2021 SENATE BILL 250

March 25, 2021 – Introduced by Senators KOOYENGA and SMITH, cosponsored by Representatives KURTZ, RIEMER, NOVAK, KITCHENS, DRAKE, TUSLER, SKOWRONSKI, B. MEYERS, CONSIDINE, SUBECK, ANDERSON, HEBL, VRUWINK, MOSES, ANDRACA, MCGUIRE, DALLMAN, SHANKLAND and EMERSON. Referred to Committee on Elections, Election Process Reform and Ethics.

1   AN ACT *to renumber and amend* 7.60 (4) (c) and 8.16 (1); *to amend* 5.01 (3) (a),

2   5.01 (4) (a), 5.35 (6) (b), 5.62 (1) (a), 5.62 (1) (b) 2., 5.62 (2) (b), 5.62 (3), 5.81 (4),

3   5.84 (1), 5.91 (1), 5.91 (6), 6.80 (2) (am), 7.10 (2), 7.50 (1) (b), 7.50 (1) (c), 7.50 (1)

4   (d), 7.60 (4) (a), 8.50 (3) (b), 8.50 (3) (c) and 10.02 (3) (b) 2.; and *to create* 5.20,

5   5.62 (3m), 6.80 (2) (g), 7.60 (4) (c) 3., 7.60 (4) (c) 4., 7.62 and 8.16 (1) (b) of the

6   statutes; **relating to:** top-five primaries and instant runoff voting for the

7   offices of U.S. senator and U.S. representative in Congress.

Analysis by the Legislative Reference Bureau

TOP-FIVE PRIMARIES FOR CERTAIN NATIONAL OFFICES

Under current law, electors voting in a partisan primary may select the party whose candidates they wish to vote for and may cast votes for candidates only within that political party. The single candidate who receives the greatest number of votes for each office within each party is nominated to appear on the general election ballot. Independent candidates and candidates of minor parties that do not qualify for a separate party ballot, column, or row do not appear on the partisan primary ballot.

This bill provides that electors may vote in the primary for U.S. senator and representative in Congress for any candidate regardless of party affiliation, and the five persons who receive the greatest numbers of votes for each such office are nominated to appear on the general election ballot. Under the bill, independent

candidates for such offices and candidates of minor parties appear on the top-five primary ballot, and electors may vote for these candidates in the same manner as other candidates.

INSTANT RUNOFF VOTING FOR CERTAIN NATIONAL OFFICES IN GENERAL ELECTIONS

This bill requires instant runoff voting at the general election for U.S. senator and representative in Congress. Under instant runoff voting, voters uses a ranked-choice voting ballot and have the option to cast their vote for each office in order of preference. If a voter ranks more than one candidate for an office, the voter must indicate a preference between the candidates by designating one as "first choice," another as "second choice," and subsequent choices in sequential preference. A voter may also indicate as one of their preferences one or more write-in candidates for any office.

If any candidate receives a majority of the first-choice preferences cast, that candidate is elected. If no candidate receives a majority of the first-choice preferences for an office or seat, the name of the candidate receiving the least number of first-choice preferences is dropped, and the second-choice preferences of the voters who preferred that candidate, if any, are then added to the first-choice preferences received by the other candidates. If any candidate for the office or seat then has a majority of the combined first-choice and reallocated preferences, that candidate is elected. If not, the procedure is repeated until one candidate receives a majority of the combined first-choice and reallocated preferences.

For further information see the state and 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:

1   SECTION 1. 5.01 (3) (a) of the statutes is amended to read:

2   5.01 **(3)** (a) Except as provided in par. (b), and s. 5.20, in every election to choose

3 any officer, each elector has one vote for each office unless clearly indicated

4 otherwise. The person receiving the greatest number of legal votes for the office shall

5 be declared elected, and the canvassers shall so determine and certify.

6   SECTION 2. 5.01 (4) (a) of the statutes is amended to read:

7   5.01 **(4)** (a) If Except as provided under s. 7.62 (6), if 2 or more candidates for

8 the same office receive the greatest, but an equal number of votes, the winner shall

9 be chosen by lot in the presence of the board of canvassers charged with the

1   responsibility to determine the election, or in the case of an election for state or

2   national office or metropolitan sewerage commissioner, if the commissioner is

3   elected under s. 200.09 (11) (am), in the presence of the chairperson of the elections

4   commission or the chairperson's designee.

