December 3, 2018 – Introduced by JOINT COMMITTEE ON FINANCE. Referred to Joint Committee on Finance.

AN ACT to repeal 6.34 (1) (b) and 6.87 (4) (a) 2.; to consolidate, renumber and amend 6.34 (1) (intro.) and (a) and 6.87 (4) (a) (intro.) and 1.; to amend 5.02 (21), 5.05 (13) (c), 5.05 (13) (d) 1., 5.60 (8) (am), 6.22 (2) (b), 6.22 (2) (e), 6.22 (4) (a), 6.24 (2) (c), 6.24 (4) (c), 6.24 (4) (d), 6.24 (4) (e), 6.25 (1) (b), 6.276 (1), 6.86 (1) (b), 6.865 (1), 6.87 (2), 6.87 (3) (d), 6.87 (4) (b) 1., 6.88 (1), 6.97 (1), 7.08 (2) (d), 7.15 (1) (cm), 7.15 (1) (j), 8.12 (1), 8.12 (3), 10.02 (3) (b) 3., 10.06 (2) (d), 10.06 (2) (g) and 11.0101 (32); and to create 5.02 (12n) and 5.02 (15m) of the statutes; relating to: holding the presidential preference primary on the second Tuesday in March; applying for an absentee ballot in-person; and absentee ballots cast by overseas and military voters.

Analysis by the Legislative Reference Bureau

1. This bill requires the presidential preference primary to be held on the second Tuesday in March rather than the first Tuesday in April.

2. Under current law, a qualified elector may apply for an absentee ballot in-person no earlier than the third Monday preceding the election and no later than
the Friday preceding the election. Under this bill, a qualified elector may apply for an absentee ballot in-person no earlier than the third Saturday preceding the election and no later than the Friday preceding the election.

3.

This bill modifies current law regarding the voting procedures for military and overseas electors so that the law is in substantial compliance with the federal Uniformed and Overseas Citizens Absentee Voting Act. The bill also modifies current law so that an individual signing the witness certification for an absentee ballot cast by a military elector or overseas elector need not be a United States citizen.

The bill allows all overseas electors to receive absentee ballots electronically, regardless of whether such electors are considered permanently or temporarily overseas. Under the bill, an overseas elector is a U.S. citizen who is residing outside of the United States, who is not disqualified from voting, who has attained or will attain the age of 18 by the date of an election at which the citizen proposes to vote, who was last domiciled in this state or whose parent was last domiciled in this state immediately prior to the parent’s departure from the United States, and who is not registered to vote or voting in any other state, territory, or possession.

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 (12n) of the statutes is created to read:

5.02 (12n) “Overseas elector” means a U.S. citizen who is residing outside of the United States, who is not disqualified from voting under s. 6.03, who has attained or will attain the age of 18 by the date of an election at which the citizen proposes to vote, who was last domiciled in this state or whose parent was last domiciled in this state immediately prior to the parent’s departure from the United States, and who is not registered to vote or voting in any other state, territory, or possession.

SECTION 2. 5.02 (15m) of the statutes is created to read:

5.02 (15m) “Presidential preference primary” means the primary held on the 2nd Tuesday in March 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. 5.02 (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, and nonpartisan county officers
and sewerage commissioners 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 4. 5.05 (13) (c) of the statutes is amended to read:

5.05 (13) (c) The commission shall maintain a freely accessible system under
which a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined
in s. 6.34 (1) (b), who casts an absentee ballot may ascertain whether the ballot has
been received by the appropriate municipal clerk.

SECTION 5. 5.05 (13) (d) 1. of the statutes is amended to read:

5.05 (13) (d) 1. To permit a military elector, as defined in s. 6.34 (1) (a), or an
overseas elector, as defined in s. 6.34 (1) (b), to request a voter registration
application or an application for an absentee ballot at any election at which the
elector is qualified to vote in this state.

SECTION 6. 5.60 (8) (am) of the statutes is amended to read:

5.60 (8) (am) Except as authorized in s. 5.655, there shall be a separate ballot
for each recognized political party filing a certification under s. 8.12 (1), listing the
names of all potential candidates of that party determined under s. 8.12 and
affording, in addition, an opportunity to the voter to nominate another potential
candidate by write-in vote or to vote for an uninstructed delegation to the party
convention. The order of presidential candidates on the ballot shall be determined
by lot by or under the supervision of the commission. Each voter shall be given the
ballots of all the parties participating in the presidential preference vote primary, but
may vote on one ballot only.

