

# State of Wisconsin



2025 Assembly Bill 374

Date of enactment:  
Date of publication\*:

## 2025 WISCONSIN ACT

**AN ACT** to renumber 9.01 (4) and 9.01 (7) (a); to renumber and amend 7.70 (5) (b); to amend 6.97 (3) (b), 6.97 (4), 7.51 (5) (b), 7.53 (1) (a), 7.53 (2) (d), 7.60 (3), 7.60 (5) (a), 7.70 (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), 9.01 (1) (ar) 3., 9.01 (6) (a), 9.01 (6) (b), 9.01 (7) (b) and 9.01 (9) (a); to create 5.05 (19), 7.70 (3) (cm), 7.70 (5) (b) 2., 7.70 (5) (b) 3., 9.01 (1) (ar) 4., 9.01 (4) (b), 9.01 (6) (am), 9.01 (7) (a) 2., 9.01 (9) (am), 9.01 (9) (cm) and 9.01 (9m) of the statutes; relating to: compliance with the federal Electoral Count Reform Act.

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

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

**5.05 (19) DEADLINES CONCERNING PRESIDENTIAL ELECTIONS.** The commission shall 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.

**SECTION 1d.** 6.97 (3) (b) of the statutes is amended to read:

**6.97 (3) (b)** Whenever the municipal clerk or executive director of the municipal board of election commissioners is informed by the inspectors that a ballot has been cast under this section, the clerk or executive director shall promptly provide written notice to the board of canvassers of each municipality, special purpose district, and county that is responsible for canvassing the election of the number of ballots cast under this section in each ward or election district. The municipal clerk or executive director then shall determine whether each individual voting under this section is qualified to vote in

the ward or election district where the individual's ballot is cast. If the elector is required to provide proof of identification under s. 6.79 (2) or 6.86 (1) (ar) and fails to do so, the elector bears the burden of correcting the omission by providing the proof of identification at the polling place before the closing hour or at the office of the municipal clerk or board of election commissioners no later than 4 p.m. on the Friday after the election, or no later than noon on the Friday after a presidential election. The municipal clerk or executive director shall make a record of the procedure used to determine the validity of each ballot cast under this section. If, prior to 4 p.m. on the Friday after the election, or noon on the Friday after a presidential election, the municipal clerk or executive director determines that the individual is qualified to vote in the ward or election district where the individual's ballot is cast, the municipal clerk or executive director shall notify the board of canvassers for each municipality, special purpose district and county that is responsible for canvassing the election of that fact.

**SECTION 1f.** 6.97 (4) of the statutes is amended to read:

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

6.97 (4) Whenever a board of canvassers receives timely notification from the municipal clerk or executive director of the board of election commissioners under sub. (3) that an individual who has voted under this section is qualified to vote in the ward or election district where the individual's ballot is cast, the board of canvassers shall meet no later than 9 a.m. on the Monday following the election, or no later than noon on the Friday after a presidential election. The board of canvassers shall proceed to record the name of the individual who has cast the ballot and, if the ballot cast by the individual is otherwise valid, shall count the ballot and adjust the statements, certifications, and determinations accordingly. If the municipal clerk or executive director transmits returns of the election to the county clerk or board of election commissioners, the municipal clerk or executive director shall transmit to the county clerk or board of election commissioners a copy of the amended returns together with amended tally sheets and all additional ballots reviewed by the board of canvassers.

