



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-3791/1
MPG&JK:emw&wlj

2025 SENATE BILL 378

July 16, 2025 - Introduced by Senators FEYEN and QUINN, cosponsored by Representatives KRUG, BEHNKE, DITTRICH, GREEN, KREIBICH, MAXEY, MOSES, MURPHY, MURSAU, ROE and SNODGRASS. Referred to Committee on Government Operations, Labor and Economic Development.

1 **AN ACT** *to renumber* 9.01 (4) and 9.01 (7) (a); *to renumber and amend* 7.70
2 (5) (b); *to amend* 7.51 (5) (b), 7.53 (1) (a), 7.53 (2) (d), 7.60 (3), 7.60 (5) (a), 7.70
3 (1) (b), 7.70 (3) (a), 7.70 (3) (c), 7.70 (3) (i), 7.70 (5) (title), 7.70 (5) (a), 7.75 (1),
4 9.01 (1) (ar) 3., 9.01 (6) (a), 9.01 (6) (b), 9.01 (7) (b) and 9.01 (9) (a); *to create*
5 5.05 (19), 7.70 (3) (cm), 7.70 (5) (b) 2., 7.70 (5) (b) 3., 9.01 (1) (ar) 4., 9.01 (4) (b),
6 9.01 (6) (am), 9.01 (7) (a) 2., 9.01 (9) (am), 9.01 (9) (cm) and 9.01 (9m) of the
7 statutes; **relating to:** compliance with the federal Electoral Count Reform
8 Act.

Analysis by the Legislative Reference Bureau

Under the federal Electoral Count Reform Act, states should ensure that their canvass, recount, and precertification procedures are completed within a 36-day period from the date of a presidential election to the date on which a state certifies its presidential election results. This bill makes changes to Wisconsin election laws in order to comply with deadlines established by the ECRA for selecting presidential electors and transmitting election results to Congress, including all of the following:

SENATE BILL 378

1. Current law does not include a state deadline for certification of a presidential election. The bill requires the governor to transmit a certificate of ascertainment of appointment of presidential electors to the archivist of the United States no later than six days before the meeting of the state's presidential electors and in the manner prescribed by the ECRA.

2. The bill further requires the governor to deliver six duplicate originals of the certificate of ascertainment to one of the state's presidential electors no later than the first Tuesday after the second Wednesday in December. Under current law, that deadline is the first Monday after the second Wednesday in December.

3. Current law requires the electors for president and vice president to meet at the state capitol at noon on the first Monday after the second Wednesday in December. Consistent with the ECRA, the bill requires the electors to meet on the first Tuesday after the second Wednesday in December.

4. Current law requires the Elections Commission chairperson to complete the state canvass of election results within 10 days from the day on which the canvass commences and, for a general election, no later than December 1 following the election. With regard to a presidential election, the bill requires the commission chairperson to complete the state canvass no later than 16 days after the election.

5. Under current law, when the Elections Commission receives a valid petition for a recount, it must promptly order the proper county board of canvassers to commence the recount. The order must be sent by certified mail or by "other expeditious means," and the county board of canvassers must commence the recount no later than 9 a.m. on the third day after receiving the order. With regard to a presidential election, the bill requires that the order be sent immediately, on the same day on which the commission receives the petition, and by secure electronic means. In addition, the board of canvassers must commence a recount no later than 9 a.m. on the second day after receiving an order and may not adjourn until the recount is complete in the county, except to the extent permitted by the commission.

6. Under current law, a candidate may petition for a full or partial recount of the votes cast in an election. If a candidate petitions for a partial recount, current law provides that opposing candidates may file a petition for an additional partial or full recount of the remaining wards or municipalities no later than 5 p.m. two days after the initial partial recount is completed. Under the bill, with regard to a petition for a partial recount in a presidential election, opposing candidates must file their petition for an additional partial or full recount no later than 5 p.m. on the day after the original petition was filed, and the proper board of canvassers must reconvene the next business day.

7. Under current law, a candidate may file an appeal of the recount results with the circuit court within five business days after the recount is completed. With regard to a presidential election, the bill shortens that deadline to one business day. The bill also requires the court to make a determination on the appeal no later than 7 days after the day on which the appeal is filed rather than "as expeditiously as possible," as provided under current law.

SENATE BILL 378**SECTION 1**

8. With regard to a recount, current law allows a candidate aggrieved by an order of the circuit court to file an appeal with the court of appeals within 30 days after the circuit court's order. Under the bill, with regard to a presidential election recount, a candidate who wishes to appeal a circuit court order must file his or her appeal with the Wisconsin Supreme Court. The bill requires a candidate to file his or her appeal no later than the day after the circuit court issues its order. The bill also requires the supreme court to resolve such appeals as soon as possible and directs the governor to update the certificate of the election results pursuant to an order of the supreme court, if the court issues the order no later than 4 p.m. on the day before the date on which the presidential electors are to convene. The bill also establishes expedited procedures for a recount in a presidential election that is not complete by the sixth day before the date on which the presidential electors are to convene.

