

# State of Wisconsin



2003 Assembly Bill 112

Date of enactment: **May 19, 2003**  
Date of publication\*: **June 2, 2003**

## 2003 WISCONSIN ACT 24

AN ACT to renumber 5.60 (8); and to amend 5.02 (21), 5.02 (22), 5.58 (intro.), 6.24 (5), 8.12 (1) and (3), 10.06 (1) (e), 10.06 (2) (b), 10.06 (2) (d) and 10.06 (2) (g) of the statutes; relating to: the date of the presidential preference primary.

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

**SECTION 1.** 5.02 (21) of the statutes is amended to read:

5.02 (21) "Spring election" means the election held on the first Tuesday in April to elect judicial, educational and municipal officers, nonpartisan county officers, and sewerage commissioners and to express preferences for the person to be the presidential candidate for each party.

**SECTION 2.** 5.02 (22) of the statutes is amended to read:

5.02 (22) "Spring primary" means the ~~nonpartisan~~ primary held on the 3rd Tuesday in February to nominate nonpartisan candidates to be voted for at the spring election and to express preferences for the person to be the presidential candidate for each party in a year in which electors for president and vice president are to be elected.

**SECTION 3.** 5.58 (intro.) of the statutes is amended to read:

**5.58 Spring primary ballots.** (intro.) At spring primary elections the following ballots, when necessary, shall be provided for each ward, except as authorized in s. 5.655. Only Except as provided under sub. (2r), only nonpartisan candidates nominated for office by nomination papers shall have their names placed on the official spring primary ballot under the proper office designation, but the ballots shall allow room for write-in candidates.

**SECTION 4.** 5.60 (8) of the statutes is renumbered 5.58 (2r).

**SECTION 5.** 6.24 (5) of the statutes is amended to read:

6.24 (5) **BALLOTS.** The board shall prescribe a special ballot for use under this section whenever necessary. Official ballots prescribed for use in the presidential preference primary may also be used. The ballot shall be designed to comply with the requirements prescribed under ss. ~~5.60 (8)~~ 5.58 (2r), 5.62, and 5.64 (1) insofar as applicable. All ballots shall be limited to national offices only.

**SECTION 6.** 8.12 (1) and (3) of the statutes are amended to read:

8.12 (1) **SELECTION OF NAMES FOR BALLOT.** (a) No later than 5 p.m. on the first 3rd Tuesday in January November, or the next day if Tuesday is a holiday, in of the year before each year in which electors for president and vice president are to be elected, 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 may certify to the board that the party will participate in the presidential preference primary. For each party filing such a certification, the voters of this state shall at the spring election primary be given an opportunity to express their preference for the person to be the presidential candidate of that party.

\* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(b) On the last 2nd Tuesday in ~~January in December~~ of the year before each year in which electors for president and vice president are to be elected, there shall be convened in the capitol a committee consisting of, for each party filing a certification under this subsection, the state chairperson of that state party organization or the chairperson's designee, one national committeeman and one national committeewoman designated by the state chairperson; the speaker and the minority leader of the assembly or their designees, and the president and the minority leader of the senate or their designees. All designations shall be made in writing to the board. This committee shall organize by selecting an additional member who shall be the chairperson and shall determine, and certify to the board, no later than on the Friday following the ~~last Tuesday in January~~ date on which the committee convenes under this paragraph, the names of all candidates of the political parties represented on the committee for the office of president of the United States. The committee shall place the names of all candidates whose candidacy is generally advocated or recognized in the national news media throughout the United States on the ballot, and may, in addition, place the names of other candidates on the ballot. The committee shall have sole discretion to determine that a candidacy is generally advocated or recognized in the national news media throughout the United States.

(c) No later than 5 p.m. on the ~~3rd~~ first Tuesday in ~~February~~ January of each presidential election year, any person seeking the nomination by the national convention of a political party filing a certification under this subsection 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, may submit to the board a petition to have the person's name appear on the presidential preference ballot. The petition may be circulated no sooner than the ~~last 2nd Tuesday in January of December~~ preceding such year and shall be signed by a number of qualified electors equal in each congressional district to not less than 1,000 signatures nor more than 1,500 signatures. The form of the petition shall conform to the requirements of s. 8.40. All signers on each separate petition paper shall reside in the same congressional district.

(d) The board shall forthwith contact each person whose name has been placed in nomination under par. (b) and notify him or her that his or her name will appear on the Wisconsin presidential preference ballot unless he or she files, no later than 5 p.m. on the ~~3rd~~ first Tuesday in ~~February~~ January of such year, with the board, a disclaimer stating without qualification that he or she is not and does not intend to become a candidate for the office of president of the United States at the forthcoming presidential election. The disclaimer may be filed with the board by certified mail, telegram, or in person.

(3) REPORTING OF RESULTS. No later than ~~May 15~~ the 2nd Tuesday following the presidential preference ~~vote~~ primary, the board shall notify each state party organization chairperson under sub. (1) (b) of the results of the presidential preference ~~vote~~ primary within the state and within each congressional district.

**SECTION 7.** 10.06 (1) (e) of the statutes is amended to read:

10.06 (1) (e) As soon as possible following the state canvass of the spring primary vote, but no later than the first Tuesday in March, the board shall send a type B notice certifying to each county clerk the list of candidates for the spring election. When no state spring primary is held or when the only primary held is the presidential preference primary, this notice shall be sent under par. (c). The board shall also in any case send a certified list of candidates under s. 11.50 to the state treasurer pursuant to s. 7.08 (2) (c). When there is a referendum, the board shall send type A and C notices certifying each question to the county clerks as soon as possible, but no later than the first Tuesday in March.

**SECTION 8.** 10.06 (2) (b) of the statutes is amended to read:

10.06 (2) (b) Upon receipt of the type B notice from the board preceding the spring election each county clerk shall add any county offices, prepare the ballots, and send notice to each municipal clerk of the ~~coming~~ spring primary. When there is no state spring primary within the county and there is no presidential preference primary scheduled for the date of the spring primary, but there is to be a county spring primary, the county clerk shall prepare the ballots and send notice to each municipal clerk.

**SECTION 9.** 10.06 (2) (d) of the statutes is amended to read:

10.06 (2) (d) On the Monday preceding the spring primary, when held, the county clerk shall publish a type B notice. In a year in which a presidential preference primary is held, the county clerk shall also publish notice of the presidential preference primary.

**SECTION 10.** 10.06 (2) (g) of the statutes is amended to read:

10.06 (2) (g) On the Monday preceding the spring election, the county clerk shall publish a type B notice containing the same information prescribed in par. (a). ~~In those years in which a presidential preference primary is held, the county clerk shall also publish notice of the primary.~~ In addition, the county clerk shall publish a type C notice on the Monday preceding the spring election for all state and county referenda to be voted upon by electors of the county.

**SECTION 11. Effective date.**

(1) This act takes effect on the first November 15 after publication.