

## 2011 DRAFTING REQUEST

### Bill

Received: 05/06/2011

Received By: jkuesel

Wanted: As time permits

Companion to LRB:

For: Mary Lazich (608) 266-5400

By/Representing: Tricia Sieg

May Contact:

Drafter: jkuesel

Subject: Elections - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Lazich@legis.wisconsin.gov

Carbon copy (CC:) to:

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#### Pre Topic:

No specific pre topic given

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#### Topic:

Presidential preference primary date

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#### Instructions:

Chnage date of presidential preference primary to coincide with spring election.

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#### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 05/12/2011	csicilia 05/13/2011		_____			
/1			phenry 05/13/2011	_____	sbasford 05/13/2011	sbasford 05/27/2011	

FE Sent For:

*none*

<END>

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1/1	jkuesel 5/12/11	1 jls 5/13/11	8/13 ph				

FE Sent For:

<END>



State of Wisconsin  
2011 - 2012 LEGISLATURE

2048/1  
LRB-2011/8  
JTKG:.....  
2  
95

Fri 5/13

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Gen Cat

LPS: THAW  
Bill section numbers in the insert material

1  
2

**AN ACT**...; relating to: the date of the presidential preference primary and certain other election occurrences.

***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.

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

3

(END)





ASSEMBLY AMENDMENT ,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2011 ASSEMBLY BILL 7

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 3, line 9: after "occurrences;" insert "the date of the presidential  
3 preference primary;"

4 **2.** Page 13, line 12: after that line insert:

5 ~~SECTION 3g.~~ <sup>#</sup> 5.02 (21) of the statutes is amended to read:

6 <sup>9</sup> 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  
9 presidential candidate for each party in a year in which electors for president and  
10 vice president are to be elected.

11 ~~SECTION 3f.~~ <sup>#</sup> 5.02 (22) of the statutes is amended to read:

1           5.02 (22) "Spring primary" means the nonpartisan primary held on the 3rd  
 2 Tuesday in February to nominate nonpartisan candidates to be voted for at the  
 3 spring election and to express preferences for the person to be the presidential  
 4 candidate for each party in a year in which electors for president and vice president  
 5 are to be elected.

6           3. Page 16, line 9: after that line insert:

7           SECTION ~~11~~<sup>#</sup>g. 5.58 (1a) of the statutes is amended to read:

8           5.58 (1a) GENERALLY. At spring primary elections the ballots under subs. (1b)  
 9 to ~~(2r)~~ (2m), when necessary, shall be provided for each ward, except as authorized  
 10 in s. 5.655. ~~Except as provided under sub. (2r), only~~ Only nonpartisan candidates  
 11 nominated for office by nomination papers shall have their names placed on the  
 12 official spring primary ballot under the proper office designation, but the ballots  
 13 shall allow room for write-in candidates.

14           SECTION ~~Mr.~~<sup>#</sup> 5.58 (2r) of the statutes is renumbered 5.60 (8).

15           4. Page 33, line 9: after that line insert:

16           SECTION ~~48~~<sup>#</sup>m. 6.24 (5) of the statutes is amended to read:

17           6.24 (5) BALLOTS. The board shall prescribe a special ballot for use under this  
 18 section whenever necessary. Official ballots prescribed for use in the presidential  
 19 preference primary may also be used. The ballot shall be designed to comply with  
 20 the requirements prescribed under ss. ~~5.58 (2r)~~ 5.60 (8), 5.62, and 5.64 (1) insofar as  
 21 applicable. All ballots shall be limited to national offices only. <sup>keep this period</sup>

22           5. Page 84, line 6: after that line insert:

23           SECTION ~~119~~<sup>#</sup>m. 8.12 (1) and (3) of the statutes are amended to read:

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

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

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

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

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

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



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

3 **6.** Page 95, line 12: after that line insert:

4 **SECTION 173m.** 10.06 (1) (e) of the statutes is amended to read:

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

14 **7.** Page 96, line 2: after that line insert:

15 **SECTION 176e.** 10.06 (2) (b) of the statutes is amended to read:

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

23 **SECTION 176m.** 10.06 (2) (d) of the statutes is amended to read:

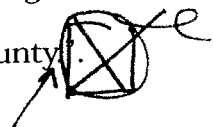
1           10.06 (2) (d) On the Monday preceding the spring primary, when held, the  
 2 county clerk shall publish a type B notice. ~~In a year in which a presidential~~  
 3 ~~preference primary is held, the county clerk shall also publish notice of the~~  
 4 ~~presidential preference primary.~~

5           ~~SECTION 176s.~~ 10.06 (2) (g) of the statutes is amended to read:

6           10.06 (2) (g) On the Monday preceding the spring election, the county clerk  
 7 shall publish a type B notice containing the same information prescribed in par. (a).  
 8 In a year in which the presidential preference primary is held, the county clerk shall  
 9 also publish notice of the presidential preference primary. In addition, the county  
 10 clerk shall publish a type C notice on the Monday preceding the spring election for  
 11 all state and county referenda to be voted upon by electors of the county.

12

(END)



*this period  
stays*

**Basford, Sarah**

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**From:** Sen.Lazich

**Sent:** Friday, May 27, 2011 10:29 AM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 11-2048/1 Topic: Presidential preference primary date  
RUSH

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**From:** Sen.Lazich

**Sent:** Friday, May 27, 2011 10:28 AM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 11-2048/1 Topic: Presidential preference primary date

Please Jacket LRB 11-2048/1 for the SENATE.

5/27/2011