



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2011 Wisconsin Act 45**  
[2011 Senate Bill 115]

**Presidential Preference Primary**

2011 Wisconsin Act 45 changes the date of the presidential preference primary, the election at which voters express preferences for the person who will be the presidential candidate for each party, makes changes to related election occurrences to account for the change in the date of the presidential preference primary, and creates a separate ballot for the presidential preference primary.

### **Date of Presidential Preference Primary**

*Prior to Act 45*, the presidential preference primary was held on the third Tuesday in February and took place as part of the spring primary. Electors voted in the presidential preference primary at the same time that they nominated nonpartisan candidates for the spring election.

*Act 45* moves the presidential preference primary from the third Tuesday in February to the *first Tuesday in April*. Under the Act, the presidential preference primary takes place as part of the spring election rather than the spring primary.

### **Certified Lists of Primary Candidates**

*Prior to Act 45*, the statutes did not specify an independent deadline by which the Government Accountability Board (GAB) must transmit a certified list of candidates for the presidential preference primary ballot to the county clerks.

*Act 45* requires the agency to transmit to each county clerk a certified list of candidates for president who have qualified to have their names appear on the presidential preference primary ballot as soon as possible after the last Tuesday in January of each year in which there is a presidential election.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

**Preparation of Presidential Preference Primary Ballots**

*Prior to Act 45*, the statutes did not require county clerks to prepare special ballots showing only the candidates in the presidential preference primary.

*Act 45* requires county clerks to prepare a special ballot showing only the candidates in the presidential preference primary.

**Distribution of Presidential Preference Primary Ballots**

***Distribution of Ballots to Municipal Clerks***

*Prior to Act 45*, county clerks were required to distribute ballots to municipal clerks no later than 22 days before the spring primary and spring election.

*Act 45* requires county clerks to distribute the special ballots showing only the candidates for the presidential preference primary no later than 48 days before the presidential preference primary.

***Distribution of Absentee Ballots by Municipal Clerks***

*Prior to Act 45*, municipal clerks were required to transmit official absentee ballots to each elector who requested a ballot by mail, electronic mail, or facsimile transmission no later than the 21<sup>st</sup> day before the spring primary or spring election if the request was made before that day. Otherwise, the municipal clerk was required to transmit the official absentee ballot within one day of the time the elector's request is received.

*Act 45* requires municipal clerks to transmit an absentee ballot for the presidential preference primary to each elector who has requested that ballot no later than the 47<sup>th</sup> day before the presidential preference primary, if the request is made before that day. If the request is not made before that day, the municipal clerk must transmit the absentee ballot within one day of the time the request is received.

**Dates for Election Occurrences Related to Presidential Preference Primary**

***Party Participation in Presidential Preference Primary***

*Prior to Act 45*, the state chairperson of each recognized political party listed on the official ballot at the last gubernatorial election whose candidate for Governor received at least 10% of the total votes cast for that office could certify to the GAB no later than 5 p.m. on the third Tuesday in November of the year before a presidential election that the party would participate in the presidential preference primary.

*Act 45* provides that, the state chairperson may certify to GAB no later than 5 p.m. on the second Tuesday in December of the year before the presidential election that the party will participate in the presidential preference primary.

***Committee Certification of Candidate Names for the Presidential Preference Primary***

*Prior to Act 45*, a committee was required to convene on the second Tuesday in December of the year before a presidential election. The committee had to determine and certify to GAB the names of all

candidates of the political parties represented on the committee for the Office of President of the United States no later than the Friday following the date on which the committee convened.

*Act 45 provides that*, the committee must convene on the first Tuesday in January of the year of the presidential election.

#### **Petitions for Nomination to Appear on Presidential Preference Primary Ballot**

*Prior to Act 45*, any person seeking nomination by the national convention of a political party for the Office of President of the United States, or any committee organized in this state on behalf of and with the consent of such person, could submit a petition to GAB no later than 5 p.m. on the first Tuesday in January of the presidential election year to have the person's name appear on the presidential preference ballot. The petition could be circulated no sooner than the second Tuesday in December preceding the year of the presidential election.

*Act 45* provides that, any person seeking nomination for the Office of the President of the United States may submit a petition to GAB no later than 5 p.m. on the last Tuesday in January of each presidential election year to have the person's name appear on the presidential preference ballot. The petition may be circulated no sooner than the first Tuesday in January of the presidential election year.

#### **Withdrawal of Candidacy from Presidential Preference Primary**

*Prior to Act 45*, the name of a person who had been placed in nomination by a committee would appear on the Wisconsin presidential preference ballot unless he or she filed with the GAB, no later than 5 p.m. on the first Tuesday in January of a presidential election year, a disclaimer stating that he or she was not and did not intend to become a candidate for the Office of President of the United States.

*Act 45* provides that, the name of the person will appear on the presidential preference ballot unless the person files a disclaimer with GAB no later than 5 p.m. on the last Tuesday in January of the presidential election year.

#### **Results of the Presidential Preference Primary**

*Prior to Act 45*, the GAB was required to notify each state party organization chairperson of the results of the presidential preference primary within the state and within each congressional district no later than the second Tuesday following the presidential preference primary.

*Act 45* requires GAB to notify each state party organization chairperson of the results no later than May 15 following the presidential preference primary.

#### **Election Notices**

*Prior to Act 45*, the statutes required the GAB and county clerks to provide certain types of basic election notices preceding the spring primary and spring election.

**Act 45** changes the statutory provisions regarding basic election notices to account for the change in the date of the presidential preference primary and the holding of the presidential preference primary at the time of the spring election rather than the spring primary.

**Effective date:** Act 45 takes effect on October 15, 2011.

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October 11, 2011

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