5   SECTION 3. 5.20 of the statutes is created to read:

6   **5.20 Instant runoff voting. (1)** In this section, "instant runoff voting" means

7   a voting method in which the electors voting at the general election for U.S. senator

8   or representative in Congress use a ranked-choice voting ballot that permits them

9   to indicate and order their preferences for all candidates whose names appear on the

10   ballot for the same office as provided under sub. (3).

11   **(2)** Using a ranked-choice voting ballot, an elector may indicate his or her

12   preferences for each office, for up to 5 candidates. An elector may indicate a

13   preference for a write-in candidate. An elector is not required to rank more than one

14   candidate and may rank up to 5 candidates.

15   **(3)** (a) For any election using instant runoff voting, the ballot shall allow

16   electors to rank candidates in order of preference, including write-in candidates.

17   (b) The ballot shall allow electors to rank up to 5 candidates.

18   (c) The ballot shall not interfere with an elector's ability to rank a write-in

19   candidate, but a vote for a write-in candidate may only be counted as provided under

20   s. 7.50 (2) (em).

21   SECTION 4. 5.35 (6) (b) of the statutes is amended to read:

22   5.35 **(6)** (b) At each polling place in the state where a consolidated ballot under

23   s. 5.655 is used or an electronic voting system is utilized at a partisan primary

24   election incorporating a ballot upon which electors may mark votes for candidates

25   of more than one recognized political party, the municipal clerk or board of election

1   commissioners shall prominently post a sign in the form prescribed by the

2   commission warning electors in substance that on any ballot with votes cast for

3   candidates of more than one recognized political party, other than candidates for the

4   offices of U.S. senator and U.S. representative in Congress, no votes cast for any

5   candidates for partisan office will be counted unless a preference for a party is made.

6   If the elector designates a preference, only votes cast for candidates of that

7   preference will be counted.

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

9   5.62 **(1)** (a) At the partisan primary, the following ballot shall be provided for

10   the nomination of candidates of recognized political parties for national, state and

11   county offices and independent candidates for state office in each ward, in the same

12   form as prescribed by the commission under s. 7.08 (1) (a), except as authorized in

13   s. 5.655. The ballots shall be made up of the several party tickets with each party

14   entitled to participate in the primary under par. (b) or sub. (2) having its own ballot,

15   except as authorized in s. 5.655. The ballots shall be secured together at the bottom.

16   The party ballot of the party receiving the most votes for president or governor at the

17   last general election shall be on top with the other parties arranged in descending

18   order based on their vote for president or governor at the last general election. The

19   ballots of parties qualifying under sub. (2) shall be placed after the parties qualifying

20   under par. (b), in the same order in which the parties filed petitions with the

21   commission. Any ballot required under par. (b) 2. shall be placed next in order. At

22   polling places where voting machines are used, each party shall be represented in

23   one or more separate columns or rows on the ballot. At polling places where an

24   electronic voting system is used other than an electronic voting machine, each party

25   may be represented in separate columns or rows on the ballot.

1   SECTION 6. 5.62 (1) (b) 2. of the statutes is amended to read:

2   5.62 **(1)** (b) 2. Subdivision 1. applies to a party within any assembly district or

3   county at any partisan primary election only if at least one candidate of the party for

4   any ~~national,~~ state or county office qualifies to have his or her name appear on the

5   ballot under the name of that party within that assembly district or county. The

6   county clerk or county board of election commissioners shall provide a combined

7   separate ballot or one or more separate columns or rows on the ballot that will permit

8   an elector to cast a vote for a write-in candidate for the nomination of any such party

9   for each ~~national,~~ state and county office whenever that party qualifies to be

10   represented on a separate primary ballot or in one or more separate columns or rows

11   under subd. 1. but does not qualify under this subdivision. The ballot shall include

12   the name of each party qualifying for a separate ballot or one or more separate

13   columns or rows on the ballot under each office, with the names of the candidates for

14   each such party appearing in the same order in which the ballots of the parties would

15   appear under par. (a).

