



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRBs0436/3  
JK&RAC:all

**SENATE SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 947**

March 26, 2018 - Offered by COMMITTEE ON SENATE ORGANIZATION.

1     **AN ACT to repeal** 6.34 (1) (b) and 6.87 (4) (a) 2.; **to consolidate, renumber and**  
2     **amend** 6.34 (1) (intro.) and (a) and 6.87 (4) (a) (intro.) and 1.; **to amend** 5.02  
3     (20), 5.05 (13) (c), 5.05 (13) (d) 1., 6.22 (2) (b), 6.22 (2) (e), 6.22 (4) (a), 6.22 (4)  
4     (c), 6.24 (2), 6.24 (4) (c), 6.24 (4) (d), 6.24 (4) (e), 6.25 (1) (b), 6.276 (1), 6.865 (1),  
5     6.87 (2), 6.87 (3) (d), 6.87 (4) (b) 1., 6.88 (1), 6.97 (1), 7.15 (1) (cm), 7.15 (1) (j),  
6     8.50 (2) and 11.0101 (30) (intro.); **to repeal and recreate** 8.50 (4) (d); and **to**  
7     **create** 5.02 (12n) of the statutes; **relating to:** absentee ballots cast by overseas  
8     and military voters and the timing for holding special elections.

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***Analysis by the Legislative Reference Bureau***

**VOTING PROCEDURES FOR MILITARY AND OVERSEAS VOTERS**

This substitute amendment modifies current law regarding the voting procedures for military and overseas electors so that the law is in substantial compliance with the federal Uniformed and Overseas Citizens Absentee Voting Act. The substitute amendment also modifies current law so that an individual signing the witness certification for an absentee ballot cast by a military elector or overseas elector need not be a United States citizen.

The substitute amendment allows all overseas electors to receive absentee ballots electronically, regardless of whether such electors are considered permanently or temporarily overseas. Under the substitute amendment, an overseas elector is a U.S. citizen who is residing outside of the United States, who is not disqualified from voting, who has attained or will attain the age of 18 by the date of an election at which the citizen proposes to vote, who was last domiciled in this state or whose parent was last domiciled in this state immediately prior to the parent's departure from the United States, and who is not registered to vote or voting in any other state, territory, or possession.

#### **TIMING FOR HOLDING SPECIAL ELECTIONS**

Under this substitute amendment, no special election for the office of state senator or representative to the assembly may be held after the spring election in the year in which a regular election is held to fill that seat. Under current law, any vacancy in the office of state senator or representative to the assembly occurring before the second Tuesday in May in the year in which a regular election is held to fill that seat must be filled as promptly as possible by special election.

The substitute amendment also provides that the date for a special election may not be less than 124 nor more than 154 days from the date of the governor's order calling for the special election and that the primary must be held on the day that is eight weeks before the day of the special election. Current law provides that the date for a special election may not be less than 62 nor more than 77 days from the date of the governor's order calling for the special election and that the primary must be held on the day that is four weeks before the day of the special election.

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

1           **SECTION 1.** 5.02 (12n) of the statutes is created to read:

2           5.02 (**12n**) "Overseas elector" means a U.S. citizen who is residing outside of  
3 the United States, who is not disqualified from voting under s. 6.03, who has attained  
4 or will attain the age of 18 by the date of an election at which the citizen proposes to  
5 vote, who was last domiciled in this state or whose parent was last domiciled in this  
6 state immediately prior to the parent's departure from the United States, and who  
7 is not registered to vote or voting in any other state, territory, or possession.

8           **SECTION 2.** 5.02 (20) of the statutes is amended to read:

1           5.02 (20) “Special primary” means the primary held ~~4~~ 8 weeks before the  
2 special election except when the special election is held on the same day as the  
3 general election the special primary shall be held on the same day as the general  
4 primary or if the special election is held concurrently with the spring election, the  
5 primary shall be held concurrently with the spring primary.

