



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1833/1
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2021 SENATE BILL 284

April 8, 2021 - Introduced by Senators STAFSHOLT and NASS, cosponsored by Representatives TAUCHEN and RAMTHUN. Referred to Committee on Elections, Election Process Reform and Ethics.

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

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1 **SECTION 1.** 5.02 (15m) of the statutes is created to read:

2 5.02 (15m) “Presidential preference primary” means the primary held on the
3 2nd Tuesday in March to express preferences for the person to be the presidential
4 candidate for each party in a year in which electors for president and vice president
5 are to be elected.

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

7 5.02 (19) “Special election” means any election, other than those described in
8 subs. (5), (12s), (15m), (21), and (22), to fill vacancies or to conduct a referendum.

9 **SECTION 3.** 5.02 (21) of the statutes is amended to read:

10 5.02 (21) “Spring election” means the election held on the first Tuesday in April
11 to elect judicial, educational and municipal officers, and nonpartisan county officers
12 and sewerage commissioners ~~and to express preferences for the person to be the~~
13 ~~presidential candidate for each party in a year in which electors for president and~~
14 ~~vice president are to be elected.~~

15 **SECTION 4.** 5.60 (8) (am) of the statutes is amended to read:

16 5.60 (8) (am) Except as authorized in s. 5.655, there shall be a separate ballot
17 for each recognized political party filing a certification under s. 8.12 (1), listing the
18 names of all potential candidates of that party determined under s. 8.12 and
19 affording, in addition, an opportunity to the voter to nominate another potential
20 candidate by write-in vote or to vote for an uninstructed delegation to the party
21 convention. The order of presidential candidates on the ballot shall be determined
22 by lot by or under the supervision of the commission. Each voter shall be given the
23 ballots of all the parties participating in the presidential preference vote primary, but
24 may vote on one ballot only.

25 **SECTION 5.** 5.60 (8) (c) of the statutes is amended to read:

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1 5.60 (8) (c) The official ballots for the presidential preference ~~vote~~ primary shall
2 be securely fastened together at the bottom. The party receiving the greatest number
3 of votes for governor at the preceding election shall have its ticket placed on top and
4 the remaining party ballots shall follow in the same manner. A facsimile ballot notice
5 shall be published as provided in s. 10.02.

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

7 5.68 (5) If a charge is made for the use of a polling place, the charge shall be
8 paid by the municipality establishing the polling place under s. 5.25 (2) unless the
9 polling place is used to conduct a special election that is called by a unit of
10 government other than the state or the municipality establishing the polling place
11 and the special election is not held concurrently with an election specified in s. 5.02
12 (5), (12s), (15m), (21), or (22). In such case the charge shall be paid by the unit of
13 government that calls the special election.

14 **SECTION 7.** 7.08 (2) (d) of the statutes is amended to read:

15 7.08 (2) (d) As soon as possible after the last ~~Tuesday in January~~ December 15
16 of each year preceding the year in which there is a presidential election, the
17 commission shall transmit to each county clerk a certified list of candidates for
18 president who have qualified to have their names appear on the presidential
19 preference primary ballot.

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

21 **8.12 (title) Presidential preference ~~vote~~ primary.**

22 **SECTION 9.** 8.12 (1) of the statutes is amended to read:

23 8.12 (1) SELECTION OF NAMES FOR BALLOT. (a) No later than 5 p.m. on ~~the 2nd~~
24 ~~Tuesday in December~~ November 15 of the year before each year in which electors for
25 president and vice president are to be elected, the state chairperson of each

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1 recognized political party listed on the official ballot at the last gubernatorial election
2 whose candidate for governor received at least 10 percent of the total votes cast for
3 that office may certify to the commission that the party will participate in the
4 presidential preference primary. For each party filing such a certification, the voters
5 of this state shall ~~at the spring election~~ be given an opportunity to express their
6 preference for the person to be the presidential candidate of that party.

7 (b) ~~On the first Tuesday in January~~ No later than December 1 of each year, ~~or~~
8 ~~the next day if Tuesday is a holiday,~~ preceding the year in which electors for president
9 and vice president are to be elected, there shall be convened in the capitol a
10 committee consisting of, for each party filing a certification under this subsection,
11 the state chairperson of that state party organization or the chairperson's designee,
12 one national committeeman and one national committeewoman designated by the
13 state chairperson; the speaker and the minority leader of the assembly or their
14 designees, and the president and the minority leader of the senate or their designees.
15 All designations shall be made in writing to the commission. This committee shall
16 organize by selecting an additional member who shall be the chairperson and shall
17 determine, and certify to the commission, no later than on the Friday following the
18 date on which the committee convenes under this paragraph, the names of all
19 candidates of the political parties represented on the committee for the office of
20 president of the United States. The committee shall place the names of all
21 candidates whose candidacy is generally advocated or recognized in the national
22 news media throughout the United States on the ballot, and may, in addition, place
23 the names of other candidates on the ballot. The committee shall have sole discretion
24 to determine that a candidacy is generally advocated or recognized in the national
25 news media throughout the United States.

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1 (c) No later than 5 p.m. on the ~~last Tuesday in January~~ December 15 of each
2 year preceding a presidential election year, any person seeking the nomination by
3 the national convention of a political party filing a certification under this subsection
4 for the office of president of the United States, or any committee organized in this
5 state on behalf of and with the consent of such person, may submit to the commission
6 a petition to have the person's name appear on the presidential preference ballot.
7 The petition may be circulated no sooner than ~~the first Tuesday in January of such~~
8 year, or the next day if Tuesday is a holiday, December 1 of the year preceding the
9 presidential election year and shall be signed by a number of qualified electors equal
10 in each congressional district to not less than 1,000 signatures nor more than 1,500
11 signatures. The form of the petition shall conform to the requirements of s. 8.40. All
12 signers on each separate petition paper shall reside in the same congressional
13 district.

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

23 **SECTION 10.** 8.12 (3) of the statutes is amended to read:

24 8.12 (3) REPORTING OF RESULTS. No later than ~~May 15~~ March 31 following the
25 presidential preference primary, the commission shall notify each state party

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

3 **SECTION 11.** 10.02 (3) (b) 3. of the statutes is amended to read:

4 10.02 (3) (b) 3. When casting a presidential preference primary vote, the elector
5 shall select the party ballot of his or her choice and make a cross (X) next to or depress
6 the button or lever next to the candidate's name for whom he or she intends to vote
7 or shall, in the alternative, make a cross (X) next to or depress the button or lever next
8 to the words "Uninstructed delegation", or shall write in the name of his or her choice
9 for a candidate.

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

11 10.06 (2) (d) On the Monday preceding the spring primary, when held, the
12 county clerk shall publish a type B notice. In a year in which the presidential
13 preference primary is held, the county clerk shall publish a type B notice on the
14 Monday preceding the presidential preference primary.

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

16 10.06 (2) (g) On the Monday preceding the spring election, the county clerk
17 shall publish a type B notice containing the same information prescribed in par. (a).
18 ~~In a year in which the presidential preference primary is held, the county clerk shall~~
19 ~~also publish notice of the presidential preference primary.~~ In addition, the county
20 clerk shall publish a type C notice on the Monday preceding the spring election for
21 all state and county referenda to be voted upon by electors of the county.

22 **SECTION 14.** 11.0101 (29) of the statutes is amended to read:

23 11.0101 (29) "Special election" means any election, other than those described
24 in subs. (15), (24), (30), (32), and (33) and other than the presidential preference
25 primary to fill vacancies or to conduct a referendum.

