

**2011 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB115)**

Received: **06/05/2011**

Received By: **jkuesel**

Wanted: **As time permits**

Companion to LRB:

For: **Mary Lazich (608) 266-5400**

By/Representing: **Andrew Hanus**

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:**

Per attached E mail, 6/3/11.

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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 06/05/2011	csicilia 06/06/2011		_____			
/1			mduchek 06/06/2011	_____	mbarman 06/06/2011	mbarman 06/06/2011	

FE Sent For:

**<END>**

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1/1	jkuesel 6/5/11	1 g's 6/6/11	 6/6	_____	_____	_____	_____

FE Sent For:

<END>

## Kuesel, Jeffery

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**From:** Hanus, Andrew  
**Sent:** Friday, June 03, 2011 10:21 AM  
**To:** Kuesel, Jeffery  
**Cc:** Arrowood, Craig; Kennedy, Kevin - GAB; Robinson, Nathaniel E - GAB; Karls-Ruplinger, Jessica; Bender-Olson, Katherine  
**Subject:** Amendments to SB 116/AB 161 (MOVE) and SB 115/AB 162  
**Attachments:** KJK Partisan Primary Testimony 6.2.11.pdf



KJK Partisan  
Primary Testimony.

Hi Jeff,

Regarding SB 116/AB 161 (MOVE Act), please make all of the following changes in the GAB recommendations (attached PDF) other than those specifically noted as follows:

1. We agree to the change from the second Tuesday in June to June 1. However, we also want to extend the time for circulating to be April 15 to June 1.
2. Agree to this change
3. Agree to this change
4. Agree to this change
5. Agree to this change
6. NO to permitting any overseas elector to use the FPCA and FWAB for electors temporarily overseas
7. We agree to this change but want the new deadline for late military ballots to be the Friday following the election to coincide with the treatment of provisional ballots under Act 23.
8. Agree to this change
9. Agree to this change
10. Agree to this change
11. Agree to this change
12. Agree to this change
13. Agree to this change
14. NO to removing the requirement for a military or overseas elector to provide his or her date of birth on the absentee ballot envelope certification.
15. NO to changing the standard definition of military electors.
16. Finally, please make any changes necessary to conform to 2011 Act 23

Regarding SB 115/AB 162, please amend the bill to incorporate the following changes recommended by GAB:

Note for the Presidential Preference Vote change our recommendations are to modify the following deadlines in §8.12:

§8.12 (1)(a) Certification by political parties to participate in the Presidential Preference Vote from the 1<sup>st</sup> Tuesday in January to the 2<sup>nd</sup> Tuesday in December.

§8.12 (1)(b) Meeting of Presidential Preference Selection Committee from the last Tuesday in January to the 1<sup>st</sup> Tuesday in January.

§8.12 (1)(c) First day for circulating petition to be placed on the Presidential Preference Vote from the last Tuesday in January to the 1<sup>st</sup> Tuesday in January.

§8.12 (1)(c) Deadline for filing petition to be placed on the Presidential Preference Vote from the 3rd Tuesday in February to the last Tuesday in January.

§8.12 (1)(d) Deadline for withdrawing name from ballot for the Presidential Preference Vote from the 3rd Tuesday in February to the last Tuesday in January.

Please feel free to talk with the GAB if you need clarification on any of their recommendations.

Thanks,

Andrew Hanus  
Senator Lazich's Office  
6-5400



Noon  
State of Wisconsin  
2011 - 2012 LEGISLATURE

SO 138/1  
LRB-2048/1  
JTK:cjs:ph

MON 6/6 - ~~10/17/11~~  
SENATE SUBSTITUTE HANDOUT  
70

SA

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

Gen Cat

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.

substitute amendment  
*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. INSA

***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

SENATE BILL 115

SECTION 1

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.~~ *strike the paren*

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.

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

23 8.12 (1) SELECTION OF NAMES FOR BALLOT. (a) No later than 5 p.m. on the 3rd  
24 2nd Tuesday in November December ~~January~~ or the next day if Tuesday is a holiday, of the year

*FN 5*  
*2-22*  
*25*

*strike comma* (pointing to comma after December)  
*strike comma* (pointing to comma after January)  
*PLAIN* (pointing to "of the year")  
*PLAIN* (pointing to "of the year")

## SENATE BILL 115

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~~ <sup>strike</sup> election 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~~ <sup>first</sup> Tuesday in December of the ~~January of each year~~ before each  
 10 year § or the next day if Tuesday is a holiday 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

SENATE BILL 115

SECTION 6

PLAIN

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 <sup>last</sup> ~~day~~ Tuesday in ~~January~~ ~~February~~  
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 <sup>first</sup> ~~last~~ Tuesday in December preceding January of  
10 such year <sup>for the next day if Tuesday is a holiday</sup> 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 <sup>last</sup> ~~day~~ 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.

PLAIN

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



**SENATE BILL 115**

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.~~



21

INS A:

The substitute amendment also creates a special separate ballot for the presidential preference primary which must be available to electors at least 47 days before the primary. Currently, this ballot is distributed with other office and referendum ballots at least 22 days before the presidential preference primary.

INS 2-22

SECTION 1. 7.08 (2) (d) of the statutes is created to read:

7.08 (2) (d) As soon as possible after the last Tuesday in January of each year in which there is a presidential election, the board shall transmit to each county clerk a certified list of candidates for president who have qualified to have their names appear on the presidential preference primary ballot.

**History:** 1971 c. 304 s. 29 (2); 1973 c. 334 s. 57; 1975 c. 85 ss. 50, 65; 1975 c. 275, 422; 1977 c. 283; 1977 c. 394 s. 54; 1977 c. 427, 447; 1979 c. 260, 311; 1981 c. 391; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1991 a. 316; 1999 a. 182; 2001 a. 16; 2003 a. 265; 2005 a. 451; 2007 a. 1.

SECTION 2. 7.10 (2) of the statutes is amended to read:

7.10 (2) PREPARING BALLOTS. The county clerk shall prepare copy for the official ballots immediately upon receipt of the certified list of candidates' names from the board. Names certified by the board shall be arranged in the order certified. The county clerk shall place the names of all candidates filed in the clerk's office or certified to the clerk by the board on the proper ballot or ballots under the appropriate office and party titles. The county clerk shall prepare a special ballot under s. 5.60 (8) showing only the candidates in the presidential preference primary.

**History:** 1971 c. 304 s. 29 (2); 1973 c. 280; 1973 c. 334 s. 57; 1977 c. 394 s. 53; 1977 c. 427; 1979 c. 221, 260, 311, 355; 1981 c. 377; 1983 a. 484; 1985 a. 89, 304; 1991 a. 316; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 107; 2003 a. 265; 2005 a. 451.

SECTION 3. 7.10 (3) (a) of the statutes is amended to read:

7.10 (3) (a) The county clerk shall distribute the ballots to the municipal clerks no later than 31 days before each September primary and general election and no later than 22 days before each other primary and election except that the clerk shall distribute the ballots under sub. (2) for the presidential preference primary no later

5

presidential preference

48 days before the (the) primary. Election forms prepared by the board shall be distributed at the same time. If the board transmits an amended certification under s. 7.08 (2) (a) or if the board or a court orders a ballot error to be corrected under s. 5.06 (6) or 5.72 (3) after ballots have been distributed, the county clerk shall distribute corrected ballots to the municipal clerks as soon as possible.

History: 1971 c. 304 s. 29 (2); 1973 c. 280; 1973 c. 334 s. 57; 1977 c. 394 s. 53; 1977 c. 427; 1979 c. 221, 260, 311, 355; 1981 c. 377; 1983 a. 484; 1985 a. 89, 304; 1991 a. 316; 1999 a. 150 s. 672; 1999 a. 182; 2001 a. 107; 2003 a. 265; 2005 a. 451.

SECTION 4. 7.15 (1) (cm) of the statutes, as affected by 2011 Wisconsin Act 23, is amended to read:

7.15 (1) (cm) Prepare official absentee ballots for delivery to electors requesting them, and except as provided in this paragraph, send or transmit an official absentee ballot to each elector who has requested a ballot by mail, electronic mail, or facsimile transmission no later than the 30th day before each September primary and general election and no later than the 21st day before each other primary and election if the request is made before that day; otherwise, the municipal clerk shall send or transmit an official absentee ballot within one day of the time the elector's request is received. The clerk shall send or transmit an absentee ballot for the presidential preference primary to each elector who has requested that ballot no later than the 47th day before the presidential preference primary if the request is made before that day, or otherwise as provided in this paragraph.

History: 1971 c. 304 s. 29 (2); 1973 c. 334 s. 57; 1975 c. 85 ss. 50, 65; 1975 c. 275, 422; 1977 c. 283; 1977 c. 394 s. 54; 1977 c. 427, 447; 1979 c. 260, 311; 1981 c. 391; 1983 a. 484; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1991 a. 316; 1999 a. 182; 2001 a. 16; 2003 a. 265; 2005 a. 451; 2007 a. 1.

if the request is not made before that day, within one day of the time the request is received

for such a ballot

PLAIN