6           **SECTION 3.** 5.05 (13) (c) of the statutes is amended to read:

7           5.05 (13) (c) The commission shall maintain a freely accessible system under  
8 which a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, ~~as defined~~  
9 ~~in s. 6.34 (1) (b)~~, who casts an absentee ballot may ascertain whether the ballot has  
10 been received by the appropriate municipal clerk.

11          **SECTION 4.** 5.05 (13) (d) 1. of the statutes is amended to read:

12          5.05 (13) (d) 1. To permit a military elector, as defined in s. 6.34 (1) (a), or an  
13 overseas elector, ~~as defined in s. 6.34 (1) (b)~~, to request a voter registration  
14 application or an application for an absentee ballot at any election at which the  
15 elector is qualified to vote in this state.

16          **SECTION 5.** 6.22 (2) (b) of the statutes is amended to read:

17          6.22 (2) (b) A military elector shall make and subscribe to the certification  
18 under s. 6.87 (2) before a witness who is an adult ~~U.S. citizen~~.

19          **SECTION 6.** 6.22 (2) (e) of the statutes is amended to read:

20          6.22 (2) (e) A military elector may file an application for an absentee ballot by  
21 means of electronic mail or facsimile transmission in the manner prescribed in s. 6.86  
22 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the elector  
23 an absentee ballot or, if the elector is a military elector, as defined in s. 6.34 (1) (a),  
24 and the elector so requests, shall transmit an absentee ballot to the elector by means

1 of electronic mail or facsimile transmission in the manner prescribed in s. 6.87 (3)  
2 (d).

3 **SECTION 7.** 6.22 (4) (a) of the statutes is amended to read:

4 6.22 (4) (a) Upon receiving a timely request for an absentee ballot under par.  
5 (b) by an individual who qualifies as a military elector, the municipal clerk shall send  
6 or, if the individual is a military elector as defined in s. 6.34 (1) (a), shall transmit  
7 to the elector upon the elector's request an absentee ballot for all elections that occur  
8 in the municipality or portion thereof where the elector resides in the same calendar  
9 year in which the request is received, unless the individual otherwise requests.

10 **SECTION 8.** 6.22 (4) (c) of the statutes is amended to read:

11 6.22 (4) (c) A military elector may indicate an alternate address on his or her  
12 absentee ballot application. If the elector's ballot is returned as undeliverable prior  
13 to the deadline for return of absentee ballots under s. 6.87 (6), and the elector remains  
14 eligible to receive absentee ballots under this section, the municipal clerk shall  
15 immediately send or, if the elector is a military elector as defined in s. 6.34 (1) (a),  
16 transmit an absentee ballot to the elector at the alternate address.

17 **SECTION 9.** 6.24 (2) of the statutes is amended to read:

18 6.24 (2) ELIGIBILITY. An overseas elector ~~under sub. (1)~~ may vote in any election  
19 for national office, including the partisan primary and presidential preference  
20 primary and any special primary or election. Such elector may not vote in an election  
21 for state or local office unless the elector qualifies as a resident of this state under  
22 s. 6.10. An overseas elector shall vote in the ward or election district in which the  
23 elector was last domiciled or in which the elector's parent was last domiciled prior  
24 to departure from the United States.

25 **SECTION 10.** 6.24 (4) (c) of the statutes is amended to read:

1           6.24 (4) (c) Upon receipt of a timely application from an individual who  
2           qualifies as an overseas elector and who has registered to vote in a municipality  
3           under sub. (3), the municipal clerk of the municipality shall send, or if the individual  
4           is an overseas elector, ~~as defined in s. 6.34 (1) (b)~~, shall transmit an absentee ballot  
5           to the individual upon the individual's request for all subsequent elections for  
6           national office to be held during the year in which the ballot is requested, except as  
7           otherwise provided in this paragraph, unless the individual otherwise requests or  
8           until the individual no longer qualifies as an overseas elector of the municipality.  
9           The clerk shall not send an absentee ballot for an election if the overseas elector's  
10          name appeared on the registration list in eligible status for a previous election  
11          following the date of the application but no longer appears on the list in eligible  
12          status. The municipal clerk shall ensure that the envelope containing the absentee  
13          ballot is clearly marked as not forwardable. If an overseas elector who files an  
14          application under this subsection no longer resides at the same address that is  
15          indicated on the application form, the elector shall so notify the municipal clerk.

