2001 ASSEMBLY BILL 641

November 16, 2001 – Introduced by Representatives WALKER, GRONEMUS, LADWIG, GUNDRUM, WASSERMAN, KREIBICH, STARZYK, GUNDERSON, URBAN, MUSSER, SYKORA, SKINDRUD and STONE, cosponsored by Senator DARLING. Referred to Committee on Campaigns and Elections.

1   AN ACT *to repeal* 5.91 (2) and 7.50 (2) (a); and *to amend* 5.37 (1), 5.64 (1) (a) and

2   (b), 5.81 (2) and 10.02 (3) (b) 1. of the statutes; **relating to:** eliminating the

3   authority for certain electors to vote a straight party ticket.

Analysis by the Legislative Reference Bureau

Under current law, at the general election, an elector may vote a straight party ticket for the candidates of any party that has a separate ballot or column on the ballot.

This bill eliminates the authority for any elector, other than an overseas or military elector, to vote a straight party ticket. This bill first applies to elections held on July 1, 2002.

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

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

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

5   5.37 **(1)** Voting machines shall give every elector a reasonable opportunity to

6   vote for any person for any office and on any proposition the elector is entitled to vote

1   on, assure privacy to the elector so no one will know how the elector is voting or has

2   voted, preclude the electors from voting for persons or propositions upon which they

3   are not entitled to vote and from voting more than once for the same office or on the

4   same proposition. Voting machines shall be constructed to lock so they cannot be

5   manipulated, tampered with, or show the number of votes registered for any

6   candidate or proposition while voting is in progress. The machines shall provide a

7   method for electors to vote a straight party ticket, shall permit voting a split ticket

8   and shall record each vote cast.

9   SECTION 2. 5.64 (1) (a) and (b) of the statutes are amended to read:

10   5.64 **(1)** (a) The ballot shall permit an elector to vote a straight party ticket for

11   president and vice president, whenever those offices are contested, and for all

12   statewide, congressional, legislative and county offices, to vote for individual

13   candidates for each office or to vote for a person whose name does not appear on the

14   ballot for any office. When voting for president and vice president, the ballot shall

15   permit an elector to vote only for the candidates on one ticket jointly or to write in

16   the names of persons in both spaces. When voting for governor and lieutenant

17   governor, the ballot shall permit an elector to vote only for the candidates on one

18   ticket jointly or to write in the names of persons in both spaces.

19   (b) The names of the candidates for the offices of president and vice president

20   that are certified under s. 8.16 (7) or that are contained in nomination papers filed

21   under s. 8.20 shall appear on the ballot in the form prescribed in s. 7.08 (2) (a). The

22   names of the candidates on the regular party tickets nominated at the primary or

23   replacements appointed under s. 8.35 (2) shall appear in a separate column under

24   the party designation. The columns shall be arranged from left to right according to

25   rank, based on the number of votes received by each party's candidate for president

1   or governor at the last general election beginning with the party that received the

2   most votes. To the right of the columns for parties qualifying under s. 5.62 (1) (b) shall

3   be placed the columns for parties qualifying under s. 5.62 (2) in the same order in

4   which the parties filed petitions with the board. Any column required under par. (e)

5   2. shall be placed next in order. To the right of the party columns shall be a column

6   for the names of independent candidates for each office, or more than one column if

7   the first column does not provide sufficient space for the names of all such

8   candidates.

9   **SECTION 3.** 5.81 (2) of the statutes is amended to read:

10   5.81 **(2)** When an electronic voting system utilizes a ballot label booklet and

11 ballot card, ballots for candidates and ballots on referenda may be placed on the

12 voting device by providing in the ballot booklet separate ballot label pages or series

13 of pages distinguished by differing colors. Whenever practicable, all candidates for

14 the same office shall appear in the booklet on the same page or facing pages. More

15 than one question may be placed on the same ballot page or series of pages. ~~In~~

16 ~~elections where provision is made for straight party voting, the designation of the~~

17 ~~political parties for straight party voting shall be on a separate page on which no~~

18 ~~names of candidates may appear.~~ On each succeeding page of the candidate booklet,

19 where the ballot information is listed vertically, the party affiliation of each

20 candidate or the designation "independent" or the candidate's statement of

21 principles, if any, shall appear next to the candidate's name, and the name of

22 candidates for the same office shall be listed vertically under the title of that office.

23   **SECTION 4.** 5.91 (2) of the statutes is repealed.

24   **SECTION 5.** 7.50 (2) (a) of the statutes, as affected by 2001 Wisconsin Act 16, is

25 repealed.

1   **SECTION 6.** 10.02 (3) (b) 1. of the statutes is amended to read:

2   10.02 **(3)** (b) 1. ~~If an elector wishes to vote for all candidates nominated by any~~

3   ~~party, the elector shall make a cross (7) or depress the lever or button next to the party~~

4   ~~designation shown at the top of the ballot.~~ ~~Unless a name has been erased or crossed~~

5   ~~out, another name written in, a cross made next to the name of a candidate for the~~

6   ~~same office in another column or a sticker applied, a cross next to a party designation~~

7   ~~at the top of the column is a vote for all the party's candidates listed in the column.~~

8   ~~If an elector does not wish to vote for all the candidates nominated by one party, the~~

9   <u>The</u> elector shall make a cross (7) next to or separately depress the levers or buttons

10   next to each candidate's name for whom he or she intends to vote, or shall insert or

11   write in the name of a candidate.

12   **SECTION 7. Initial applicability.**

13   (1) This act first applies to elections held on July 1, 2002.

14   **(END)**