZIEGELBAUER, MUSSER, BAUMGART, CARPENTER, STASKUNAS, GRONEMUS and WASSERMAN. Referred to Committee on Economic Development, Housing and Government Operations.

(regenerate)

1 AN ACT to repeal 5.35 (6) (b), 5.81 (4), 5.91 (6), 7.50 (1) (d) and 8.50 (3) (c); to
2 renumber 5.35 (6) (a), and to amend 5.37 (4), 5.62 (1), (2) and (5), 5.84 (1), 5.91
3 (1) and (3), 6.80 (2) (f), 7.50 (2) (g), 8.16 (1), (6) and (7) and 10.02 (3) (b) 2. and
4 2m. of the statutes; relating to: authorization for electors to vote in the
5 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 (except that the voter's choice for governor and lieutenant governor must be from the same party). The bill also allows a voter to vote for independent candidates for state offices in the September primary, in addition to party candidates. Under the bill, a voter may still vote for only one candidate for each office. The general election voting procedure is unaffected by the bill.

at the general election and other partisan elections

SENATE BILL 71

2000

The bill initially applies to voting at the ~~1998~~ September primary election.

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

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

SECTION 2. 5.35 (6) (b) of the statutes is repealed.

SECTION 3. 5.37 (4) of the statutes is 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. Each candidate's name entitled to appear on the ballots ballot at the primary and the party that he or she represents shall appear on the machine; the elector cannot vote for candidates of more than one party, whenever the restriction applies, and an elector who votes for candidates of any party may not vote for independent candidates at the September primary; the elector may secretly select the party for which he or she wishes to vote, or the independent candidates in the case of the September primary; the. The~~ elector may vote for as many candidates for each office as he or she is lawfully entitled to vote for, but no more.

SECTION 4. 5.62 (1) ~~(2) and (5)~~ of the statutes are amended to read:

5.62 (1) (a) At September primaries, the following ballot shall be provided for the nomination of candidates of recognized political parties for national, state and county offices and independent candidates for state office in each ward, in the same form as prescribed by the board under s. 7.08 (1) (a). The ballots shall be made up of the several party tickets with each party entitled to participate in the primary under par. (b) or sub. (2) having its own ballot column. The independent candidates for state office other than district attorney shall have a separate ballot column for all such candidates as under s. 5.64 (1) (e). ~~The ballots shall be secured together at~~

SENATE BILL 71

1 the bottom. The party ballot column of the party receiving the most votes for
2 president or governor at the last general election shall be ~~on top~~ first with the other
3 parties arranged in descending order based on their vote for president or governor
4 at the last general election. The ballots columns of parties qualifying under sub. (2)
5 shall be placed ~~after~~ to the right of the parties qualifying under par. (b), in the same
6 order in which the parties filed petitions with the board. The ~~ballot~~ column listing
7 the independent candidates shall be placed ~~at the bottom~~ last. At polling places
8 where voting machines are used, each party and the independent candidates shall
9 be represented in one or more separate columns or rows on the ballot. At polling
10 places where an electronic voting system is used other than an electronic voting
11 machine, each party and the independent candidates may be represented in separate
12 columns or rows on the ballot. Any elector at any September primary may vote for
13 any candidate for each office regardless of the political affiliation of the candidate;
14 except that an elector may not cast votes for candidates for governor and lieutenant
15 governor if the candidates are of more than one political affiliation.

16 (b) Every recognized political party listed on the official ballot at the last
17 gubernatorial election whose candidate for any statewide office received at least one
18 percent of the total votes cast for that office and, if the last general election was also
19 a presidential election, every recognized political party listed on the ballot at that
20 election whose candidate for president received at least one percent of the total vote
21 cast for that office shall have ~~a separate primary ballot or~~ one or more separate
22 columns or rows on the ~~primary ballot as prescribed in par. (a) and a separate column~~
23 ~~on the general election ballot at the September primary and general election~~ in every
24 ward and election district. An organization which was listed as "independent" at the
25 last general election and whose candidate meets the same qualification shall receive

Prop w/ notes.

SENATE BILL 71

1 the same ballot status upon petition of the chairperson and secretary of the
 2 organization to the board requesting such status and specifying their party name,
 3 which may not duplicate the name of an existing party. A petition under this
 4 paragraph may be filed no later than 5 p.m. on June 1 in the year of each general
 5 election. This paragraph applies to a party only if at least one candidate of the party
 6 for a state office qualifies to have his or her name appear on the ballot under the name
 7 of the party at the last gubernatorial election.

8 (2) Any political organization may be represented ~~on a separate primary ballot~~
 9 ~~or in~~ one or more separate columns or rows on the September primary ballot as
 10 prescribed in sub. (1) (a) and a separate column or row on the general election ballot
 11 in every ward and election district if, not later than 5 p.m. on June 1 in the year of
 12 a September primary, it files with the board a petition so requesting. To qualify for
 13 a separate ballot column or row, the petition shall be signed by at least 10,000
 14 electors, including at least 1,000 electors residing in each of at least 3 separate
 15 congressional districts. The petition shall conform to the requirements of s. 8.40. No
 16 signature obtained before January 1 in the year of filing is valid. When the
 17 candidates of a political organization filing a valid petition fulfill the requirements
 18 prescribed by law, they shall appear ~~on a separate ballot or in~~ one or more separate
 19 columns or rows on the ballot for the period ending with the following general
 20 election.

21 *inserted "Ins. 4-20"* ← →
 (5) At the September primary, ~~an elector may vote for the candidates of only~~

22 ~~one party, or the elector may vote for any of the independent candidates for state~~
 23 ~~office listed; but the elector may not vote for more than one candidate for a single~~
 24 ~~office.~~ A space shall be provided on the ballot for an elector to write in the name of

Proof w/ state

Proof re/ state



SENATE BILL 71

1 his or her choice as a party candidate for any office, but no space shall be provided
2 to write in the names of independent candidates.

3 **SECTION 5.** 5.81 (4) of the statutes is repealed.

4 **SECTION 6.** 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 punched or marked as to record a predetermined number of valid
16 votes for each candidate and on each referendum. The test shall include for each
17 office one or more ballots which have votes in excess of the number allowed by law
18 and, for a partisan primary election, one or more ballots which have votes cast for
19 candidates of more than one recognized political party, in order to test the ability of
20 the 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 7.** 5.91 (1) and (3) of the statutes are amended to read:

Prop 47/2001

SENATE BILL 71

SECTION 7

Proof of Statute

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 8. 5.91 (6) of the statutes is repealed.

10 SECTION 9. 6.80 (2) (f) of the statutes is amended to read:

Proof of Statute

11 6.80 (2) (f) In the presidential preference primary ~~and other partisan primary~~
12 elections at polling places where ballots are distributed to electors, unless the ballots
13 are utilized with an electronic voting system in which all candidates appear on the
14 same ballot, after the elector prepares his or her ballot the elector shall detach the
15 remaining ballots, fold the ballots to be discarded, fold the completed ballot unless
16 the ballot is intended for counting with automatic tabulating equipment, personally
17 deposit the ballots to be discarded in the separate ballot box marked "blank ballot
18 box", and deposit the completed ballot in the ballot box indicated by the inspectors.
19 The inspectors shall keep the blank ballot box locked until the canvass is completed
20 and shall dispose of the blank ballots as prescribed by the municipal clerk.

21 SECTION 10. 7.50 (1) (d) of the statutes is repealed *and recast as read:*

22 SECTION 11. 7.50 (2) (g) of the statutes is amended to read:

Proof of Statute

23 7.50 (2) (g) In partisan primaries, if an elector writes in the name of an
24 individual ~~on a ballot~~ in a column or row other than the one on which that individual's
25 name is shown as a candidate, the write-in vote may not be counted.

22

SENATE BILL 71

1 SECTION 12. 8.16 (1), (6) and (7) of the statutes are amended to read:

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

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

13 (7) Nominees chosen at a national convention and under s. 8.18 (2) by each
14 party entitled to a separate column or row on a September primary ballot shall be
15 the party's candidates for president, vice president and presidential electors. The
16 state or national chairperson of each such party shall certify the names of the party's
17 nominees for president and vice president to the board no later than 5 p.m. on the
18 first Tuesday in September preceding a presidential election. Each name shall be in
19 one of the formats authorized in s. 7.08 (2) (a).

20 SECTION 13. 8.50 (3) (c) of the statutes is repealed.

21 SECTION 14. 10.02 (3) (b) 2. and 2m. of the statutes are amended to read:

22 10.02 (3) (b) 2. At a special partisan primary, the elector shall select the party
23 ballot candidate of his or her choice for each office and shall make a cross (X) in the
24 square at the right of or depress the lever or button next to the candidate's name for

Proposed to state.