SECTION 7. 6.22 (2) (b) of the statutes is amended to read:

6.22 (2) (b) A military elector shall make and subscribe to the certification
under s. 6.87 (2) before a witness who is an adult U.S. citizen.

SECTION 8. 6.22 (2) (e) of the statutes is amended to read:

6.22 (2) (e) A military elector may file an application for an absentee ballot by
means of electronic mail or facsimile transmission in the manner prescribed in s. 6.86
(1) (ac). Upon receipt of a valid application, the municipal clerk shall send the elector
an absentee ballot or, if the elector is a military elector, as defined in s. 6.34 (1) (a),
and the elector so requests, shall transmit an absentee ballot to the elector by means
of electronic mail or facsimile transmission in the manner prescribed in s. 6.87 (3)
(d).

SECTION 9. 6.22 (4) (a) of the statutes is amended to read:

6.22 (4) (a) Upon receiving a timely request for an absentee ballot under par.
(b) by an individual who qualifies as a military elector, the municipal clerk shall send
or, if the individual is a military elector as defined in s. 6.34 (1) (a), shall transmit
to the elector upon the elector’s request an absentee ballot for all elections that occur
in the municipality or portion thereof where the elector resides in the same calendar
year in which the request is received, unless the individual otherwise requests.

SECTION 10. 6.22 (4) (c) of the statutes is amended to read:

6.22 (4) (c) A military elector may indicate an alternate address on his or her
absentee ballot application. If the elector’s ballot is returned as undeliverable prior
to the deadline for return of absentee ballots under s. 6.87 (6), and the elector remains
eligible to receive absentee ballots under this section, the municipal clerk shall 
immediately send or, if the elector is a military elector as defined in s. 6.34 (1) (a),
transmit an absentee ballot to the elector at the alternate address.

SECTION 11. 6.24 (2) of the statutes is amended to read:

6.24 (2) ELIGIBILITY. An overseas elector under sub. (1) may vote in any election
for national office, including the partisan primary and presidential preference
primary and any special primary or election. Such elector may not vote in an election
for state or local office unless the elector qualifies as a resident of this state under
s. 6.10. An overseas elector shall vote in the ward or election district in which the
elector was last domiciled or in which the elector’s parent was last domiciled prior
to departure from the United States.

SECTION 12. 6.24 (4) (c) of the statutes is amended to read:

6.24 (4) (c) Upon receipt of a timely application from an individual who
qualifies as an overseas elector and who has registered to vote in a municipality
under sub. (3), the municipal clerk of the municipality shall send, or if the individual
is an overseas elector, as defined in s. 6.34 (1) (b), shall transmit, an absentee ballot
to the individual upon the individual’s request for all subsequent elections for
national office to be held during the year in which the ballot is requested, except as
otherwise provided in this paragraph, unless the individual otherwise requests or
until the individual no longer qualifies as an overseas elector of the municipality.
The clerk shall not send an absentee ballot for an election if the overseas elector’s
name appeared on the registration list in eligible status for a previous election
following the date of the application but no longer appears on the list in eligible
status. The municipal clerk shall ensure that the envelope containing the absentee
ballot is clearly marked as not forwardable. If an overseas elector who files an
application under this subsection no longer resides at the same address that is indicated on the application form, the elector shall so notify the municipal clerk.

SECTION 13. 6.24 (4) (d) of the statutes is amended to read:

6.24 (4) (d) An overseas elector, regardless of whether the elector qualifies as a resident of this state under s. 6.10, who is not registered may request both a registration form and an absentee ballot at the same time, and the municipal clerk shall send or transmit the ballot automatically if the registration form is received within the time prescribed in s. 6.28 (1). The commission shall prescribe a special certificate form for the envelope in which the absentee ballot for such overseas electors is contained, which shall be substantially similar to that provided under s. 6.87 (2). An overseas elector shall make and subscribe to the special certificate form before a witness who is an adult U.S. citizen.

