State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-3583/1
JK:cdc

2025 SENATE BILL 361

June 27, 2025 - Introduced by Senators CARPENTER, SPREITZER, KEYESKI and WALL, cosponsored by Representatives ORTIZ-VELEZ, SNODGRASS, BARE, CRUZ, JOERS, MIRESSE, SINICKI and UDELL. Referred to Committee on Government Operations, Labor and Economic Development.

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) (c); ***to renumber and amend*** 5.37 (4); ***to amend*** 5.02 (16m), 5.62 (1), 5.62 (2), 5.62 (3), 5.655 (1), 5.84 (1), 5.91 (1), 5.91 (3), 6.80 (2) (am), 6.80 (2) (f), 6.87 (4) (b) 1., 7.08 (2) (b), 7.50 (2) (g), 8.16 (1), 8.16 (6), 8.16 (7), 8.17 (1) (a), 8.20 (9), 8.50 (3) (b), 9.10 (3) (e), 10.02 (3) (b) 2., 15.61 (1) (a) 6. and 15.62 (1) (a) 6. of the statutes; **relating to:** authorizing electors to vote in the primary of more than one political party.

Analysis by the Legislative Reference Bureau

Under current law, a voter in a partisan primary election may cast a ballot or vote in the column of only one major political party, regardless of the number of candidates who are running for office in that party, if any. Similarly, a voter in a partisan 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 a partisan primary to "split tickets," designating the candidate of his or her choice for each office, including the offices of governor

and lieutenant governor, regardless of party affiliation. The bill also allows a voter to vote for independent candidates for one or more state offices in a partisan primary, in addition to party candidates for one or more state or county offices. 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 2026 partisan primary election.

For further information see the state 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. 5.02 (16m) of the statutes is amended to read:

5.02 **(16m)** "Recognized political party" means a political party ~~which~~ that qualifies for a separate ~~ballot or~~ column or row on partisan primary and election ballots under s. 5.62 (1) (b) or (2).

SECTION 2. 5.35 (6) (b) of the statutes is repealed.

SECTION 3. 5.37 (4) of the statutes is renumbered 5.37 (4) (intro.) and amended to read:

5.37 **(4)** (intro.) Voting machines may be used at primary elections when they comply with subs. (1) and (2) and the following provisions: ~~All candidates' names~~

(a) 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; the elector may secretly select the party for which he or she wishes to vote; the~~.

(b) 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. 5.51 (7) of the statutes is repealed.

SECTION 5. 5.62 (1) of the statutes is amended to read:

5.62 **(1)** (a) At the partisan primary, 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 commission under s. 7.08 (1) (a), except as authorized in s. 5.655. The ~~ballots~~ ballot 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 or row, except as authorized in s. 5.655. ~~The ballots shall be secured together at the bottom.~~ The ~~party ballot~~ column or row of the party receiving the most votes for president or governor at the last general election shall be ~~on top~~ first with the other parties arranged in descending order based on their vote for president or governor at the last general election. The ~~ballots~~ columns or rows of parties qualifying under sub. (2) shall be placed ~~after~~ to the right of or below the parties qualifying under par. (b), in the same order in which the parties filed petitions with the commission. Any ballot required under par. (b) 2. shall be placed next in order. At polling places where voting machines are used, each party shall be represented in one or more separate columns or rows on the ballot. At polling places where an electronic voting system is used other than an electronic voting machine, each party may be represented in separate columns or rows on the ballot. An elector at the partisan primary may vote for any candidate for each office regardless of the political affiliation of the candidate.

(b) 1. Except as provided in subd. 2. and s. 5.64 (1) (e) 2., every recognized political party listed on the official ballot at the last gubernatorial election whose candidate for any statewide office received at least 1 percent of the total votes cast

for that office and, if the last general election was also a presidential election, every recognized political party listed on the ballot at that election whose candidate for president received at least 1 percent of the total ~~vote~~ votes cast for that office shall have ~~a separate primary ballot or~~ one or more separate columns or rows on the ~~primary ballot as prescribed in par. (a) and a separate column on the general election~~ ballot at the partisan primary and general election in every ward and election district. An organization ~~which~~ that was listed as "independent" at the last general election and whose candidate meets the same qualification shall receive the same ballot status upon petition ~~of~~ to the commission by the chairperson and secretary of the organization ~~to the commission~~ requesting such status and specifying their party name, which may not duplicate the name of an existing party. A petition under this subdivision may be filed no later than 5 p.m. on April 1 in the year of each general election.