9. Finally, the bill adjusts municipal and county canvassing deadlines with regard to a presidential election in order to conform with the other changes made by the bill and establishes procedures for the commission to follow should municipal and county canvassing deadlines fail to be met.

Additionally, the bill requires the Elections Commission to publish on its website a table setting forth each day or deadline on or by which an act or event is required by law to occur in a presidential election, including with respect to recounts and recount appeals.

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:

1 **SECTION 1.** 5.05 (19) of the statutes is created to read:

2 **5.05 (19) DEADLINES CONCERNING PRESIDENTIAL ELECTIONS.** The commission
3 shall publish on its website a table setting forth each day or deadline on or by which
4 an act or event is required by law to occur in a presidential election, including with
5 respect to recounts and recount appeals.

6 **SECTION 2.** 7.51 (5) (b) of the statutes is amended to read:

7 **7.51 (5) (b)** The municipal clerk shall deliver all ballots, statements, tally
8 sheets, lists, and envelopes relating to a school district election to the school district
9 clerk, excluding any provisional ballots, by 4 p.m. on the day following each such

SENATE BILL 378**SECTION 2**

1 election and shall deliver to the school district clerk any amended statements, tally
2 sheets, and lists for additional provisional ballots canvassed under s. 6.97 (4) no
3 later than 4 p.m. on the Monday after the election. The municipal clerk shall
4 deliver to the county clerk the ballots, statements, tally sheets, lists, and envelopes
5 for his or her municipality relating to any county, technical college district, state, or
6 national election no later than 4 p.m. on the day following each such election or, in
7 municipalities where absentee ballots are canvassed under s. 7.52, by 4 p.m. on the
8 2nd day following each such election, and shall deliver to the county clerk any
9 additional provisional ballots canvassed under s. 6.97 (4) together with amended
10 statements, tally sheets, lists, and envelopes no later than 4 p.m. on the Monday
11 after the election or, notwithstanding s. 990.001 (4) (c), for a presidential election,
12 no later than 9 a.m. on the Saturday after the election. The county clerk shall
13 maintain office hours on that Saturday as necessary to receive such filings in a
14 presidential election. The person delivering the returns shall be paid out of the
15 municipal treasury. Each clerk shall retain ballots, statements, tally sheets, or
16 envelopes received by the clerk until destruction is authorized under s. 7.23 (1).

17 **SECTION 3.** 7.53 (1) (a) of the statutes is amended to read:

18 7.53 (1) (a) Where the municipality constitutes one ward or combines all
19 wards to utilize a single polling place under s. 5.15 (6) (b), the canvass of the votes
20 cast at the polling place shall be conducted publicly under s. 7.51 and the
21 inspectors, other than any inspector appointed under s. 7.30 (1) (b), shall act as the
22 municipal board of canvassers. The inspectors shall then complete the return
23 statement for all votes cast at the polling place. If there are no provisional ballots

SENATE BILL 378**SECTION 3**

1 that are eligible to be counted under s. 6.97 and no absentee ballots are being
2 canvassed under s. 7.52, the inspectors may complete and sign the canvass
3 statement and determination on election night. In municipalities where absentee
4 ballots are canvassed under s. 7.52, after the canvass of the absentee ballots is
5 completed under s. 7.52, the board of absentee ballot canvassers shall reconcile the
6 poll list of the electors who vote by absentee ballot with the corresponding poll list of
7 the electors who vote in person to ensure that no elector is allowed to cast more than
8 one ballot. If an elector who votes in person has submitted an absentee ballot, the
9 absentee ballot is void. Except as authorized in par. (b), if one or more electors of
10 the municipality have cast provisional ballots that are eligible to be counted under
11 s. 6.97, the inspectors, acting as the board of canvassers, shall reconvene no later
12 than 9 a.m. on the Monday after the election, or no later than 4 p.m. on the Friday
13 after a presidential election, to count the valid provisional ballots and shall adjust
14 the returns accordingly. The inspectors, acting as the board of canvassers, need not
15 reconvene if the municipal clerk certifies that he or she has received no provisional
16 ballots from the time that the board of canvassers completed the initial canvass and
17 4 p.m. on the Friday after the election. Upon completion of the canvass under this
18 paragraph and any canvass that is conducted under s. 7.52 and ascertainment of
19 the results by the inspectors or, in municipalities where absentee ballots are
20 canvassed under s. 7.52, by the inspectors and the board of absentee ballot
21 canvassers, the municipal clerk shall publicly read to the inspectors or the board of
22 absentee ballot canvassers the names of the persons voted for and the number of
23 votes for each person for each municipal office, the names of the persons declared by

SENATE BILL 378**SECTION 3**

1 the inspectors or board of absentee ballot canvassers to have won nomination or
2 election to each municipal office, and the number of votes cast for and against each
3 municipal referendum question.