*JWS
7-19*

*JWS
7-20*

Changed to symbol "X" on

SENATE BILL 71

SECTION 14

1 each office for whom the elector intends to vote, or shall insert or write in the name
2 of the elector's choice for a candidate.

3 2m. At the September primary, the elector shall select the party ballot
4 candidate of his or her choice ~~or the ballot containing the names of the independent~~
5 ~~candidates~~ for state each office, and make a cross (8) in the square at the right of or
6 depress the lever or button next to the candidate's name for each office for whom the
7 elector intends to vote or insert or write in the name of the elector's choice for a party
8 candidate, if any. In order to qualify for participation in the Wisconsin election
9 campaign fund, a candidate for state office at the September primary, other than a
10 candidate for district attorney, must receive at least 6% of all votes cast on all ballots
11 for the office for which he or she is a candidate, in addition to other requirements.

Changed To
"Pyramid" X"
P.I.

INS
8-11

SECTION 15. Initial applicability.

(1) This act first applies with respect to voting at the ²⁰⁰⁰ ~~1998~~ September primary
14 election.

15

(END)

dm →

JWS 2-1:1 ✓

Section #. 5.02 (16m) of the statutes is amended to read:

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

History: 1971 c. 211; 1971 c. 304 ss. 2, 29 (2); 1973 c. 280, 334; 1975 c. 93; 1977 c. 107, 187, 394; 1977 c. 427 ss. 3 to 14; 1977 c. 449; 1979 c. 32, 89, 221; 1979 c. 260 ss. 1m, 73 to 75; 1979 c. 311, 328; 1981 c. 4, 391; 1983 a. 484 ss. 5, 5c, 124m, 128; 1985 a. 303; 1985 a. 304 ss. 1m, 2, 155; 1987 a. 391 ss. 1 to 1r, 66w; 1989 a. 31; 1991 a. 5; 1993 a. 140, 184; 1995 a. 16 s. 2; 1995 a. 27 s. 9145 (1); 1995 a. 219; 1997 a. 35.

JWS 2-1:2 ✓

Section #. 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 50,000 or more, or 35,000 or more after June 1, 1996, shall maintain separate returns for each ward so combined. In municipalities having a population of less than 50,000, or less than 35,000 after June 1, 1996, the governing body may provide in the resolution that returns shall be maintained only for each group of combined wards at any election. In municipalities having a population as shown in the 1990 federal decennial census of at least 87,000 but not more than 150,000, the governing body may provide in a resolution adopted prior to June 1, 1996 that groups of not more than 2 wards shall use common ballot boxes and ballots or voting machines and that returns shall be maintained only for each group of combined wards at any election held prior to June 1, 1996. 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~~ ^{2.} 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 50,000, or less than 35,000 after June 1, 1996, 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.

JWS 2-13

Section #. 5.51 (7) of the statutes is repealed.

~~5.51 (7) In partisan primary elections, all ballots shall be of uniform color and size, and the same type of paper shall be used for all ballots.~~

~~History: 1979 c. 260, 311; 1981 c. 377; 1983 a. 484, s. 174; 1985 a. 304; 1987 a. 391.~~

PW 54-20

Section #. 5.62 (3) ^{and (5) are} of the statutes ~~is~~ amended to read: ✓

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

~~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.~~

DWS 6-21:1 ✓

Section #. 6.87 (4) of the statutes is amended to read:

6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee shall either make and subscribe to the affidavit before a person authorized to administer oaths or make and subscribe to the certification before 2 witnesses. The absent elector, in the presence of the administrator of the oath or witnesses, shall mark or punch 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 administrator of the oath or the 2 witnesses, fold the ballots if they are paper ballots so each is separate and conceals the markings or punches thereon and deposit them in the proper envelope, but may receive assistance under sub. (5). The return envelope shall then be sealed. The witnesses or the official oath administrator may not be a candidate. The envelope shall be mailed by the elector, postage prepaid, or delivered in person, to the municipal clerk issuing the ballot. ~~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 or punched ballot in a primary or return of a ballot used with an electronic voting system in a primary which is marked or punched for candidates of more than 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.

FNSG-21:2 ✓

Section #. 7.08 (2) (b) of the statutes is amended to read:

7.08 (2) (b) The certified list of candidates for president and vice president ^{who have been} nominated at a national convention by a party entitled to a ^{separate column or row on the} September primary ballot or for whom electors have been nominated under s. 8.20 shall be sent as soon as possible after the closing date for filing nomination papers, but no later than the deadlines established in s. 10.06.

~~History: 1971 c. 242; 1973 c. 334 s. 6, 57; 1975 c. 85, 93, 94, 199; 1977 c. 29, 107, 394, 427; 1979 c. 89, 177, 260, 311; 1981 c. 377; 1983 a. 51, 484; 1985 a. 120, 304; 1989 a. 192; 1993 a. 140; 1995 a. 16 s. 2; 1997 a. 27.~~

PWS 6-22

7.50(1)(d) ^(B) At the September primary, if an elector casts a vote for a candidate for governor under the column ^{or row} of a recognized political party or under the independent column but does not cast a vote for a candidate for lieutenant governor under the same column or row, the vote cast for ^{the office of} governor is valid but any vote cast for the office of lieutenant governor is invalid.

PLS 7-19:1

Section #. 8.17 (1) (a) of the statutes is amended to read:

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

History: 1971 c. 304 s. 29 (1), (2); 1971 c. 336; 1973 c. 334; 1979 c. 260, 311, 355; 1981 c. 116; 1983 a. 484, 549; 1985 a. 131, 304; 1987 a. 391; 1991 a. 316; 1993 a. 184.

PWS 7-19:2 ✓

Section #. 8.20 (9) of the statutes is amended to read:

8.20 (9) Persons nominated by nomination papers without a recognized political party designation shall be placed on the official ballot at the general election and at any partisan election to the right or below the recognized political party candidates in their own column or row designated "Independent". At the September primary, persons nominated for state office by nomination papers without a recognized political party designation shall be placed on a separate ~~ballot~~^{column or} or row on the ~~voting machine~~^{ballot} designated "Independent". If the candidate's name already appears under a recognized political party it may not be listed ~~on the independent ballot~~ⁱⁿ, column or row.

History: 1971 c. 242, 304; 1973 c. 334 s. 57; 1975 c. 369; 1977 c. 107, 287, 427; 1979 c. 249, 260; 1981 c. 377; 1983 a. 29, 484; 1985 a. 304; 1987 a. 391; 1993 a. 140, 266.

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ANS 7-19'3 ✓

Section #. 8.50 (3) (b) of the statutes is amended to read:

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

History: ~~1971 c. 1, 40; 1973 c. 334 ss. 22, 57; 1973 c. 336; 1975 c. 80, 93, 199, 369; 1977 c. 26, 107, 187, 340, 427, 445, 447, 449; 1979 c. 27, 32, 260, 311; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 359; 1993 a. 184; 1995 a. 16 s. 2.~~

FWS 7-20

Section #. 9.10 (3) (e) of the statutes is amended to read:

9.10 (3) (e) For any partisan office, a recall primary shall be held for each political party which is entitled to a separate ^{column or row on the September primary} ballot under s. 5.62 (1) (b) or (2) and from which more than one candidate competes for the party's nomination in the recall election. The primary ballot shall be prepared in accordance with s. 5.62, insofar as applicable. The person receiving the highest number of votes in the recall primary for each political party shall be that party's candidate in the recall election. Independent candidates shall be shown on the ballot for the recall election only.

~~History: 1977 c. 187 s. 134; 1977 c. 403, 447; 1979 c. 260; 1983 a. 219, 491, 538; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 269, 315.~~

PWS 8-11:1 ✓

Section #. 11.31 (3m) of the statutes is amended to read:

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

History: 1973 c. 334; 1975 c. 93 ss. 97 to 102, 119 (1), (2); 1975 c. 199, 422; 1977 c. 107, 187, 272, 449; 1979 c. 263, 328; 1981 c. 314; 1983 a. 51; 1985 a. 182 s. 57; 1985 a. 303; 1985 a. 332 s. 251 (1); 1987 a. 370; 1989 a. 192; 1993 a. 184; 1995 a. 225; 1997 a. 230.

JWS 8-11:2 ✓

Section #. 15.61 of the statutes is amended to read:

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

column of row on the September primary

~~History: 1973 c. 334; 1975 c. 41; 1977 c. 325; 1977 c. 427 s. 132; 1985 a. 303.~~

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0368/1dn

JTK.....

kg

Under this draft, as previously introduced, an elector is still required to vote for candidates for the office of governor and lieutenant governor within the same recognized political party or within the independent column. This is, I suppose, on the theory that under the Wisconsin constitution, candidates for these offices must run jointly at the general election. The previous draft did not specify what happened if an elector voted for candidates for governor and lieutenant governor in different columns or rows. This draft specifies, in proposed s. 7.50 (1)(d), that in this case the elector's vote for the office of governor is valid but the elector's vote for the office of lieutenant governor is invalid. Please let me know if you would like to see this treated differently.

