

1999 DRAFTING REQUEST

Bill

Received: **02/03/2000**

Received By: **kuesejt**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Walker (608) 266-9180**

By/Representing: **him**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Alt. Drafters: **kuesejt**

Subject: **Elections - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Presidential preference primary date

Instructions:

Change date of presidential preference primary to run concurrently with spring primary, but direct elections board to change this date to some other date if the board determines that those states bordering Wisconsin will hold all hold a presidential primary on that other date. Effective initially for 2004. If board does not act to change date of primary by December 1, 2003, it must wait until 2008 to do so. If board changes date of the primary, it must change dates of related events (specify those events) by rule, and may do so by emergency rule (per standard NSP). Note: under this draft, it is understood that primary might stand alone, resulting in an additional election.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Resuired</u>
/1	rmarchan 02/21/2000	chanaman 02/21/2000	jfrantze 02/21/2000	_____	lrb-docadmin 02/21/2000		S&L
	rmarchan 03/03/2000	kgeller 03/03/2000		_____			
/2			martykr 03/06/2000	_____	lrb-docadmin 03/06/2000	lrb_docadmin	S&L 03/16/2000

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Reaired

FE Sent For:

3/17/00

<END>

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/2			martykr 03/06/2000	_____	lrb-docadmin 03/06/2000		S&L

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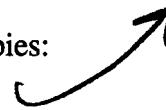
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/1	rmarchan 02/21/2000	chanaman 02/21/2000	jfrantxe 02/21/2000	_____	lrb_docadmin 02/21/2000		S&L

Handwritten notes: 1/23/3 jg, dm 3/3, JF 3/3, km 3/3

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Change date of presidential preference primary to run concurrently with spring primary, but direct elections board to change this date to some other date if the board determines that those states bordering Wisconsin will hold all hold a presidential primary on that other date. Effective initially for 2004. If board does not act to change date of primary by December 1, 2003, it must wait until 2008 to do so. If board changes date of the primary, it must change dates of related events (specify those events) by rule, and may do so by emergency rule (per standard NSP). Note: under this draft, it is understood that primary might stand alone, resulting in an additional election.

Handwritten notes: "primarily in" and "2/21/00"

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Tvved</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reauired</u>
1/?	rmarchan	cm tt 2/21	Bob	B/KH 2/21			

FE Sent For:

I \

<END>

If other states don't agree on a 10th date, then
back to spring primary concurrent. (3rd Tues in Feb.)

All the prep stuff key off of spring primary, unless
Be change side of primary + add these dates differently
by rule (e.g., mtg of counties to select candidates, etc.)

End of February



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4477P

RJM:...

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2-22-00

cm H RML

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gr. cast.

the date of

1 AN ACT relating to holding the presidential preference primary concurrently
2 with the spring primary, authorizing the state elections board to change the
3 date of the presidential preference primary, providing an exemption from
4 emergency rule procedures and granting rule-making authority.

Analysis by the Legislative Reference Bureau

third

approximately six weeks

Under current law, the presidential preference primary (presidential primary) is held in this state on the first Tuesday in April, which is the date of the spring election. This bill changes the date of the presidential primary to the ~~3rd~~ Tuesday in February, which is the date of the spring primary. With limited exceptions, the bill also moves the deadlines applicable to the presidential primary, including the deadline for certifying to the elections board whose names will appear on the presidential primary ballot, to a date that is ~~one month~~ earlier than the date provided under current law.

INVEST ANALYSIS

The bill also creates a procedure for holding the presidential primary concurrently with all states bordering this state. ~~With certain exceptions, the bill requires the state elections board (board) to promulgate emergency rules to change the date of the presidential primary accordingly if the states bordering this state hold their presidential primaries concurrently. Under the bill, these emergency rules expire 30 days after the presidential primary and the next presidential primary must be held concurrently with the spring primary, unless the board changes the date of the next presidential primary as permitted under the bill.~~

stays

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill. 3

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

INSECT 2-1

1

SECTION 1. 5.02 (22) of the statutes is amended to read:

2

5.02 (22) "Spring primary" means the ~~nonpartisan~~ primary held on the 3rd

3

Tuesday in February to nominate nonpartisan candidates to be voted for at the

4

spring election and, except as provided in s. ~~7.02~~ (5), to determine the presidential

5

reference vote in a year in which electors for president and vice president are to be

6

elected.