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

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

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

7.53 (1) (a) Where the municipality constitutes one

ward or combines all wards to utilize a single polling place under s. 5.15 (6) (b), the canvass of the votes cast at the polling place shall be conducted publicly under s. 7.51 and the inspectors, other than any inspector appointed under s. 7.30 (1) (b), shall act as the municipal board of canvassers. The inspectors shall then complete the return statement for all votes cast at the polling place. If there are no provisional ballots that are eligible to be counted under s. 6.97 and no absentee ballots are being canvassed under s. 7.52, the inspectors may complete and sign the canvass statement and determination on election night. In municipalities where absentee ballots are canvassed under s. 7.52, after the canvass of the absentee ballots is completed under s. 7.52, the board of absentee ballot canvassers shall reconcile the poll list of the electors who vote by absentee ballot with the corresponding poll list of the electors who vote in person to ensure that no elector is allowed to cast more than one ballot. If an elector who votes in person has submitted an absentee ballot, the absentee ballot is void. Except as authorized in par. (b), if one or more electors of the municipality have cast provisional ballots that are eligible to be counted under s. 6.97, the inspectors, acting as the board of canvassers, shall reconvene no later than 9 a.m. on the Monday after the election, or no later than noon on the Friday after a presidential election, to count the valid provisional ballots and shall adjust the returns accordingly. The inspectors, acting as the board of canvassers, need not reconvene if the municipal clerk certifies that he or she has received no provisional ballots from the time that the board of canvassers completed the initial canvass and ~~4 p.m.~~ noon on the Friday after the election. Upon completion of the canvass under this paragraph and any canvass that is conducted under s. 7.52 and ascertainment of the results by the inspectors or, in municipalities where absentee ballots are canvassed under s. 7.52, by the inspectors and the board of absentee ballot canvassers, the municipal clerk shall publicly read to the inspectors or the board of absentee ballot canvassers the names of the persons voted for and the number of votes for each person for each municipal office, the names of the persons declared by the inspectors or board of absentee ballot canvassers to have won nomination or election to each municipal office, and the number of votes cast for and against each municipal referendum question.

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

7.53 (2) (d) In municipalities with one polling place, the canvass shall be conducted under sub. (1) publicly on election night. In other municipalities, the municipal board of canvassers shall publicly canvass the returns of every election. The canvass shall begin no earlier than the time that the municipal board of canvassers receives

the returns from all polling places in the municipality on election night and no later than 9 a.m. on the Monday after the election, except that, for a presidential election, the canvass shall begin no later than noon on the Friday after the election. After any canvass of the absentee ballots is completed under s. 7.52, the board of canvassers shall reconcile the poll list of the electors who vote by absentee ballot with the corresponding poll list of the electors who vote in person to ensure that no elector is allowed to cast more than one ballot. If an elector who votes in person has submitted an absentee ballot, the absentee ballot is void. At the spring election, the board of canvassers shall publicly declare the results on or before the 3rd Tuesday in April. The board of canvassers shall prepare a statement showing the results of each election for any municipal office and each municipal referendum. After each primary for municipal offices, the board of canvassers shall prepare a statement certifying the names of those persons who have won nomination to office. After each other election for a municipal office and each municipal referendum, the board of canvassers shall prepare a determination showing the names of the persons who are elected to each municipal office and the results of each municipal referendum. The board of canvassers shall file each statement and determination in the office of the municipal clerk or board of election commissioners.

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

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

the necessary full returns and remedy any informalities or defects the county board of canvassers may adjourn not longer than one day at a time nor more than 2 days in all, except that, for a presidential election, the board of canvassers may adjourn only to the extent permitted by the commission.

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

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

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

7.70 (1) (b) If any county clerk fails or neglects to forward any statements, the commission chairperson or the chairperson's designee may require the clerk to do so immediately, and if the statements are not received by the 8th day after a primary, by the 8th day after a presidential election, or by the 11th day after any other election, the commission ~~may dispatch a special messenger to obtain them~~ chairperson or the chairperson's designee shall immediately notify the county clerk, in writing, that failure to immediately forward the statements constitutes a violation of law that will result in an immediate enforcement action under s. 5.05 (1) (d). If the commission does not receive the statements within one day after such written notice is delivered to the county clerk, the commission shall immediately initiate an enforce-

ment action under s. 5.05 (1) (d) to obtain the statements in the circuit court for that county or before the circuit judge appointed under s. 9.01 (6) (b) to hear recount appeals in the presidential election. Whenever it appears upon the face of any statement that an error has been made in reporting or computing, the commission may return it to the county clerk for correction. The county clerk shall make the necessary corrections and return the statement to the commission no later than 3 days after the county clerk receives the statement from the commission for correction.

