



2025 SENATE BILL 361

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

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 and amend* 5.37 (4); *to amend* 5.02 (16m), 5.62 (1), 5.62 (2),
3 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)
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),
5 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
6 statutes; **relating to:** authorizing electors to vote in the primary of more than
7 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

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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:

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~~ that
3 qualifies for a separate ~~ballot or column~~ or row on partisan primary and election
4 ballots under s. 5.62 (1) (b) or (2).

5 **SECTION 2.** 5.35 (6) (b) of the statutes is repealed.

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

8 5.37 (**4**) (intro.) Voting machines may be used at primary elections when they
9 comply with subs. (1) and (2) and the following provisions: ~~All candidates' names~~

10 (a) Each candidate's name entitled to appear on the ~~ballots~~ ballot at the
11 primary and the party that he or she represents shall appear on the machine; ~~the~~
12 ~~elector cannot vote for candidates of more than one party, whenever the restriction~~
13 ~~applies; the elector may secretly select the party for which he or she wishes to vote;~~
14 ~~the.~~

15 (b) The elector may vote for as many candidates for each office as he or she is
16 lawfully entitled to vote for, but no more.

17 **SECTION 4.** 5.51 (7) of the statutes is repealed.

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

2 5.62 (1) (a) At the partisan primary, the following ballot shall be provided for
3 the nomination of candidates of recognized political parties for national, state and
4 county offices and independent candidates for state office in each ward, in the same
5 form as prescribed by the commission under s. 7.08 (1) (a), except as authorized in s.
6 5.655. The ~~ballots~~ ballot shall be made up of the several party tickets with each
7 party entitled to participate in the primary under par. (b) or sub. (2) having its own
8 ~~ballot column or row~~, except as authorized in s. 5.655. ~~The ballots shall be secured~~
9 ~~together at the bottom.~~ The ~~party ballot~~ column or row of the party receiving the
10 most votes for president or governor at the last general election shall be ~~on top~~ first
11 with the other parties arranged in descending order based on their vote for
12 president or governor at the last general election. The ~~ballots~~ columns or rows of
13 parties qualifying under sub. (2) shall be placed ~~after~~ to the right of or below the
14 parties qualifying under par. (b), in the same order in which the parties filed
15 petitions with the commission. Any ballot required under par. (b) 2. shall be placed
16 next in order. At polling places where voting machines are used, each party shall be
17 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 may be represented in separate columns or rows on the ballot.
20 An elector at the partisan primary may vote for any candidate for each office
21 regardless of the political affiliation of the candidate.

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

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

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

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

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

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

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

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

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

11 5.62 (3) The commission shall designate the official primary ballot
12 arrangement for statewide offices and district attorney within each prosecutorial
13 district by using the same procedure as provided in s. 5.60 (1) (b). On each ~~ballot~~
14 ~~and on each~~ separate column or row on the ballot, the candidates for office shall be
15 listed together with the offices ~~which~~ that they seek in the following order whenever
16 these offices appear on the partisan primary ballot: governor, lieutenant governor,
17 attorney general, secretary of state, state treasurer, U.S. senator, U.S.
18 representative in congress, state senator, representative to the assembly, district
19 attorney, and the county offices.

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

21 5.655 (1) Whenever a separate ballot is required to be used, a municipality
22 may use a single ballot to facilitate the use of voting machines or an electronic
23 voting system or, if the municipality employs paper ballots, may use a consolidated
24 paper ballot that is authorized under sub. (2). If a municipality uses a single ballot

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

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

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

7 5.84 (1) Where any municipality employs an electronic voting system which
8 utilizes automatic tabulating equipment, either at the polling place or at a central
9 counting location, the municipal clerk shall, on any day not more than 10 days prior
10 to the election day on which the equipment is to be utilized, have the equipment
11 tested to ascertain that it will correctly count the votes cast for all offices and on all
12 measures. Public notice of the time and place of the test shall be given by the clerk
13 at least 48 hours prior to the test by publication of a class 1 notice under ch. 985 in
14 one or more newspapers published within the municipality if a newspaper is
15 published therein, otherwise in a newspaper of general circulation therein. The
16 test shall be open to the public. The test shall be conducted by processing a
17 preaudited group of ballots so marked as to record a predetermined number of valid
18 votes for each candidate and on each referendum. The test shall include for each
19 office one or more ballots ~~which~~ that have votes in excess of the number allowed by
20 law ~~and, for a partisan primary election, one or more ballots which have votes cast~~
21 ~~for candidates of more than one recognized political party,~~ in order to test the ability
22 of the automatic tabulating equipment to reject such votes. If any error is detected,
23 the municipal clerk shall ascertain the cause and correct the error. The clerk shall

