

2003 ASSEMBLY BILL 112

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.

Analysis by the Legislative Reference Bureau

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

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

2 5.02 **(21)** “Spring election” means the election held on the first Tuesday in April
3 to elect judicial, educational and municipal officers, nonpartisan county officers, and
4 sewerage commissioners ~~and to express preferences for the person to be the~~
5 ~~presidential candidate for each party.~~

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

7 5.02 **(22)** “Spring primary” means the ~~nonpartisan~~ primary held on the 3rd
8 Tuesday in February to nominate nonpartisan candidates to be voted for at the

ASSEMBLY BILL 112**SECTION 2**

1 spring election and to express preferences for the person to be the presidential
2 candidate for each party in a year in which electors for president and vice president
3 are to be elected.

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

5 **5.58 Spring primary ballots.** (intro.) At spring primary elections the
6 following ballots, when necessary, shall be provided for each ward, except as
7 authorized in s. 5.655. ~~Only~~ Except as provided under sub. (2r), only nonpartisan
8 candidates nominated for office by nomination papers shall have their names placed
9 on the official spring primary ballot under the proper office designation, but the
10 ballots shall allow room for write-in candidates.

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

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

13 **6.24 (5) BALLOTS.** The board shall prescribe a special ballot for use under this
14 section whenever necessary. Official ballots prescribed for use in the presidential
15 preference primary may also be used. The ballot shall be designed to comply with
16 the requirements prescribed under ~~ss. 5.60 (8) 5.58 (2r),~~ 5.62, and 5.64 (1) insofar as
17 applicable. All ballots shall be limited to national offices only.

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

19 **8.12 (1) SELECTION OF NAMES FOR BALLOT.** (a) No later than 5 p.m. on the ~~first~~
20 3rd Tuesday in January ~~November,~~ or the next day if Tuesday is a holiday, ~~in~~ of the
21 year before each year in which electors for president and vice president are to be
22 elected, the state chairperson of each recognized political party listed on the official
23 ballot at the last gubernatorial election whose candidate for governor received at
24 least 10% of the total votes cast for that office may certify to the board that the party
25 will participate in the presidential preference primary. For each party filing such a

ASSEMBLY BILL 112

1 certification, the voters of this state shall at the spring election primary be given an
2 opportunity to express their preference for the person to be the presidential
3 candidate of that party.

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

22 (c) No later than 5 p.m. on the ~~3rd~~ first Tuesday in ~~February~~ January of each
23 presidential election year, any person seeking the nomination by the national
24 convention of a political party filing a certification under this subsection for the office
25 of president of the United States, or any committee organized in this state on behalf

ASSEMBLY BILL 112**SECTION 6**

1 of and with the consent of such person, may submit to the board a petition to have
2 the person's name appear on the presidential preference ballot. The petition may be
3 circulated no sooner than the last 2nd Tuesday in ~~January~~ of December preceding
4 such year and shall be signed by a number of qualified electors equal in each
5 congressional district to not less than 1,000 signatures nor more than 1,500
6 signatures. The form of the petition shall conform to the requirements of s. 8.40. All
7 signers on each separate petition paper shall reside in the same congressional
8 district.

9 (d) The board shall forthwith contact each person whose name has been placed
10 in nomination under par. (b) and notify him or her that his or her name will appear
11 on the Wisconsin presidential preference ballot unless he or she files, no later than
12 5 p.m. on the ~~3rd~~ first Tuesday in ~~February~~ January of such year, with the board, a
13 disclaimer stating without qualification that he or she is not and does not intend to
14 become a candidate for the office of president of the United States at the forthcoming
15 presidential election. The disclaimer may be filed with the board by certified mail,
16 telegram, or in person.

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

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

22 10.06 **(1)** (e) As soon as possible following the state canvass of the spring
23 primary vote, but no later than the first Tuesday in March, the board shall send a
24 type B notice certifying to each county clerk the list of candidates for the spring
25 election. When no state spring primary is held or when the only primary held is the

ASSEMBLY BILL 112

1 presidential preference primary, this notice shall be sent under par. (c). The board
2 shall also in any case send a certified list of candidates under s. 11.50 to the state
3 treasurer pursuant to s. 7.08 (2) (c). When there is a referendum, the board shall send
4 type A and C notices certifying each question to the county clerks as soon as possible,
5 but no later than the first Tuesday in March.

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

7 10.06 (2) (b) Upon receipt of the type B notice from the board preceding the
8 spring election each county clerk shall add any county offices, prepare the ballots,
9 and send notice to each municipal clerk of the coming spring primary. When there
10 is no state spring primary within the county and there is no presidential preference
11 primary scheduled for the date of the spring primary, but there is to be a county
12 spring primary, the county clerk shall prepare the ballots and send notice to each
13 municipal clerk.

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

15 10.06 (2) (d) On the Monday preceding the spring primary, when held, the
16 county clerk shall publish a type B notice. In a year in which a presidential
17 preference primary is held, the county clerk shall also publish notice of the
18 presidential preference primary.

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

20 10.06 (2) (g) On the Monday preceding the spring election, the county clerk
21 shall publish a type B notice containing the same information prescribed in par. (a).
22 ~~In those years in which a presidential preference primary is held, the county clerk~~
23 ~~shall also publish notice of the primary.~~ In addition, the county clerk shall publish
24 a type C notice on the Monday preceding the spring election for all state and county
25 referenda to be voted upon by electors of the county.

