



## 2011 SENATE BILL 115

May 31, 2011 – Introduced by Senator LAZICH, cosponsored by Representative TAUCHEN. Referred to Committee on Transportation and Elections.

1     **AN ACT** *to renumber* 5.58 (2r); and *to amend* 5.02 (21), 5.02 (22), 5.58 (1a), 6.24  
2           (5), 8.12 (1) and (3), 10.06 (1) (e), 10.06 (2) (b), 10.06 (2) (d) and 10.06 (2) (g) of  
3           the statutes; **relating to:** the date of the presidential preference primary and  
4           certain other election occurrences.

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***Analysis by the Legislative Reference Bureau***

The bill changes the date of the presidential preference primary from the 3rd Tuesday in February to the first Tuesday in April in those years in which the president and vice president are elected. The bill also changes the dates of related election events to accommodate the change in the date of the primary.

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

5           **SECTION 1.** 5.02 (21) of the statutes is amended to read:  
6           5.02 (21) “Spring election” means the election held on the first Tuesday in April  
7           to elect judicial, educational and municipal officers, nonpartisan county officers and  
8           sewerage commissioners and to express preferences for the person to be the

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1 presidential candidate for each party in a year in which electors for president and  
2 vice president are to be elected.

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

4 5.02 **(22)** “Spring primary” means the nonpartisan primary held on the 3rd  
5 Tuesday in February to nominate nonpartisan candidates to be voted for at the  
6 spring election and to express preferences for the person to be the presidential  
7 candidate for each party in a year in which electors for president and vice president  
8 are to be elected.

9 **SECTION 3.** 5.58 (1a) of the statutes is amended to read:

10 5.58 **(1a)** GENERALLY. At spring primary elections the ballots under subs. (1b)  
11 to ~~(2r)~~ (2m), when necessary, shall be provided for each ward, except as authorized  
12 in s. 5.655. ~~Except as provided under sub. (2r), only~~ Only nonpartisan candidates  
13 nominated for office by nomination papers shall have their names placed on the  
14 official spring primary ballot under the proper office designation, but the ballots  
15 shall allow room for write-in candidates.

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

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

18 6.24 **(5)** BALLOTS. The board shall prescribe a special ballot for use under this  
19 section whenever necessary. Official ballots prescribed for use in the presidential  
20 preference primary may also be used. The ballot shall be designed to comply with  
21 the requirements prescribed under ss. ~~5.58 (2r)~~ 5.60 (8), 5.62, and 5.64 (1) insofar as  
22 applicable. All ballots shall be limited to national offices only.

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

24 8.12 **(1)** SELECTION OF NAMES FOR BALLOT. (a) No later than 5 p.m. on the 3rd  
25 first Tuesday in ~~November~~ January, or the next day if Tuesday is a holiday, of the year

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1 before each year in which electors for president and vice president are to be elected,  
2 the state chairperson of each recognized political party listed on the official ballot at  
3 the last gubernatorial election whose candidate for governor received at least 10%  
4 of the total votes cast for that office may certify to the board that the party will  
5 participate in the presidential preference primary. For each party filing such a  
6 certification, the voters of this state shall at the spring primary be given an  
7 opportunity to express their preference for the person to be the presidential  
8 candidate of that party.

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

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1 committee shall have sole discretion to determine that a candidacy is generally  
2 advocated or recognized in the national news media throughout the United States.

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

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

23 **(3) REPORTING OF RESULTS.** No later than ~~the 2nd Tuesday~~ May 15 following the  
24 presidential preference primary, the board shall notify each state party organization

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1 chairperson under sub. (1) (b) of the results of the presidential preference primary  
2 within the state and within each congressional district.

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

4 10.06 (1) (e) As soon as possible following the state canvass of the spring  
5 primary vote, but no later than the first Tuesday in March, the board shall send a  
6 type B notice certifying to each county clerk the list of candidates for the spring  
7 election. When no state spring primary is held ~~or when the only primary held is the~~  
8 ~~presidential preference primary~~, this notice shall be sent under par. (c). The board  
9 shall also in any case send a certified list of candidates under s. 11.50 to the state  
10 treasurer pursuant to s. 7.08 (2) (c). When there is a referendum, the board shall send  
11 type A and C notices certifying each question to the county clerks as soon as possible,  
12 but no later than the first Tuesday in March.

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

14 10.06 (2) (b) Upon receipt of the type B notice from the board preceding the  
15 spring election each county clerk shall add any county offices, prepare the ballots,  
16 and send notice to each municipal clerk of the spring primary. When there is no state  
17 spring primary within the county ~~and there is no presidential preference primary~~  
18 ~~scheduled for the date of the spring primary~~, but there is to be a county spring  
19 primary, the county clerk shall prepare the ballots and send notice to each municipal  
20 clerk.

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

22 10.06 (2) (d) On the Monday preceding the spring primary, when held, the  
23 county clerk shall publish a type B notice. ~~In a year in which a presidential~~  
24 ~~preference primary is held, the county clerk shall also publish notice of the~~  
25 ~~presidential preference primary.~~