16   SECTION 7. 5.62 (2) (b) of the statutes is amended to read:

17   5.62 **(2)** (b) Paragraph (a) applies to a party within any assembly district or

18   county at any partisan primary election only if at least one candidate of the party for

19   any ~~national,~~ state or county office qualifies to have his or her name appear on the

20   ballot under the name of that party within that assembly district or county. The

21   county clerk or county board of election commissioners shall provide a combined

22   separate ballot or one or more separate columns or rows on the ballot that will permit

23   an elector to cast a vote for a write-in candidate for the nomination of any such party

24   for each ~~national,~~ state and county office whenever that party qualifies to be

25   represented on a separate primary ballot or in one or more separate columns or rows

1   under par. (a) but does not qualify under this paragraph. The ballot shall include the

2   name of each party qualifying for a separate ballot or one or more separate columns

3   or rows on the ballot under each office, with the names of the candidates for each such

4   party appearing in the same order in which the ballots of the parties would appear

5   under sub. (1) (a).

6   **SECTION 8.** 5.62 (3) of the statutes is amended to read:

7   5.62 **(3)**   The commission shall designate the official primary ballot

8   arrangement for statewide offices and district attorney within each prosecutorial

9   district by using the same procedure as provided in s. 5.60 (1) (b). On each ballot and

10   on each separate column or row on the ballot, the candidates for office shall be listed

11   together with the offices which they seek in the following order whenever these

12   offices appear on the partisan primary ballot: governor, lieutenant governor,

13   attorney general, secretary of state, state treasurer, ~~U.S. senator, U.S.~~

14   ~~representative in congress,~~ state senator, representative to the assembly, district

15   attorney and the county offices.

16   **SECTION 9.** 5.62 (3m) of the statutes is created to read:

17   5.62 **(3m)** At the partisan primary, the following ballot shall be provided for the

18   nomination of candidates for U.S. senator and U.S. representative in Congress, in

19   the same form as prescribed by the commission under s. 7.08 (1) (a), except as

20   authorized in s. 5.655. The names of all candidates shall appear on the ballot. Below

21   the name of each candidate shall appear the candidate's political party or the

22   candidate's political party preference or statement of principles, if any, in 5 words or

23   less, as shown on the candidate's nomination papers. The order of candidates on the

24   ballot shall be determined by lot by or under the supervision of the commission.

25   **SECTION 10.** 5.81 (4) of the statutes is amended to read:

1   5.81 **(4)** In partisan primary elections, <u>except with respect to the offices of U.S.</u>

2   <u>senator and U.S. representative in Congress,</u> if a ballot contains the names of

3   candidates of more than one party, it shall provide a space for electors to designate

4   a party preference. Failure to designate a preference does not invalidate any votes

5   cast by an elector, except as provided in s. 7.50 (1) (d).

6   **SECTION 11.** 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 test

16   shall be open to the public. The test shall be conducted by processing a preaudited

17   group of ballots so marked as to record a predetermined number of valid votes for

18   each candidate and on each referendum. The test shall include for each office one

19   or more ballots which have votes in excess of the number allowed by law and, for a

20   partisan primary election, <u>except with respect to the offices of U.S. senator and U.S.</u>

21   <u>representative in Congress,</u> one or more ballots which have votes cast for candidates

22   of more than one recognized political party, in order to test the ability of the

23   automatic tabulating equipment to reject such votes. If any error is detected, the

24   municipal clerk shall ascertain the cause and correct the error. The clerk shall make

1   an errorless count before the automatic tabulating equipment is approved by the

2   clerk for use in the election.

3   SECTION 12. 5.91 (1) of the statutes is amended to read:

4   5.91 **(1)** It enables an elector to vote in secrecy and, except with respect to the

5   offices of U.S. senator and U.S. representative in Congress, to select the party for

6   which an elector will vote in secrecy at a partisan primary election.

7   SECTION 13. 5.91 (6) of the statutes is amended to read:

8   5.91 **(6)** The Except with respect to the offices of U.S. senator and U.S.

9   representative in Congress, the voting device or machine permits an elector in a

10   primary election to vote for the candidates of the recognized political party of his or

11   her choice, and the automatic tabulating equipment or machine rejects any ballot on

12   which votes are cast in the primary of more than one recognized political party,

13   except where a party designation is made or where an elector casts write-in votes

14   for candidates of more than one party on a ballot that is distributed to the elector.