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

7.70 (3) (a) ~~The~~ Except for a presidential election, the chairperson of the commission or a designee of the chairperson appointed by the chairperson to canvass a specific election shall publicly canvass the returns and make his or her certifications and determinations on or before the 2nd Tuesday following a spring primary; the 15th day of May following a spring election; the 3rd Wednesday following a partisan primary; the first day of December following a general election; the 2nd Thursday following a special primary; or within 18 days after any special election.

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

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

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

7.70 (3) (cm) For a presidential election, the chairperson of the commission or the chairperson's designee shall conclude the state canvass and make his or her certifications and determinations no later than 21 days after the date of the presidential election.

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

7.70 (3) (i) The commission chairperson or the chairperson's designee shall canvass only regular returns made by the county board of canvassers and shall not count or canvass any additional or supplemental returns or statements made by the county board or any other board or person. The commission chairperson or the chairperson's designee shall not count or canvass any statement or return which has been made by the county board of canvassers at any other time than that provided in s. 7.60. If, by the 21st day after the date of the election in a presidential election, a county board of canvassers fails to certify a statement or return under s. 7.60 (4) or a county clerk fails to deliver or transmit a statement or return to the commission under s. 7.60 (5)

(a), the commission chairperson or the chairperson's designee shall canvass the unofficial returns for the county on the basis of all the returns canvassed by all municipalities in that county under s. 7.53. This provision does not apply to any return made subsequent to a recount under s. 9.01, when the return is accepted in lieu of any prior return from the same county for the same office; or to a statement given to the commission chairperson or chairperson's designee or a messenger sent by the chairperson or designee to obtain a correction.

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

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

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

7.70 (5) (a) The commission shall record in its office each certified statement and determination made by the commission chairperson or the chairperson's designee. Immediately after the expiration of the time allowed to file a petition for recount, the commission shall make and transmit to each person declared elected a certificate of election under the seal of the commission, except that the commission need not wait until expiration of the time allowed to file a petition for recount if there is no aggrieved party, as defined in s. 9.01 (1) (a) 5. It shall also prepare similar certificates, attested by the commission administrator, addressed to the U.S. house of representatives, stating the names of those persons elected as representatives to the congress from this state. In the case of U.S. senators, the commission shall prepare a certificate of election for the governor's signature, and the governor shall sign and affix the great seal of the state and transmit the certificate to the president of the U.S. senate. The certificate shall be countersigned by the secretary of state. If a person elected was elected to fill a vacancy, the certificate shall so indicate. When a valid petition for recount is filed, the commission chairperson or the chairperson's designee may not certify a nomination, and the governor or commission may not issue a certificate of election until the recount has been completed and the time allowed for filing an appeal has passed, or if appealed until the appeal is decided. This paragraph does not apply to presidential elections.

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

7.70 (5) (b) 1. For a presidential ~~electors~~ election, the commission shall record each certified statement and determination made by the commission chairperson or the chairperson's designee. The commission shall prepare ~~the~~ certificate of ascertainment of appointment of presidential electors required under 3 USC 5

showing the determination of the results of the canvass and the names of the persons elected, and the governor shall ~~sign, affix the great seal of the state, and transmit issue the certificate by signing, affixing the great seal of the state, and transmitting the certificate as soon as possible, but no later than the 6th day before the date on which the presidential electors are to convene under s. 7.75 (1), by registered-mail the most expeditious method available, as determined by the governor, to the U.S. administrator of general services archivist of the United States. The certificate shall contain at least one security feature, as determined by the governor, for the purpose of verifying the authenticity of the certificate. The secure components of any security feature used to verify the authenticity of a certificate are confidential and not subject to disclosure under s. 19.35. The governor shall issue and transmit the certificate no later than 2 days after the commission prepares the certificate, except as provided under subd. 2.~~ The governor shall also prepare 6 duplicate originals of such certificate and deliver them to one of the presidential electors on or before the first ~~Monday~~ Tuesday after the 2nd Wednesday in December.