16           **SECTION 11.** 6.24 (4) (d) of the statutes is amended to read:

17           6.24 (4) (d) An overseas elector, regardless of whether the elector qualifies as  
18          a resident of this state under s. 6.10, who is not registered may request both a  
19          registration form and an absentee ballot at the same time, and the municipal clerk  
20          shall send or transmit the ballot automatically if the registration form is received  
21          within the time prescribed in s. 6.28 (1). The commission shall prescribe a special  
22          certificate form for the envelope in which the absentee ballot for such overseas  
23          electors is contained, which shall be substantially similar to that provided under s.  
24          6.87 (2). ~~An~~ The overseas elector shall make and subscribe to the special certificate  
25          form before a witness who is an adult U.S. citizen.

1           **SECTION 12.** 6.24 (4) (e) of the statutes is amended to read:

2           6.24 (4) (e) An overseas elector, regardless of whether the elector qualifies as  
3 a resident of this state under s. 6.10, may file an application for an absentee ballot  
4 by means of electronic mail or facsimile transmission in the manner prescribed in s.  
5 6.86 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the  
6 elector an absentee ballot or, if the elector is ~~an overseas elector, as defined in s. 6.34~~  
7 ~~(1) (b) and the elector~~ so requests, shall transmit an absentee ballot to the elector by  
8 means of electronic mail or facsimile transmission in the manner prescribed in s. 6.87  
9 (3) (d).

10           **SECTION 13.** 6.25 (1) (b) of the statutes is amended to read:

11           6.25 (1) (b) Any individual who qualifies as an overseas elector ~~under s. 6.24~~  
12 ~~(1)~~, regardless of whether the elector qualifies as a resident of this state under s. 6.10,  
13 and who transmits an application for an official absentee ballot for an election ~~for~~  
14 ~~national office~~, including a primary election, no later than the latest time specified  
15 for an elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in  
16 absentee ballot prescribed under 42 USC 1973ff-2 for any candidate or for all  
17 candidates of any recognized political party ~~for national office~~ listed on the official  
18 ballot at that election, if the federal write-in absentee ballot is received by the  
19 appropriate municipal clerk no later than the applicable time prescribed in s. 6.87  
20 (6).

21           **SECTION 14.** 6.276 (1) of the statutes is amended to read:

22           6.276 (1) In this section, “military elector” and “overseas elector” have has the  
23 meanings meaning given in s. 6.34 (1).

24           **SECTION 15.** 6.34 (1) (intro.) and (a) of the statutes are consolidated,  
25 renumbered 6.34 (1) and amended to read:

1           6.34 (1) In this section: ~~(a) “Military,~~ “military elector” means a member of a  
2 uniformed service on active duty who, by reason of that duty, is absent from the  
3 residence where the member is otherwise qualified to vote; a member of the  
4 merchant marine, as defined in s. 6.22 (1) (a), who by reason of service in the  
5 merchant marine, is absent from the residence where the member is otherwise  
6 qualified to vote; or the spouse or dependent of any such member who, by reason of  
7 the duty or service of the member, is absent from the residence where the spouse or  
8 dependent is otherwise qualified to vote.

9           **SECTION 16.** 6.34 (1) (b) of the statutes is repealed.

10          **SECTION 17.** 6.865 (1) of the statutes is amended to read:

11          6.865 (1) In this section, “military elector” and ~~”overseas elector”~~ have has the  
12 meanings meaning given under s. 6.34 (1).

