



Wisconsin Elections Commission

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DATE: May 17, 2022

TO: Wisconsin County Clerks
Milwaukee County Election Commission

FROM: Wisconsin Elections Commission

SUBJECT: Updated Ballot Templates for August 2022 Partisan Primary

Sample ballot templates for the 2022 Partisan Primary have been approved by the Commission and are now available on the WEC website. All templates can be found in the Forms section of the WEC website by filtering for the “Ballot Templates” subject.

The ballot series for this election, which contains both optical scan and hand-count paper sample templates, is EL-201. When preparing ballots, please remember to remove any contest that is not up for election in the applicable jurisdiction, e.g., all the templates contain State Senate contests, but only odd-numbered State Senate districts will appear on the ballot this fall.

There are currently four political parties with ballot access in Wisconsin, and each must have its own separate party primary or party ballot. These parties, in order, are 1) Democratic, 2) Republican, 3) Libertarian, and 4) Constitution.

While the Libertarian party did not maintain ballot access for the 2020 General Election, they did receive at least 1% of the vote in a statewide contest as an independent political organization in that election and, per Wis. Stat. § 5.62(2)(b)1, this granted them the right to petition the Commission for ballot access again. This petition was submitted by the party and was approved by the Commission at their April 20, 2022 meeting.

Please note that no independent candidates, including candidates representing political parties or organizations that have not obtained balloted access, appear on the Partisan Primary ballot. Independent candidates will only appear on the General Election ballot in November.

Optical Scan Ballots

Templates have been prepared for jurisdictions that use both oval and arrow optical scan ballots.

- Full optical scan ballots for all offices: EL-201ms
- Federal-only optical scan ballots: EL-201Fms

Wisconsin Elections Commissioners

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Hand-Count Paper Ballots (Partisan Primary)

There are additional factors to keep in mind for municipalities who use hand-count paper ballots. WEC has received recent inquiries from local elections officials and electronic voting equipment manufacturers about the use of consolidated partisan primary ballots in hand-count, paper ballot municipalities. Specifically, the questions relate to whether those jurisdictions may consolidate partisan primary ballots or must print separate party-specific ballots.

A memorandum published by the Government Accountability Board (“GAB”) on May 27, 2014, stated that hand-count jurisdictions **must** use traditional paper ballots with a separate ballot for each party stapled together at the bottom (each party ballot must also have a corresponding reverse side (EL-229), and packets must also include an instructional cover sheet (EL-201i) placed in front of the party ballots, etc.). However, statute provides that:

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 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, except as authorized in s. 5.655. The ballots shall be secured together at the bottom... Wis. Stat. § 5.62(1)(a).

Whenever a municipality employing paper ballots is required to utilize separate ballots for certain offices, referenda or parties at an election, the municipality may, with the approval of the county clerk or board of election commissioners of each county in which there is located any portion of the municipality where one or more electors reside, substitute a single consolidated paper ballot or a ballot that is designed to be utilized with an electronic voting system, if the ballot contains all of the applicable information required to be provided for paper ballots at that election. Wis. Stat. § 5.655(2).

The GAB’s memorandum requires clarification, because that document was directive in ordering election officials to use separate party ballots in paper, hand-count municipalities. Chapter 5 of the Wisconsin Statutes allows the use of a consolidated paper ballot for hand-count jurisdictions during a partisan primary, provided the county clerk or board of elections commissioners authorizes the consolidation, and the paper ballot otherwise contains all applicable requirements for paper ballots at that election. Statute does not, however, direct separation of party ballots.

Wisconsin election officials should carefully consider whether to consolidate paper, hand-count ballots for a partisan primary. The GAB’s memorandum was based on evidence that the percentage of the total votes counted, compared to the total votes cast, was lower in hand-count jurisdictions using consolidated paper ballots. This is indicative of the increased risk of crossover votes when using consolidated paper ballots in hand-count jurisdictions. For that reason, there is value in the separation of party ballots as a method for avoiding voter disenfranchisement, but a strict read of statutes do not require separation.

Electronic voting equipment would alert the voter to the “crossover vote” when they attempt to cast a vote for more than one party on a consolidated ballot. Using a consolidated paper ballot in a hand-count jurisdiction runs a higher risk that crossover votes will not be detected until the ballot is invalidated due to this critical error. Voter intent statutes require that no votes for partisan office can be counted on ballots where votes for candidates in more than one party are present. It is incumbent on local officials to weigh consolidation decisions carefully, and to

determine how best to mitigate crossover voting risks by educating voters, if the decision is made and approved to utilize consolidated paper ballots. WEC staff will be presenting the 2014 memorandum to the Commission for reconsideration at a future meeting, but until then, local officials should give this topic due consideration. Local counsel and/or corporation counsel should be consulted in determining the most legally appropriate manner in which to proceed, particularly in light of crossover vote risks. If the ballots are separated by party, they must be the same size, color, and appear in the packet in this order from front to back: Democratic, Republican, Constitution, Libertarian.

Ballot Review (County Clerks)

As usual, please send a copy of your ballot proof to the WEC Help Desk for review. Please send only one representative sample of each ballot type (optical scan or hand-count paper). Our review process will identify any issues or departures from the templates as approved by the Commission, but we will only approve the proofs you send as to form. Please make sure that you are proofing your ballots again after receiving them from your printer.

Ballots for the November 8, 2022 General Election will be presented to the Commission for approval at their June 22, 2022 meeting and will be made available accordingly. If you have questions, please contact the Help Desk at elections@wi.gov or 608-261-2028.