4 **SECTION 4.** 7.53 (2) (d) of the statutes is amended to read:

5 7.53 (2) (d) In municipalities with one polling place, the canvass shall be
6 conducted under sub. (1) publicly on election night. In other municipalities, the
7 municipal board of canvassers shall publicly canvass the returns of every election.
8 The canvass shall begin no earlier than the time that the municipal board of
9 canvassers receives the returns from all polling places in the municipality on
10 election night and no later than 9 a.m. on the Monday after the election, except that,
11 for a presidential election, the canvass shall begin no later than 5 p.m. on the Friday
12 after the election. After any canvass of the absentee ballots is completed under s.
13 7.52, the board of canvassers shall reconcile the poll list of the electors who vote by
14 absentee ballot with the corresponding poll list of the electors who vote in person to
15 ensure that no elector is allowed to cast more than one ballot. If an elector who
16 votes in person has submitted an absentee ballot, the absentee ballot is void. At the
17 spring election, the board of canvassers shall publicly declare the results on or
18 before the 3rd Tuesday in April. The board of canvassers shall prepare a statement
19 showing the results of each election for any municipal office and each municipal
20 referendum. After each primary for municipal offices, the board of canvassers shall
21 prepare a statement certifying the names of those persons who have won
22 nomination to office. After each other election for a municipal office and each
23 municipal referendum, the board of canvassers shall prepare a determination

SENATE BILL 378**SECTION 4**

1 showing the names of the persons who are elected to each municipal office and the
2 results of each municipal referendum. The board of canvassers shall file each
3 statement and determination in the office of the municipal clerk or board of election
4 commissioners.

5 **SECTION 5.** 7.60 (3) of the statutes is amended to read:

6 7.60 (3) CANVASSING. Not later than 9 a.m. on the Tuesday after each election
7 the county board of canvassers shall open and publicly examine the returns, except
8 that, for a presidential election, the board of canvassers shall open and publicly
9 examine the returns not later than noon on the Saturday after the election. If
10 returns have not been received from any election district or ward in the county, ~~they~~
11 ~~shall dispatch a messenger and the person having them shall deliver the returns to~~
12 ~~the messenger~~ the district attorney of the county shall immediately initiate an
13 enforcement action under s. 5.07 to obtain the returns in the circuit court for that
14 county or before the circuit judge appointed under s. 9.01 (6) (b) to hear recount
15 appeals in the presidential election. If, on examination, any of the returns received
16 are so informal or defective that the board cannot intelligently canvass them, they
17 shall dispatch a messenger to deliver the returns back to the municipal board of
18 canvassers with written specifications of the informalities or defects and command
19 them to immediately complete the returns or remedy the defects in the manner
20 required and deliver them to the messenger. Every messenger shall safely keep all
21 returns, show them to no one but the municipal clerk and board of canvassers and
22 deliver them to the county clerk with all possible dispatch. To acquire the necessary
23 full returns and remedy any informalities or defects the county board of canvassers

SENATE BILL 378**SECTION 5**

1 may adjourn not longer than one day at a time nor more than 2 days in all, except
2 that, for a presidential election, the board of canvassers may adjourn only to the
3 extent permitted by the commission.

4 **SECTION 6.** 7.60 (5) (a) of the statutes is amended to read:

5 7.60 (5) (a) Immediately following the canvass, the county clerk shall deliver
6 or transmit to the elections commission a certified copy of each statement of the
7 county board of canvassers for president and vice president, state officials, senators
8 and representatives in congress, state legislators, justice, court of appeals judge,
9 circuit judge, district attorney, and metropolitan sewerage commissioners, if the
10 commissioners are elected under s. 200.09 (11) (am). The statement shall record
11 the returns for each office or referendum by ward, unless combined returns are
12 authorized under s. 5.15 (6) (b) in which case the statement shall record the returns
13 for each group of combined wards. Following primaries the county clerk shall
14 enclose on forms prescribed by the elections commission the names, party or
15 principle designation, if any, and number of votes received by each candidate
16 recorded in the same manner. The county clerk shall deliver or transmit the
17 certified statement to the elections commission no later than 9 days after each
18 primary except the partisan primary, no later than 10 days after the partisan
19 primary and any other election except the general election, and no later than 14
20 days after the general election except a presidential election. The county clerk shall
21 deliver or transmit the certified statement to the elections commission no later than
22 6 days after a presidential election. The board of canvassers shall deliver or

SENATE BILL 378**SECTION 6**

1 transmit a certified copy of each statement for any technical college district
2 referendum to the secretary of the technical college district board.