Jeffery T. Kuesel
Assistant Chief Counsel
266-6778

TO: JTK

FROM: KMG

RE: LRB-0368/1

COMMENT: In this draft, which is due Thurs. NOON because of a call from the requester, I changed some references to "on" to read "in" to pattern the text after that used in some of the other INSERTS. I think the changes are OK, but if you wish to see them, please see Caroline — I gave the draft to her and mentioned this note. **Thanks**

Caroline
for your info.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0368/1

JTK:l.jf

Have
10-29-98
This document is to
be treated thus to
submitting. Also, introduction
of introduced.

Bill back to Jean F.
or Paroline
Thanks WPO

1999 BILL

~~Bill~~
Today
2:30

These are
under zap Dingbats

Dymboke
Note: Redraft
MKER works
Sine-Keeps
Symbols

1 AN ACT to repeal 5.35 (6) (b), 5.51 (7), 5.81 (4), 5.91 (6) and 8.11 (3) (1) to
2 renumber 5.35 (6) (a); to amend 5.02 (16m), 5.15 (6) (b), 5.37 (4), 5.62 (1) and
3 (2), 5.62 (3) and (5), 5.84 (1), 5.91 (1) and (3), 6.80 (2) (f), 6.87 (4), 7.08 (2) (b),
4 7.50 (2) (g), 8.16 (1), (6) and (7), 8.17 (1) (a), 8.20 (9), 8.50 (3) (b), 9.10 (3) (e), 10.02
5 (3) (b) 2. and 2m., 11.31 (3m) and 15.61; and to repeal and recreate 7.50 (1)
6 (d) of the statutes; relating to: authorization for electors to vote in the primary
7 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

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office regardless of party affiliation (except that the voter's choice for governor and lieutenant governor must be from the same party). The bill also allows a voter to vote for independent candidates for state offices in the September primary, in addition to party candidates. 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 1998 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 50,000 or more, or 35,000 or more after June 1, 1996, shall maintain
13 separate returns for each ward so combined. In municipalities having a population
14 of less than 50,000, or less than 35,000 after June 1, 1996, the governing body may
15 provide in the resolution that returns shall be maintained only for each group of
16 combined wards at any election. In municipalities having a population as shown in
17 the 1990 federal decennial census of at least 87,000 but not more than 150,000, the
18 governing body may provide in a resolution adopted prior to June 1, 1996 that groups

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1 of not more than 2 wards shall use common ballot boxes and ballots or voting
2 machines and that returns shall be maintained only for each group of combined
3 wards at any election held prior to June 1, 1996. Whenever a governing body
4 provides for common ballot boxes and ballots or voting machines, separate returns
5 shall be maintained for each separate ballot required under ~~ss. 5.62 and s. 5.64~~ at
6 the ~~September primary and~~ general election. The municipal clerk shall transmit a
7 copy of the resolution to the county clerk of each county in which the municipality
8 is contained. In municipalities having a population of less than 50,000, or less than
9 35,000 after June 1, 1996, the resolution shall remain in effect for each election until
10 modified or rescinded, or until a new division is made under this section.

11 **SECTION 3.** 5.35 (6) (a) of the statutes is renumbered 5.35 (6).

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

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

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

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

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

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1 5.62 (1) (a) At September primaries, the following ballot shall be provided for
2 the nomination of candidates of recognized political parties for national, state and
3 county offices and independent candidates for state office in each ward, in the same
4 form as prescribed by the board under s. 7.08 (1) (a). The ballots shall be made up
5 of the several party tickets with each party entitled to participate in the primary
6 under par. (b) or sub. (2) having its own ballot column. The independent candidates
7 for state office other than district attorney shall have a separate ballot column for
8 all such candidates as under s. 5.64 (1) (e). ~~The ballots shall be secured together at~~
9 ~~the bottom.~~ The party ballot column of the party receiving the most votes for
10 president or governor at the last general election shall be ~~on top~~ first with the other
11 parties arranged in descending order based on their vote for president or governor
12 at the last general election. The ballots columns of parties qualifying under sub. (2)
13 shall be placed ~~after~~ to the right of the parties qualifying under par. (b), in the same
14 order in which the parties filed petitions with the board. The ballot column listing
15 the independent candidates shall be placed ~~at the bottom~~ last. At polling places
16 where voting machines are used, each party and the independent candidates shall
17 be represented in one or more separate columns or rows on the ballot. At polling
18 places where an electronic voting system is used other than an electronic voting
19 machine, each party and the independent candidates may be represented in separate
20 columns or rows on the ballot. Any elector at any September primary may vote for
21 any candidate for each office regardless of the political affiliation of the candidate;
22 except that an elector may not cast votes for candidates for governor and lieutenant
23 governor if the candidates are of more than one political affiliation.

24 (b) Every recognized political party listed on the official ballot at the last
25 gubernatorial election whose candidate for any statewide office received at least one

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1 percent of the total votes cast for that office and, if the last general election was also
2 a presidential election, every recognized political party listed on the ballot at that
3 election whose candidate for president received at least one percent of the total vote
4 cast for that office shall have ~~a separate primary ballot or~~ one or more separate
5 columns or rows on the ~~primary ballot as prescribed in par. (a) and a separate column~~
6 ~~on the general election ballot~~ at the September primary and general election in every
7 ward and election district. An organization which was listed as “independent” at the
8 last general election and whose candidate meets the same qualification shall receive
9 the same ballot status upon petition of the chairperson and secretary of the
10 organization to the board requesting such status and specifying their party name,
11 which may not duplicate the name of an existing party. A petition under this
12 paragraph may be filed no later than 5 p.m. on June 1 in the year of each general
13 election. This paragraph applies to a party only if at least one candidate of the party
14 for a state office qualifies to have his or her name appear on the ballot under the name
15 of the party at the last gubernatorial election.

16 (2) Any political organization may be represented ~~on a separate primary ballot~~
17 ~~or~~ in one or more separate columns or rows on the September primary ballot as
18 prescribed in sub. (1) (a) and a separate column or row on the general election ballot
19 in every ward and election district if, not later than 5 p.m. on June 1 in the year of
20 a September primary, it files with the board a petition so requesting. To qualify for
21 a separate ~~ballot~~ column or row, the petition shall be signed by at least 10,000
22 electors, including at least 1,000 electors residing in each of at least 3 separate
23 congressional districts. The petition shall conform to the requirements of s. 8.40. No
24 signature obtained before January 1 in the year of filing is valid. When the
25 candidates of a political organization filing a valid petition fulfill the requirements

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1 prescribed by law, they shall appear ~~on a separate ballot or~~ in one or more separate
2 columns or rows on the ballot for the period ending with the following general
3 election.

4 **SECTION 8.** 5.62 (3) and (5) of the statutes are amended to read:

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

15 ~~(5) At the September primary, an elector may vote for the candidates of only~~
16 ~~one party, or the elector may vote for any of the independent candidates for state~~
17 ~~office listed; but the elector may not vote for more than one candidate for a single~~
18 ~~office.~~ A space shall be provided on the ballot for an elector to write in the name of
19 his or her choice as a party candidate for any office, but no space shall be provided
20 to write in the names of independent candidates.

21 **SECTION 9.** 5.81 (4) of the statutes is repealed.

22 **SECTION 10.** 5.84 (1) of the statutes is amended to read:

23 5.84 (1) Where any municipality employs an electronic voting system which
24 utilizes automatic tabulating equipment, either at the polling place or at a central
25 counting location, the municipal clerk shall, on any day not more than 10 days prior

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1 to the election day on which the equipment is to be utilized, have the equipment
2 tested to ascertain that it will correctly count the votes cast for all offices and on all
3 measures. Public notice of the time and place of the test shall be given by the clerk
4 at least 48 hours prior to the test by publication of a class 1 notice under ch. 985 in
5 one or more newspapers published within the municipality if a newspaper is
6 published therein, otherwise in a newspaper of general circulation therein. The test
7 shall be open to the public. The test shall be conducted by processing a preaudited
8 group of ballots so punched or marked as to record a predetermined number of valid
9 votes for each candidate and on each referendum. The test shall include for each
10 office one or more ballots which have votes in excess of the number allowed by law
11 and, for a partisan primary election, one or more ballots which have votes cast for
12 candidates of more than one recognized political party, in order to test the ability of
13 the automatic tabulating equipment to reject such votes. If any error is detected, the
14 municipal clerk shall ascertain the cause and correct the error. The clerk shall make
15 an errorless count before the automatic tabulating equipment is approved by the
16 clerk for use in the election.

17 **SECTION 11.** 5.91 (1) and (3) of the statutes are amended to read:

18 5.91 (1) It enables an elector to vote in secrecy and to select the party or the
19 independent candidates for whom an elector will vote in secrecy at a partisan
20 primary election.

