

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB454)

Received: **11/04/2009**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Jeff Smith (608) 266-0660**

By/Representing: **Andrea Wahl**

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

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Smith@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

AA to AB-454

Instructions:

Substitute 35-character limitation for 5-word limitation.

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>
/?	jkuesel 11/04/2009	kfollett 11/10/2009		_____			
/1			mduchek 11/11/2009	_____	mbarman 11/11/2009	mbarman 11/11/2009	

FE Sent For:

<END>

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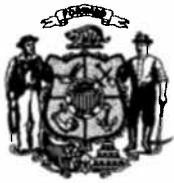
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1/2/11	jkuesel 11/4/09	11/5/10 11/10	md 11/11	jkph 11/11			

FE Sent For:

<END>



~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT,
TO 2009 ASSEMBLY BILL 454

For Wed.
11/11

✓

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 4: before that line insert:

3 **"SECTION 1c7.** 5.62 (3) of the statutes is 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

1 of the candidates, if any, in ~~5 words~~ 35 characters or less, as shown on their
2 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; 1999 a. 182; 2005 a. 149; 2007 a. 1.

3 **SECTION 1g.** 5.64 (1) (e) 1. of the statutes is amended to read:

4 5.64 (1) (e) 1. Except as provided in subd. 2., each candidate's name shall be
5 placed in the column of the party by which nominated or if independent, in a column
6 designated independent and all candidates for the same office shall appear within
7 the same rows on the ballot. If a separate column is provided to write in the names
8 of any party candidates under subd. 2., the column shall appear before the column
9 designated independent with the spaces provided to write in the names of the
10 candidates for each such party appearing in the same order in which the columns of
11 their parties would appear under par. (b). Along with the names of the independent
12 candidates shall appear the party or principle of the candidates, if any, in ~~5 words~~
13 35 characters or less, as shown on their nomination papers. Independent candidates
14 for the same county office shall be listed in the same manner in an order drawn by
15 lot by or under supervision of the county clerk or board of election commissioners.
16 The board shall conduct a redrawing for purposes of determining the arrangement
17 of independent candidates for state office who appeared on the primary ballot in the
18 manner provided in s. 5.60 (1) (b).

History: 1971 c. 304 s. 29 (2); 1977 c. 26, 27; 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; 2005 a. 149.

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

20 5.64 (1) (es) The party candidates shall be arranged consecutively from top to
21 bottom based on the number of votes received by their party's candidate for governor
22 at the last election beginning with the party that received the most votes. The
23 independent president-vice president candidates shall be listed together in an order

1 drawn by lot by or under supervision of the board, following under the party
2 candidates. Along with the names of the independent candidates shall appear the
3 party or principle of the candidates, if any, in ~~5 words~~ 35 characters or less, as shown
4 on their nomination papers. Following under the independent candidates, a space
5 shall be left for writing in the names of a candidate for president and vice president.

History: 1971 c. 304 s. 29 (2); 1977 c. 26, 27; 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; 2005 a. 149.

6 **SECTION 1~~r~~.** 7.08 (2) (a) of the statutes is amended to read:

7 7.08 (2) (a) As soon as possible after the closing date for filing nomination
8 papers or after the canvass of the primary vote, but no later than the deadlines
9 established in s. 10.06, transmit to each county clerk a certified list of all candidates
10 on file in its office for which electors in that county may vote. The list shall designate
11 the order of arrangement and contain each candidate's first name, middle initial or
12 initials and last name, unless the candidate on his or her nomination papers or
13 declaration of candidacy specifies that the middle initial be deleted, that a full middle
14 name or former legal surname be substituted for the middle initial, that an initial
15 be substituted for the candidate's first name or that a nickname be substituted for
16 a first or middle name or for a first initial or middle initial or initials, but no other
17 abbreviations or titles are permitted. The list shall also include each candidate's
18 residence and post-office address; the office for which the person is a candidate; and,
19 the party or principle the candidate represents, if any, in ~~5 words~~ 35 characters or
20 less. Names of candidates nominated under s. 7.38 or 8.35 shall be certified by the
21 board upon filing of the necessary papers with it. At any time prior to an election,
22 the board may transmit an amended certification if a candidate dies or is determined
23 not to qualify for ballot placement.”.

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; 1999 a. 49, 182; 2001 a. 16, 38, 107, 109; 2003 a. 265; 2005 a. 177, 278, 451; 2007 a. 1, 20, 96; 2009 a. 28.

1

2. Page 1, line 4: delete "SECTION 1" and substitute "SECTION 1w".

2

3. Page 2, line 5: delete "5 words" and substitute "35 characters".

3

4. Page 2, line 18: delete "5 words" and substitute "35 characters".

4

5. Page 3, line 3: delete "5 words" and substitute "35 characters".

5

6. Page 3, line 11: delete "5 words" and substitute "5 words 35 characters".

6

7. Page 3, line 16: delete "5 words" and substitute "5 words 35 characters".

7

8. Page 3, line 16: after that line insert:

8

"SECTION 5? Initial applicability.

9

(1) This act first applies with respect to elections for which nomination papers

10 or declarations of candidacy are due to be filed on or after the 60th day beginning

11 after the effective date of this subsection."

12

(END)

D-Note

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

LRBa1082/1dp

JTK...
fjf

Date

Representative Smith:

I have included an initial applicability provision because this amendment effects a substantive change in the law that may mean that some nomination papers or declarations of candidacy that would now be permitted will need to be reworked. As a result, we are better off initially applying the draft to nomination papers that have not yet been circulated at the time that the bill resulting from the draft becomes law. Please let me know if you would like to see this treatment changed.

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

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

LRBa1082/1dn
JTK:kjf:md

November 10, 2009

Representative Smith:

I have included an initial applicability provision because this amendment effects a substantive change in the law that may mean that some nomination papers or declarations of candidacy that would now be permitted will need to be reworked. As a result, we are better off initially applying the draft to nomination papers that have not yet been circulated at the time that the bill resulting from the draft becomes law. Please let me know if you would like to see this treatment changed.

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