



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-6012/1
MPG:amn

2023 BILL

1 **AN ACT** *to create* 12.06 of the statutes; **relating to:** persons previously
2 nominated as presidential electors serving in certain public offices related to
3 elections.

Analysis by the Legislative Reference Bureau

Under current law, the political parties, as well as independent and write-in candidates, nominate one presidential elector from each congressional district and two electors from the state at large. At the election for president and vice president, a vote for a slate of candidates for president and vice president is a vote for the presidential electors pledged to that slate of candidates. The presidential electors of the winning candidates for president and vice president convene after the election, vote for the candidates to whom they are pledged, and transmit their votes to the state's chief elections inspector—the administrator of the Wisconsin Elections Commission—and to Congress.

This bill prohibits any person who was nominated as a presidential elector pledged to losing candidates for president and vice president in a presidential election and who convened with other presidential electors pledged to those losing candidates who then cast votes for those losing candidates in the election and transmitted or attempted to transmit their votes to the administrator of the Elections Commission, or to Congress for purposes of presidential elections held prior to the bill's effective date, from doing any of the following:

1. Serving in the office of presidential elector for Wisconsin.
2. Serving as a member of the Elections Commission or its staff.

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3. Serving as the administrator of the Elections Commission.

4. Serving as an election official. Under current law, any individual who is charged with any duties relating to the conduct of an election is an election official.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 12.06 of the statutes is created to read:

2 **12.06 Presidential electors for losing candidates.** (1) No person who was
3 nominated as a presidential elector pledged to losing candidates for president and
4 vice president in a presidential election and who convened with other presidential
5 electors pledged to those losing candidates who then cast votes for those losing
6 candidates in the election and transmitted or attempted to transmit their votes to the
7 administrator of the commission as the chief election officer of the state for purposes
8 of 3 USC 11 may do any of the following:

9 (a) Serve in the office of presidential elector for this state.

10 (b) Serve as a member of the commission or its staff.

11 (c) Serve as the commission administrator.

12 (d) Serve as an election official.

13 **(2)** For presidential elections held prior to the effective date of this subsection
14 [LRB inserts date], the prohibition under sub. (1) applies to any person who was
15 nominated as a presidential elector pledged to losing candidates for president and
16 vice president in the presidential election and who convened with other presidential
17 electors pledged to those losing candidates who then cast votes for those losing
18 candidates in the election and transmitted or attempted to transmit their votes to
19 Congress.

20 **SECTION 2. Initial applicability.**

