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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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**2011 Assembly Bill 162**

**Assembly Substitute  
Amendment 1**

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Assembly Substitute Amendment 1 (ASA 1) to 2011 Assembly Bill 162 changes the date of the presidential preference primary, the election at which voters express preferences for the person who will be the presidential candidate for each party, and also makes changes to related election occurrences to account for the change in the date of the presidential preference primary. In addition, ASA 1 creates a separate ballot for the presidential preference primary.

### **Date of Presidential Preference Primary**

Under *current law*, the presidential preference primary is held on the third Tuesday in February and takes place as part of the spring primary. Electors presently vote in the presidential preference primary at the same time that they nominate nonpartisan candidates for the spring election.

*Assembly Bill 162* moves the presidential preference primary from the third Tuesday in February to the *first Tuesday in April*. The presidential preference primary takes place as part of the spring election under the bill, rather than the spring primary.

*ASA 1* contains the same provisions as Assembly Bill 162 and similarly moves the presidential preference primary from the third Tuesday in February to the *first Tuesday in April*.

Assembly Bill 162 and ASA 1 make the same change to the date of the presidential preference primary. Both the bill and the substitute amendment move the date of the presidential preference primary to the first Tuesday in April.

### **Certified Lists of Primary Candidates**

*Current law* does not specify an independent deadline by which the Government Accountability Board (GAB) must transmit a certified list of candidates for the presidential preference primary ballot to the county clerks.

*Assembly Bill 162* maintains current law regarding GAB duties to transmit certified lists. The bill does not specify an independent deadline by which GAB must transmit a certified list of candidates for the presidential primary ballot to the county clerks.

*ASA 1* requires GAB to 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 as soon as possible after the last Tuesday in January of each year in which there is a presidential election.

ASA 1 differs from Assembly Bill 162 because it imposes a duty on GAB relating to transmission of a certified list of candidates who will appear on the presidential preference primary ballot by a certain deadline, while Assembly Bill 162 does not impose this duty.

### **Preparation of Presidential Preference Primary Ballots**

*Current law* does not require county clerks to prepare special ballots showing only the candidates in the presidential preference primary.

*Assembly Bill 162* maintains current law and does not require county clerks to prepare special ballots showing only the candidates in the presidential preference primary.

*ASA 1* requires county clerks to prepare a special ballot showing only the candidates in the presidential preference primary.

ASA 1 differs from Assembly Bill 162 because it directs county clerks to prepare separate presidential preference primary ballots, while Assembly Bill 162 does not require the preparation of these separate ballots.

### **Distribution of Presidential Preference Primary Ballots**

#### ***Distribution of Ballots to Municipal Clerks***

Under *current law*, county clerks must distribute ballots to municipal clerks no later than 22 days before the spring primary and spring election.

*Assembly Bill 162* maintains current law regarding the timeline for distribution of ballots to municipal clerks no later than 22 days before the spring primary and spring election.

*ASA 1* requires county clerks to distribute the special ballots showing only the candidates for the presidential preference primary no later than 48 days before the presidential preference primary.

ASA 1 differs from Assembly Bill 162 because it requires county clerks to distribute presidential preference primary ballots to municipal clerks 26 days earlier than they are required to distribute the ballots under Assembly Bill 162.

### ***Distribution of Absentee Ballots by Municipal Clerks***

Under *current law*, municipal clerks must transmit official absentee ballots to each elector who requested a ballot by mail, electronic mail, or facsimile transmission no later than the 21<sup>st</sup> day before the spring primary or spring election if the request is made before that day. Otherwise, the municipal clerk must transmit the official absentee ballot within one day of the time the elector's request is received.

*Assembly Bill 162* maintains current law regarding the dates by which municipal clerks must transmit absentee ballots.

*ASA 1* requires municipal clerks to transmit an absentee ballot for the presidential preference primary to each elector who has requested that ballot no later than the 47<sup>th</sup> day before the presidential preference primary, if the request is made before that day. If the request is not made before that day, the municipal clerk must transmit the absentee ballot within one day of the time the request is received.

ASA 1 differs from Assembly Bill 162 because it requires municipal clerks to distribute absentee ballots for the presidential preference primary 26 days earlier than they are required to distribute the ballots under Assembly Bill 162.

### **Dates for Election Occurrences Related to Presidential Preference Primary**

#### ***Party Participation in Presidential Preference Primary***

Under *current law*, the state chairperson of each recognized political party listed on the official ballot at the last gubernatorial election whose candidate for Governor received at least 10% of the total votes cast for that office may certify to GAB no later than 5 p.m. on the third Tuesday in November of the year before a presidential election that the party will participate in the presidential preference primary.

Under *Assembly Bill 162*, the state chairperson may certify to GAB by no later than 5 p.m. on the first Tuesday in January of the year of the presidential election that the party will participate in the presidential preference primary.