SECTION 14. 6.24 (4) (e) of the statutes is amended to read:

6.24 (4) (e) An overseas elector, regardless of whether the elector qualifies as a resident of this state under s. 6.10, may file an application for an absentee ballot by means of electronic mail or facsimile transmission in the manner prescribed in s. 6.86 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the elector an absentee ballot or, if the elector is an overseas elector, as defined in s. 6.34 (1) (b) and the elector so requests, shall transmit an absentee ballot to the elector by means of electronic mail or facsimile transmission in the manner prescribed in s. 6.87 (3) (d).

SECTION 15. 6.25 (1) (b) of the statutes is amended to read:

6.25 (1) (b) Any individual who qualifies as an overseas elector under s. 6.24 (1), regardless of whether the elector qualifies as a resident of this state under s. 6.10, and who transmits an application for an official absentee ballot for an election for
national office, including a primary election, no later than the latest time specified
for an elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in
absentee ballot prescribed under 42 USC 1973ff-2 for any candidate or for all
candidates of any recognized political party for national office listed on the official
ballot at that election, if the federal write-in absentee ballot is received by the
appropriate municipal clerk no later than the applicable time prescribed in s. 6.87
(6).

SECTION 16. 6.276 (1) of the statutes is amended to read:

6.276 (1) In this section, “military elector” and “overseas elector” have has the
meanings meaning given in s. 6.34 (1).

SECTION 17. 6.34 (1) (intro.) and (a) of the statutes are consolidated,
renumbered 6.34 (1) and amended to read:

6.34 (1) In this section: (a) “Military “military elector” means a member of a
uniformed service on active duty who, by reason of that duty, is absent from the
residence where the member is otherwise qualified to vote; a member of the
merchant marine, as defined in s. 6.22 (1) (a), who by reason of service in the
merchant marine, is absent from the residence where the member is otherwise
qualified to vote; or the spouse or dependent of any such member who, by reason of
the duty or service of the member, is absent from the residence where the spouse or
dependent is otherwise qualified to vote.

SECTION 18. 6.34 (1) (b) of the statutes is repealed.

SECTION 19. 6.86 (1) (b) of the statutes is amended to read:

6.86 (1) (b) Except as provided in this section, if application is made by mail,
the application shall be received no later than 5 p.m. on the 5th day immediately
preceding the election. If application is made in person, the application shall be
made no earlier than the opening of business on the 3rd Monday of the election and no later than 7 p.m. on the Friday preceding the election. No application may be received on a legal holiday. An application made in person may only be received Monday to Friday between the hours of 8 a.m. and 7 p.m. each day. A municipality shall specify the hours in the notice under s. 10.01 (2) (e). The municipal clerk or an election official shall witness the certificate for any in-person absentee ballot cast. Except as provided in par. (c), if the elector is making written application for an absentee ballot at the partisan primary, the general election, the presidential preference primary, or a special election for national office, and the application indicates that the elector is a military elector, as defined in s. 6.34 (1), the application shall be received by the municipal clerk no later than 5 p.m. on election day. If the application indicates that the reason for requesting an absentee ballot is that the elector is a sequestered juror, the application shall be received no later than 5 p.m. on election day. If the application is received after 5 p.m. on the Friday immediately preceding the election, the municipal clerk or the clerk's agent shall immediately take the ballot to the court in which the elector is serving as a juror and deposit it with the judge. The judge shall recess court, as soon as convenient, and give the elector the ballot. The judge shall then witness the voting procedure as provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who shall deliver it to the polling place or, in municipalities where absentee ballots are canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. If application is made under sub. (2) or (2m), the application may be received no later than 5 p.m. on the Friday immediately preceding the election.

SECTION 20. 6.865 (1) of the statutes is amended to read:
6.865 (1) In this section, “military elector” and “overseas elector” have the meanings given under s. 6.34 (1).