2. Subdivision 1. applies to a party within any assembly district or county at any partisan primary election only if at least one candidate of the party for any national, state or county office qualifies to have his or her name appear on the ballot under the name of that party within that assembly district or county. The county clerk or county board of election commissioners shall provide ~~a combined separate ballot or~~ one or more separate columns or rows on the ballot that will permit an elector to cast a vote for a write-in candidate for the nomination of any such party for each national, state, and county office whenever that party qualifies to be represented ~~on a separate primary ballot or~~ in one or more separate columns or rows under subd. 1. but does not qualify under this subdivision. The ballot shall include the name of each party qualifying for ~~a separate ballot or~~ one or more

separate columns or rows on the ballot under each office, with the names of the candidates for each such party appearing in the same order in which the ~~ballots~~ columns or rows of the parties would appear under par. (a).

SECTION 6. 5.62 (2) of the statutes is amended to read:

5.62 **(2)** (a) Except as provided in par. (b) and s. 5.64 (1) (e) 2., any political organization may be represented ~~on a separate primary ballot or~~ in one or more separate columns or rows on the partisan primary ballot as prescribed in sub. (1) (a) and in a separate column or row on the general election ballot in every ward and election district. To qualify for a separate ~~ballot~~ column or row under this paragraph, the political organization shall, not later than 5 p.m. on April 1 in the year of the partisan primary, file with the commission a petition requesting separate ~~ballot status~~ column or row on the partisan primary ballot. The petition shall be signed by at least 10,000 electors, including at least 1,000 electors residing in each of at least 3 separate congressional districts. The petition shall conform to the requirements of s. 8.40. No signature obtained before January 1 in the year of filing is valid. When the candidates of a political organization filing a valid petition fulfill the requirements prescribed by law, they shall appear ~~on a separate ballot or~~ in one or more separate columns or rows on the ballot for the period ending with the following general election.

(b) Paragraph (a) applies to a party within any assembly district or county at any partisan primary election only if at least one candidate of the party for any national, state, or county office qualifies to have his or her name appear on the ballot under the name of that party within that assembly district or county. The county clerk or county board of election commissioners shall provide ~~a combined~~

~~separate ballot or~~ or one or more separate columns or rows on the ballot that will permit an elector to cast a vote for a write-in candidate for the nomination of any such party for each national, state, and county office whenever that party qualifies to be represented ~~on a separate primary ballot or~~ in one or more separate columns or rows under par. (a) but does not qualify under this paragraph. The ballot shall include the name of each party qualifying for ~~a separate ballot or~~ one or more separate columns or rows on the ballot under each office, with the names of the candidates for each such party appearing in the same order in which the ~~ballots~~ columns or rows of the parties would appear under sub. (1) (a).

SECTION 7. 5.62 (3) of the statutes is amended to read:

5.62 **(3)** The commission 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~~ that they seek in the following order whenever these offices appear on the partisan 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.

SECTION 8. 5.655 (1) of the statutes is amended to read:

5.655 **(1)** Whenever a separate ballot is required to be used, a municipality may use a single ballot to facilitate the use of voting machines or an electronic voting system or, if the municipality employs paper ballots, may use a consolidated paper ballot that is authorized under sub. (2). If a municipality uses a single ballot

in lieu of separate ballots, the ballot shall include a separate column or row for any office~~,~~ or referendum ~~or party~~ for which a separate ballot is required by law and the ballot shall be distributed only to electors who are eligible to vote for all of the offices and referenda appearing on the ballot.

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

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

5.84 **(1)** Where any municipality employs an electronic voting system which utilizes automatic tabulating equipment, either at the polling place or at a central counting location, the municipal clerk shall, on any day not more than 10 days prior to the election day on which the equipment is to be utilized, have the equipment tested to ascertain that it will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given by the clerk at least 48 hours prior to the test by publication of a class 1 notice under ch. 985 in one or more newspapers published within the municipality if a newspaper is published therein, otherwise in a newspaper of general circulation therein. The test shall be open to the public. The test shall be conducted by processing a preaudited group of ballots so marked as to record a predetermined number of valid votes for each candidate and on each referendum. The test shall include for each office one or more ballots ~~which~~ that have votes in excess of the number allowed by law ~~and, for a partisan primary election, one or more ballots which have votes cast for candidates of more than one recognized political party,~~ in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the municipal clerk shall ascertain the cause and correct the error. The clerk shall

make an errorless count before the automatic tabulating equipment is approved by the clerk for use in the election.

SECTION 11. 5.91 (1) of the statutes is amended to read:

5.91 **(1)** It enables an elector to vote in secrecy ~~and to select the party for which an elector will vote in secrecy at a partisan primary election~~.

SECTION 12. 5.91 (3) of the statutes is amended to read:

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

SECTION 13. 5.91 (6) of the statutes is repealed.

SECTION 14. 6.80 (2) (am) of the statutes is amended to read:

6.80 **(2)** (am) In partisan primaries, an elector may vote for a person as the candidate of the party of the elector's choice, if that person's name does not appear on the official ballot ~~of that party~~, by writing in the name of the person in the space provided on the ballot or the ballot provided for that purpose, or where voting machines are used, in the irregular ballot device, designating the party for which the elector desires such person to be the nominee.