Express preferences for the person to be the presidential candidate for each party

7

SECTION 2. 5.58 (intro.) of the statutes is amended to read:

8

5.68 Spring primary ballots. (intro.) At spring primary elections the

9

following ballots, when necessary, shall be provided for each ward. ~~Only~~ Except as

10

provided under sub. (2r), only nonpartisan candidates nominated for office by

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nomination papers shall have their names placed on the offkial spring primary

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ballot under the proper office designation, but the ballots shall allow room for

13

write-in candidates.

14

SECTION 3. 5.60 (8) of the statutes is renumbered 5.58 (2r).

15

SECTION 4. 6.24 (5) of the statutes is amended to read:

16

6.24 (5) **BALLOTS.** The board shall prescribe a special ballot for use under this

17

section whenever necessary. Official ballots under ss. ~~5.60~~ (8) and 5.58 (2r), 5.64 (3)

18

and ~~7.02~~ (5) (b) may also be used. The ballot shall be designed to comply with the

19

requirements of ss. ~~5.60~~ (8) 5.58 (2r), 5.62 and, 5.64 and ~~7.02~~ (5) (b) insofar as

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applicable. All ballots shall be limited to national offices only.

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SECTION 5. ~~7.02~~ (5) of the statutes is created to read:

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(5) **PRESIDENTIAL PREFERENCE PRIMARY.** Change the date ~~that~~ the presidential preference primary is held in this state ~~in~~ ^{as required under this subsection.} no later than December 1 preceding ~~the~~ ^{each} presidential preference primary, the board ^{shall} determine ^{whether} all states bordering on this state will hold ~~the~~ ^(A) presidential preference primary on the same date. ~~The board shall change the date of the presidential preference primary under this subsection to be the same as the date that the presidential preference primary will be held in all states bordering on this state.~~ ^{if the board determines that these states will hold a concurrent presidential primary,} The board shall change the date of the presidential preference primary under this subsection to be the same as the date ^{on which} the presidential preference primary will be held in ^{these states} all states bordering on this state. The board shall change dates and establish ballot and notice requirements as provided under this subsection by ^{if the board determines that there is not sufficient time before the presidential preference primary to promulgate permanent rules} promulgating rules using the procedure under s. 227.24. Notwithstanding s. 227.24 (1) (c) and (2), ^{these} ^{emergency} the rules shall remain in effect until the 30th day after the date of the presidential preference primary established under this subsection. ^{that promulgating an emergency rule under this subsection is necessary for} Notwithstanding s. 227.24 (1) (a) and (3), the board need not provide evidence ~~of the necessity of preservation of the public peace, health, safety or welfare~~ ^{and is not required to provide a finding of emergency for an emergency rule promulgated} ~~promulgating rules~~ under this subsection. ^{compensate} If the board changes the date of the presidential preference primary under this subsection, all of the following apply:

(a) *Change in other dates.* The board shall reasonably adjust the dates relating to the state canvass of the presidential preference primary under s. 7.70 (3), the selection of names for the presidential preference primary ballot under s. 8.12 (1) (a) and (b), the nomination of candidates by petition under s. 8.12 (1) (c), the declination of intent to become a candidate under s. 8.12 (1) (d) and the reporting of presidential preference primary results under s. 8.12 (3), in order to ~~accommodate~~ ^{compensate} for the adjusted date of the presidential preference primary.

(b) *Ballot requirements.* The board shall require the use of a ballot for the presidential preference primary that is substantially the same as that described in s. 5.58 (2r). Notwithstanding s. 5.58 (2r), the ballot required under that section shall

(d)

7.

1 not be provided in the spring primary in any year that the presidential preference
2 primary is held on a date other than the date of the spring primary.

3 (c) *Notice requirements.* The board shall require the same number and type of
4 notices for the presidential preference primary as are required under s. 10.06 for a
5 presidential preference primary that is held concurrently with the spring primary.
6 The board shall establish the timing of each notice required under this paragraph
7 to reasonably provide the same amount of notice as is otherwise required under s.
8 10.06. Section 10.07 applies to a notice required under this paragraph to the same
9 extent as if the notice was required under ch. 10.