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

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

4 5.91 (1) It enables an elector to vote in secrecy ~~and to select the party for~~
5 ~~which an elector will vote in secrecy at a partisan primary election.~~

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

7 5.91 (3) ~~Except in primary elections, it~~ It enables an elector to vote for a ticket
8 selected in part from the nominees of one party, and in part from the nominees of
9 other parties, and in part from independent candidates and, except in the case of
10 independent candidates at primary elections, in part ~~of~~ from candidates whose
11 names are written in by the elector.

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

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

14 6.80 (2) (am) In partisan primaries, an elector may vote for a person as the
15 candidate of the party of the elector's choice, if that person's name does not appear
16 on the official ballot ~~of that party~~, by writing in the name of the person in the space
17 provided on the ballot or the ballot provided for that purpose, or where voting
18 machines are used, in the irregular ballot device, designating the party for which
19 the elector desires such person to be the nominee.

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

21 6.80 (2) (f) In the presidential preference primary ~~and other partisan primary~~
22 ~~elections~~ at polling places where ballots are distributed to electors, unless the
23 ballots are prepared under s. 5.655 or are utilized with an electronic voting system
24 in which all candidates appear on the same ballot, after the elector prepares his or

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

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

11 6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, an elector voting
12 absentee, other than a military elector or an overseas elector, shall make and
13 subscribe to the certification before one witness who is an adult U.S. citizen. A
14 military elector or an overseas elector voting absentee, regardless of whether the
15 elector qualifies as a resident of this state under s. 6.10, shall make and subscribe
16 to the certification before one witness who is an adult but who need not be a U.S.
17 citizen. The absent elector, in the presence of the witness, shall mark the ballot in
18 a manner that will not disclose how the elector’s vote is cast. The elector shall then,
19 still in the presence of the witness, fold the ballots so each is separate and so that
20 the elector conceals the markings thereon and deposit them in the proper envelope.
21 If a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that
22 the elector conceals the markings thereon and deposit the ballot in the proper
23 envelope. If proof of residence under s. 6.34 is required and the document enclosed
24 by the elector under this subdivision does not constitute proof of residence under s.

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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.

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

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

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

6 8.16 (1) Except as provided in sub. (2), the person who receives the greatest
7 number of votes for an office ~~on a party ballot~~ at any partisan primary, regardless of
8 whether the person's name appears on the ballot, shall be the party's candidate for
9 the office, and the person's name shall so appear on the official ballot at the next
10 election.

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

12 8.16 (6) The persons who receive the greatest number of votes respectively for
13 the offices of governor and lieutenant governor ~~on~~ for any party ~~ballot~~ at a primary
14 shall be the party's joint candidates for the offices, and their names shall so appear
15 on the official ballot at the next election.

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

17 8.16 (7) Nominees chosen at a national convention and under s. 8.18 (2) by
18 each party entitled to a separate column or row on a partisan primary ballot shall
19 be the party's candidates for president, vice president, and presidential electors.
20 The state or national chairperson of each such party shall certify the names of the
21 party's nominees for president and vice president to the commission no later than 5
22 p.m. on the first Tuesday in September preceding a presidential election. Each
23 name shall be in one of the formats authorized in s. 7.08 (2) (a).