13          **SECTION 18.** 6.87 (2) of the statutes is amended to read:

14          6.87 (2) Except as authorized under sub. (3) (d), the municipal clerk shall place  
15 the ballot in an unsealed envelope furnished by the clerk. The envelope shall have  
16 the name, official title and post-office address of the clerk upon its face. The other  
17 side of the envelope shall have a printed certificate which shall include a space for  
18 the municipal clerk or deputy clerk to enter his or her initials indicating that if the  
19 absentee elector voted in person under s. 6.86 (1) (ar), the elector presented proof of  
20 identification to the clerk and the clerk verified the proof presented. The certificate  
21 shall also include a space for the municipal clerk or deputy clerk to enter his or her  
22 initials indicating that the elector is exempt from providing proof of identification  
23 because the individual is a military elector or an overseas elector who does not  
24 qualify as a resident of this state under s. 6.10 or is exempted from providing proof

1 of identification under sub. (4) (b) 2. or 3. The certificate shall be in substantially the  
2 following form:

3 [STATE OF ....

4 County of ....]

5 or

6 [(name of foreign country and city or other jurisdictional unit)]

7 I, ....., certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false  
8 statements, that I am a resident of the [.... ward of the] (town) (village) of ....., or of  
9 the .... aldermanic district in the city of ....., residing at ....\* in said city, the county  
10 of ....., state of Wisconsin, and am entitled to vote in the (ward) (election district) at  
11 the election to be held on ....; that I am not voting at any other location in this election;  
12 that I am unable or unwilling to appear at the polling place in the (ward) (election  
13 district) on election day or have changed my residence within the state from one ward  
14 or election district to another later than 28 days before the election. I certify that I  
15 exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her)  
16 presence and in the presence of no other person marked the ballot and enclosed and  
17 sealed the same in this envelope in such a manner that no one but myself and any  
18 person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance,  
19 could know how I voted.

20 Signed ....

21 Identification serial number, if any: ....

22 The witness shall execute the following:

23 I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis.  
24 Stats., for false statements, certify that I am an adult U.S. citizen\*\* and that the  
25 above statements are true and the voting procedure was executed as there stated.



1 I am not a candidate for any office on the enclosed ballot (except in the case of an  
2 incumbent municipal clerk). I did not solicit or advise the elector to vote for or against  
3 any candidate or measure.

4 ....(Name Printed name)

5 ....(Address)\*\*\*\_

6 Signed ....

7 \* — An elector who provides an identification serial number issued under s.  
8 6.47 (3), Wis. Stats., need not provide a street address.

9 \*\* — An individual who serves as a witness for a military elector or an overseas  
10 elector voting absentee, regardless of whether the elector qualifies as a resident of  
11 this state under s. 6.10, Wis. Stats., need not be a U.S. citizen but must be 18 years  
12 of age or older.

13 \*\*\_ — If this form is executed before 2 special voting deputies under s. 6.875 (6),  
14 Wis. Stats., both deputies shall witness and sign.

15 **SECTION 19.** 6.87 (3) (d) of the statutes is amended to read:

16 6.87 (3) (d) A municipal clerk shall, if the clerk is reliably informed by a military  
17 elector, as defined in s. 6.34 (1) (a), or an overseas elector, ~~as defined in s. 6.34 (1) (b)~~  
18 regardless of whether the elector qualifies as a resident of this state under s. 6.10,  
19 of a facsimile transmission number or electronic mail address where the elector can  
20 receive an absentee ballot, transmit a facsimile or electronic copy of the elector's  
21 ballot to that elector in lieu of mailing under this subsection. An elector may receive  
22 an absentee ballot only if the elector is a military elector or an overseas elector ~~under~~  
23 s. ~~6.34 (1)~~ and has filed a valid application for the ballot as provided in s. 6.86 (1).  
24 If the clerk transmits an absentee ballot to a military or overseas elector  
25 electronically, the clerk shall also transmit a facsimile or electronic copy of the text

1 of the material that appears on the certificate envelope prescribed in sub. (2),  
2 together with instructions prescribed by the commission. The instructions shall  
3 require the military or overseas elector to make and subscribe to the certification as  
4 required under sub. (4) (b) and to enclose the absentee ballot in a separate envelope  
5 contained within a larger envelope, that shall include the completed certificate. The  
6 elector shall then affix sufficient postage unless the absentee ballot qualifies for  
7 mailing free of postage under federal free postage laws and shall mail the absentee  
8 ballot to the municipal clerk. Except as authorized in s. 6.97 (2), an absentee ballot  
9 received from a military or overseas elector who receives the ballot electronically  
10 shall not be counted unless it is cast in the manner prescribed in this paragraph and  
11 sub. (4) and in accordance with the instructions provided by the commission.

