

State of Wisconsin\Government Accountability Board

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Moving the September Partisan Primary Options for Consideration

The federal 2009 Military and Overseas Voter Empowerment (MOVE) Act requires all states to distribute an official ballot that contains federal offices, i.e., President, Vice-President, U. S. Senate and U.S. House of Representatives, to military and overseas voters no less than 45 calendar days prior to a federal election. The current date of the Partisan Primary, combined with the current statutory ballot deadlines, makes it impossible to meet this 45-day requirement. Simply stated, the Wisconsin September Partisan Primary must be moved.

The Government Accountability Board's staff has met and will continue to meet with local election officials (municipal and county clerks) to gather broad input on viable recommendations for consideration by the Governor and Legislature on possible new Partisan Primary dates. This report sets out the initial thoughts and recommendations of local election officials and G.A.B. staff.

Administrative Factors to Consider in Establishing a New Partisan Primary Election Timeline

While the MOVE Act establishes a 45-day transit period, printed ballots must be delivered to municipal clerks at least 47 days before the General Election, because the 45th day is a Saturday and the 46th day is a Friday, when several municipal clerk offices are closed. County clerks must have ballots prepared one day before they are distributed to municipal clerks. The G.A.B. must certify state and federal candidates to county clerks three weeks before the ballots are delivered to municipal clerks. This ensures county clerks have enough time to create, proof, and print the complicated Partisan Primary ballots and to program election equipment. The Board therefore, must certify candidates to county clerks 69 days before the Partisan Primary.

Under current statutes, the nomination paper circulation timeline for the General Election is June 1st to the 2nd Tuesday in July. This creates a time period of 38-44 days to circulate nomination papers depending on the date of the 2nd Tuesday in July. Allowing the G.A.B. 15 days after nomination papers are due to review nomination papers, receive and rule on any challenges, and certify candidates would require that the nomination paper circulation period begin 122-128 days before the Partisan Primary.

This report outlines the timeframes created by alternative 2012 Partisan Primary election dates proposed for consideration. The dates are subject to changes in future even-numbered years. The nomination paper due date in the examples below is 44 days after the circulation date, providing the maximum time period under current statutes. This timeframe can be adjusted. The presented timeline differs from the current election cycle in four ways:

- 1) Extra time is built in after the nomination paper deadline before G.A.B. certifies candidates to ensure time to review and resolve nomination paper challenges.
- 2) Ballots must be delivered 47 days before the General Election instead of 30 days to comply with the MOVE Act.

- 3) The G.A.B. will certify candidates 69 days before the General Election rather than the current time period which allows only approximately 35 days. The additional time is needed to ensure clerks have enough time to create, proof and print ballots:

County Clerks have informed the G.A.B. that the current timeline to create, proof and print ballots often results in missing the current statutory deadline of making ballots available 30 days prior to the election, and that allowing three weeks to prepare ballots would significantly improve their ability to meet the 45-day MOVE Act deadline.

- 4) Unlike the current statutory timeline, the recount time period is completed before the Board certifies candidates to ensure that a recount will not prevent ballots from being printed 45 days before the election.

It should also be noted that for any of the summarized examples, changing the date of the Partisan Primary will also require altering the reporting periods and filing deadlines for campaign finance reports, if the current reporting framework is to be retained.

Examples of Alternative Partisan Primary Dates

1st Tuesday in June *(June 5, 2012)*

Nomination Paper Circulation – February 5, 2012

Nomination Papers are due – March 13, 2012

G.A.B. Certifies Candidates to County Clerks– March 28, 2012

County Clerks Deliver Ballots to Municipal Clerks – April 19, 2012

Nomination Paper Timelines can be adjusted. For example: February 1st – 2nd Tuesday in March

Pros

- School summer vacation has not started yet ensuring more people will be at their Wisconsin residences during the nomination period and on the Primary date
- Provides enough time before November General Election to accommodate potential extension of provisional ballot deadline and to ensure all recounts are completed before ballots need to be printed and delivered
- Allows for consideration of combining the Presidential Preference Primary with the Partisan Primary
- Several other states conduct their primaries on this date

Cons

- The Legislature has floor periods scheduled the 3rd and 4th week of February (8 days) and the 1st and 2nd week of March (8 days), conflicting with the nomination period for legislative candidates
- Most significant change from the current election cycle and expectations of Wisconsin voters and candidates
- Municipal and county clerks will be conducting the Spring Election at the same time as they are preparing ballots for the Partisan Primary
- Earlier nomination period during the Legislative session affects lobbying and campaign finance restrictions
- Partisan Primary held in June creates the longest campaign season, which may be more likely to result in more expensive campaigns and voter fatigue

3rd Tuesday in July *(July 17, 2012)*

Nomination Paper Circulation – March 11, 2012

Nomination Papers are due – April 24, 2012

G.A.B. Certifies Candidates to County Clerks – May 9, 2012

County Clerks Deliver Ballots to Municipal Clerks – May 31, 2012

Nomination Paper Timelines can be adjusted. For example: March 15th – 3rd Tuesday in April