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

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

2 **SECTION 13.** 6.80 (2) (f) of the statutes is amended to read:

3 6.80 (2) (f) In the presidential preference primary ~~and other partisan primary~~
4 elections at polling places where ballots are distributed to electors, unless the ballots
5 are utilized with an electronic voting system in which all candidates appear on the
6 same ballot, after the elector prepares his or her ballot the elector shall detach the
7 remaining ballots, fold the ballots to be discarded, fold the completed ballot unless
8 the ballot is intended for counting with automatic tabulating equipment, personally
9 deposit the ballots to be discarded in the separate ballot box marked “blank ballot
10 box”, and deposit the completed ballot in the ballot box indicated by the inspectors.
11 The inspectors shall keep the blank ballot box locked until the canvass is completed
12 and shall dispose of the blank ballots as prescribed by the municipal clerk.

13 **SECTION 14.** 6.87 (4) of the statutes is amended to read:

14 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee
15 shall either make and subscribe to the affidavit before a person authorized to
16 administer oaths or make and subscribe to the certification before 2 witnesses. The
17 absent elector, in the presence of the administrator of the oath or witnesses, shall
18 mark or punch the ballot in a manner that will not disclose how the elector’s vote is
19 cast. The elector shall then, still in the presence of the administrator of the oath or
20 the 2 witnesses, fold the ballots if they are paper ballots so each is separate and
21 conceals the markings or punches thereon and deposit them in the proper envelope,
22 but may receive assistance under sub. (5). The return envelope shall then be sealed.
23 The witnesses or the official oath administrator may not be a candidate. The
24 envelope shall be mailed by the elector, postage prepaid, or delivered in person, to the
25 municipal clerk issuing the ballot. ~~Failure to return an unused ballot in a primary~~

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1 ~~does not invalidate the ballot on which the elector's votes are cast. Return of more~~
2 ~~than one marked or punched ballot in a primary or return of a ballot used with an~~
3 ~~electronic voting system in a primary which is marked or punched for candidates of~~
4 ~~more than one party invalidates all votes cast by the elector for candidates in the~~
5 ~~primary.~~

6 **SECTION 15.** 7.08 (2) (b) of the statutes is amended to read:

7 7.08 (2) (b) The certified list of candidates for president and vice president who
8 have been nominated at a national convention by a party entitled to a separate
9 column or row on the September primary ballot or for whom electors have been
10 nominated under s. 8.20 shall be sent as soon as possible after the closing date for
11 filing nomination papers, but no later than the deadlines established in s. 10.06.

12 **SECTION 16.** 7.50 (1) (d) of the statutes is repealed and recreated to read.

13 7.50 (1) (d) At the September primary, if an elector casts a vote for a candidate
14 for governor under the column or row of a recognized political party or under the
15 independent column but does not cast a vote for a candidate for lieutenant governor
16 under the same column or row, the vote cast for the office of governor is valid but any
17 vote cast for the office of lieutenant governor is invalid.

18 **SECTION 17.** 7.50 (2) (g) of the statutes is amended to read:

19 7.50 (2) (g) In partisan primaries, if an elector writes in the name of an
20 individual ~~on a ballot~~ in a column or row other than the one on which that individual's
21 name is shown as a candidate, the write-in vote may not be counted.

22 **SECTION 18.** 8.16 (1), (6) and (7) of the statutes are amended to read:

23 8.16 (1) Except as provided in sub. (2), the person who receives the greatest
24 number of votes for an office ~~on a party ballot~~ at any partisan primary, regardless of
25 whether the person's name appears on the ballot, shall be the party's candidate for

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1 the office, and the person's name shall so appear on the official ballot at the next
2 election. All independent candidates shall appear on the general election ballot
3 regardless of the number of votes received by such candidates at the September
4 primary.

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

9 (7) Nominees chosen at a national convention and under s. 8.18 (2) by each
10 party entitled to a separate column or row on a September primary ballot shall be
11 the party's candidates for president, vice president and presidential electors. The
12 state or national chairperson of each such party shall certify the names of the party's
13 nominees for president and vice president to the board no later than 5 p.m. on the
14 first Tuesday in September preceding a presidential election. Each name shall be in
15 one of the formats authorized in s. 7.08 (2) (a).

16 **SECTION 19.** 8.17 (1) (a) of the statutes is amended to read:

17 8.17 (1) (a) Political parties qualifying for a separate column or row on the
18 September primary ballot under s. 5.62 (1) (b) or (2) shall elect their party
19 committeemen and committeewomen at the September primary. The function of
20 committeemen and committeewomen is to represent their neighborhoods in the
21 structure of a political party. Committeemen and committeewomen shall act as
22 liaison representatives between their parties and the residents of the election
23 districts in which they serve. Activities of committeemen and committeewomen
24 shall include, but not be limited to, voter identification; assistance in voter
25 registration drives; increasing voter participation in political parties; polling and

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1 other methods of passing information from residents to political parties and elected
2 public officials; and dissemination of information from public officials to residents.
3 For assistance in those and other activities of interest to a political party, each
4 committeeman and committeewoman may appoint a captain to engage in these
5 activities in each ward, if the election district served by the committeeman or
6 committeewoman includes more than one ward. In an election district which
7 includes more than one ward, the committeeman or committeewoman shall
8 coordinate the activities of the ward captains in promoting the interests of his or her
9 party.

10 **SECTION 20.** 8.20 (9) of the statutes is amended to read:

11 8.20 (9) Persons nominated by nomination papers without a recognized
12 political party designation shall be placed on the official ballot at the general election
13 and at any partisan election to the right or below the recognized political party
14 candidates in their own column or row designated "Independent". At the September
15 primary, persons nominated for state office by nomination papers without a
16 recognized political party designation shall be placed on a separate ~~ballot~~ column or
17 or row on the voting machine ballot designated "Independent". If the candidate's
18 name already appears under a recognized political party it may not be listed on the
19 independent ~~ballot~~, column or row.

20 **SECTION 21.** 8.50 (3) (b) of the statutes is amended to read:

21 8.50 (3) (b) Except as otherwise provided in this section, the provisions for
22 September primaries under s. 8.15 are applicable to all partisan primaries held
23 under this section, and the provisions for spring primaries under s. 8.10 are
24 applicable to all nonpartisan primaries held under this section. In a special partisan
25 primary or election, the order of the parties on the ballot shall be the same as

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1 provided under s. 5.62 (1) or 5.64 (1) (b). Independent candidates for state office at
2 a special partisan election shall not appear on the primary ballot. No primary is
3 required for a nonpartisan election in which not more than 2 candidates for an office
4 appear on the ballot or for a partisan election in which not more than one candidate
5 for an office appears ~~on~~ in the ballot column or row of each recognized political party
6 on the ballot. In every special election except a special election for nonpartisan state
7 office where no candidate is certified to appear on the ballot, a space for write-in
8 votes shall be provided on the ballot, regardless of whether a special primary is held.

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

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

11 9.10 (3) (e) For any partisan office, a recall primary shall be held for each
12 political party which is entitled to a separate column or row on the September
13 primary ballot under s. 5.62 (1) (b) or (2) and from which more than one candidate
14 competes for the party's nomination in the recall election. The primary ballot shall
15 be prepared in accordance with s. 5.62, insofar as applicable. The person receiving
16 the highest number of votes in the recall primary for each political party shall be that
17 party's candidate in the recall election. Independent candidates shall be shown on
18 the ballot for the recall election only.

19 **SECTION 24.** 10.02 (3) (b) 2. and 2m. of the statutes are amended to read:

20 10.02 (3) (b) 2. At a special partisan primary, the elector shall select the party
21 ballot candidate of his or her choice for each office and shall make a cross (X) in the
22 square at the right of or depress the lever or button next to the candidate's name for
23 each office for whom the elector intends to vote, or shall insert or write in the name
24 of the elector's choice for a candidate.

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1 2m. At the September primary, the elector shall select the ~~party ballot~~
2 ~~candidate~~ of his or her choice ~~or the ballot containing the names of the independent~~
3 ~~candidates for state~~ each office, and make a cross (X) in the square at the right of or
4 depress the lever or button next to the candidate's name for each office for whom the
5 elector intends to vote or insert or write in the name of the elector's choice for a party
6 candidate, if any. In order to qualify for participation in the Wisconsin election
7 campaign fund, a candidate for state office at the September primary, other than a
8 candidate for district attorney, must receive at least 6% of all votes cast on all ballots
9 for the office for which he or she is a candidate, in addition to other requirements.