10 SECTION 6. 8.12 of the statutes is amended to read:

11 **8.12 Presidential preference vote. (1) SELECTION OF NAMES FOR BALLOT.** (a)

12 No Except as provided in sub. (4), no later than 5 p.m. on the ~~first~~ ^{3rd} Tuesday in January
13 ~~December~~ ^{November} or the next day if Tuesday is a holiday, in of the year before each year in
14 which electors for president and vice president are to be elected, the state
15 chairperson of each recognized political party listed on the official ballot at the last
16 gubernatorial election whose candidate for governor received at least 10% of the total
17 votes cast for that office may certify to the board that the party will participate in the
18 presidential preference primary. For each party filing such a certification, the voters
19 of this state shall at the spring ~~election~~ primary be given an opportunity to express
20 their preference for the person to be the presidential candidate of that party.

21 (b) ~~On~~ Except as provided in sub. (4), on the last ^{2nd} ~~2nd~~ Tuesday in January in
22 December of the year before each year in which electors for president and vice
23 president are to be elected, there shall be convened in the capitol a committee
24 consisting of, for each party filing a certification under this subsection, the state
25 chairperson of that state party organization or the chairperson's designee, one

1 national committeeman and one national committeewoman designated by the state
2 chairperson; the speaker and the minority leader of the assembly or their designees,
3 and the president and the minority leader of the senate or their designees. All
4 designations shall be made in writing to the board. This committee shall organize
5 by selecting an additional member who shall be the chairperson and shall determine,
6 and, except as provided in sub. (4), certify to the board, no later than on the Friday
7 following the ~~last Tuesday in January~~ date on which the committee is permitted to
8 convene ³ under this paragraph, the names of all candidates of the political parties
9 represented on the committee for the office of president of the United States. The
10 committee shall place the names of all candidates whose candidacy is generally
11 advocated or recognized in the national news media throughout the United States
12 on the ballot, and may, in addition, place the names of other candidates on the ballot.
13 The committee shall have sole discretion to determine that a candidacy is generally
14 advocated or recognized in the national news media throughout the United States.

15 (c) ~~No~~ Except as provided in sub. (4), no later than 5 p.m. on the ~~3rd~~ ^{first} Tuesday
16 in ~~February~~ January of each presidential election year, any person seeking the
17 nomination by the national convention of a political party filing a certification under
18 this subsection for the office of president of the United States, or any committee
19 organized in this state on behalf of and with the consent of such person, may submit
20 to the board a petition to have the person's name appear on the presidential
21 preference ballot. The Except as provided in sub. (4), the petition may be circulated
22 no sooner than the ~~last~~ ^{2nd} Tuesday in ~~January~~ of December preceding such year and
23 shall be signed by a number of qualified electors equal in each congressional district
24 to not less than 1,000 signatures nor more than 1,500 signatures. The form of the

1 petition shall conform to the requirements of s. 8.40. All signers on each separate
2 petition paper shall reside in the same congressional district.

3 (d) The board shall forthwith contact each person whose name has been placed
4 in nomination under par. (b) and, except as provided in sub. (4), notify him or her that
5 his or her name will appear on the Wisconsin presidential preference ballot unless
6 he or she files, no later than 5 p.m. on the ~~3rd~~ ^{first} Tuesday in ~~February~~ January of such
7 year, with the board, a disclaimer stating without qualification that he or she is not
8 and does not intend to become a candidate for the office of president of the United
9 States at the forthcoming presidential election. The disclaimer may be filed with the
10 board by certified mail, telegram or in person.

11 (2) BALLOTS. The form of the official ballots shall be prescribed by the board
12 under ~~s. 5.60 (8)~~ ^{plain} ~~s. 5.58 (2r)~~ ^{er}. ✓

13 (3) REPORTING OF RESULTS. ~~No~~ Except as provided in sub. (4), no later than ~~May~~
14 the 2nd Tuesday following the presidential preference ~~vote~~ ^{primary}, the board shall notify
15 each state party organization chairperson under sub. (1) (b) of the results of the
16 presidential preference ~~vote cast~~ ^{primary} within the state and within each congressional
17 district.

18 SECTION 7. 8.12 (4) of the statutes is created to read:

19 8.12 (4) ~~ADJUSTED DATES~~. The dates specified under this section do not apply
20 if, under s. ~~8.09~~ ^{7.08} (5), the board changes the date of the presidential preference primary
21 and adjusts the dates for the events under this section.