Pros

- Provides enough time before November General Election to accommodate potential extension of provisional ballot deadline and to ensure all recounts are completed before ballots need to be delivered
- Consistent with the recommendation of the clerks' advisory committee to the G.A.B. (3rd or 4th Tuesday in July)

Cons

- Partisan Primary held during a summer vacation month
- Earlier nomination period during the Legislative session affects lobbying and campaign finance restrictions
- Municipal and county clerks will be completing required wrap-up tasks for the Spring Election at the same time as they are preparing ballots for the Partisan Primary
- Partisan Primary held in July creates longer campaign season, which may be more likely to result in more expensive campaigns and voter fatigue

4th Tuesday in July *(July 24, 2012)*

Nomination Paper Circulation – March 18, 2012

Nomination Papers are due – May 1, 2012

G.A.B. Certifies Candidates to County Clerks – May 16, 2012

County Clerks Deliver Ballots to Municipal Clerks – June 7, 2012

Nomination Paper Timelines can be adjusted. For example: April 1st – April 30th

Pros

- Provides enough time before November General Election to accommodate potential extension of provisional ballot deadline and to ensure all recounts are completed before ballots need to be delivered
- Consistent with the recommendation of the clerks' advisory committee recommendation to the G.A.B. (3rd or 4th Tuesday in July)

Cons

- Partisan Primary held during a summer vacation month
- The Legislature has a limited business floor period scheduled from April 24th to May 3rd, conflicting with the nomination period for legislative candidates
- Earlier nomination period during the Legislative session affects lobbying and campaign finance restrictions
- Municipal and county clerks will be completing required wrap-up tasks for the Spring Election at the same time as preparing for ballots for the Partisan Primary

- Partisan Primary held in July creates longer campaign season, which may be more likely to result in more expensive campaigns and voter fatigue

1st Tuesday in August (*August 7, 2012*)

Nomination Paper Circulation – April 1, 2012

Nomination Papers are due – May 15, 2012

G.A.B. Certifies Candidates to County Clerks – May 30, 2012

County Clerks Deliver Ballots to Municipal Clerks – June 21, 2012

Nomination Paper Timelines can be adjusted. For example: April 1st – May 1st

Pros

- Less significant adjustment to routines of Wisconsin voters and candidates
- Less disruption to municipal and county clerks' work in completing required wrap-up tasks for Spring Election.
- Less significant impact on length of campaign season

Cons

- May require MOVE Act waiver of 45-day requirement if a recount requires ballot printing to be delayed
- Partisan Primary held during a summer vacation month
- Partisan Primary held during the time of the State Fair
- The Legislature has a limited business floor period scheduled from April 24th to May 3rd, conflicting with the nomination period for legislative candidates
- Earlier nomination period during the Legislative session affects lobbying and campaign finance restrictions
- Nomination Papers circulated during the end of the Spring Election season may create voter confusion

2nd Tuesday in August (*Tuesday, August 14, 2012*)

Nomination Paper Circulation – April 8, 2012

Nomination Papers are due – May 22, 2012

G.A.B. Certifies Candidates to County Clerks – June 6, 2012

County Clerks Deliver Ballots to Municipal Clerks – June 28, 2012

Nomination Paper Timelines can be adjusted. For example: April 1st – 2nd Tuesday in May

Pros

- Least significant adjustment to expectations and routines of voters and candidates
- Partisan Primary date would not conflict with State Fair in 2012 or 2014, but would in 2016 and 2018, based upon the Fair's current scheduling formula
- Least significant interference with municipal and county clerks completing wrap-up tasks for Spring Election
- Least significant impact on length of campaign season

Cons

- May require MOVE Act waiver if a recount requires ballot printing to be delayed

(Some states with a Partisan Primary on the 3rd Tuesday of August had to apply for a MOVE Act waiver in 2010; the 2nd Tuesday in August may also be too close to the General Election)

- Partisan Primary held during a summer vacation month
- The Legislature has a limited business floor period scheduled from April 24th to May 3rd, and a veto review floor period scheduled for May 22-23, conflicting with the nomination period for legislative candidates
- Earlier nomination period during the Legislative session affects lobbying and campaign finance restrictions
- Nomination Papers circulated during the end of the Spring Election season may create voter confusion

Other MOVE Act Considerations

- Special Election Cycle
(Needs to meet the 45-day ballot availability requirement for federal special elections)
- Presidential Preference
(Needs to meet the 45-day ballot availability requirement)
- Creating a 45-day ballot requirement for all elections
(Federal government and Commission on Uniform Laws are encouraging all states to require 45-day ballot availability requirement for all elections including non-federal elections)

A report with additional analysis will be submitted to the Governor and Legislature after members of the Government Accountability Board consider this matter during its March 22-23, 2011, regular meeting. If you would like to share your comments directly with the G.A.B., you are welcomed to do so during the Public Comment Segment of the Board meeting on Tuesday morning, March 22, 2010, starting at about 9:45 a.m. The meeting will be held in our office located at 212 East Washington Avenue, Third Floor (location may be subject to change).

My staff and I are available to answer your questions and discuss this review. I may be contacted at Kevin.Kennedy@wi.gov, or at (608) 261-8683. Thank you in advance for reviewing this matter and for your feedback.