10 **SECTION 25.** 11.31 (3m) of the statutes is amended to read:

11 11.31 (3m) UNOPPOSED CANDIDATES; EXCEPTION. Notwithstanding subs. (1) and
12 (2), if all candidates for state senator or representative to the assembly in a
13 legislative district who are certified under s. 7.08 (2) (a) to appear in the columns or
14 rows on the September primary ballot of all parties recognized under s. 5.62 (1) (b)
15 or (2) have no opponent who is certified to appear on the same primary ballot, or if
16 no primary is required for all candidates of parties recognized under s. 5.62 (1) (b)
17 or (2) for state senator or representative to the assembly in a legislative district who
18 are certified under s. 8.50 (1) (d) to appear on a special partisan election ballot, then
19 the separate limitation specified in sub. (1) for disbursements during the primary
20 and election period does not apply to candidates for that office in that primary and
21 election, and the candidates are bound only by the total limitations specified for the
22 primary and election.

23 **SECTION 26.** 15.61 of the statutes is amended to read:

24 **15.61 Elections board; creation.** There is created an elections board
25 consisting of persons who shall be appointed by the governor for 2-year terms as

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1 follows: one member selected by the governor; one member each designated by the
2 chief justice of the supreme court, the speaker of the assembly, the senate majority
3 leader, the minority leader in each house of the legislature, and the chief officer of
4 each political party qualifying for a separate column or row on the September
5 primary ballot under s. 5.62 (1) (b) or (2) whose candidate for governor received at
6 least 10% of the vote in the most recent gubernatorial election.

7 **SECTION 27. Initial applicability.**

8 (1) This act first applies with respect to voting at the 2000 September primary
9 election.

10

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0368/ldn
JTK:...:jf

October 27, 1998

Under this draft, as previously introduced, an elector is still required to vote for candidates for the office of governor and lieutenant governor within the same recognized political party or within the independent column or row. This is, I suppose, on the theory that under the Wisconsin constitution, candidates for these offices must run jointly at the general election. The previous draft did not specify what happened if an elector voted for candidates for governor and lieutenant governor in different columns or rows. This draft specifies, in proposed s. 7.50 (1) (d), that in this case the elector's vote for the office of governor is valid but the elector's vote for the office of lieutenant governor is invalid. Please let me know if you would like to see this treated differently.

Jeffery T. Kuesel
Assistant Chief Counsel
266-6778

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0368/1dn
JTK:kg:jf

February 10, 1999

Under this draft, as previously introduced, an elector is still required to vote for candidates for the office of governor and lieutenant governor within the same recognized political party or within the independent column or row. This is, I suppose, on the theory that under the Wisconsin constitution, candidates for these offices must run jointly at the general election. The previous draft did not specify what happened if an elector voted for candidates for governor and lieutenant governor in different columns or rows. This draft specifies, in proposed s. 7.50 (1) (d), that in this case the elector's vote for the office of governor is valid but the elector's vote for the office of lieutenant governor is invalid. Please let me know if you would like to see this treated differently.

Jeffery T. Kuesel
Assistant Chief Counsel
266-6778



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0368/2
JTK:kgjf

Wanted Fri 3/4

1999 BILL

1 AN ACT *to repeal* 5.35 (6) (b), 5.51 (7), 5.81 (4), 5.91 (6) and 8.50 (3) (c); *to*
2 *renumber* 5.35 (6) (a); *to amend* 5.02 (16m), 5.15 (6) (b), 5.37 (4), 5.62 (1) and
3 (2), 5.62 (3) and (5), 5.84 (1), 5.91 (1) and (3), 6.80 (2) (f), 6.87 (4), 7.08 (2) (b),
4 7.50 (2) (g), 8.16 (1), (6) and (7), 8.17 (1) (a), 8.20 (9), 8.50 (3) (b), 9.10 (3) (e), 10.02
5 (3) (b) 2. and 2m., 11.31 (3m) and 15.61; and *to repeal and recreate* 7.50 (1)
6 (d) of the statutes; **relating to:** authorization for electors to vote in the primary
7 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

BILL

office regardless of party affiliation, ^{including the offices of} ~~except that the voter's choice for governor and lieutenant governor must be from the same party.~~ The bill also allows a voter to vote for independent candidates for state offices in the September primary, in addition to party candidates. 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 1998 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 50,000 or more, or 35,000 or more after June 1, 1996, shall maintain
13 separate returns for each ward so combined. In municipalities having a population
14 of less than 50,000, or less than 35,000 after June 1, 1996, the governing body may
15 provide in the resolution that returns shall be maintained only for each group of
16 combined wards at any election. In municipalities having a population as shown in
17 the 1990 federal decennial census of at least 87,000 but not more than 150,000, the
18 governing body may provide in a resolution adopted prior to June 1, 1996 that groups

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1 of not more than 2 wards shall use common ballot boxes and ballots or voting
2 machines and that returns shall be maintained only for each group of combined
3 wards at any election held prior to June 1, 1996. Whenever a governing body
4 provides for common ballot boxes and ballots or voting machines, separate returns
5 shall be maintained for each separate ballot required under ss. 5.62 and §. 5.64 at
6 the ~~September primary and~~ general election. The municipal clerk shall transmit a
7 copy of the resolution to the county clerk of each county in which the municipality
8 is contained. In municipalities having a population of less than 50,000, or less than
9 35,000 after June 1, 1996, the resolution shall remain in effect for each election until
10 modified or rescinded, or until a new division is made under this section.

11 **SECTION 3.** 5.35 (6) (a) of the statutes is renumbered 5.35 (6).

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

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

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

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

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

BILL**SECTION 7**

1 5.62 (1) (a) At September primaries, the following ballot shall be provided for
2 the nomination of candidates of recognized political parties for national, state and
3 county offices and independent candidates for state office in each ward, in the same
4 form as prescribed by the board under s. 7.08 (1) (a). The ballots shall be made up
5 of the several party tickets with each party entitled to participate in the primary
6 under par. (b) or sub. (2) having its own ballot column. The independent candidates
7 for state office other than district attorney shall have a separate ballot column for
8 all such candidates as under s. 5.64 (1) (e). ~~The ballots shall be secured together at~~
9 ~~the bottom.~~ The ~~party~~ ballot column of the party receiving the most votes for
10 president or governor at the last general election shall be ~~on top~~ first with the other
11 parties arranged in descending order based on their vote for president or governor
12 at the last general election. The ballots columns of parties qualifying under sub. (2)
13 shall be placed ~~after~~ to the right of the parties qualifying under par. (b), in the same
14 order in which the parties filed petitions with the board. The ballot column listing
15 the independent candidates shall be placed ~~at the bottom~~ last. At polling places
16 where voting machines are used, each party and the independent candidates shall
17 be represented in one or more separate columns or rows on the ballot. At polling
18 places where an electronic voting system is used other than an electronic voting
19 machine, each party and the independent candidates may be represented in separate
20 columns or rows on the ballot. Any elector at any September primary may vote for
21 any candidate for each office regardless of the political affiliation of the candidate
22 ~~except that an elector may not cast votes for candidates for governor and lieutenant~~
23 ~~governor if the candidates are of more than one political affiliation.~~
24 (b) Every recognized political party listed on the official ballot at the last
25 gubernatorial election whose candidate for any statewide office received at least one

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1 percent of the total votes cast for that office and, if the last general election was also
2 a presidential election, every recognized political party listed on the ballot at that
3 election whose candidate for president received at least one percent of the total vote
4 cast for that office shall have ~~a separate primary ballot or~~ one or more separate
5 columns or rows on the ~~primary ballot as prescribed in par. (a) and a separate column~~
6 ~~on the general election ballot~~ at the September primary and general election in every
7 ward and election district. An organization which was listed as “independent” at the
8 last general election and whose candidate meets the same qualification shall receive
9 the same ballot status upon petition of the chairperson and secretary of the
10 organization to the board requesting such status and specifying their party name,
11 which may not duplicate the name of an existing party. A petition under this
12 paragraph may be filed no later than 5 p.m. on June 1 in the year of each general
13 election. This paragraph applies to a party only if at least one candidate of the party
14 for a state office qualifies to have his or her name appear on the ballot under the name
15 of the party at the last gubernatorial election.

16 (2) Any political organization may be represented ~~on a separate primary ballot~~
17 ~~or~~ in one or more separate columns or rows on the September primary ballot as
18 prescribed in sub. (1) (a) and a separate column or row on the general election ballot
19 in every ward and election district if, not later than 5 p.m. on June 1 in the year of
20 a September primary, it files with the board a petition so requesting. To qualify for
21 a separate ~~ballot~~ column or row, the petition shall be signed by at least 10,000
22 electors, including at least 1,000 electors residing in each of at least 3 separate
23 congressional districts. The petition shall conform to the requirements of s. 8.40. No
24 signature obtained before January 1 in the year of filing is valid. When the
25 candidates of a political organization filing a valid petition fulfill the requirements

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1 prescribed by law, they shall appear ~~on a separate ballot or~~ in one or more separate
2 columns or rows on the ballot for the period ending with the following general
3 election.

