



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-1516/1  
JK:kjf:jm

## 2015 SENATE BILL 63

March 3, 2015 – Introduced by Senator CARPENTER, cosponsored by Representatives SINICKI, SUBECK and WACHS. Referred to Committee on Elections and Local Government.

1     **AN ACT** *to renumber* 5.60 (8); and *to amend* 5.02 (21), 5.02 (22), 5.58 (1a), 6.24  
2           (5), 7.08 (2) (d), 7.10 (2), 8.12 (1), 8.12 (3), 10.06 (1) (e), 10.06 (2) (b), 10.06 (2)  
3           (d) and 10.06 (2) (g) of the statutes; **relating to:** the presidential preference  
4           primary date.

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

Under current law, the presidential primary is held at the spring election on the first Tuesday in April. Under the bill, the presidential primary is held at the spring primary on the the 3rd Tuesday in February.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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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 (2m), when necessary, shall be provided for each ward, except as authorized in s.  
12 5.655. Only Except as provided under sub. (2r), 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.** 5.60 (8) of the statutes is renumbered 5.58 (2r).

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. ~~5.60 (8)~~ 5.58 (2r), 5.62, and 5.64 (1) insofar as  
22 applicable. All ballots shall be limited to national offices only.

23 **SECTION 6.** 7.08 (2) (d) of the statutes is amended to read:

24 7.08 (2) (d) As soon as possible after the last 2nd Tuesday in January of  
25 December of the year before each year in which there is a presidential election, the

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1 board shall transmit to each county clerk a certified list of candidates for president  
2 who have qualified to have their names appear on the presidential preference  
3 primary ballot.

4 **SECTION 7.** 7.10 (2) of the statutes is amended to read:

5 7.10 (2) PREPARING BALLOTS. The county clerk shall prepare copy for the official  
6 ballots immediately upon receipt of the certified list of candidates' names from the  
7 board. Names certified by the board shall be arranged in the order certified. The  
8 county clerk shall place the names of all candidates filed in the clerk's office or  
9 certified to the clerk by the board on the proper ballot or ballots under the  
10 appropriate office and party titles. The county clerk shall prepare a special ballot  
11 under s. ~~5.60 (8)~~ 5.58 (2r) showing only the candidates in the presidential preference  
12 primary.

13 **SECTION 8.** 8.12 (1) of the statutes is amended to read:

14 8.12 (1) SELECTION OF NAMES FOR BALLOT. (a) No later than 5 p.m. on the ~~2nd~~  
15 ~~3rd~~ Tuesday in ~~December~~ November of the year before each year in which electors  
16 for president and vice president are to be elected, the state chairperson of each  
17 recognized political party listed on the official ballot at the last gubernatorial election  
18 whose candidate for governor received at least 10% of the total votes cast for that  
19 office may certify to the board that the party will participate in the presidential  
20 preference primary. For each party filing such a certification, the voters of this state  
21 shall at the spring election primary be given an opportunity to express their  
22 preference for the person to be the presidential candidate of that party.

23 (b) On the first ~~2nd~~ Tuesday in ~~January~~ of December of the year before each  
24 year, ~~or the next day if Tuesday is a holiday~~, in which electors for president and vice  
25 president are to be elected, there shall be convened in the capitol a committee

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

17 (c) No later than 5 p.m. on the last first Tuesday in January of each presidential  
18 election year, any person seeking the nomination by the national convention of a  
19 political party filing a certification under this subsection for the office of president  
20 of the United States, or any committee organized in this state on behalf of and with  
21 the consent of such person, may submit to the board a petition to have the person's  
22 name appear on the presidential preference ballot. The petition may be circulated  
23 no sooner than the first 2nd Tuesday in January of December preceding such year,  
24 or the next day if Tuesday is a holiday, and shall be signed by a number of qualified  
25 electors equal in each congressional district to not less than 1,000 signatures nor

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1 more than 1,500 signatures. The form of the petition shall conform to the  
2 requirements of s. 8.40. All signers on each separate petition paper shall reside in  
3 the same congressional district.

4 (d) The board shall forthwith contact each person whose name has been placed  
5 in nomination under par. (b) and notify him or her that his or her name will appear  
6 on the Wisconsin presidential preference ballot unless he or she files, no later than  
7 5 p.m. on the ~~last~~ first Tuesday in January of such year, with the board, a disclaimer  
8 stating without qualification that he or she is not and does not intend to become a  
9 candidate for the office of president of the United States at the forthcoming  
10 presidential election. The disclaimer may be filed with the board by certified mail,  
11 telegram, or in person.

12 **SECTION 9.** 8.12 (3) of the statutes is amended to read:

13 8.12 (3) **REPORTING OF RESULTS.** No later than ~~May 15~~ the 2nd Tuesday following  
14 the presidential preference primary, the board shall notify each state party  
15 organization chairperson under sub. (1) (b) of the results of the presidential  
16 preference primary within the state and within each congressional district.

17 **SECTION 10.** 10.06 (1) (e) of the statutes is amended to read:

18 10.06 (1) (e) As soon as possible following the state canvass of the spring  
19 primary vote, but no later than the first Tuesday in March, the board shall send a  
20 type B notice certifying to each county clerk the list of candidates for the spring  
21 election. When no state spring primary is held or when the only primary held is the  
22 presidential preference primary, this notice shall be sent under par. (c). When there  
23 is a referendum, the board shall send type A and C notices certifying each question  
24 to the county clerks as soon as possible, but no later than the first Tuesday in March.

25 **SECTION 11.** 10.06 (2) (b) of the statutes is amended to read:

