



## 2003 SENATE BILL 59

March 5, 2003 - Introduced by Senators WELCH, S. FITZGERALD and SCHULTZ, cosponsored by Representatives FREESE, HINES, GUNDERSON, BIES, VRAKAS, HAHN, GARD, ALBERS, KESTELL, KREIBICH, SUDER, PETTIS, HUNDERTMARK, GROTHMAN, OWENS, LEMAHIEU, MUSSER, LADWIG, STONE and OTT. Referred to Committee on Education, Ethics and Elections.

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

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### *Analysis by the Legislative Reference Bureau*

Under current law, the presidential preference primary is held in this state on the first Tuesday in April, which is the date of the spring election. This bill changes the date of the presidential preference primary to the third Tuesday in February, which is the date of the spring primary. With limited exceptions, the bill also moves the deadlines for certain actions to be performed in relation to the presidential preference primary, including the deadline for certifying to the Elections Board whose names will appear on the ballot, to dates that are approximately six weeks earlier than the dates provided under current law.

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:*

4             **SECTION 1.** 5.02 (21) of the statutes is amended to read:  
5             5.02 (21) "Spring election" means the election held on the first Tuesday in April  
6             to elect judicial, educational and municipal officers, nonpartisan county officers, and

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1 sewerage commissioners and to express preferences for the person to be the  
2 presidential candidate for each party.

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 (intro.) of the statutes is amended to read:

10 **5.58 Spring primary ballots.** (intro.) At spring primary elections the  
11 following ballots, when necessary, shall be provided for each ward, except as  
12 authorized in s. 5.655. Only Except as provided under sub. (2r), only nonpartisan  
13 candidates nominated for office by nomination papers shall have their names placed  
14 on the official spring primary ballot under the proper office designation, but the  
15 ballots 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.** 8.12 (1) and (3) of the statutes are amended to read:

24 8.12 (1) **SELECTION OF NAMES FOR BALLOT.** (a) No later than 5 p.m. on the first  
25 3rd Tuesday in ~~January~~ November, or the next day if Tuesday is a holiday, ~~in of the~~

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1     year before each year in which electors for president and vice president are to be  
2     elected, the state chairperson of each recognized political party listed on the official  
3     ballot at the last gubernatorial election whose candidate for governor received at  
4     least 10% of the total votes cast for that office may certify to the board that the party  
5     will participate in the presidential preference primary. For each party filing such a  
6     certification, the voters of this state shall at the spring election primary be given an  
7     opportunity to express their preference for the person to be the presidential  
8     candidate of that party.

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

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1 committee shall have sole discretion to determine that a candidacy is generally  
2 advocated or recognized in the national news media throughout the United States.

3 (c) No later than 5 p.m. on the ~~3rd~~ first Tuesday in ~~February~~ January of each  
4 presidential election year, any person seeking the nomination by the national  
5 convention of a political party filing a certification under this subsection for the office  
6 of president of the United States, or any committee organized in this state on behalf  
7 of and with the consent of such person, may submit to the board a petition to have  
8 the person's name appear on the presidential preference ballot. The petition may be  
9 circulated no sooner than the last 2nd Tuesday in ~~January~~ of December preceding  
10 such year and shall be signed by a number of qualified electors equal in each  
11 congressional district to not less than 1,000 signatures nor more than 1,500  
12 signatures. The form of the petition shall conform to the requirements of s. 8.40. All  
13 signers on each separate petition paper shall reside in the same congressional  
14 district.

15 (d) The board shall forthwith contact each person whose name has been placed  
16 in nomination under par. (b) and notify him or her that his or her name will appear  
17 on the Wisconsin presidential preference ballot unless he or she files, no later than  
18 5 p.m. on the ~~3rd~~ first Tuesday in ~~February~~ January of such year, with the board, a  
19 disclaimer stating without qualification that he or she is not and does not intend to  
20 become a candidate for the office of president of the United States at the forthcoming  
21 presidential election. The disclaimer may be filed with the board by certified mail,  
22 telegram, or in person.

23 **(3) REPORTING OF RESULTS.** No later than ~~May 15~~ the 2nd Tuesday following the  
24 presidential preference vote primary, the board shall notify each state party

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1 organization chairperson under sub. (1) (b) of the results of the presidential  
2 preference vote east primary within the state and within each congressional district.

3 **SECTION 7.** 10.06 (1) (e) of the statutes is amended to read:

4 10.06 (1) (e) As soon as possible following the state canvass of the spring  
5 primary vote, but no later than the first Tuesday in March, the board shall send a  
6 type B notice certifying to each county clerk the list of candidates for the spring  
7 election. When no state spring primary is held or when the only primary held is the  
8 presidential preference primary, this notice shall be sent under par. (c). The board  
9 shall also in any case send a certified list of candidates under s. 11.50 to the state  
10 treasurer pursuant to s. 7.08 (2) (c). When there is a referendum, the board shall send  
11 type A and C notices certifying each question to the county clerks as soon as possible,  
12 but no later than the first Tuesday in March.

13 **SECTION 8.** 10.06 (2) (b) of the statutes is amended to read:

14 10.06 (2) (b) Upon receipt of the type B notice from the board preceding the  
15 spring election each county clerk shall add any county offices, prepare the ballots,  
16 and send notice to each municipal clerk of the ~~coming~~ spring primary. When there  
17 is no state spring primary within the county and there is no presidential preference  
18 primary scheduled for the date of the spring primary, but there is to be a county  
19 spring primary, the county clerk shall prepare the ballots and send notice to each  
20 municipal clerk.

21 **SECTION 9.** 10.06 (2) (d) of the statutes is amended to read:

22 10.06 (2) (d) On the Monday preceding the spring primary, when held, the  
23 county clerk shall publish a type B notice. In a year in which a presidential  
24 preference primary is held, the county clerk shall also publish notice of the  
25 presidential preference primary.