4 **SECTION 8.** 5.62 (3) and (5) of the statutes are amended to read:

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

15 (5) ~~At the September primary, an elector may vote for the candidates of only~~
16 ~~one party, or the elector may vote for any of the independent candidates for state~~
17 ~~office listed; but the elector may not vote for more than one candidate for a single~~
18 ~~office.~~ A space shall be provided on the ballot for an elector to write in the name of
19 his or her choice as a party candidate for any office, but no space shall be provided
20 to write in the names of independent candidates.

21 **SECTION 9.** 5.81 (4) of the statutes is repealed.

22 **SECTION 10.** 5.84 (1) of the statutes is amended to read:

23 5.84 (1) Where any municipality employs an electronic voting system which
24 utilizes automatic tabulating equipment, either at the polling place or at a central
25 counting location, the municipal clerk shall, on any day not more than 10 days prior

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1 to the election day on which the equipment is to be utilized, have the equipment
2 tested to ascertain that it will correctly count the votes cast for all offices and on all
3 measures. Public notice of the time and place of the test shall be given by the clerk
4 at least 48 hours prior to the test by publication of a class 1 notice under ch. 985 in
5 one or more newspapers published within the municipality if a newspaper is
6 published therein, otherwise in a newspaper of general circulation therein. The test
7 shall be open to the public. The test shall be conducted by processing a preaudited
8 group of ballots so punched or marked as to record a predetermined number of valid
9 votes for each candidate and on each referendum. The test shall include for each
10 office one or more ballots which have votes in excess of the number allowed by law
11 and, for a partisan primary election, one or more ballots which have votes cast for
12 candidates of more than one recognized political party, in order to test the ability of
13 the automatic tabulating equipment to reject such votes. If any error is detected, the
14 municipal clerk shall ascertain the cause and correct the error. The clerk shall make
15 an errorless count before the automatic tabulating equipment is approved by the
16 clerk for use in the election.

17 **SECTION 11.** 5.91 (1) and (3) of the statutes are amended to read:

18 5.91 (1) It enables an elector to vote in secrecy ~~and to select the party or the~~
19 ~~independent candidates for whom an elector will vote in secrecy at a partisan~~
20 ~~primary election.~~

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

BILL**SECTION 12**

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

2 **SECTION 13.** 6.80 (2) (f) of the statutes is amended to read:

3 6.80 (2) (f) In the presidential preference primary ~~and other partisan primary~~
4 elections at polling places where ballots are distributed to electors, unless the ballots
5 are utilized with an electronic voting system in which all candidates appear on the
6 same ballot, after the elector prepares his or her ballot the elector shall detach the
7 remaining ballots, fold the ballots to be discarded, fold the completed ballot unless
8 the ballot is intended for counting with automatic tabulating equipment, personally
9 deposit the ballots to be discarded in the separate ballot box marked "blank ballot
10 box", and deposit the completed ballot in the ballot box indicated by the inspectors.
11 The inspectors shall keep the blank ballot box locked until the canvass is completed
12 and shall dispose of the blank ballots as prescribed by the municipal clerk.

13 **SECTION 14.** 6.87 (4) of the statutes is amended to read:

14 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee
15 shall either make and subscribe to the affidavit before a person authorized to
16 administer oaths or make and subscribe to the certification before 2 witnesses. The
17 absent elector, in the presence of the administrator of the oath or witnesses, shall
18 mark or punch the ballot in a manner that will not disclose how the elector's vote is
19 cast. The elector shall then, still in the presence of the administrator of the oath or
20 the 2 witnesses, fold the ballots if they are paper ballots so each is separate and
21 conceals the markings or punches thereon and deposit them in the proper envelope,
22 but may receive assistance under sub. (5). The return envelope shall then be sealed.
23 The witnesses or the official oath administrator may not be a candidate. The
24 envelope shall be mailed by the elector, postage prepaid, or delivered in person, to the
25 municipal clerk issuing the ballot. ~~Failure to return an unused ballot in a primary~~

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1 does not invalidate the ballot on which the elector's votes are cast. Return of more
 2 than one marked or punched ballot in a primary or return of a ballot used with an
 3 electronic voting system in a primary which is marked or punched for candidates of
 4 more than one party invalidates all votes cast by the elector for candidates in the
 5 primary.

6 **SECTION 15.** 7.08 (2) (b) of the statutes is amended to read:

7 7.08 (2) (b) The certified list of candidates for president and vice president who
 8 have been nominated at a national convention by a party entitled to a separate
 9 column or row on the September primary ballot or for whom electors have been
 10 nominated under s. 8.20 shall be sent as soon as possible after the closing date for
 11 filing nomination papers, but no later than the deadlines established in s. 10.06.

12 **SECTION 16.** 7.50 (1) (d) of the statutes is repealed and recreated to read.

13 ~~7.50 (1) (d) At the September primary, if an elector casts a vote for a candidate
 14 for governor under the column or row of a recognized political party or under the
 15 independent column but does not cast a vote for a candidate for lieutenant governor
 16 under the same column or row, the vote cast for the office of governor is valid but any
 17 vote cast for the office of lieutenant governor is invalid.~~

18 **SECTION 17.** 7.50 (2) (g) of the statutes is amended to read:

19 7.50 (2) (g) In partisan primaries, if an elector writes in the name of an
 20 individual on a ballot in a column or row other than the one on which that individual's
 21 name is shown as a candidate, the write-in vote may not be counted.

22 **SECTION 18.** 8.16 (1), (6) and (7) of the statutes are amended to read:

23 8.16 (1) Except as provided in sub. (2), the person who receives the greatest
 24 number of votes for an office on a party ballot at any partisan primary, regardless of
 25 whether the person's name appears on the ballot, shall be the party's candidate for

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1 the office, and the person's name shall so appear on the official ballot at the next
2 election. All independent candidates shall appear on the general election ballot
3 regardless of the number of votes received by such candidates at the September
4 primary.

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

9 (7) Nominees chosen at a national convention and under s. 8.18 (2) by each
10 party entitled to a separate column or row on a September primary ballot shall be
11 the party's candidates for president, vice president and presidential electors. The
12 state or national chairperson of each such party shall certify the names of the party's
13 nominees for president and vice president to the board no later than 5 p.m. on the
14 first Tuesday in September preceding a presidential election. Each name shall be in
15 one of the formats authorized in s. 7.08 (2) (a).

16 **SECTION 19.** 8.17 (1) (a) of the statutes is amended to read:

17 8.17 (1) (a) Political parties qualifying for a separate column or row on the
18 September primary ballot under s. 5.62 (1) (b) or (2) shall elect their party
19 committeemen and committeewomen at the September primary. The function of
20 committeemen and committeewomen is to represent their neighborhoods in the
21 structure of a political party. Committeemen and committeewomen shall act as
22 liaison representatives between their parties and the residents of the election
23 districts in which they serve. Activities of committeemen and committeewomen
24 shall include, but not be limited to, voter identification; assistance in voter
25 registration drives; increasing voter participation in political parties; polling and

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1 other methods of passing information from residents to political parties and elected
2 public officials; and dissemination of information from public officials to residents.
3 For assistance in those and other activities of interest to a political party, each
4 committeeman and committeewoman may appoint a captain to engage in these
5 activities in each ward, if the election district served by the committeeman or
6 committeewoman includes more than one ward. In an election district which
7 includes more than one ward, the committeeman or committeewoman shall
8 coordinate the activities of the ward captains in promoting the interests of his or her
9 party.

10 **SECTION 20.** 8.20 (9) of the statutes is amended to read:

11 8.20 (9) Persons nominated by nomination papers without a recognized
12 political party designation shall be placed on the official ballot at the general election
13 and at any partisan election to the right or below the recognized political party
14 candidates in their own column or row designated "Independent". At the September
15 primary, persons nominated for state office by nomination papers without a
16 recognized political party designation shall be placed on a separate ~~ballot~~ column or
17 ~~or row on the voting-machine ballot~~ ballot designated "Independent". If the candidate's
18 name already appears under a recognized political party it may not be listed on the
19 independent ~~ballot~~, column or row.

20 **SECTION 21.** 8.50 (3) (b) of the statutes is amended to read:

21 8.50 (3) (b) Except as otherwise provided in this section, the provisions for
22 September primaries under s. 8.15 are applicable to all partisan primaries held
23 under this section, and the provisions for spring primaries under s. 8.10 are
24 applicable to all nonpartisan primaries held under this section. In a special partisan
25 primary or election, the order of the parties on the ballot shall be the same as

BILL**SECTION 21**

1 provided under s. 5.62 (1) or 5.64 (1) (b). Independent candidates for state office at
2 a special partisan election shall not appear on the primary ballot. No primary is
3 required for a nonpartisan election in which not more than 2 candidates for an office
4 appear on the ballot or for a partisan election in which not more than one candidate
5 for an office appears ~~en~~ in the ballot column or row of each recognized political party
6 on the ballot. In every special election except a special election for nonpartisan state
7 office where no candidate is certified to appear on the ballot, a space for write-in
8 votes shall be provided on the ballot, regardless of whether a special primary is held.

