

2001 DRAFTING REQUEST

Bill

Received: **08/16/2001**

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing: **greg**

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

Drafter: **rmarchan**

May Contact:

Addl. Drafters: **kuesejt**

Subject: **Elections - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Walker@legis.state.wi.us**

Carbon copy (CC:) to: **greg.reiman@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Eliminate straight party ticket voting

Instructions:

Eliminate the option for electors to cast a single vote for all candidates of a recognized political party in partisan elections (and, as a result, eliminate separate ballot for offices of president and vice president). Redraft of 1999 AB-598.

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>
/?	rmarchan 08/16/2001	csicilia 09/24/2001	pgreensl 09/24/2001	_____	_____	_____	Local
	kuesejt 08/23/2001	rschluet 10/01/2001		_____	_____	_____	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1			pgreensl 10/02/2001	_____	lrb_docadmin 10/02/2001	lrb_docadmin 10/03/2001	

FE Sent For:

<END>

At
Intro.

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/1			pgreensl 10/02/2001	_____	lrb_docadmin 10/02/2001		

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Wanted: As time permits

Identical to LRB:

For: Scott Walker (608) 266-9180

By/Representing: greg

This file may be shown to any legislator: NO

Drafter: rmarchan

May Contact:

Addl. Drafters: kuesejt

Subject: Elections - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Walker@legis.state.wi.us

Carbon copy (CC:) to: grcg.rciman@legis.state.wi.us

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No specific pre topic given

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1/?	rmarchan	RS 9-24-01	10/2 PS	10/2 PS/JSK			

FE Sent For:

<END>

Marchant, Robert

From: Reiman, Greg
Sent: Wednesday, August 15, 2001 11:17 AM
To: Marchant, Robert
Subject: redraft of 1999 AB 598

Hi Rob:

Scott is interested in reintroducing a bill to eliminate straight party ticket voting. I believe you drafted 1999 AB 598 last session, could you redraft this for Scott?

Thank you!



WalkThankYou.wav

Greg Reiman
Office of Representative Scott Walker
608 266-9180

(JTK)
RJM:cmh:km
55
cmh PmWR
DNOTE

1999 ASSEMBLY BILL 598

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

(PLWF) (re-g)

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

Analysis by the Legislative Reference Bureau

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

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

2000. (2002)

(July)

ASSEMBLY BILL 598

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:

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

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

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

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

Except as authorized in s. 5.455,

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

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

PLAIN text

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

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

*Insert
2-18*

ASSEMBLY BILL 598

permit an elector
President

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

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

15 5.64 (1) (b) Below the voting instructions the ballot shall be divided into
16 vertical columns. The names of the candidates for the offices of president and vice
17 president that are certified under s. 8.16 (7) or that are contained in nomination
18 papers filed under s. 8.20 shall appear on the ballot in the form prescribed in s. 7.08

19 (2) (a). The names of the candidates on the regular party tickets nominated at the
20 primary or replacements appointed under s. 8.35 (2) shall be printed appear each in
21 a separate column under the party designation. The columns shall be arranged from
22 left to right according to rank, based on the number of votes received by the party's
23 candidate for president or governor at the last general election beginning with the
24 party that received the most votes. To the right of the columns for parties qualifying
25 under s. 5.62 (1) (b) shall be placed the columns for parties qualifying under s. 5.62

ASSEMBLY BILL 598

SECTION 6

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

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

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

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

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

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

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

21 **SECTION 10.** 5.64 ~~(g)~~ of the statutes is repealed. ~~(1) (em)~~

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

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

sect# 22, 5.64(1)(es)

ASSEMBLY BILL 598

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

keep
stricken
comma

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

next to
plain text

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

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

DISSENT
5-19

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

as affected by 2001 Wisconsin
Act 16,

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

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

ASSEMBLY BILL 598

SECTION 15

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

SECTION 16. Initial applicability.

7 (1) This act first applies to elections held on ~~January 1, 2000~~ ^{JUN 1, 2002}

(END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3617/lins
RJM:.....