SECTION 21. 6.87 (2) of the statutes is amended to read:

6.87 (2) Except as authorized under sub. (3) (d), the municipal clerk shall place the ballot in an unsealed envelope furnished by the clerk. The envelope shall have the name, official title and post-office address of the clerk upon its face. The other side of the envelope shall have a printed certificate which shall include a space for the municipal clerk or deputy clerk to enter his or her initials indicating that if the absentee elector voted in person under s. 6.86 (1) (ar), the elector presented proof of identification to the clerk and the clerk verified the proof presented. The certificate shall also include a space for the municipal clerk or deputy clerk to enter his or her initials indicating that the elector is exempt from providing proof of identification because the individual is a military elector or an overseas elector who does not qualify as a resident of this state under s. 6.10 or is exempted from providing proof of identification under sub. (4) (b) 2. or 3. The certificate shall be in substantially the following form:

[STATE OF ....
County of ....]

or

[(name of foreign country and city or other jurisdictional unit)]

I, ...., certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false statements, that I am a resident of the [.... ward of the] (town) (village) of ...., or of the .... aldermanic district in the city of ...., residing at ....* in said city, the county of ...., state of Wisconsin, and am entitled to vote in the (ward) (election district) at the election to be held on ....; that I am not voting at any other location in this election;
that I am unable or unwilling to appear at the polling place in the (ward) (election
district) on election day or have changed my residence within the state from one ward
or election district to another later than 28 days before the election. I certify that I
exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her)
presence and in the presence of no other person marked the ballot and enclosed and
sealed the same in this envelope in such a manner that no one but myself and any
person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance,
could know how I voted.

Signed ....

Identification serial number, if any: ....

The witness shall execute the following:

I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis.
Stats., for false statements, certify that I am an adult U.S. citizen** and that the
above statements are true and the voting procedure was executed as there stated.
I am not a candidate for any office on the enclosed ballot (except in the case of an
incumbent municipal clerk). I did not solicit or advise the elector to vote for or against
any candidate or measure.

....(Name Printed name)

....(Address)***

Signed ....

* — An elector who provides an identification serial number issued under s.
6.47 (3), Wis. Stats., need not provide a street address.

** — An individual who serves as a witness for a military elector or an overseas
elector voting absentee, regardless of whether the elector qualifies as a resident of
Wisconsin under s. 6.10, Wis. Stats., need not be a U.S. citizen but must be 18 years of age or older.

***— If this form is executed before 2 special voting deputies under s. 6.875 (6), Wis. Stats., both deputies shall witness and sign.

**SECTION 22.** 6.87 (3) (d) of the statutes is amended to read:

6.87 (3) (d) A municipal clerk shall, if the clerk is reliably informed by a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b) regardless of whether the elector qualifies as a resident of this state under s. 6.10, of a facsimile transmission number or electronic mail address where the elector can receive an absentee ballot, transmit a facsimile or electronic copy of the elector’s ballot to that elector in lieu of mailing under this subsection. An elector may receive an absentee ballot only if the elector is a military elector or an overseas elector under s. 6.34 (1) and has filed a valid application for the ballot as provided in s. 6.86 (1). If the clerk transmits an absentee ballot to a military or overseas elector electronically, the clerk shall also transmit a facsimile or electronic copy of the text of the material that appears on the certificate envelope prescribed in sub. (2), together with instructions prescribed by the commission. The instructions shall require the military or overseas elector to make and subscribe to the certification as required under sub. (4) (b) and to enclose the absentee ballot in a separate envelope contained within a larger envelope, that shall include the completed certificate. The elector shall then affix sufficient postage unless the absentee ballot qualifies for mailing free of postage under federal free postage laws and shall mail the absentee ballot to the municipal clerk. Except as authorized in s. 6.97 (2), an absentee ballot received from a military or overseas elector who receives the ballot electronically
shall not be counted unless it is cast in the manner prescribed in this paragraph and sub. (4) and in accordance with the instructions provided by the commission.

SECTION 23. 6.87 (4) (a) (intro.) and 1. of the statutes are consolidated, renumbered 6.87 (4) (a) and amended to read:

6.87 (4) (a) In this subsection: 1. “Military, “military elector” has the meaning given in s. 6.34 (1) (a).

SECTION 24. 6.87 (4) (a) 2. of the statutes is repealed.