12 **SECTION 20.** 6.87 (4) (a) (intro.) and 1. of the statutes are consolidated,  
13 renumbered 6.87 (4) (a) and amended to read:

14 6.87 (4) (a) In this subsection: 1. ~~“Military, “military~~ “military elector” has the meaning  
15 given in s. 6.34 (1) (a).

16 **SECTION 21.** 6.87 (4) (a) 2. of the statutes is repealed.

17 **SECTION 22.** 6.87 (4) (b) 1. of the statutes is amended to read:

18 6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, the an elector voting  
19 absentee, other than a military elector or an overseas elector, shall make and  
20 subscribe to the certification before one witness who is an adult U.S. citizen. A  
21 military elector or an overseas elector, regardless of whether the elector qualifies as  
22 a resident of this state under s. 6.10, voting absentee shall make and subscribe to the  
23 certification before one witness who is an adult but who need not be a U.S. citizen.  
24 The absent elector, in the presence of the witness, shall mark the ballot in a manner  
25 that will not disclose how the elector’s vote is cast. The elector shall then, still in the

1 presence of the witness, fold the ballots so each is separate and so that the elector  
2 conceals the markings thereon and deposit them in the proper envelope. If a  
3 consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that the  
4 elector conceals the markings thereon and deposit the ballot in the proper envelope.  
5 If proof of residence under s. 6.34 is required and the document enclosed by the  
6 elector under this subdivision does not constitute proof of residence under s. 6.34, the  
7 elector shall also enclose proof of residence under s. 6.34 in the envelope. Except as  
8 provided in s. 6.34 (2m), proof of residence is required if the elector is not a military  
9 elector or an overseas elector and the elector registered by mail or by electronic  
10 application and has not voted in an election in this state. If the elector requested a  
11 ballot by means of facsimile transmission or electronic mail under s. 6.86 (1) (ac), the  
12 elector shall enclose in the envelope a copy of the request which bears an original  
13 signature of the elector. The elector may receive assistance under sub. (5). The  
14 return envelope shall then be sealed. The witness may not be a candidate. The  
15 envelope shall be mailed by the elector, or delivered in person, to the municipal clerk  
16 issuing the ballot or ballots. If the envelope is mailed from a location outside the  
17 United States, the elector shall affix sufficient postage unless the ballot qualifies for  
18 delivery free of postage under federal law. Failure to return an unused ballot in a  
19 primary does not invalidate the ballot on which the elector's votes are cast. Return  
20 of more than one marked ballot in a primary or return of a ballot prepared under s.  
21 5.655 or a ballot used with an electronic voting system in a primary which is marked  
22 for candidates of more than one party invalidates all votes cast by the elector for  
23 candidates in the primary.

24 **SECTION 23.** 6.88 (1) of the statutes is amended to read:

1           6.88 (1) When an absentee ballot arrives at the office of the municipal clerk,  
2 or at an alternate site under s. 6.855, if applicable, the clerk shall enclose it,  
3 unopened, in a carrier envelope which shall be securely sealed and endorsed with the  
4 name and official title of the clerk, and the words “This envelope contains the ballot  
5 of an absent elector and must be opened in the same room where votes are being cast  
6 at the polls during polling hours on election day or, in municipalities where absentee  
7 ballots are canvassed under s. 7.52, stats., at a meeting of the municipal board of  
8 absentee ballot canvassers under s. 7.52, stats.”. If the elector is a military elector,  
9 as defined in s. 6.34 (1) (a), or an overseas elector, ~~as defined in s. 6.34 (1) (b)~~  
10 regardless of whether the elector qualifies as a resident of this state under s. 6.10,  
11 and the ballot was received by the elector by facsimile transmission or electronic mail  
12 and is accompanied by a separate certificate, the clerk shall enclose the ballot in a  
13 certificate envelope and securely append the completed certificate to the outside of  
14 the envelope before enclosing the ballot in the carrier envelope. The clerk shall keep  
15 the ballot in the clerk’s office or at the alternate site, if applicable until delivered, as  
16 required in sub. (2).