3 **SECTION 7.** 7.70 (1) (b) of the statutes is amended to read:

4 7.70 (1) (b) If any county clerk fails or neglects to forward any statements, the
5 commission chairperson or the chairperson's designee may require the clerk to do so
6 immediately, and if the statements are not received by the 8th day after a primary,
7 by the 7th day after a presidential election, or by the 11th day after any other
8 election, the commission ~~may dispatch a special messenger to obtain them~~
9 chairperson or the chairperson's designee shall immediately notify the county clerk,
10 in writing, that failure to immediately forward the statements constitutes a
11 violation of law that will result in an immediate enforcement action under s. 5.05
12 (1) (d). If the commission does not receive the statements within one day after such
13 written notice is delivered to the county clerk, the commission shall immediately
14 initiate an enforcement action under s. 5.05 (1) (d) to obtain the statements in the
15 circuit court for that county or before the circuit judge appointed under s. 9.01 (6)
16 (b) to hear recount appeals in the presidential election. Whenever it appears upon
17 the face of any statement that an error has been made in reporting or computing,
18 the commission may return it to the county clerk for correction. The county clerk
19 shall make the necessary corrections and return the statement to the commission
20 no later than 3 days after the county clerk receives the statement from the
21 commission for correction.

22 **SECTION 8.** 7.70 (3) (a) of the statutes is amended to read:

23 7.70 (3) (a) ~~The~~ Except for a presidential election, the chairperson of the

SENATE BILL 378**SECTION 8**

1 commission or a designee of the chairperson appointed by the chairperson to
2 canvass a specific election shall publicly canvass the returns and make his or her
3 certifications and determinations on or before the 2nd Tuesday following a spring
4 primary; the 15th day of May following a spring election; the 3rd Wednesday
5 following a partisan primary; the first day of December following a general
6 election; the 2nd Thursday following a special primary; or within 18 days after any
7 special election.

8 **SECTION 9.** 7.70 (3) (c) of the statutes is amended to read:

9 7.70 (3) (c) The Except for a presidential election, the chairperson of the
10 commission or the chairperson's designee shall conclude the state canvass within
11 10 days after its commencement.

12 **SECTION 10.** 7.70 (3) (cm) of the statutes is created to read:

13 7.70 (3) (cm) For a presidential election, the chairperson of the commission or
14 the chairperson's designee shall conclude the state canvass and make his or her
15 certifications and determinations no later than 16 days after the date of the
16 presidential election.

17 **SECTION 11.** 7.70 (3) (i) of the statutes is amended to read:

18 7.70 (3) (i) The commission chairperson or the chairperson's designee shall
19 canvass only regular returns made by the county board of canvassers and shall not
20 count or canvass any additional or supplemental returns or statements made by the
21 county board or any other board or person. The commission chairperson or the
22 chairperson's designee shall not count or canvass any statement or return which
23 has been made by the county board of canvassers at any other time than that
24 provided in s. 7.60. If, by the 16th day after the date of the election in a presidential

SENATE BILL 378**SECTION 11**

1 election, a county board of canvassers fails to certify a statement or return under s.
2 7.60 (4) or a county clerk fails to deliver or transmit a statement or return to the
3 commission under s. 7.60 (5) (a), the commission chairperson or the chairperson's
4 designee shall canvass the unofficial returns for the county on the basis of all the
5 returns canvassed by all municipalities in that county under s. 7.53. This provision
6 does not apply to any return made subsequent to a recount under s. 9.01, when the
7 return is accepted in lieu of any prior return from the same county for the same
8 office; or to a statement given to the commission chairperson or chairperson's
9 designee or a messenger sent by the chairperson or designee to obtain a correction.

10 **SECTION 12.** 7.70 (5) (title) of the statutes is amended to read:

11 7.70 (5) (title) CERTIFICATES OF ELECTION; CERTIFICATES OF ASCERTAINMENT
12 OF APPOINTMENT OF ELECTORS.

13 **SECTION 13.** 7.70 (5) (a) of the statutes is amended to read:

14 7.70 (5) (a) The commission shall record in its office each certified statement
15 and determination made by the commission chairperson or the chairperson's
16 designee. Immediately after the expiration of the time allowed to file a petition for
17 recount, the commission shall make and transmit to each person declared elected a
18 certificate of election under the seal of the commission, except that the commission
19 need not wait until expiration of the time allowed to file a petition for recount if
20 there is no aggrieved party, as defined in s. 9.01 (1) (a) 5. It shall also prepare
21 similar certificates, attested by the commission administrator, addressed to the
22 U.S. house of representatives, stating the names of those persons elected as
23 representatives to the congress from this state. In the case of U.S. senators, the
24 commission shall prepare a certificate of election for the governor's signature, and

SENATE BILL 378**SECTION 13**

1 the governor shall sign and affix the great seal of the state and transmit the
2 certificate to the president of the U.S. senate. The certificate shall be
3 countersigned by the secretary of state. If a person elected was elected to fill a
4 vacancy, the certificate shall so indicate. When a valid petition for recount is filed,
5 the commission chairperson or the chairperson's designee may not certify a
6 nomination, and the governor or commission may not issue a certificate of election
7 until the recount has been completed and the time allowed for filing an appeal has
8 passed, or if appealed until the appeal is decided. This paragraph does not apply to
9 presidential elections.