SECTION 15. 6.80 (2) (f) of the statutes is amended to read:

6.80 **(2)** (f) In the presidential preference primary ~~and other partisan primary elections~~ at polling places where ballots are distributed to electors, unless the ballots are prepared under s. 5.655 or are utilized with an electronic voting system in which all candidates appear on the same ballot, after the elector prepares his or

her ballot the elector shall detach the remaining ballots, fold the ballots to be discarded and fold the completed ballot unless the ballot is intended for counting with automatic tabulating equipment. The elector shall then either personally deposit the ballots to be discarded into the separate ballot box marked "blank ballot box," and deposit the completed ballot into the ballot box indicated by the inspectors, or give the ballots to an inspector who shall deposit the ballots directly into the appropriate ballot boxes. The inspectors shall keep the blank ballot box locked until the canvass is completed and shall dispose of the blank ballots as prescribed by the municipal clerk.

SECTION 16. 6.87 (4) (b) 1. of the statutes is amended to read:

6.87 **(4)** (b) 1. Except as otherwise provided in s. 6.875, an elector voting absentee, other than a military elector or an overseas elector, shall make and subscribe to the certification before one witness who is an adult U.S. citizen. A military elector or an overseas elector voting absentee, regardless of whether the elector qualifies as a resident of this state under s. 6.10, shall make and subscribe to the certification before one witness who is an adult but who need not be a U.S. citizen. The absent elector, in the presence of the witness, shall mark 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 witness, fold the ballots so each is separate and so that the elector conceals the markings thereon and deposit them in the proper envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that the elector conceals the markings thereon and deposit the ballot in the proper envelope. If proof of residence under s. 6.34 is required and the document enclosed by the elector under this subdivision does not constitute proof of residence under s.

6.34, the elector shall also enclose proof of residence under s. 6.34 in the envelope. Except as provided in s. 6.34 (2m), proof of residence is required if the elector is not a military elector or an overseas elector and the elector registered by mail or by electronic application and has not voted in an election in this state. If the elector requested a ballot by means of facsimile transmission or electronic mail under s. 6.86 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an original signature of the elector. The elector may receive assistance under sub. (5). The return envelope shall then be sealed. The witness may not be a candidate. The envelope shall be mailed by the elector, or delivered in person, to the municipal clerk issuing the ballot or ballots. If the envelope is mailed from a location outside the United States, the elector shall affix sufficient postage unless the ballot qualifies for delivery free of postage under federal law. ~~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 ballot in a primary or return of a ballot prepared under s. 5.655 or a ballot used with an electronic voting system in a primary which is marked for candidates of more than one party invalidates all votes cast by the elector for candidates in the primary.~~

SECTION 17. 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 partisan 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.

SECTION 18. 7.50 (1) (d) of the statutes is repealed.

SECTION 19. 7.50 (2) (g) of the statutes is amended to read:

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

SECTION 20. 8.16 (1) of the statutes is amended to read:

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

SECTION 21. 8.16 (6) of the statutes is amended to read:

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

SECTION 22. 8.16 (7) of the statutes is amended to read:

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

SECTION 23. 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 partisan primary ballot under s. 5.62 (1) (b) or (2) shall elect their party committeemen and committeewomen as provided under sub. (5) (b). 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, identifying voters; 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~~ that 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.

SECTION 24. 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~~".~~." If the

candidate's name already appears under a recognized political party it may not be listed on the independent ~~ballot,~~ column or row.

SECTION 25. 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 the partisan primary 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). 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~~ in the ~~ballot~~ 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.

SECTION 26. 8.50 (3) (c) of the statutes is repealed.

SECTION 27. 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~~ that is entitled to a separate column or row on the partisan 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.

SECTION 28. 10.02 (3) (b) 2. of the statutes is amended to read:

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

SECTION 29. 15.61 (1) (a) 6. of the statutes is amended to read:

15.61 **(1)** (a) 6. For each political party, other than the 2 major political parties, qualifying for a separate ~~ballot~~ column or row under s. 5.62 (1) (b) or (2) whose candidate for governor received at least 10 percent of the vote in the most recent gubernatorial election, one member, nominated by the governor from a list of 3 individuals selected by the chief officer of that political party, and with the advice and consent of a majority of the members of the senate confirmed.

SECTION 30. 15.62 (1) (a) 6. of the statutes is amended to read:

15.62 **(1)** (a) 6. For each political party, other than the 2 major political parties, qualifying for a separate ~~ballot~~ column or row under s. 5.62 (1) (b) or (2) whose candidate for governor received at least 10 percent of the vote in the most recent gubernatorial election, one member, nominated by the governor from a list of 3 individuals selected by the chief officer of that political party, and with the advice and consent of a majority of the members of the senate confirmed.

SECTION 31. Initial applicability.

(1) This act first applies with respect to voting at the 2026 partisan primary election.

(END)