SECTION 25. 6.87 (4) (b) 1. of the statutes is amended to read:

6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, the an elector voting absentee, other than a military elector or an overseas elector, shall make and subscribe to the certification before one witness who is an adult U.S. citizen. A military elector or an overseas elector voting absentee, regardless of whether the elector qualifies as a resident of this state under s. 6.10, shall make and subscribe to the certification before one witness who is an adult but who need not be a U.S. citizen. The absent elector, in the presence of the witness, shall mark the ballot in a manner that will not disclose how the elector’s vote is cast. The elector shall then, still in the presence of the witness, fold the ballots so each is separate and so that the elector conceals the markings thereon and deposit them in the proper envelope. If a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that the elector conceals the markings thereon and deposit the ballot in the proper envelope. If proof of residence under s. 6.34 is required and the document enclosed by the elector under this subdivision does not constitute proof of residence under s. 6.34, the elector shall also enclose proof of residence under s. 6.34 in the envelope. Except as provided in s. 6.34 (2m), proof of residence is required if the elector is not a military elector or an overseas elector and the elector registered by mail or by
electronic application and has not voted in an election in this state. If the elector
requested a ballot by means of facsimile transmission or electronic mail under s. 6.86
(1) (ac), the elector shall enclose in the envelope a copy of the request which bears an
original signature of the elector. The elector may receive assistance under sub. (5).
The return envelope shall then be sealed. The witness may not be a candidate. The
envelope shall be mailed by the elector, or delivered in person, to the municipal clerk
issuing the ballot or ballots. If the envelope is mailed from a location outside the
United States, the elector shall affix sufficient postage unless the ballot qualifies for
delivery free of postage under federal law. Failure to return an unused ballot in a
primary does not invalidate the ballot on which the elector’s votes are cast. Return
of more than one marked ballot in a primary or return of a ballot prepared under s.
5.655 or a ballot used with an electronic voting system in a primary which is marked
for candidates of more than one party invalidates all votes cast by the elector for
candidates in the primary.

SECTION 26. 6.88 (1) of the statutes is amended to read:

6.88 (1) When an absentee ballot arrives at the office of the municipal clerk,
or at an alternate site under s. 6.855, if applicable, the clerk shall enclose it,
unopened, in a carrier envelope which shall be securely sealed and endorsed with the
name and official title of the clerk, and the words “This envelope contains the ballot
of an absent elector and must be opened in the same room where votes are being cast
at the polls during polling hours on election day or, in municipalities where absentee
ballots are canvassed under s. 7.52, stats., at a meeting of the municipal board of
absentee ballot canvassers under s. 7.52, stats.”. If the elector is a military elector,
as defined in s. 6.34 (1) (a), or an overseas elector, as defined in s. 6.34 (1) (b)
regardless of whether the elector qualifies as a resident of this state under s. 6.10,
and the ballot was received by the elector by facsimile transmission or electronic mail
and is accompanied by a separate certificate, the clerk shall enclose the ballot in a
certificate envelope and securely append the completed certificate to the outside of
the envelope before enclosing the ballot in the carrier envelope. The clerk shall keep
the ballot in the clerk's office or at the alternate site, if applicable until delivered, as
required in sub. (2).