Under *ASA 1*, the state chairperson may certify to GAB no later than 5 p.m. on the second Tuesday in December of the year before the presidential election that the party will participate in the presidential preference primary.

ASA 1 differs from Assembly Bill 162 because it requires the state chairperson to certify to GAB that the party will participate in the presidential preference primary earlier than required under Assembly Bill 162.

***Committee Certification of Candidate Names for the Presidential Preference Primary***

Under ***current law***, a committee must be convened on the second Tuesday in December of the year before a presidential election. The committee must determine and certify to GAB the names of all candidates of the political parties represented on the committee for the Office of President of the United States no later than the Friday following the date on which the committee convenes.

Under ***Assembly Bill 162***, the committee must convene on the last Tuesday in January of the year of the presidential election.

Under ***ASA 1***, the committee must convene on the first Tuesday in January of the year of the presidential election.

ASA 1 differs from Assembly Bill 162 because it requires the committee to convene earlier than required under Assembly Bill 162.

***Petitions for Nomination to Appear on Presidential Preference Primary Ballot***

Under ***current law***, any person seeking nomination by the national convention of a political party for the Office of President of the United States, or any committee organized in this state on behalf of and with the consent of such person, may submit a petition to GAB no later than 5 p.m. on the first Tuesday in January of the presidential election year to have the person's name appear on the presidential preference ballot. The petition may be circulated no sooner than the second Tuesday in December preceding the year of the presidential election.

Under ***Assembly Bill 162***, any person seeking nomination for the Office of President of the United States may submit a petition to GAB no later than 5 p.m. on the third Tuesday in February of the presidential election year to have the person's name appear on the presidential preference ballot. The petition may be circulated no sooner than the last Tuesday in January of the presidential election year.

Under ***ASA 1***, any person seeking nomination for the Office of the President of the United States may submit a petition to GAB no later than 5 p.m. on the last Tuesday in January of the presidential election year to have the person's name appear on the presidential preference ballot. The petition may be circulated no sooner than the first Tuesday in January of the presidential election year.

ASA 1 differs from Assembly Bill 162 because it requires a person seeking nomination to submit a petition to GAB earlier than required under Assembly Bill 162 in order to have the person's name appear on the presidential preference ballot. Additionally, ASA 1 allows the petition to be circulated earlier than under Assembly Bill 162.

### **Withdrawal of Candidacy from Presidential Preference Primary**

Under *current law*, the name of a person who has been placed in nomination by a committee will appear on the Wisconsin presidential preference ballot unless he or she files with GAB, no later than 5 p.m. on the first Tuesday in January of a presidential election year, a disclaimer stating that he or she is not and does not intend to become a candidate for the Office of President of the United States.

Under *Assembly Bill 162*, the name of the person will appear on the presidential preference ballot unless the person files a disclaimer with GAB no later than 5 p.m. on the third Tuesday in February of the presidential election year.

Under *ASA 1*, the name of the person will appear on the presidential preference ballot unless the person files a disclaimer with GAB no later than 5 p.m. on the last Tuesday in January of the presidential election year.

ASA 1 differs from Assembly Bill 162 because it requires the filing of a disclaimer with GAB earlier than required under Assembly Bill 162 in order to prevent the name of a person placed in nomination by a committee from appearing on the presidential preference ballot.

### **Results of the Presidential Preference Primary**

Under *current law*, GAB must notify each state party organization chairperson of the results of the presidential preference primary within the state and within each congressional district no later than the second Tuesday following the presidential preference primary.

Under *Assembly Bill 162*, GAB must notify each state party organization chairperson of the results no later than May 15 following the presidential preference primary.

*ASA 1* makes the same date change as Assembly Bill 162 and also requires GAB to notify each state party organization chairperson of the results no later than May 15 following the presidential preference primary.

ASA 1 and Assembly Bill 162 make the same change to the date by which GAB must notify each state party organization chairperson of the results of the presidential preference primary. Both the substitute amendment and the bill alter the statute to require notification no later than May 15.

**Election Notices**

*Current law* requires GAB and county clerks to provide certain types of basic election notices preceding the spring primary and spring election.

*Assembly Bill 162* makes changes to the statutory provisions regarding basic election notices to account for the change in the date of the presidential preference primary and the holding of the presidential preference primary at the time of the spring election rather than the spring primary.

*ASA 1* contains the same provisions as Assembly Bill 162.

ASA 1 and Assembly Bill 162 make the same changes to the statutory provisions regarding basic election notices to account for the change in date of the presidential preference primary and the holding of the presidential preference primary at the time of the spring election rather than the spring primary.

**Legislative History**

ASA 1 was offered by the Assembly Committee on Election and Campaign Reform. On June 10, 2011, the committee recommended adoption of ASA 1 and passage of Assembly Bill 162, as amended, on votes of Ayes, 8; Noes, 0.

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