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

16   6.80 **(2)** (am) In partisan primaries, except with respect to the offices of U.S.

17   senator and U.S. representative in Congress, an elector may vote for a person as the

18   candidate of the party of the elector's choice, if that person's name does not appear

19   on the official ballot of that party, by writing in the name of the person in the space

20   provided on the ballot or the ballot provided for that purpose, or where voting

21   machines are used, in the irregular ballot device, designating the party for which the

22   elector desires such person to be the nominee.

23   SECTION 15. 6.80 (2) (g) of the statutes is created to read:

24   6.80 **(2)** (g) In elections for offices at which instant runoff voting under s. 5.20

25   is used, an elector may indicate his or her preferences for each office, for up to 5

2021 - 2022 Legislature   - 9 -   LRB-1277/1
JK&MPG:skw
SENATE BILL 250   **SECTION 15**

1   candidates, including a write-in candidate. An elector who indicates preferences for

2   candidates for an office must indicate a different preference for each candidate for

3   that office.

4   **SECTION 16.** 7.10 (2) of the statutes is amended to read:

5   7.10 **(2)** PREPARING BALLOTS. The county clerk shall prepare copy for the official

6   ballots immediately upon receipt of the certified list of candidates' names from the

7   commission. Names certified by the commission shall be arranged in the order

8   certified. The county clerk shall place the names of all candidates filed in the clerk's

9   office or certified to the clerk by the commission on the proper ballot or ballots under

10   the appropriate office and party titles. The county clerk shall prepare a special ballot

11   under s. 5.60 (8) showing only the candidates in the presidential preference primary.

12   The county clerk shall prepare a special ballot under s. 5.62 (3m) showing only the

13   candidates for the offices of U.S. senator and U.S. representative in Congress in the

14   partisan primary.

15   **SECTION 17.** 7.50 (1) (b) of the statutes is amended to read:

16   7.50 **(1)** (b) When an elector casts more votes for any office or measure than he

17   or she is entitled to cast at an election, all the elector's votes for that office or measure

18   are invalid and the elector is deemed to have voted for none of them, except as

19   provided in par. (c) and, sub. (2) (d), and s. 7.62. If an elector casts less votes for any

20   office or measure than he or she is entitled to cast at an election, all votes cast by the

21   elector shall be counted but no vote shall be counted more than once, except as

22   provided in s. 7.62.

23   **SECTION 18.** 7.50 (1) (c) of the statutes is amended to read:

1   7.50 **(1)** (c) If an elector casts more than one vote for the same candidate for the

2   same office, the first vote is valid and the remaining votes are invalid, except as

3   provided in s. 7.62.

4   SECTION 19. 7.50 (1) (d) of the statutes is amended to read:

5   7.50 **(1)** (d) Whenever an electronic voting system is used at a polling place in

6   a partisan primary, and the same ballot is utilized to cast votes for candidates of more

7   than one recognized political party or candidates of a party and independent

8   candidates, except with respect to the offices of U.S. senator and U.S. representative

9   in Congress, if an elector designates a preference for a party or for independent

10   candidates, only votes cast within that preference category may be counted. If an

11   elector does not designate a preference and makes a mark opposite candidates of

12   more than one recognized political party or opposite a candidate in the independent

13   candidates' column and a candidate of a recognized political party, no votes cast by

14   the elector for any candidate for partisan office are valid. Votes for other candidates

15   and votes on ballot questions, if any, shall be counted if otherwise valid.

16   SECTION 20. 7.60 (4) (a) of the statutes is amended to read:

17   7.60 **(4)** (a) The board of canvassers shall make separate duplicate statements

18   showing the numbers of votes cast for the offices of president and vice president; state

19   officials; U.S. senators and representatives in ~~congress~~ Congress; state legislators;

20   justice; court of appeals judge; circuit judges; district attorneys; and metropolitan

21   sewerage commissioners, if the commissioners are elected under s. 200.09 (11) (am).