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

7.70 (5) (b) 2. The fact that a recount petition has been filed, or that a recount or recount appeal is pending, has no effect on the governor's duty to issue a certificate of ascertainment of appointment of electors not later than the 6th day before the date on which the presidential electors are to convene under s. 7.75 (1), as required under subd. 1. and 3 USC 5 (a) (1), and has no effect on the commission chairperson's or the chairperson's designee's duty to make a determination in the presidential election and prepare a certificate of ascertainment of appointment of electors for the governor's signature. However, if a valid recount petition is filed under s. 9.01 (1), the governor may not issue the certificate required under subd. 1. until the completion and certification of the recount or until 3 p.m. on the 6th day before the date on which the presidential electors are to convene under s. 7.75 (1), whichever occurs first. If the recount is completed and certified before 3 p.m. on the 6th day before the date on which the presidential electors are to convene under s. 7.75 (1), and all recount appeals have been waived or exhausted, the certificate issued by the governor shall reflect the certified result of that recount or, if applicable, recount appeal. If a recount is not completed and certified before 3 p.m. on the 6th day before the date on which the presidential electors are to convene under s. 7.75 (1), the governor shall issue the certificate subject to s. 9.01 (9m). If a recount appeal is ongoing at the time at which the governor must issue the certificate under this subdivision, a supersed-

ing certificate may be issued only in accordance with s. 9.01 (9) (cm).

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

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

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

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

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

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

the chairperson's designee need not recount actual ballots, but shall verify the returns of the county boards of canvassers in making his or her determinations.

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

9.01 (1) (ar) 4. Whenever the commission receives a valid petition and any payment under par. (ag) 3. in a presidential election, the commission shall immediately, on the same day on which the commission receives the petition and payment, order the proper county boards of canvassers to commence the recount. The commission shall send the order by secure electronic means. County boards of canvassers shall convene no later than 9 a.m. on the 3rd day after the receipt of an order and may not adjourn until the recount is completed in the county, except to the extent permitted by the commission. Returns from a recount ordered by the commission under this subdivision shall be transmitted to the office of the commission as soon as possible but in no case later than 9 days after the date of the order under this subdivision directing the recount. The commission chairperson or the chairperson's designee may not make a determination in the presidential election if a recount of the presidential election is pending before any county board of canvassers for that election, except that, as provided in s. 7.70 (5) (b) 2., nothing in this subdivision shall prevent the commission chairperson or the chairperson's designee from making a determination in the presidential election or preparing a certificate of ascertainment of appointment of electors, nor prevent the governor from issuing a certificate of ascertainment of appointment of electors, by the 6th day before the date on which the presidential electors are to convene under s. 7.75 (1), as required under s. 7.70 (5) (b) 1. and 3 USC 5 (a) (1). The commission chairperson or the chairperson's designee need not recount actual ballots but shall verify the returns of the county boards of canvassers in making his or her determination.

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

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

9.01 (4) (b) Notwithstanding par. (a), whenever a recount petition for a presidential election for part of the wards or municipalities in the state is filed under this section, any opposing candidate in the presidential election whose name appeared on the ballot may similarly file a petition for recount in any or all of the remaining wards or municipalities in the state. The petition shall be filed not later than 5 p.m. on the day after the original petition is filed under sub. (1). The proper board of canvassers shall reconvene at 9 a.m. on the 2nd day following the filing of the petition and proceed to recount the ballots in all wards or municipalities specified and to

otherwise review the allegations of fact contained in the petition. Any errors shall be corrected. Returns from a recount under this paragraph shall be transmitted to the office of the commission as soon as possible but in no case later than 9 days after the date of the original order directing the recount under sub. (1) (ar) 4.

