



## 2025 ASSEMBLY BILL 35

February 17, 2025 - Introduced by Representatives STEFFEN, ARMSTRONG, BRILL, BROOKS, DITTRICH, GREEN, GUNDRUM, HURD, KITCHENS, KNODL, KREIBICH, MURPHY, MURSAU, NEDWESKI, O'CONNOR, PIWOWARCZYK, SORTWELL and TUSLER, cosponsored by Senator WANGGAARD. Referred to Committee on Campaigns and Elections.

- 1     **AN ACT to create** 8.35 (1m), 12.13 (3) (ag) and 12.60 (1) (am) of the statutes;  
2             **relating to:** withdrawal of candidacy for certain offices filled at the general  
3             election and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Current law provides that any person seeking an elective office who files nomination papers and qualifies to appear on the ballot may not decline nomination. The person's name must appear on the ballot except in the case of death.

Under this bill, a person who files nomination papers with the Elections Commission for an office to be filled at the general election nevertheless does not qualify to appear on the ballot at the partisan primary or general election, and the person's name is prohibited from appearing on the ballot, if before the last day provided in current law for the Elections Commission to certify candidates' names to the counties for the partisan primary or general election, the person files a sworn statement with the commission attesting that the person withdraws his or her candidacy. Under current law, independent candidates for president and vice president and candidates for the U.S. Senate and House of Representatives, the state senate and assembly, governor and lieutenant governor, secretary of state, state treasurer, and district attorney file such nomination papers with the commission. The bill includes all of those offices except district attorney. The bill also requires the Elections Commission to establish and implement a process by

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which the commission verifies the authenticity of such sworn statements filed with the commission.

The bill additionally requires that a person withdrawing his or her candidacy for for national or statewide office pay a fee of \$1,000 to the Elections Commission. A person withdrawing his or her candidacy for an office that is not elected statewide must pay a fee of \$250 to the commission.

Under the bill, a person who intentionally makes or files a false statement withdrawing a person's candidacy is guilty of a Class G felony, the penalty for which is a fine not to exceed \$25,000 or imprisonment not to exceed 10 years, or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the state 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:***

1           **SECTION 1.** 8.35 (1m) of the statutes is created to read:

2           8.35 **(1m)** (a) A person who files nomination papers with the commission for  
3 an office other than district attorney to be filled at the general election does not  
4 qualify under sub. (1) to appear on the ballot at the partisan primary or general  
5 election, and the person's name shall not appear on the ballot, if, before the June 10  
6 preceding the partisan primary or before the 4th Tuesday in August preceding the  
7 general election, the person does all of the following:

8           1. Files a sworn statement with the commission on a form prescribed by the  
9 commission attesting that the person withdraws his or her candidacy.

10           2. Pays a fee of \$1,000 to the commission if the person is a candidate for  
11 national or statewide office.

12           3. Pays a fee of \$250 to the commission if the person is a candidate for an office  
13 not elected statewide.

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1 (b) The commission shall establish and implement a process by which the  
2 commission verifies the authenticity of sworn statements filed with the commission  
3 under par. (a) 1.

4 **SECTION 2.** 12.13 (3) (ag) of the statutes is created to read:

5 12.13 (3) (ag) Intentionally make or file a false statement withdrawing a  
6 person's candidacy under s. 8.35 (1m) (a) 1.

7 **SECTION 3.** 12.60 (1) (am) of the statutes is created to read:

8 12.60 (1) (am) Whoever violates s. 12.13 (3) (ag) is guilty of a Class G felony.

9 (END)