22   If a municipal judge elected under s. 755.01 (4) serves a municipality that is located

23   partially within the county and candidates for that judgeship file nomination papers

24   in another county, the board of canvassers shall prepare a duplicate statement

25   showing the numbers of votes cast for that judgeship in that county for transmittal

to the other county. For partisan candidates, the statements shall include the political party or principle designation, if any, next to the name of each candidate. The board of canvassers shall also prepare a statement showing the results of any county, technical college district, or statewide referendum. Each statement shall state the total number of votes cast in the county for each office; the names of all persons for whom the votes were cast, as returned; the number of votes cast for each person; the number of round-by-round votes cast for each person receiving votes at a general election; and the number of votes cast for and against any question submitted at a referendum. The board of canvassers shall use one copy of each duplicate statement to report to the elections commission, technical college district board, or board of canvassers of any other county and shall file the other statement in the office of the county clerk or board of election commissioners.

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SECTION 21. 7.60 (4) (c) of the statutes is renumbered 7.60 (4) (c) (intro.) and amended to read:

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7.60 **(4)** (c) (intro.) In preparing the statements and determinations, the board of canvassers shall carefully review the tally sheets and inspectors' statement. The board of canvassers may omit the names of individuals whose names do not appear on the ballot and who receive a comparatively small number of votes. The board of canvassers shall designate votes received by such individuals as scattering votes. The board of canvassers shall append the following to each statement and determination a :

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1. A tabulation of the votes cast at each election district, ward, or combination of wards authorized under s. 5.15 (6) (b) in the county for each office and each individual, whether the votes are canvassed or not, as well as the.

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1   2. The total canvassed votes cast for each individual and each office, except

2   where scattering votes are designated. ~~If any votes are rejected, the board of~~

3   ~~canvassers shall specify the reasons therefor.~~

4   **SECTION 22.** 7.60 (4) (c) 3. of the statutes is created to read:

5   7.60 **(4)** (c) 3. After elections at which instant runoff voting under s. 5.20 is used,

6   the number of first-choice preferences and lesser-choice preferences cast for each

7   individual for each office, indicating the numbers for each choice.

8   **SECTION 23.** 7.60 (4) (c) 4. of the statutes is created to read:

9   7.60 **(4)** (c) 4. For each rejected vote, the board of canvassers' explanation for

10   rejecting the vote.

11   **SECTION 24.** 7.62 of the statutes is created to read:

12   **7.62 Canvass procedure for instant runoff voting. (1)** DEFINITIONS. In

13   this section:

14   (a) "Active candidate" means any candidate that has not been defeated or

15   elected.

16   (b) "Exhausted ballot" means a ballot that does not contain a highest-ranked

17   active candidate and is not an abstention or an overvote.

18   (c) "Highest-ranked active candidate" means the active candidate assigned to

19   a higher ranking than any other active candidates.

20   (d) "Overvote" means an instance in which an elector has ranked more than one

21   candidate at the same ranking.

22   (e) "Ranking order" means the number available to be assigned by an elector

23   to a candidate to express the elector's preference for that candidate. The number "1"

24   is the highest ranking order, followed by "2," and then "3," and so on.

1   (f) "Round" means an instance of the sequence of voting tabulation beginning

2   with sub. (3) (a).

3   **(2)** TALLY SHEETS. The commission shall prescribe a tally sheet form for

4   canvassing of the elections in which instant runoff voting under s. 5.20 is used. The

5   inspectors shall use the form in preparing the returns and shall retain the form as

6   a part of the official returns.

7   **(3)** TABULATION. In any election for exactly one office conducted by instant

8   runoff voting under s. 5.20, tabulation proceeds in rounds. Each round proceeds

9   sequentially as follows:

10   (a) Each ballot shall count as one vote for the highest-ranked active candidate

11   on that ballot. If 2 or fewer active candidates remain, the candidate with the fewest

12   votes is defeated, the candidate with the greatest number of votes is elected, and

13   tabulation is complete.

14   (b) If more than 2 active candidates remain, and no active candidate has over

15   50 percent of the votes cast, the active candidate with the fewest votes is defeated,

16   and a new round begins under par. (a).

17   **(4)** INACTIVE BALLOTS. In any round of tabulation in an election conducted by

18   instant runoff voting under s. 5.20, a ballot that does not contain a highest-ranked

19   active candidate shall not count for any candidate. Instead, the ballot shall be

20   counted as an overvote or exhausted ballot.