22 SECTION 8. 10.06 (1) (e) of the statutes is amended to read:

23 10.06 (1) (e) As soon as possible following the state canvass of the spring
24 primary vote, but no later than the first Tuesday in March, the board shall send a
25 type B notice certifying to each county clerk the list of candidates for the spring

state spring

1

election. When no 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.

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

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10.06 (2) (b) Upon receipt of the type B notice from the board preceding the

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spring election each county clerk shall add any county offices, prepare the ballots and

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send notice to each municipal clerk of the ~~coming~~ ^{spring} primary ^{prepare text} When there is no

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state spring primary within the county and no presidential preference primary

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scheduled for the date of the spring primary, but there is to be a county spring

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primary, the county clerk shall prepare the ballots and send notice to each municipal

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clerk.

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

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10.06 (2) (g) On the Monday preceding the spring election, the county clerk

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shall publish a type B notice containing the same information prescribed in par. (a).

18

~~In those years in which a presidential preference primary is held, the county clerk~~

19

~~shall also publish notice of the primary.~~ In addition, the county clerk shall publish

20

a type C notice on the Monday preceding the spring election for all state and county

21

referenda to be voted upon by electors of the county.

22

SECTION 11. **Effective date.**

23

(1) This act takes effect on June 1, 2000.

24

(END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

4477/11h
LRB-4458/Tas
RJM:.....

INSERT ~~13A~~ 2-1

plain comma

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, and nonpartisan county officers, ~~sewerage commissioners~~ and to express preferences for the person to be the presidential candidate for each party.

sewerage
part

INSERT ~~13A~~ 7-14

SECTION 2. 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.

<and ms>

INSERTANALYSIS

91 The bill also creates a procedure for holding ^{the} the presidential primary concurrently with all states bordering this state (border states). The bill requires the elections board (board) to determine, no later than December 1 preceding the presidential primary, whether the border states will hold their presidential primaries concurrently. If the board determines that the border states will hold concurrent presidential primaries, the board must promulgate rules accordingly to change the date of the presidential primary in this state. These rules remain in effect until the board determines that the border states will no longer hold concurrent presidential primaries.

INSERT 3-1

91 7.08 (5) DATE OF PRESIDENTIAL PREFERENCE PRIMARY. No later than ^{the} December 1 preceding each presidential preference primary, determine whether all states bordering on this state will hold a presidential primary on the same date. If the board determines that these states will not hold a presidential primary on the same date, the date on which the presidential preference primary is held in this state is the date required under s. 5.58. If the board determines that these states will hold a presidential primary on the same date, all of the following apply:

(a) **Modified dates.** The board shall change the date of the presidential preference primary to be the same as the date on which a presidential primary will be held in all states bordering on this state. The board shall also reasonably adjust the dates relating to the state canvass of the presidential preference primary under s. 7.70 (3), the selection of names for the presidential preference primary ballot under s. 8.12 (1) (a) and (b), the nomination of candidates by petition under s. 8.12 (1) (c), the declination of intent to become a candidate under s. 8.12 (1) (d) and the reporting of presidential preference primary results under s. 8.12 (3), in order to compensate for the modified date of the presidential preference primary.



(b) *Ballot requirements.* The board shall require the use of a ballot for the presidential preference primary that is substantially the same as that described in s. 5.58 (2r). Notwithstanding s. 5.58 (2r), the ballot required under that section shall not be provided in the spring primary in any year that the presidential preference primary is held on a date other than the date of the spring primary.

(c) *Notice requirements.* The board shall require the same number and type of notices for the presidential preference primary as are required under s. 10.06 for a presidential preference primary that is held on the same date as the spring primary. The board shall establish the timing of each notice required under this paragraph to reasonably provide substantially the same amount of notice as is otherwise required under s. 10.06. Section 10.07 applies to a notice required under this paragraph to the same extent as if the notice ~~was~~ were required under ch. 10.