24 **SECTION 23.** 8.17 (1) (a) of the statutes is amended to read:

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1 8.17 (1) (a) Political parties qualifying for a separate column or row on the
2 partisan primary ballot under s. 5.62 (1) (b) or (2) shall elect their party
3 committeemen and committeewomen as provided under sub. (5) (b). The function
4 of committeemen and committeewomen is to represent their neighborhoods in the
5 structure of a political party. Committeemen and committeewomen shall act as
6 liaison representatives between their parties and the residents of the election
7 districts in which they serve. Activities of committeemen and committeewomen
8 shall include, but not be limited to, identifying voters; assistance in voter
9 registration drives; increasing voter participation in political parties; polling and
10 other methods of passing information from residents to political parties and elected
11 public officials; and dissemination of information from public officials to residents.
12 For assistance in those and other activities of interest to a political party, each
13 committeeman and committeewoman may appoint a captain to engage in these
14 activities in each ward, if the election district served by the committeeman or
15 committeewoman includes more than one ward. In an election district ~~which~~ that
16 includes more than one ward, the committeeman or committeewoman shall
17 coordinate the activities of the ward captains in promoting the interests of his or
18 her party.

19 **SECTION 24.** 8.20 (9) of the statutes is amended to read:

20 8.20 (9) Persons nominated by nomination papers without a recognized
21 political party designation shall be placed on the official ballot at the general
22 election and at any partisan election to the right or below the recognized political
23 party candidates in their own column or row designated “Independent”.” If the

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

3 **SECTION 25.** 8.50 (3) (b) of the statutes is amended to read:

4 8.50 (3) (b) Except as otherwise provided in this section, the provisions for the
5 partisan primary under s. 8.15 are applicable to all partisan primaries held under
6 this section, and the provisions for spring primaries under s. 8.10 are applicable to
7 all nonpartisan primaries held under this section. In a special partisan primary or
8 election, the order of the parties on the ballot shall be the same as provided under s.
9 5.62 (1) or 5.64 (1) (b). No primary is required for a nonpartisan election in which
10 not more than 2 candidates for an office appear on the ballot or for a partisan
11 election in which not more than one candidate for an office appears ~~on~~ in the ~~ballot~~
12 column or row of each recognized political party on the ballot. In every special
13 election except a special election for nonpartisan state office where no candidate is
14 certified to appear on the ballot, a space for write-in votes shall be provided on the
15 ballot, regardless of whether a special primary is held.

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

17 **SECTION 27.** 9.10 (3) (e) of the statutes is amended to read:

18 9.10 (3) (e) For any partisan office, a recall primary shall be held for each
19 political party ~~which~~ that is entitled to a separate column or row on the partisan
20 primary ballot under s. 5.62 (1) (b) or (2) and from which more than one candidate
21 competes for the party's nomination in the recall election. The primary ballot shall
22 be prepared in accordance with s. 5.62, insofar as applicable. The person receiving
23 the highest number of votes in the recall primary for each political party shall be

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1 that party's candidate in the recall election. Independent candidates shall be
2 shown on the ballot for the recall election only.

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

4 10.02 (3) (b) 2. At a partisan primary, the elector shall select the ~~party ballot~~
5 candidate of his or her choice for each office and shall make a cross (X) next to or
6 depress the lever or button next to the candidate's name for each office for whom
7 the elector intends to vote, or shall insert or write in the name of the elector's choice
8 for a candidate.

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

10 15.61 (1) (a) 6. For each political party, other than the 2 major political
11 parties, qualifying for a separate ~~ballot~~ column or row under s. 5.62 (1) (b) or (2)
12 whose candidate for governor received at least 10 percent of the vote in the most
13 recent gubernatorial election, one member, nominated by the governor from a list of
14 3 individuals selected by the chief officer of that political party, and with the advice
15 and consent of a majority of the members of the senate confirmed.

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

17 15.62 (1) (a) 6. For each political party, other than the 2 major political
18 parties, qualifying for a separate ~~ballot~~ column or row under s. 5.62 (1) (b) or (2)
19 whose candidate for governor received at least 10 percent of the vote in the most
20 recent gubernatorial election, one member, nominated by the governor from a list of
21 3 individuals selected by the chief officer of that political party, and with the advice
22 and consent of a majority of the members of the senate confirmed.

23 **SECTION 31. Initial applicability.**

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SECTION 31

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

3 (END)