AN ACT to renumber 5.60 (8); and to amend 5.02 (21), 5.02 (22), 5.58 (1a), 6.24 (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) (d) and 10.06 (2) (g) of the statutes; relating to: the presidential preference primary date.

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 3rd Tuesday in February.

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

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

SECTION 1. 5.02 (21) of the statutes is amended to read:

5.02 (21) “Spring election” means the election held on the first Tuesday in April to elect judicial, educational and municipal officers, nonpartisan county officers, and sewerage commissioners and to express preferences for the person to be the
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presidential candidate for each party in a year in which electors for president and vice president are to be elected.

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

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

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

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

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

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

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

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

7.08 (2) (d) As soon as possible after the last 2nd Tuesday in January of December of the year before 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.

SECTION 7. 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) 5.58 (2r) showing only the candidates in the presidential preference primary.

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

8.12 (1) SELECTION OF NAMES FOR BALLOT. (a) No later than 5 p.m. on the 2nd 3rd Tuesday in December November of the year before each year in which electors for president and vice president are to be elected, 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 the board that the party will participate in the presidential preference primary. For each party filing such a certification, the voters of this state shall at the spring election primary be given an opportunity to express their preference for the person to be the presidential candidate of that party.

(b) On the first 2nd Tuesday in January of December of the year before each year, or the next day if Tuesday is a holiday, in which electors for president and vice president are to be elected, there shall be convened in the capitol a committee
consisting of, for each party filing a certification under this subsection, the state
chairperson of that state party organization or the chairperson’s designee, one
national committeeman and one national committeewoman designated by the state
chairperson; the speaker and the minority leader of the assembly or their designees,
and the president and the minority leader of the senate or their designees. All
designations shall be made in writing to the board. This committee shall organize
by selecting an additional member who shall be the chairperson and shall determine,
and certify to the board, no later than on the Friday following the date on which the
committee convenes under this paragraph, the names of all candidates of the
political parties represented on the committee for the office of president of the United
States. The committee shall place the names of all candidates whose candidacy is
generally advocated or recognized in the national news media throughout the United
States on the ballot, and may, in addition, place the names of other candidates on the
ballot. The committee shall have sole discretion to determine that a candidacy is
generally advocated or recognized in the national news media throughout the United
States.

(c) No later than 5 p.m. on the last first Tuesday in January of each presidential
election year, any person seeking the nomination by the national convention of a
political party filing a certification under this subsection 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 to the board a petition to have the person’s
name appear on the presidential preference ballot. The petition may be circulated
no sooner than the first 2nd Tuesday in January of December preceding such year,
or the next day if Tuesday is a holiday, and shall be signed by a number of qualified
electors equal in each congressional district to not less than 1,000 signatures nor
more than 1,500 signatures. The form of the petition shall conform to the requirements of s. 8.40. All signers on each separate petition paper shall reside in the same congressional district.

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

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

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

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

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

**SECTION 11.** 10.06 (2) (b) of the statutes is amended to read:
10.06 (2) (b) Upon receipt of the type B notice from the board preceding the spring election each county clerk shall add any county offices, prepare the ballots, and send notice to each municipal clerk of the spring primary. When there is no state spring primary within the county and no presidential preference primary, but there is to be a county spring primary, the county clerk shall prepare the ballots and send notice to each municipal clerk.

**SECTION 12.** 10.06 (2) (d) of the statutes is amended to read:

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

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

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

**SECTION 14. Effective date.**

(1) This act takes effect on June 1, 2015.