(d) *Rules.* ~~Except as otherwise provided in this paragraph,~~ the board shall promulgate rules to satisfy the requirements under pars. (a) to (c). The rules shall remain in effect until the board determines that all states bordering on this state will not hold a presidential primary on the same date. If the board determines that there is not sufficient time before the presidential preference primary to promulgate permanent rules, the board shall satisfy the requirements under pars. (a) to (c) by promulgating emergency rules, using the procedure under s. 227.24. Notwithstanding s. 227.24 (1) (c) and (2), the emergency rules shall remain in effect until the 30th day after the date of the presidential preference primary established under par. (a), or the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the board need not provide evidence that promulgating an emergency rule under this paragraph is necessary for the preservation of the public peace, health, safety or welfare and is not required to

provide a finding of emergency for an emergency rule promulgated under this
paragraph.

Leads to

SOON

stays PM NR

1999 BILL

Regen

1 **AN ACT to renumber 5.60 (8); to amend** 5.02 (21), 5.02 (22), 5.58 (intro.), 6.24
 2 (5), 8.12, 10.06 (1) (e), 10.06 (2) (b), 10.06 (2) (d) and 10.06 (2) (g); and **to create**
 3 **7.08 (5)** and 8.12 (4) of the statutes; **relating to:** the date of the presidential
 4 preference primary, authorizing the state elections board to change the date of
 5 the presidential preference primary, providing an exemption from emergency
 6 rule procedures and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, the presidential preference primary (presidential primary) is held in this state on the first Tuesday in April, which is the date of the spring election. This bill changes the date of the presidential primary to the third Tuesday in February, which is the date of the spring primary. With limited exceptions, the bill also moves the deadlines applicable to the presidential primary, including the deadline for certifying to the elections board whose names will appear on the presidential primary ballot, to a date that is approximately six weeks earlier than the date provided under current law.

The bill also creates a procedure for holding the presidential primary concurrently with all states bordering this state (border states). The bill requires the elections board (board) to determine, no later than the December 1 preceding the presidential primary, whether the border states will hold their presidential primaries concurrently. If the board determines that the border states will hold

border this state on 7

other Midwestern states

all

all

border on the state for all states bordering on

'BILL

- 2 -
to coincide with the date of the presidential primary in these states

concurrent presidential primaries, the board must promulgate rules accordingly to change the date of the presidential primary in this state. These rules remain in effect until the board determines that ~~the border~~ states will no longer hold concurrent presidential primaries.

all bordering on this state other than Iowa

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:

✓ Or will no longer hold a presidential primary on the same date provided for 3 under the rules

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, except as provided in s. 7.08 (5), 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. ~~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).

BILL

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

2 6.24 (5) **BALLOTS.** The board shall prescribe a special ballot for use under this
3 section whenever necessary. Official ballots under ss. ~~5.60 (8) and 5.58 (2r)~~, 5.64 (3)
4 and 7.08 (5) (b) may also be used. The ballot shall be designed to comply with the
5 requirements of ss. ~~5.60 (8)~~ 5.58 (2r), 5.62 ~~and~~, 5.64 and 7.08 (5) (b) insofar as
6 applicable. All ballots shall be limited to national offices only

7 **SECTION 6.** 7.08 (5) of the statutes is created to read:

8 7.08 (5) **DATE OF PRESIDENTIAL PREFERENCE PRIMARY.** No later than the December

9 1 preceding each presidential preference primary, determine whether all states

10 bordering on this state ^{for all states bordering on this state other than Iowa} will hold a presidential primary on the same date. If the board
11 determines that ~~these states~~ ^{all bordering on this state other than Iowa} will not hold a presidential primary on the same date,

12 the date on which the presidential preference primary is held in this state is the date

13 required under s. 5.58. If the board determines that ~~these states~~ ^{all states bordering on this state, or all states bordering on this state other than Iowa} will hold a
14 presidential primary on the same date, all of the following apply:

15 (a) **Modified dates.** The board shall change the date of the presidential
16 preference primary to be ~~the same as the date on which a presidential primary will~~
17 be held in ~~all states bordering on this state~~ ^{these states}. The board shall also reasonably adjust

18 the dates relating to the state canvass of the presidential preference primary under
19 s. 7.70 (3), the selection of names for the presidential preference primary ballot under
20 s. 8.12 (1) (a) and (b), the nomination of candidates by petition under s. 8.12 (1) (c),
21 the declination of intent to become a candidate under s. 8.12 (1) (d) and the reporting
22 of presidential preference primary results under s. 8.12 (3), in order to compensate
23 for the modified date of the presidential preference primary.