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

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

11 9.10 (3) (e) For any partisan office, a recall primary shall be held for each
12 political party which is entitled to a separate column or row on the September
13 primary ballot under s. 5.62 (1) (b) or (2) and from which more than one candidate
14 competes for the party's nomination in the recall election. The primary ballot shall
15 be prepared in accordance with s. 5.62, insofar as applicable. The person receiving
16 the highest number of votes in the recall primary for each political party shall be that
17 party's candidate in the recall election. Independent candidates shall be shown on
18 the ballot for the recall election only.

19 **SECTION 24.** 10.02 (3) (b) 2. and 2m. of the statutes are amended to read:

20 10.02 (3) (b) 2. At a special partisan primary, the elector shall select the ~~party~~
21 ~~ballot~~ candidate of his or her choice for each office and shall make a cross (X) in the
22 square at the right of or depress the lever or button next to the candidate's name for
23 each office for whom the elector intends to vote, or shall insert or write in the name
24 of the elector's choice for a candidate.

BILL

1 2m. At the September primary, the elector shall select the ~~party ballot~~
2 candidate of his or her choice ~~or the ballot containing the names of the independent~~
3 ~~candidates~~ for state each office, and make a cross (X) in the square at the right of or
4 depress the lever or button next to the candidate's name for each office for whom the
5 elector intends to vote or insert or write in the name of the elector's choice for a party
6 candidate, if any. In order to qualify for participation in the Wisconsin election
7 campaign fund, a candidate for state office at the September primary, other than a
8 candidate for district attorney, must receive at least 6% of all votes cast on all ballots
9 for the office for which he or she is a candidate, in addition to other requirements.

10 **SECTION 25.** 11.31 (3m) of the statutes is amended to read:

11 11.31 (3m) UNOPPOSED CANDIDATES; EXCEPTION. Notwithstanding subs. (1) and
12 (2), if all candidates for state senator or representative to the assembly in a
13 legislative district who are certified under s. 7.08 (2) (a) to appear in the columns or
14 rows on the September primary ballot of all parties recognized under s. 5.62 (1) (b)
15 or (2) have no opponent who is certified to appear on the same primary ballot, or if
16 no primary is required for all candidates of parties recognized under s. 5.62 (1) (b)
17 or (2) for state senator or representative to the assembly in a legislative district who
18 are certified under s. 8.50 (1) (d) to appear on a special partisan election ballot, then
19 the separate limitation specified in sub. (1) for disbursements during the primary
20 and election period does not apply to candidates for that office in that primary and
21 election, and the candidates are bound only by the total limitations specified for the
22 primary and election.

23 **SECTION 26.** 15.61 of the statutes is amended to read:

24 **15.61 Elections board; creation.** There is created an elections board
25 consisting of persons who shall be appointed by the governor for 2-year terms as

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1 follows: one member selected by the governor; one member each designated by the
2 chief justice of the supreme court, the speaker of the assembly, the senate majority
3 leader, the minority leader in each house of the legislature, and the chief officer of
4 each political party qualifying for a separate column or row on the September
5 primary ballot under s. 5.62 (1) (b) or (2) whose candidate for governor received at
6 least 10% of the vote in the most recent gubernatorial election.

7 **SECTION 27. Initial applicability.**

8 (1) This act first applies with respect to voting at the 2000 September primary
9 election.

10

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0368/2

JTK:kg:jf

Wanted Fri 4/9
9 AM

1999 BILL

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 (3) and (5), 5.84 (1), 5.91 (1) and (3), 6.80 (2) (f), 6.87 (4),
4 7.08 (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
5 (3) (e), 10.02 (3) (b) 2. and 2m., 11.31 (3m) and 15.61 of the statutes; **relating**
6 **to:** authorization for electors to vote in the primary of more than one political
7 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

BILL

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 state offices in the September primary, in addition to party candidates. 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 1998 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 50,000 or more, or 35,000 or more after June 1, 1996, shall maintain
13 separate returns for each ward so combined. In municipalities having a population
14 of less than 50,000, or less than 35,000 after June 1, 1996, the governing body may
15 provide in the resolution that returns shall be maintained only for each group of
16 combined wards at any election. In municipalities having a population as shown in
17 the 1990 federal decennial census of at least 87,000 but not more than 150,000, the
18 governing body may provide in a resolution adopted prior to June 1, 1996 that groups
19 of not more than 2 wards shall use common ballot boxes and ballots or voting

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1 machines and that returns shall be maintained only for each group of combined
2 wards at any election held prior to June 1, 1996. Whenever a governing body
3 provides for common ballot boxes and ballots or voting machines, separate returns
4 shall be maintained for each separate ballot required under ~~ss. 5.62 and s. 5.64~~ at
5 the ~~September primary and general election~~. The municipal clerk shall transmit a
6 copy of the resolution to the county clerk of each county in which the municipality
7 is contained. In municipalities having a population of less than 50,000, or less than
8 35,000 after June 1, 1996, the resolution shall remain in effect for each election until
9 modified or rescinded, or until a new division is made under this section.

10 **SECTION 3.** 5.35 (6) (a) of the statutes is renumbered 5.35 (6).

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

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

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

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

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

BILL**SECTION 7**

1 5.62 (1) (a) At September primaries, the following ballot shall be provided for
2 the nomination of candidates of recognized political parties for national, state and
3 county offices and independent candidates for state office in each ward, in the same
4 form as prescribed by the board under s. 7.08 (1) (a). The ballots shall be made up
5 of the several party tickets with each party entitled to participate in the primary
6 under par. (b) or sub. (2) having its own ballot column. The independent candidates
7 for state office other than district attorney shall have a separate ballot column for
8 all such candidates as under s. 5.64 (1) (e). ~~The ballots shall be secured together at~~
9 ~~the bottom.~~ The ~~party ballot column~~ of the party receiving the most votes for
10 president or governor at the last general election shall be ~~on top~~ first with the other
11 parties arranged in descending order based on their vote for president or governor
12 at the last general election. The ~~ballots columns~~ of parties qualifying under sub. (2)
13 shall be placed ~~after~~ to the right of the parties qualifying under par. (b), in the same
14 order in which the parties filed petitions with the board. The ~~ballot column~~ listing
15 the independent candidates shall be placed ~~at the bottom~~ last. At polling places
16 where voting machines are used, each party and the independent candidates shall
17 be represented in one or more separate columns or rows on the ballot. At polling
18 places where an electronic voting system is used other than an electronic voting
19 machine, each party and the independent candidates may be represented in separate
20 columns or rows on the ballot. Any elector at any September primary may vote for
21 any candidate for each office regardless of the political affiliation of the candidate.

22 (b) Every recognized political party listed on the official ballot at the last
23 gubernatorial election whose candidate for any statewide office received at least one
24 percent of the total votes cast for that office and, if the last general election was also
25 a presidential election, every recognized political party listed on the ballot at that

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1 election whose candidate for president received at least one percent of the total vote
2 cast for that office shall have ~~a separate primary ballot or one or more separate~~
3 columns or rows on the ~~primary ballot as prescribed in par. (a) and a separate column~~
4 on the general election ballot at the September primary and general election in every
5 ward and election district. An organization which was listed as “independent” at the
6 last general election and whose candidate meets the same qualification shall receive
7 the same ballot status upon petition of the chairperson and secretary of the
8 organization to the board requesting such status and specifying their party name,
9 which may not duplicate the name of an existing party. A petition under this
10 paragraph may be filed no later than 5 p.m. on June 1 in the year of each general
11 election. This paragraph applies to a party only if at least one candidate of the party
12 for a state office qualifies to have his or her name appear on the ballot under the name
13 of the party at the last gubernatorial election.

14 (2) Any political organization may be represented ~~on a separate primary ballot~~
15 ~~or~~ in one or more separate columns or rows on the September primary ballot as
16 prescribed in sub. (1) (a) and a separate column or row on the general election ballot
17 in every ward and election district if, not later than 5 p.m. on June 1 in the year of
18 a September primary, it files with the board a petition so requesting. To qualify for
19 a separate ~~ballot~~ column or row, the petition shall be signed by at least 10,000
20 electors, including at least 1,000 electors residing in each of at least 3 separate
21 congressional districts. The petition shall conform to the requirements of s. 8.40. No
22 signature obtained before January 1 in the year of filing is valid. When the
23 candidates of a political organization filing a valid petition fulfill the requirements
24 prescribed by law, they shall appear ~~on a separate ballot or~~ in one or more separate

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1 columns or rows on the ballot for the period ending with the following general
2 election.

3 **SECTION 8.** 5.62 (3) and (5) of the statutes are amended to read:

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

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

20 **SECTION 9.** 5.81 (4) of the statutes is repealed.

21 **SECTION 10.** 5.84 (1) of the statutes is amended to read:

22 5.84 (1) Where any municipality employs an electronic voting system which
23 utilizes automatic tabulating equipment, either at the polling place or at a central
24 counting location, the municipal clerk shall, on any day not more than 10 days prior
25 to the election day on which the equipment is to be utilized, have the equipment

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1 tested to ascertain that it will correctly count the votes cast for all offices and on all
2 measures. Public notice of the time and place of the test shall be given by the clerk
3 at least 48 hours prior to the test by publication of a class 1 notice under ch. 985 in
4 one or more newspapers published within the municipality if a newspaper is
5 published therein, otherwise in a newspaper of general circulation therein. The test
6 shall be open to the public. The test shall be conducted by processing a preaudited
7 group of ballots so punched or marked as to record a predetermined number of valid
8 votes for each candidate and on each referendum. The test shall include for each
9 office one or more ballots which have votes in excess of the number allowed by law
10 and, for a partisan primary election, one or more ballots which have votes cast for
11 candidates of more than one recognized political party, in order to test the ability of
12 the automatic tabulating equipment to reject such votes. If any error is detected, the
13 municipal clerk shall ascertain the cause and correct the error. The clerk shall make
14 an errorless count before the automatic tabulating equipment is approved by the
15 clerk for use in the election.

16 **SECTION 11.** 5.91 (1) and (3) of the statutes are amended to read:

17 5.91 (1) It enables an elector to vote in secrecy ~~and to select the party or the~~
18 ~~independent candidates for whom an elector will vote in secrecy at a partisan~~
19 ~~primary election.~~

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

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

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1 **SECTION 13.** 6.80 (2) (f) of the statutes is amended to read:

2 6.80 (2) (f) In the presidential preference primary ~~and other partisan primary~~
3 ~~elections~~ at polling places where ballots are distributed to electors, unless the ballots
4 are utilized with an electronic voting system in which all candidates appear on the
5 same ballot, after the elector prepares his or her ballot the elector shall detach the
6 remaining ballots, fold the ballots to be discarded, fold the completed ballot unless
7 the ballot is intended for counting with automatic tabulating equipment, personally
8 deposit the ballots to be discarded in the separate ballot box marked "blank ballot
9 box", and deposit the completed ballot in the ballot box indicated by the inspectors.
10 The inspectors shall keep the blank ballot box locked until the canvass is completed
11 and shall dispose of the blank ballots as prescribed by the municipal clerk.

12 **SECTION 14.** 6.87 (4) of the statutes is amended to read:

13 6.87 (4) Except as otherwise provided in s. 6.875, the elector voting absentee
14 shall either make and subscribe to the affidavit before a person authorized to
15 administer oaths or make and subscribe to the certification before 2 witnesses. The
16 absent elector, in the presence of the administrator of the oath or witnesses, shall
17 mark or punch the ballot in a manner that will not disclose how the elector's vote is
18 cast. The elector shall then, still in the presence of the administrator of the oath or
19 the 2 witnesses, fold the ballots if they are paper ballots so each is separate and
20 conceals the markings or punches thereon and deposit them in the proper envelope,
21 but may receive assistance under sub. (5). The return envelope shall then be sealed.
22 The witnesses or the official oath administrator may not be a candidate. The
23 envelope shall be mailed by the elector, postage prepaid, or delivered in person, to the
24 municipal clerk issuing the ballot. ~~Failure to return an unused ballot in a primary~~
25 ~~does not invalidate the ballot on which the elector's votes are cast. Return of more~~

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

5 **SECTION 15.** 7.08 (2) (b) of the statutes is amended to read:

6 7.08 (2) (b) The certified list of candidates for president and vice president who
7 have been nominated at a national convention by a party entitled to a separate
8 column or row on the September primary ballot or for whom electors have been
9 nominated under s. 8.20 shall be sent as soon as possible after the closing date for
10 filing nomination papers, but no later than the deadlines established in s. 10.06.

11 **SECTION 16.** 7.50 (1) (d) of the statutes is repealed.

12 **SECTION 17.** 7.50 (2) (g) of the statutes is amended to read:

13 7.50 (2) (g) In partisan primaries, if an elector writes in the name of an
14 individual ~~on a ballot~~ in a column or row other than the one on which that individual's
15 name is shown as a candidate, the write-in vote may not be counted.

16 **SECTION 18.** 8.16 (1), (6) and (7) of the statutes are amended to read:

17 8.16 (1) Except as provided in sub. (2), the person who receives the greatest
18 number of votes for an office ~~on a party ballot~~ at any partisan primary, regardless of
19 whether the person's name appears on the ballot, shall be the party's candidate for
20 the office, and the person's name shall so appear on the official ballot at the next
21 election. All independent candidates shall appear on the general election ballot
22 regardless of the number of votes received by such candidates at the September
23 primary.

24 (6) The persons who receive the greatest number of votes respectively for the
25 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 primary ballot shall be
5 the party's candidates for president, vice president 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 19.** 8.17 (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 primary ballot under s. 5.62 (1) (b) or (2) shall elect their party
13 committeemen and committeewomen at the September primary. 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, voter identification; 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

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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 20.** 8.20 (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 a separate ~~ballot~~ column or
11 or row on the voting machine ballot designated "Independent". If the candidate's
12 name already appears under a recognized political party it may not be listed on the
13 independent ballot, column or row.

14 **SECTION 21.** 8.50 (3) (b) of the statutes is amended to read:

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

BILL**SECTION 21**

1 office where no candidate is certified to appear on the ballot, a space for write-in
2 votes shall be provided on the ballot, regardless of whether a special primary is held.

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

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

5 9.10 (3) (e) For any partisan office, a recall primary shall be held for each
6 political party which is entitled to a separate column or row on the September
7 primary ballot under s. 5.62 (1) (b) or (2) and from which more than one candidate
8 competes for the party's nomination in the recall election. The primary ballot shall
9 be prepared in accordance with s. 5.62, insofar as applicable. The person receiving
10 the highest number of votes in the recall primary for each political party shall be that
11 party's candidate in the recall election. Independent candidates shall be shown on
12 the ballot for the recall election only.

13 **SECTION 24.** 10.02 (3) (b) 2. and 2m. of the statutes are amended to read:

14 10.02 (3) (b) 2. At a special partisan primary, the elector shall select the party
15 ballot candidate of his or her choice for each office and shall make a cross (X) in the
16 square at the right of or depress the lever or button next to the candidate's name for
17 each office for whom the elector intends to vote, or shall insert or write in the name
18 of the elector's choice for a candidate.

19 2m. At the September primary, the elector shall select the party ballot
20 candidate of his or her choice ~~or the ballot containing the names of the independent~~
21 ~~candidates for state~~ each office, and make a cross (X) in the square at the right of or
22 depress the lever or button next to the candidate's name for each office for whom the
23 elector intends to vote or insert or write in the name of the elector's choice for a party
24 candidate, if any. In order to qualify for participation in the Wisconsin election
25 campaign fund, a candidate for state office at the September primary, other than a

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1 candidate for district attorney, must receive at least 6% of all votes cast on all ballots
2 for the office for which he or she is a candidate, in addition to other requirements.

3 **SECTION 25.** 11.31 (3m) of the statutes is amended to read:

4 **11.31 (3m) UNOPPOSED CANDIDATES; EXCEPTION.** Notwithstanding subs. (1) and
5 (2), if all candidates for state senator or representative to the assembly in a
6 legislative district who are certified under s. 7.08 (2) (a) to appear in the columns or
7 rows on the September primary ballot of all parties recognized under s. 5.62 (1) (b)
8 or (2) have no opponent who is certified to appear on the same primary ballot, or if
9 no primary is required for all candidates of parties recognized under s. 5.62 (1) (b)
10 or (2) for state senator or representative to the assembly in a legislative district who
11 are certified under s. 8.50 (1) (d) to appear on a special partisan election ballot, then
12 the separate limitation specified in sub. (1) for disbursements during the primary
13 and election period does not apply to candidates for that office in that primary and
14 election, and the candidates are bound only by the total limitations specified for the
15 primary and election.

16 **SECTION 26.** 15.61 of the statutes is amended to read:

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

25 **SECTION 27. Initial applicability.**

**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: 4/9/99

To: Senator Risser

Relating to LRB drafting number: LRB-0368

Topic

Split ticket voting at primaries permitted

Subject(s)

Elections - miscellaneous

1. **JACKET** the draft for introduction Risser

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.

Jeffery T. Kuesel, Managing Attorney
Telephone: (608) 266-6778