10 **SECTION 14.** 7.70 (5) (b) of the statutes is renumbered 7.70 (5) (b) 1. and
11 amended to read:

12 7.70 (5) (b) 1. For a presidential electors election, the commission shall record
13 each certified statement and determination made by the commission chairperson or
14 the chairperson's designee. The commission shall prepare -a- the certificate of
15 ascertainment of appointment of presidential electors required under 3 USC 5
16 showing the determination of the results of the canvass and the names of the
17 persons elected, and the governor shall sign, affix the great seal of the state, and
18 transmit issue the certificate by signing, affixing the great seal of the state, and
19 transmitting the certificate as soon as possible, but no later than the 6th day before
20 the date on which the presidential electors are to convene under s. 7.75 (1), by
21 registered mail the most expeditious method available, as determined by the
22 governor, to the U.S. administrator of general services archivist of the United
23 States. The certificate shall contain at least one security feature, as determined by
24 the governor, for the purpose of verifying the authenticity of the certificate. The

SENATE BILL 378**SECTION 14**

1 secure components of any security feature used to verify the authenticity of a
2 certificate are confidential and not subject to disclosure under s. 19.35. The
3 governor shall issue and transmit the certificate no later than 2 days after the
4 commission prepares the certificate, except as provided under subd. 2. The
5 governor shall also prepare 6 duplicate originals of such certificate and deliver
6 them to one of the presidential electors on or before the first ~~Monday~~ Tuesday after
7 the 2nd Wednesday in December.

8 **SECTION 15.** 7.70 (5) (b) 2. of the statutes is created to read:

9 7.70 (5) (b) 2. The fact that a recount petition has been filed, or that a recount
10 or recount appeal is pending, has no effect on the governor's duty to issue a
11 certificate of ascertainment of appointment of electors not later than the 6th day
12 before the date on which the presidential electors are to convene under s. 7.75 (1), as
13 required under subd. 1. and 3 USC 5 (a) (1), and has no effect on the commission
14 chairperson's or the chairperson's designee's duty to make a determination in the
15 presidential election and prepare a certificate of ascertainment of appointment of
16 electors for the governor's signature. However, if a valid recount petition is filed
17 under s. 9.01 (1), the governor may not issue the certificate required under subd. 1.
18 until the completion and certification of the recount or until 3 p.m. on the 6th day
19 before the date on which the presidential electors are to convene under s. 7.75 (1),
20 whichever occurs first. If the recount is completed and certified before 3 p.m. on the
21 6th day before the date on which the presidential electors are to convene under s.
22 7.75 (1), and all recount appeals have been waived or exhausted, the certificate
23 issued by the governor shall reflect the certified result of that recount or, if
24 applicable, recount appeal. If a recount is not completed and certified before 3 p.m.

SENATE BILL 378**SECTION 15**

1 on the 6th day before the date on which the presidential electors are to convene
2 under s. 7.75 (1), the governor shall issue the certificate subject to s. 9.01 (9m). If a
3 recount appeal is ongoing at the time at which the governor must issue the
4 certificate under this subdivision, a superseding certificate may be issued only in
5 accordance with s. 9.01 (9) (cm).

6 **SECTION 16.** 7.70 (5) (b) 3. of the statutes is created to read:

7 7.70 (5) (b) 3. A superseding certificate of ascertainment of appointment of
8 electors issued by the governor under s. 9.01 (9) (cm) or (9m) or pursuant to a state
9 or federal court order supersedes any prior certificate of ascertainment of
10 appointment of electors issued under subd. 1., shall be transmitted consistent with
11 the requirements under subd. 1. for the certificate of ascertainment of appointment
12 of electors, and is conclusive with respect to the determination of this state's
13 presidential electors for purposes of the meeting of presidential electors under s.
14 7.75.

15 **SECTION 17.** 7.75 (1) of the statutes is amended to read:

16 7.75 (1) The electors for president and vice president shall meet at the state
17 capitol following the presidential election at 12:00 noon the first ~~Monday~~ Tuesday
18 after the 2nd Wednesday in December to cast and transmit their electoral votes
19 pursuant to 3 USC 7 to 11. If there is a vacancy in the office of an elector due to
20 death, refusal to act, failure to attend or other cause, the electors present shall
21 immediately proceed to fill by ballot, by a plurality of votes, the electoral college
22 vacancy. When all electors are present, or the vacancies filled, they shall perform
23 their required duties under the constitution and laws of the United States.

24 **SECTION 18.** 9.01 (1) (ar) 3. of the statutes is amended to read:

SENATE BILL 378**SECTION 18**

1 9.01 (1) (ar) 3. ~~Whenever~~ Except in the event of a recount for a presidential
2 election as provided in subd. 4., whenever a clerk receives a valid petition and any
3 payment under par. (ag) 3., the clerk shall thereupon notify the proper board of
4 canvassers. Whenever the commission receives a valid petition and any payment
5 under par. (ag) 3., the commission shall promptly by certified mail or other
6 expeditious means order the proper county boards of canvassers to commence the
7 recount. County boards of canvassers shall convene no later than 9 a.m. on the 3rd
8 day after receipt of an order and may adjourn for not more than one day at a time
9 until the recount is completed in the county, except that the commission may permit
10 extension of the time for adjournment. Returns from a recount ordered by the
11 commission shall be transmitted to the office of the commission as soon as possible,
12 but in no case later than 13 days from the date of the order of the commission
13 directing the recount. The commission chairperson or the chairperson's designee
14 may not make a determination in any election if a recount is pending before any
15 county board of canvassers in that election. The commission chairperson or the
16 chairperson's designee need not recount actual ballots, but shall verify the returns
17 of the county boards of canvassers in making his or her determinations.

18 **SECTION 19.** 9.01 (1) (ar) 4. of the statutes is created to read:

19 9.01 (1) (ar) 4. Whenever the commission receives a valid petition and any
20 payment under par. (ag) 3. in a presidential election, the commission shall
21 immediately, on the same day on which the commission receives the petition and
22 payment, order the proper county boards of canvassers to commence the recount.
23 The commission shall send the order by secure electronic means. County boards of

SENATE BILL 378**SECTION 19**

1 canvassers shall convene no later than 9 a.m. on the 2nd day after the receipt of an
2 order and may not adjourn until the recount is completed in the county, except to
3 the extent permitted by the commission. Returns from a recount ordered by the
4 commission under this subdivision shall be transmitted to the office of the
5 commission as soon as possible but in no case later than 5 days after the date of the
6 order directing the recount. The commission chairperson or the chairperson's
7 designee may not make a determination in the presidential election if a recount of
8 the presidential election is pending before any county board of canvassers for that
9 election, except that, as provided in s. 7.70 (5) (b) 2., nothing in this subdivision
10 shall prevent the commission chairperson or the chairperson's designee from
11 making a determination in the presidential election or preparing a certificate of
12 ascertainment of appointment of electors, nor prevent the governor from issuing a
13 certificate of ascertainment of appointment of electors, by the 6th day before the
14 date on which the presidential electors are to convene under s. 7.75 (1), as required
15 under s. 7.70 (5) (b) 1. and 3 USC 5 (a) (1). The commission chairperson or the
16 chairperson's designee need not recount actual ballots but shall verify the returns
17 of the county boards of canvassers in making his or her determination.

18 **SECTION 20.** 9.01 (4) of the statutes is renumbered 9.01 (4) (a).

19 **SECTION 21.** 9.01 (4) (b) of the statutes is created to read:

20 9.01 (4) (b) Notwithstanding par. (a), whenever a recount petition for a
21 presidential election for part of the wards or municipalities in the state is filed
22 under this section, any opposing candidate in the presidential election whose name
23 appeared on the ballot may similarly file a petition for recount in any or all of the
24 remaining wards or municipalities in the state. The petition shall be filed not later

SENATE BILL 378**SECTION 21**

1 than 5 p.m. on the day after the original petition is filed under sub. (1). The proper
2 board of canvassers shall reconvene at 9 a.m. on the next business day following the
3 filing of the petition and proceed to recount the ballots in all wards or
4 municipalities specified and to otherwise review the allegations of fact contained in
5 the petition. Any errors shall be corrected.

6 **SECTION 22.** 9.01 (6) (a) of the statutes is amended to read:

7 9.01 (6) (a) ~~Within~~ Except as provided in par. (am), within 5 business days
8 after completion of the recount determination by the board of canvassers in all
9 counties concerned, or within 5 business days after completion of the recount
10 determination by the commission chairperson or the chairperson's designee
11 whenever a determination is made by the chairperson or designee, any candidate,
12 or any elector when for a referendum, aggrieved by the recount may appeal to
13 circuit court. The appeal shall commence by serving a written notice of appeal on
14 the other candidates and persons who filed a written notice of appearance before
15 each board of canvassers whose decision is appealed, or in the case of a statewide
16 recount, before the commission chairperson or the chairperson's designee. The
17 appellant shall also serve notice on the commission if the commission chairperson
18 or the chairperson's designee is responsible for determining the election. The
19 appellant shall serve the notice by certified mail or in person. The appellant shall
20 file the notice with the clerk of circuit court together with an undertaking and
21 surety in the amount approved by the court, conditioned upon the payment of all
22 costs ~~taxed~~ assessed against the appellant.

23 **SECTION 23.** 9.01 (6) (am) of the statutes is created to read:

24 9.01 (6) (am) For a presidential election, within one business day after the

SENATE BILL 378**SECTION 23**

1 completion of the recount determination by the commission chairperson or the
2 chairperson's designee whenever a determination is made by the chairperson or
3 designee, any candidate aggrieved by the recount may appeal to circuit court. The
4 appeal shall commence by serving a written notice of appeal on the other
5 candidates who filed a written notice of appearance before each board of canvassers
6 whose decision is appealed or, in the case of a statewide recount, before the
7 commission chairperson or the chairperson's designee. The appellant shall also
8 serve notice on the commission if the commission chairperson or the chairperson's
9 designee is responsible for determining the election. The appellant shall serve the
10 notice by certified mail or in person. The appellant shall file the notice with the
11 clerk of circuit court together with an undertaking and surety in the amount
12 approved by the court, conditioned upon the payment of all costs assessed against
13 the appellant.

14 **SECTION 24.** 9.01 (6) (b) of the statutes is amended to read:

15 9.01 (6) (b) If an appeal is filed from a recount determination in an election
16 which is held in more than one judicial circuit, the chief judge of the judicial
17 administrative district in which the election is held shall consolidate all appeals
18 relating to that election and appoint a circuit judge, who shall be a reserve judge if
19 available, to hear the appeal. If the election is held in more than one judicial
20 administrative district, the chief justice of the supreme court shall make the
21 appointment. In any year in which there is a presidential election, the chief justice
22 of the supreme court shall, on the first Monday in November, appoint a circuit

SENATE BILL 378**SECTION 24**

1 judge, who shall be a reserve judge if available, to hear any appeals under this
2 section related to the presidential election, except as provided under sub. (9) (am).

3 **SECTION 25.** 9.01 (7) (a) of the statutes is renumbered 9.01 (7) (a) 1.

4 **SECTION 26.** 9.01 (7) (a) 2. of the statutes is created to read:

5 9.01 (7) (a) 2. Notwithstanding subd. 1., in a presidential election, the court
6 with whom an appeal is filed shall forthwith issue an order directing each affected
7 county, municipal clerk, or board, and the commission, to immediately secure and
8 maintain in a safe and secure location all ballots, papers, and records affecting the
9 appeal for the duration of any recount and recount appeal under this section in the
10 presidential election. The order shall be served upon each affected county,
11 municipal clerk, or board, the commission, and all other candidates and persons
12 who filed a written notice of appearance before any board of canvassers involved in
13 the recount.

14 **SECTION 27.** 9.01 (7) (b) of the statutes is amended to read:

15 9.01 (7) (b) The appeal shall be heard by a judge without a jury. Promptly
16 following the filing of an appeal, the court shall hold a scheduling conference for the
17 purpose of adopting procedures that will permit the court to determine the matter
18 as expeditiously as possible. For an appeal regarding a presidential election, the
19 court shall determine the matter no later than 7 days after the day on which the
20 appeal is filed. Within the time ordered by the court, the appellant shall file a
21 complaint enumerating with specificity every alleged irregularity, defect, mistake
22 or fraud committed during the recount. The appellant shall file a copy of the
23 complaint with each person who is entitled to receive a copy of the order under par.
24 (a). Within the time ordered by the court, the other parties to the appeal shall file

SENATE BILL 378**SECTION 27**

1 an answer. Within the time ordered by the court, the parties to the appeal shall
2 provide the court with any other information ordered by the court. At the time and
3 place ordered by the court, the matter shall be summarily heard and determined
4 and costs shall be taxed as in other civil actions. Those provisions of chs. 801 to 806
5 which are inconsistent with a prompt and expeditious hearing do not apply to
6 appeals under this section.

7 **SECTION 28.** 9.01 (9) (a) of the statutes is amended to read:

8 9.01 (9) (a) ~~Within~~ Except as provided in par. (am), within 30 days after entry
9 of the order of the circuit court, a party aggrieved by the order may appeal to the
10 court of appeals.

11 **SECTION 29.** 9.01 (9) (am) of the statutes is created to read:

12 9.01 (9) (am) With regard to a presidential election, no later than one day
13 after entry of the order of the circuit court, a party aggrieved by the order may
14 appeal directly to the supreme court. The exclusive judicial remedy for review of
15 any decision or order of the circuit court with regard to a recount in a presidential
16 election shall be by appeal to the supreme court.