INSERT 2-18

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

5.64 (1) (a) The ballot shall permit an elector ~~to vote a straight party ticket for president and vice president, whenever those offices are contested, and for all statewide, congressional, legislative and county offices,~~ to vote for individual candidates for each office or to vote for a person whose name does not appear on the ballot for any office. When voting for president and vice president, the ballot shall permit an elector to vote only for the candidates on one ticket jointly ^{to} or write in the names of persons in both spaces. When voting for governor and lieutenant governor, the ballot shall permit an elector to vote only for the candidates on one ticket jointly or write in the names of persons in both spaces.

History: 1971 c. 304 s. 29 (2); 1977 c. 26, 427; 1979 c. 260; 1981 c. 70, 175, 377, 391; 1982 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31; 1992; 1991 a. 316; 1999 a. 182

(b) The names of the candidates for the offices of president and vice president that are certified under s. 8.16 (7) or that are contained in nomination papers filed under s. 8.20 shall appear on the ballot in the form prescribed in s. 7.08 (2) (a). The names of the candidates on the regular party tickets nominated at the primary or replacements appointed under s. 8.35 (2) shall appear in a separate column under the party designation. The columns shall be arranged from left to right according to rank, based on the number of votes received by each party's candidate for president or governor at the last general election beginning with the party that received the most votes. To the right of the columns for parties qualifying under s. 5.62 (1) (b) shall be placed the columns for parties qualifying under s. 5.62 (2) in the same order in which the parties filed petitions with the board. Any column required under par. (e) 2. shall be placed next in order. To the right of the party columns shall be a column

for the names of independent candidates for each office, or more than one column if the first column does not provide sufficient space for the names of all such candidates.

~~History: 1971 c. 304 s. 29 (2); 1977 c. 46, 424; 1979 c. 260; 1981 c. 79, 175, 377, 391; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 31, 192; 1991 a. 316; 1999 a. 182.~~
INSERT 5-19

SECTION 2. 10.02 (3) (b) 1. of the statutes is amended to read:

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

~~History: 1971 c. 304 s. 29 (2); 1973 c. 334 s. 57; 1975 c. 85, 199; 1977 c. 167, 427, 447; 1979 c. 311; 1981 c. 377; 1983 a. 484 ss. 119, 172 (3); 1985 a. 304; 1989 a. 31, 1997 a. 250; 1999 a. 182.~~

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

3617/1du
LRB-3312/1dm
RJM/emb/ckm
+ JTK CS

September 8, 1999

is generally the same as 1999 AB-598, except that this bill will first apply to the 2002 general election. Also, some of the technical changes contained in 1999 AB-598 were enacted in 1999 Act 182. Those changes were therefore not included in this bill. Like 1999 AB-598, this bill

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

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

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

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

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

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

Robert J. Merchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Merchant@legis.state.wi.us

JTK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3617/1dn
RJM&JTK:rs&cmh:pg

October 2, 2001

This bill is generally the same as 1999 AB-598, except that this bill will first apply to the 2002 general election. Also, some of the technical changes contained in 1999 AB-598 were enacted in 1999 Act 182. Those changes are therefore not included in this bill.

Like 1999 AB-598, this bill raises an issue with respect to absentee voting by overseas and military electors. Currently, overseas electors may vote only in elections for national office, including the September primary, whereas military electors may vote in any election. Under ss. 6.22 and 6.24, stats., these electors may receive standard absentee ballots listing the names of the candidates for each office for which these electors are allowed to vote. In addition, because overseas and military electors may not receive these standard absentee ballots in time to vote in the applicable election, under s. 6.25, stats., these electors may also receive write-in absentee ballots that list only the offices for which the electors may vote at the upcoming election. Because write-in absentee ballots do not list any candidates, they can be mailed to overseas and military electors earlier than standard absentee ballots and, thus, can more easily be returned on time.

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Robert J. Merchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Merchant@legis.state.wi.us

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

Emery, Lynn

From: Walker, Scott
Sent: Wednesday, October 03, 2001 10:25 AM
To: LRB.Legal
Subject: Draft review: LRB-3617/1 Topic: Eliminate straight party ticket voting

It has been requested by <Walker, Scott> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-3617/1 Topic: Eliminate straight party ticket voting