**SECTION 27.** 6.97 (1) of the statutes is amended to read:

> 6.97 (1) Whenever any individual who is required to provide proof of residence
> under s. 6.34 in order to be permitted to vote appears to vote at a polling place and
cannot provide the required proof of residence, the inspectors shall offer the
opportunity for the individual to vote under this section. Whenever any individual,
other than a military elector, as defined in s. 6.34 (1) (a), or, an overseas elector, as
defined in s. 6.34 (1) (b), or an elector who has a confidential listing under s. 6.47 (2),
appears to vote at a polling place and does not present proof of identification under
s. 6.79 (2), whenever required, the inspectors or the municipal clerk shall similarly
offer the opportunity for the individual to vote under this section. If the individual
wishes to vote, the inspectors shall provide the elector with an envelope marked
“Ballot under s. 6.97, stats.” on which the serial number of the elector is entered and
shall require the individual to execute on the envelope a written affirmation stating
that the individual is a qualified elector of the ward or election district where he or
she offers to vote and is eligible to vote in the election. The inspectors shall, before
giving the elector a ballot, write on the back of the ballot the serial number of the
individual corresponding to the number kept at the election on the poll list or other
list maintained under s. 6.79 and the notation “s. 6.97”. If voting machines are used
in the municipality where the individual is voting, the individual's vote may be
received only upon an absentee ballot furnished by the municipal clerk which shall have the corresponding number from the poll list or other list maintained under s. 6.79 and the notation “s. 6.97” written on the back of the ballot by the inspectors before the ballot is given to the elector. When receiving the individual’s ballot, the inspectors shall provide the individual with written voting information prescribed by the commission under s. 7.08 (8). The inspectors shall indicate on the list the fact that the individual is required to provide proof of residence or proof of identification under s. 6.79 (2) but did not do so. The inspectors shall notify the individual that he or she may provide proof of residence or proof of identification to the municipal clerk or executive director of the municipal board of election commissioners. The inspectors shall also promptly notify the municipal clerk or executive director of the name, address, and serial number of the individual. The inspectors shall then place the ballot inside the envelope and place the envelope in a separate carrier envelope.

SECTION 27. 7.08 (2) (d) of the statutes is amended to read:

7.08 (2) (d) As soon as possible after the last Tuesday in January December 15 of each year preceding the year in which there is a presidential election, the commission 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 28. 7.15 (1) (cm) of the statutes 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 an official absentee ballot to each elector who has requested a ballot by mail, and to each military elector, as defined in s. 6.34 (1) (a), and overseas elector, as defined in s. 6.34 (1) (b), who has requested a ballot by mail, electronic mail, or facsimile transmission, no later than
the 47th day before each partisan 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 business day of the time the elector’s request for such a ballot 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,
if the request is not made before that day, within one business day of the time the
request is received. For purposes of this paragraph, “business day” means any day
from Monday to Friday, not including a legal holiday under s. 995.20.

SECTI0N 30. 7.15 (1) (j) of the statutes is amended to read:

7.15 (1) (j) Send an absentee ballot automatically to each elector and send or
transmit an absentee ballot to each military elector, as defined in s. 6.34 (1) (a), and
each overseas elector, as defined in s. 6.34 (1) (b), making an authorized request
therefor in accordance with s. 6.22 (4), 6.24 (4) (c), or 6.86 (2) or (2m).

SECTI0N 31. 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
Tuesday in December November 15 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 percent of the total votes cast for
that office may certify to the commission 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 be given an opportunity to express their
preference for the person to be the presidential candidate of that party.
(b) On the first Tuesday in January No later than December 1 of each year, or the next day if Tuesday is a holiday, preceding the year 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 commission. This committee shall organize by selecting an additional member who shall be the chairperson and shall determine, and certify to the commission, 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 Tuesday in January December 15 of each year preceding a 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 commission a petition 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 such year, or the next day if Tuesday is a holiday, December 1 of the year preceding the presidential election year 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 commission 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 primary ballot unless he or she files, no later than 5 p.m. on the last Tuesday in January of such year December 15 of the year preceding a presidential election year, with the commission, 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 commission by certified mail, telegram, or in person.

SECTION 32. 8.12 (3) of the statutes is amended to read:

8.12 (3) REPORTING OF RESULTS. No later than May 15 March 31 following the presidential preference primary, the commission 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 33. 10.02 (3) (b) 3. of the statutes is amended to read:

10.02 (3) (b) 3. When casting a presidential preference primary vote, the elector shall select the party ballot of his or her choice and make a cross (X) next to or depress the button or lever next to the candidate’s name for whom he or she intends to vote
or shall, in the alternative, make a cross (X) next to or depress the button or lever next to the words “Uninstructed delegation”, or shall write in the name of his or her choice for a candidate.

**SECTION 34.** 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 the presidential preference primary is held, the county clerk shall also publish notice of the presidential preference primary.

**SECTION 35.** 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 36.** 11.0101 (32) of the statutes is amended to read:

11.0101 (32) “Spring election” means the election held on the first Tuesday in April to elect judicial, educational, and municipal officers, and nonpartisan county officers and sewerage commissioners, and to express preferences for the person to be the presidential candidate for each political party in a year in which electors for president and vice president are to be elected.

(END)