24 (b) **Ballot requirements.** The board shall require the use of a ballot for the
25 presidential preference primary that is substantially the same as that described in

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1 s. 5.58 (2r). Notwithstanding s. 5.58 (2r), the ballot required under that section shall
 2 not be provided in the spring primary in any year that the presidential preference
 3 primary is held on a date other than the date of the spring primary.

4 (c) *Notice requirements.* The board shall require the same number and types
 5 of notices for the presidential preference primary as are required under s. 10.06 for
 6 a presidential preference primary that is held on the same date as the spring
 7 primary. The board shall establish the timing of each notice required under this
 8 paragraph to provide substantially the same amount of notice as is otherwise
 9 required under s. 10.06. Section 10.07 applies to a notice required under this
 10 paragraph to the same extent as if the notice were required under ch. 10.

11 (d) *Rules.* The board shall promulgate rules to satisfy the requirements under
 12 pars. (a) to (c). The rules shall remain in effect until the board determines that all
 13 states bordering on this state ^{other than Iowa} will not hold a presidential primary on the same date.
 14 If the board determines that there is not sufficient time before the presidential
 15 preference primary to promulgate permanent rules, the board shall satisfy the
 16 requirements under pars. (a) to (c) by promulgating emergency rules, using the
 17 procedure under s. 227.24. Notwithstanding s. 227.24 (1) (c) and (2), the emergency
 18 rules shall remain in effect until the 30th day after the date of the presidential
 19 preference primary established under par. (a), or the date on which permanent rules
 20 take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the board
 21 need not provide evidence that promulgating an emergency rule under this
 22 paragraph is necessary for the preservation of the public peace, health, safety or
 23 welfare and is not required to provide a finding of emergency for an emergency rule
 24 promulgated under this paragraph.

or will
not hold
a
presidential
primary
on the
same
date
provided
for under
the
rules

25 **SECTION 7.** 8.12 of the statutes is amended to read:

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1 **8.12 Presidential preference vote. (1)** SELECTION OF NAMES FOR BALLOT. (a)
2 ~~No~~ Except as provided in sub. (4), no later than 5 p.m. on the ~~first 3rd~~ Tuesday in
3 ~~January~~ November, or the next day if Tuesday is a holiday, ~~in~~ of the year before each
4 year in which electors for president and vice president are to be elected, the state
5 chairperson of each recognized political party listed on the official ballot at the last
6 gubernatorial election whose candidate for governor received at least 10% of the total
7 votes cast for that office may certify to the board that the party will participate in the
8 presidential preference primary. For each party filing such a certification, the voters
9 of this state shall at the spring ~~election~~ primary be given an opportunity to express
10 their preference for the person to be the presidential candidate of that party.

11 (b) ~~On~~ Except as provided in sub. (4), on the last 2nd Tuesday in ~~January~~ in
12 December of the year before each year in which electors for president and vice
13 president are to be elected, there shall be convened in the capitol a committee
14 consisting of, for each party filing a certification under this subsection, the state
15 chairperson of that state party organization or the chairperson's designee, one
16 national committeeman and one national committeewoman designated by the state
17 chairperson; the speaker and the minority leader of the assembly or their designees,
18 and the president and the minority leader of the senate or their designees. All
19 designations shall be made in writing to the board. This committee shall organize
20 by selecting an additional member who shall be the chairperson and shall determine,
21 and, except as provided in sub. (4), certify to the board, no later than on the Friday
22 following the ~~last Tuesday in January~~ date on which the committee convenes under
23 this paragraph, the names of all candidates of the political parties represented on the
24 committee for the office of president of the United States. The committee shall place
25 the names of all candidates whose candidacy is generally advocated or recognized in

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1 the national news media throughout the United States on the ballot, and may, in
2 addition, place the names of other candidates on the ballot.’ The committee shall
3 have sole discretion to determine that a candidacy is generally advocated or
4 recognized in the national news media throughout the United States.

5 (c) ~~No~~ Except as provided in sub. (4), no later than 5 p.m. on the ~~3rd~~ first
6 Tuesday in ~~February~~ January of each presidential election year, any person seeking
7 the nomination by the national convention of a political party filing a certification
8 under this subsection for the office of president of the United States, or any
9 committee organized in this state on behalf of and with the consent of such person,
10 may submit to the board a petition to have the person’s name appear on the
11 presidential preference ballot. The ~~Except as provided in sub. (4),~~ the petition may
12 be circulated no sooner than the ~~last 2nd~~ Tuesday in ~~January~~ of December preceding
13 such year and shall be signed by a number of qualified electors equal in each
14 congressional district to not less than 1,000 signatures nor more than 1,500
15 signatures. The form of the petition shall conform to the requirements of s. 8.40. All
16 signers on each separate petition paper shall reside in the same congressional
17 district.

18 (d) The board shall forthwith contact each person whose name has been placed
19 in nomination under par. (b) and, except as provided in sub. (4), notify him or her that
20 his or her name will appear on the Wisconsin presidential preference ballot unless
21 he or she files, no later than 5 p.m. on the 3rd first Tuesday in ~~February~~ January of
22 such year, with the board, a disclaimer stating without qualification that he or she
23 is not and does not intend to become a candidate for the office of president of the
24 United States at the forthcoming presidential election. The disclaimer may be filed
25 with the board by certified mail, telegram or in person.

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1 (2) **BALLOTS.** The form of the official ballots shall be prescribed by the board
2 under s. ~~5.60(8)~~ s. 5.58(2r).

3 (3) **REPORTING OF RESULTS.** ~~No~~ Except as provided in sub. (4), no later than ~~May~~
4 ~~15 the 2nd Tuesday~~ following the presidential preference ~~vote primary~~, the board
5 shall notify each state party organization chairperson under sub. (1) (b) of the results
6 of the presidential preference ~~vote east~~ primary within the state and within each
7 congressional district.

8 **SECTION 8.** 8.12 (4) of the statutes is created to read:

9 8.12 (4) **ADJUSTED DATES.** The dates specified under this section do not apply
10 if, under s. 7.08 (5), the board changes the date ~~of the~~ presidential preference primary
11 and adjusts the dates for the events under this section.

12 **SECTION 9.** 10.06 (1) (e) of the statutes is amended to read:

13 10.06 (1) (e) As soon as possible following the state canvass of the spring
14 primary vote, but no later than the first Tuesday in March, the board shall send a
15 type B notice certifying to each county clerk the list of candidates for the spring
16 election. When no state spring primary is held ~~or when the only primary held is the~~
17 presidential preference primary, this notice shall be sent under par. (c). The board
18 shall also in any case send a certified list of candidates under s. 11.50 to the state
19 treasurer pursuant to s. 7.08 (2) (c). When there is a referendum, the board shall send
20 type A and C notices certifying each question to the county clerks as soon as possible,
21 but no later than the first Tuesday in March.

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

23 10.06 (2) (b) Upon receipt of the type B notice from the board preceding the
24 spring election each county clerk shall add any county offices, prepare the ballots and
25 send notice to each municipal clerk of the ~~coming~~ spring primary. When there is no

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1 state spring primary within the county ~~and no nresidential nreference nprimary~~
2 ~~scheduled for the date of the spring primary~~, but there is to be a county spring
3 primary, the county clerk shall prepare the ballots and send notice to each municipal
4 clerk.

5 SECTION 11. 10.06 (2) (d) of the statutes is amended to read:

6 10.06 (2) (d) On the Monday preceding the spring primary, when held, the
7 county clerk shall publish a type B notice. ~~In a year in which a nresidential~~
8 ~~preference nprimary is held, the county clerk shall also nublish notice of the~~
9 ~~presidential nreference nprimary.~~

10 SECTION 12. 10.06 (2) (g) of the statutes is amended to read:

11 10.06 (2) (g) On the Monday preceding the spring election, the county clerk
12 shall publish a type B notice containing the same information prescribed in par. (a).
13 ~~In those years in which a presidential preference primary is held, the county clerk~~
14 ~~shall also publish notice of the primary.~~ In addition, the county clerk shall publish
15 a type C notice on the Monday preceding the spring election for all state and county
16 referenda to be voted upon by electors of the county.

17 SECTION 13. Effective date.

18 (1) This act takes effect on June 1, 2000.

19 (END)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 03/06/2000

To: Representative Walker

Relating to LRB drafting number: LRB-4477

Topic

Preresidential preference primary date

Subject(s)

Elections - miscellaneous

1. **JACKET** the draft for introduction SCOTT WALKER
in the Senate or the Assembly (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Robert J. Marchant, Legislative Attorney
Telephone: (608) 261-4454