

1975 Assembly Bill 1412

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CHAPTER 185, Laws of 1975

AN ACT to repeal 8.12 (1) (d); to renumber and amend 8.12 (3) (a); to amend 8.12 (3) (b), (c) 5 and (e); and to create 8.12 (2m) and (3) (a) of the statutes, relating to the method of selection and apportionment of delegates to national presidential conventions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 8.12 (1) (d) of the statutes is repealed.

SECTION 2. 8.12 (2m) of the statutes is created to read:

8.12 (2m) DELEGATE INFORMATION. The state chairperson of each recognized political party having a presidential preference ballot shall certify to the board, no later than the 2nd Tuesday in March of presidential election years, the number of delegates who will be entitled to serve at the party's convention from this state. At least two-thirds of such number shall be designated by congressional district and the remainder, if any, shall be designated at-large delegates. The number of at-large delegates and the

number of district delegates certified by the party shall be the total number of delegates and the total number of alternates certified for such party by the board under sub. (3) (d).

SECTION 3. 8.12 (3) (a) of the statutes is renumbered 8.12 (3) (am) and amended to read:

8.12 (3) (am) No later than the last Monday in April following the presidential preference vote, the board shall notify each state party organization ~~chairman~~ chairperson under sub. (1) (a) of the results of the presidential preference vote cast within his or her party, and the number of delegates from each congressional district and from the state at large which are to be pledged to each presidential candidate and the number which are to be uninstructed.

SECTION 4. 8.12 (3) (a) of the statutes is created to read:

8.12 (3) (a) In canvassing the presidential preference vote, the specific candidate for president receiving a plurality in any district or in the state at large is entitled to control all the delegates representing such area in accordance with par. (c) 5. If the choice for "none of the names shown" receives a plurality, then all the delegates from the affected area shall be uninstructed. As an alternative to this procedure, the state chairperson of any political party having a presidential preference ballot may inform the board in writing no later than 5 p.m. the 2nd Tuesday in March of each presidential election year that the delegates from such party are to be certified on the basis of proportional representation. In such case, each presidential candidate shall be apportioned delegates committed to support him or her as nearly as possible in accordance with the percentage of the vote in a district or in the state at large which such candidate receives. Uninstructed delegates shall also be allotted as nearly as possible to represent the percentage of votes cast for "none of the names shown" in any district or in the state at large, in proportion to the percentage of votes cast for such option, but no fractional delegate votes shall be allowed in any party.

SECTION 5. 8.12 (3) (b) of the statutes, as affected by chapter 93, laws of 1975, is amended to read:

8.12 (3) (b) ~~If After receiving the results of the presidential preference vote in any district or in the state at large is won by a write-in candidate or by a candidate who did not file a list of delegates under sub. (1) (d), or if in any district or in the state at large a plurality of the voters cast their ballots for "none of the names shown" or against the single name shown on the ballot, that cast under par. (am), each state party organization shall select as many delegates or alternates as are allotted or permitted this state's party organization by the national committee of the political party, the as certified under sub. (2m) in accordance with the results of the vote cast for each candidate or for the uninstructed delegation. The method of selecting the delegates or alternates to shall be determined by the state party organization, but not less than two-thirds of the convention votes shall be allotted on an equal basis to congressional districts and these delegates and alternates shall be selected by the party organizations of each respective district. In executing the pledge under par. (c) 5, district delegates and district delegate alternates shall be bound by the outcome of the presidential preference vote in their respective districts, and the delegates and alternates representing the state at large shall be bound by the outcome of the total presidential preference vote in the state at large in accordance with the system of selection under par. (a) which is used by their party. The selection of delegates and alternates shall occur no earlier than the Tuesday after the last Monday in April following a presidential preference vote. The names of the suggested delegates and alternates pledged to a particular candidate shall be transmitted to that candidate for his or her approval no later than June 4 5, and the candidate shall notify the ~~chairman~~ chairperson of the state party organization of his or her disapproval of any delegate or~~

alternate by June 5 ~~10~~, and where the candidate has disapproved his or her suggested delegates and alternates, he or she shall file his or her own list of delegates and alternates, which shall become ~~the~~ that candidate's official slate of ~~the particular candidates~~, delegates and alternates to the national presidential convention. No person selected as a delegate or alternate ~~shall qualify~~ is qualified to attend the national convention of his or her political party unless he or she files with the state ~~chairman~~ chairperson of his or her political party a written declaration of acceptance, signed by himself or herself, on a form prescribed by the board, and the state ~~chairman~~ chairperson deposits this declaration of acceptance in the office of the board no later than 5 p.m. on June ~~15~~ 20.

SECTION 6. 8.12 (3) (c) 5 of the statutes is amended to read:

8.12 (3) (c) 5. If ~~the delegate or alternate is selected to represent votes cast for a specific candidate for the office of president of the United States received the plurality of the votes cast in the presidential preference vote election in accordance with the method of selection used by the party under par. (a), or is selected to replace such a person,~~ a pledge in the following form:

"As a delegate to the 19.. national convention of the party I pledge myself to support the candidacy of as a candidate for the nomination for president by the party; that I will, unless prevented by the death of the candidate, vote for his (or her) candidacy on the first ballot; and vote for his (or her) candidacy on any additional ballot, unless released by said candidate, until said candidate fails to receive at least one-third of the votes authorized to be cast; and that, thereafter, I shall have the right to cast my convention vote according to my own judgment".

SECTION 7. 8.12 (3) (e) of the statutes, as affected by chapter 93, laws of 1975, is amended to read:

8.12 (3) (e) Any vacancy in an office of delegate or alternate to a national political party convention caused by the death, or inability for any reason to serve, of a delegate or alternate delegate shall be filled by the state committee of the political party organization entitled to make the original selection under par. (b), but no person selected to fill a vacancy under this paragraph ~~shall be~~ is qualified to serve in place of any person required to execute the affidavit under par. (c) 5 unless he or she executes the affidavit ~~required under par. (c) 5~~.

SECTION 8. **Application.** Notwithstanding section 8.12 (3) (a) and (2m) of the statutes as created by this act, the state chairperson of each political party having a presidential preference ballot shall provide delegate information to the elections board in 1976 no later than 5 p.m. on April 2, and the state chairperson of any such political party which decides to select delegates to its national convention in 1976 on the basis of a proportional presentation plan may likewise notify the elections board of its decision no later than 5 p.m. on April 2, 1976.