17 **SECTION 30.** 9.01 (9) (cm) of the statutes is created to read:

18 9.01 (9) (cm) With regard to an appeal under par. (am), the supreme court
19 shall make a determination of the issues on appeal as soon as possible. If the
20 supreme court issues an order no later than the day before the date on which the
21 presidential electors are to convene under s. 7.75 (1) that requires the governor to
22 issue a superseding certificate of ascertainment of appointment of electors under s.
23 7.70 (5) (b) consistent with the certified results of the recount, the governor shall

SENATE BILL 378**SECTION 30**

1 issue that superseding certificate by 9 a.m. on the date on which the presidential
2 electors are to convene under s. 7.75 (1). If the supreme court does not issue an
3 order by the day before the date on which the presidential electors are to convene
4 under s. 7.75 (1) requiring the governor to issue a superseding certificate of
5 ascertainment of appointment of electors, the governor's certificate originally
6 issued pursuant to s. 7.70 (5) (b) is conclusive with respect to the determination of
7 this state's presidential electors for purposes of the meeting of presidential electors
8 under s. 7.75.

9 **SECTION 31.** 9.01 (9m) of the statutes is created to read:

10 9.01 **(9m)** RECOUNT DELAYS IN PRESIDENTIAL ELECTIONS. (a) If a recount in a
11 presidential election is not completed and certified before 3 p.m. on the 6th day
12 before the date on which the presidential electors are to convene under s. 7.75 (1),
13 the certificate of ascertainment of appointment of electors issued by the governor
14 under s. 7.70 (5) (b) shall reflect the certified statement of the election results
15 recorded under s. 7.70 (5) (b).

16 (b) If a recount in a presidential election is not completed before 3 p.m. on the
17 6th day before the date on which the presidential electors are to convene under s.
18 7.75 (1), but is completed by the 2nd day before the date on which the presidential
19 electors are to convene under s. 7.75 (1), and the recount determination of the
20 commission chairperson or the chairperson's designee alters the winners of the
21 presidential election as reflected on the certificate of ascertainment of appointment
22 of electors issued by the governor under s. 7.70 (5) (b), any candidate for president or
23 vice president of the United States aggrieved by the recount may appeal directly to
24 the supreme court by filing a petition for original action under s. 809.70. The

SENATE BILL 378**SECTION 31**

1 appeal shall be filed no later than 24 hours after the commission chairperson or the
2 chairperson's designee enters his or her determination and shall enumerate with
3 specificity every alleged irregularity, defect, mistake, or fraud committed during
4 the recount. The appeal shall commence by serving a written notice of appeal on
5 the other candidates who filed a written notice of appearance before the commission
6 chairperson or the chairperson's designee. The appellant shall also serve notice on
7 the commission. The appellant shall serve the notice by certified mail or in person.
8 The appellant shall file with the clerk of the supreme court the notice, together with
9 an undertaking and surety in the amount approved by the supreme court,
10 conditioned upon the payment of all costs assessed against the appellant.

11 (c) An aggrieved candidate filing an appeal under par. (b) shall request an
12 expedited hearing and that the supreme court issue any order granting relief no
13 later than the day before the date on which the presidential electors are to convene
14 under s. 7.75 (1). The supreme court may refer issues of fact to the circuit judge
15 appointed under sub. (6) (b) to hear recount appeals in the presidential election,
16 subject to sub. (8) (c).

17 (d) If the supreme court issues an order in an appeal filed under par. (b) no
18 later than 4 p.m. on the day before the date on which the presidential electors are to
19 convene under s. 7.75 (1) that requires the governor to issue a superseding
20 certificate of ascertainment of appointment of electors, the governor shall issue the
21 superseding certificate of ascertainment no later than the day before the date on
22 which the presidential electors are to convene under s. 7.75 (1).

23 (e) If a recount in a presidential election is completed by the 2nd day before
24 the date on which the presidential electors are to convene under s. 7.75 (1), and the

SENATE BILL 378**SECTION 31**

1 determination of that recount, as made by the commission chairperson or
2 chairperson's designee, alters the winners of the presidential election as reflected
3 on the certificate of ascertainment of appointment of electors issued by the governor
4 under s. 7.70 (5) (b), and the supreme court does not issue an order under par. (d)
5 that requires the governor to issue a superseding certificate of ascertainment, the
6 governor shall issue a superseding certificate of ascertainment of appointment of
7 electors that reflects the determination of the recount by 9 a.m. on the date on
8 which the presidential electors are to convene under s. 7.75 (1).

9 (f) This subsection constitutes the exclusive judicial remedy for review of any
10 recount that is not completed and certified before 3 p.m. on the 6th day before the
11 date on which the presidential electors are to convene under s. 7.75 (1).

SECTION 32. Initial applicability.

13 (1) ELECTORAL COUNT REFORM ACT. This act first applies to the 2028 general
14 election.

15 (END)