21   **(5)** BATCH ELIMINATION. In any election conducted by instant runoff voting

22   under s. 5.20, the chief election officer may modify the tabulation to include batch

23   elimination. If the tabulation includes batch elimination, then any time the active

24   candidate with the fewest votes would be defeated under sub. (3) (b), each active

25   candidate in the elimination batch shall be simultaneously defeated instead. An

2021 - 2022 Legislature   – 14 –   LRB-1277/1
JK&MPG:skw
SENATE BILL 250   SECTION 24

1   active candidate is in the elimination batch if the number of elected and active

2   candidates with more votes than that candidate is greater than the number of offices

3   to be elected and it is mathematically impossible for that candidate to be elected for

4   any of the following reasons:

5   (a) The candidate has fewer votes than any other active candidate.

6   (b) The candidate's current vote total, plus all votes that could possibly be

7   transferred to the candidate in future rounds, would not be enough to equal or

8   surpass the active candidate with the next highest current vote total.

9   (c) The candidate has a lower current vote total than an active candidate

10   described under par. (b).

11   **(6)** TIES. If 2 or more candidates are tied with the fewest votes and tabulation

12   cannot continue until the candidate with the fewest votes is defeated, then the

13   candidate to be defeated shall be determined by lot. Election officials may resolve

14   prospective ties between candidates prior to tabulation after all votes are cast.

15   **(7)** ADMINISTRATION.   The commission shall promulgate rules for the

16   administration of this section.

17   SECTION 25. 8.16 (1) of the statutes is renumbered 8.16 (1) (a) and amended to

18   read:

19   8.16 **(1)** (a) Except as provided in <u>par. (b) and</u> sub. (2), the person who receives

20   the greatest number of votes for an office on a party ballot at any partisan primary,

21   regardless of whether the person's name appears on the ballot, shall be the party's

22   candidate for the office, and the person's name shall so appear on the official ballot

23   at the next election.

24   SECTION 26. 8.16 (1) (b) of the statutes is created to read:

1   8.16 **(1)** (b) The 5 persons who receive the greatest number of votes for the

2   offices of U.S. senator and U.S. representative in Congress at any partisan primary

3   shall be the persons whose names appear on the official ballot at the next election.

4   **SECTION 27.** 8.50 (3) (b) of the statutes is amended to read:

5   8.50 **(3)** (b) Except as otherwise provided in this section, the provisions for the

6   partisan primary under s. 8.15 are applicable to all partisan primaries held under

7   this section, and the provisions for spring primaries under s. 8.10 are applicable to

8   all nonpartisan primaries held under this section. In a special partisan primary or

9   election, the order of the parties on the ballot shall be the same as provided under

10   s. 5.62 (1) or 5.64 (1) (b). No primary is required for a nonpartisan election in which

11   not more than 2 candidates for an office appear on the ballot or for a partisan election,

12   other than for the offices of U.S. senator and U.S. representative in Congress, in

13   which not more than one candidate for an office appears on the ballot of each

14   recognized political party. In every special election except a special election for

15   nonpartisan state office where no candidate is certified to appear on the ballot, a

16   space for write-in votes shall be provided on the ballot, regardless of whether a

17   special primary is held.

18   **SECTION 28.** 8.50 (3) (c) of the statutes is amended to read:

19   8.50 **(3)** (c) Notwithstanding ss. 5.37 (4), 5.91 (6) and 6.80 (2) (f), except with

20   respect to the offices of U.S. senator and U.S. representative in Congress, whenever

21   a special partisan primary is held concurrently with the presidential preference

22   primary, an elector may choose the party column or ballot in which the elector will

23   cast his or her vote separately for each of the 2 primaries. Whenever 2 or more special

24   partisan primaries or one or more special partisan primaries and a partisan primary

are held concurrently, the procedure prescribed in ss. 5.37 (4), 5.91 (6) and 6.80 (2)

(f) applies.

SECTION 29. 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

of his or her choice, other than with respect to the offices of U.S. senator and U.S.

representative in Congress, 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, if applicable, insert or write in the name of the elector's choice for

a candidate.

SECTION 30. Initial applicability.

(1) This act first applies to the 2022 partisan primary and general election.

(END)