AN ACT to amend 5.02 (19), 5.02 (21), 5.60 (8) (am), 5.60 (8) (c), 5.68 (5), 7.08 (2)
(d), 8.12 (title), 8.12 (1), 8.12 (3), 10.02 (3) (b) 3., 10.06 (2) (d), 10.06 (2) (g),
11.0101 (29) and 11.0101 (32); and to create 5.02 (15m) of the statutes;
relating to: holding the presidential preference primary on the second
Tuesday in March.

Analysis by the Legislative Reference Bureau
This bill requires the presidential preference primary to be held on the second
Tuesday in March rather than the first Tuesday in April. The bill also changes the
deadlines for certain procedures that must be completed before that primary. For
example, under current law, the state chairperson of each recognized political party
wishing to participate in the presidential preference primary must file a certification
with the elections commission no later than 5 p.m. on the second Tuesday in
December of the year before each year in which electors for president and vice
president are to be elected. The bill moves that deadline to 5 p.m. on November 15.

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 (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 2.** 5.02 (19) of the statutes is amended to read:

5.02 (19) “Special election” means any election, other than those described in subs. (5), (12s), (15m), (21), and (22), to fill vacancies or to conduct a referendum.

**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.** 5.60 (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 5.** 5.60 (8) (c) of the statutes is amended to read:
5.60 (8) (c) The official ballots for the presidential preference vote primary shall
be securely fastened together at the bottom. The party receiving the greatest number
of votes for governor at the preceding election shall have its ticket placed on top and
the remaining party ballots shall follow in the same manner. A facsimile ballot notice
shall be published as provided in s. 10.02.

SECTION 6. 5.68 (5) of the statutes is amended to read:

5.68 (5) If a charge is made for the use of a polling place, the charge shall be
paid by the municipality establishing the polling place under s. 5.25 (2) unless the
polling place is used to conduct a special election that is called by a unit of
government other than the state or the municipality establishing the polling place
and the special election is not held concurrently with an election specified in s. 5.02
(5), (12s), (15m), (21), or (22). In such case the charge shall be paid by the unit of
government that calls the special election.

SECTION 7. 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 8. 8.12 (title) of the statutes is amended to read:

8.12 (title) Presidential preference vote primary.

SECTION 9. 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 10. 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 11. 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 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 the presidential
preference primary is held, the county clerk shall publish a type B notice on the
Monday preceding 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. 11.0101 (29) of the statutes is amended to read:

11.0101 (29) “Special election” means any election, other than those described
in subs. (15), (24), (30), (32), and (33) and other than the presidential preference
primary to fill vacancies or to conduct a referendum.
SECTION 15. 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)