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

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

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

9.01 (6) (am) For a presidential election, within one business day after the completion of the recount determination by the commission chairperson or the chairperson's designee whenever a determination is made by the chairperson or designee, any candidate aggrieved by the recount may appeal to circuit court. The appeal shall commence by serving a written notice of appeal on the other candidates who filed a written notice of appearance before each board of canvassers whose decision is appealed or, in the case of a statewide recount, before the commission chairperson or the chairperson's designee. The appellant shall also serve notice on the commission if the commission chairperson or the chairperson's designee is responsible for determining the election. The appellant shall serve the notice by certified mail or in person. The appellant shall file the notice with the clerk of circuit court together with an undertaking and surety in the amount approved by the court, conditioned upon the payment of all costs assessed against the appellant.

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

9.01 (6) (b) If an appeal is filed from a recount determination in an election which is held in more than one judicial circuit, the chief judge of the judicial administrative district in which the election is held shall consolidate all appeals relating to that election and appoint a circuit judge, who shall be a reserve judge if available, to hear the appeal. If the election is held in more than one judicial administrative district, the chief justice of the supreme court shall make the appointment. In any year in which there is a presidential election, the chief justice of the supreme court shall, on the first Monday in November, appoint a circuit judge, who shall be a reserve judge if available, to hear any appeals under this section related to the presidential election, except as provided under sub. (9) (am).

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

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

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

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

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

court, the matter shall be summarily heard and determined and costs shall be taxed as in other civil actions. Those provisions of chs. 801 to 806 which are inconsistent with a prompt and expeditious hearing do not apply to appeals under this section.

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

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

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

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

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

9.01 (9) (cm) With regard to an appeal under par. (am), the supreme court shall make a determination of the issues on appeal as soon as possible. If the supreme court issues an order no later than the day before the date on which the presidential electors are to convene under s. 7.75 (1) that requires the governor to issue a superseding certificate of ascertainment of appointment of electors under s. 7.70 (5) (b) consistent with the certified results of the recount, the governor shall issue that superseding certificate by 9 a.m. on the date on which the presidential electors are to convene under s. 7.75 (1). If the supreme court does not issue an order by the day before the date on which the presidential electors are to convene under s. 7.75 (1) requiring the governor to issue a superseding certificate of ascertainment of appointment of electors, the governor's certificate originally issued pursuant to s. 7.70 (5) (b) is conclusive with respect to the determination of this state's presidential electors for purposes of the meeting of presidential electors under s. 7.75.

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

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

(b) If a recount in a presidential election is not com-

pleted before 3 p.m. on the 6th day before the date on which the presidential electors are to convene under s. 7.75 (1), but is completed by the 2nd day before the date on which the presidential electors are to convene under s. 7.75 (1), and the recount determination of the commission chairperson or the chairperson's designee alters the winners of the presidential election as reflected on the certificate of ascertainment of appointment of electors issued by the governor under s. 7.70 (5) (b), any candidate for president or vice president of the United States aggrieved by the recount may appeal directly to the supreme court by filing a petition for original action under s. 809.70. The appeal shall be filed no later than 24 hours after the commission chairperson or the chairperson's designee enters his or her determination and shall enumerate with specificity every alleged irregularity, defect, mistake, or fraud committed during the recount. The appeal shall commence by serving a written notice of appeal on the other candidates who filed a written notice of appearance before the commission chairperson or the chairperson's designee. The appellant shall also serve notice on the commission. The appellant shall serve the notice by certified mail or in person. The appellant shall file with the clerk of the supreme court the notice, together with an undertaking and surety in the amount approved by the supreme court, conditioned upon the payment of all costs assessed against the appellant.

(c) An aggrieved candidate filing an appeal under par. (b) shall request an expedited hearing and that the supreme court issue any order granting relief no later than the day before the date on which the presidential electors are to convene under s. 7.75 (1). The supreme court may refer issues of fact to the circuit judge ap-

pointed under sub. (6) (b) to hear recount appeals in the presidential election, subject to sub. (8) (c).

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

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

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

**SECTION 32. Initial applicability.**

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

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