17           **SECTION 24.** 6.97 (1) of the statutes is amended to read:

18           6.97 (1) Whenever any individual who is required to provide proof of residence  
19 under s. 6.34 in order to be permitted to vote appears to vote at a polling place and  
20 cannot provide the required proof of residence, the inspectors shall offer the  
21 opportunity for the individual to vote under this section. Whenever any individual,  
22 other than a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, as  
23 ~~defined in s. 6.34 (1) (b),~~ or an elector who has a confidential listing under s. 6.47 (2),  
24 appears to vote at a polling place and does not present proof of identification under  
25 s. 6.79 (2), whenever required, the inspectors or the municipal clerk shall similarly

1 offer the opportunity for the individual to vote under this section. If the individual  
2 wishes to vote, the inspectors shall provide the elector with an envelope marked  
3 “Ballot under s. 6.97, stats.” on which the serial number of the elector is entered and  
4 shall require the individual to execute on the envelope a written affirmation stating  
5 that the individual is a qualified elector of the ward or election district where he or  
6 she offers to vote and is eligible to vote in the election. The inspectors shall, before  
7 giving the elector a ballot, write on the back of the ballot the serial number of the  
8 individual corresponding to the number kept at the election on the poll list or other  
9 list maintained under s. 6.79 and the notation “s. 6.97”. If voting machines are used  
10 in the municipality where the individual is voting, the individual’s vote may be  
11 received only upon an absentee ballot furnished by the municipal clerk which shall  
12 have the corresponding number from the poll list or other list maintained under s.  
13 6.79 and the notation “s. 6.97” written on the back of the ballot by the inspectors  
14 before the ballot is given to the elector. When receiving the individual’s ballot, the  
15 inspectors shall provide the individual with written voting information prescribed  
16 by the commission under s. 7.08 (8). The inspectors shall indicate on the list the fact  
17 that the individual is required to provide proof of residence or proof of identification  
18 under s. 6.79 (2) but did not do so. The inspectors shall notify the individual that he  
19 or she may provide proof of residence or proof of identification to the municipal clerk  
20 or executive director of the municipal board of election commissioners. The  
21 inspectors shall also promptly notify the municipal clerk or executive director of the  
22 name, address, and serial number of the individual. The inspectors shall then place  
23 the ballot inside the envelope and place the envelope in a separate carrier envelope.

24 **SECTION 25.** 7.15 (1) (cm) of the statutes is amended to read:

1           7.15 (1) (cm) Prepare official absentee ballots for delivery to electors requesting  
2 them, and except as provided in this paragraph, send an official absentee ballot to  
3 each elector who has requested a ballot by mail, and to each military elector, as  
4 defined in s. 6.34 (1) (a), and overseas elector, ~~as defined in s. 6.34 (1) (b)~~, who has  
5 requested a ballot by mail, electronic mail, or facsimile transmission no later than  
6 the 47th day before each partisan primary and general election and no later than the  
7 21st day before each other primary and election if the request is made before that  
8 day; otherwise, the municipal clerk shall send or transmit an official absentee ballot  
9 within one business day of the time the elector's request for such a ballot is received.  
10 The clerk shall send or transmit an absentee ballot for the presidential preference  
11 primary to each elector who has requested that ballot no later than the 47th day  
12 before the presidential preference primary if the request is made before that day, or,  
13 if the request is not made before that day, within one business day of the time the  
14 request is received. For purposes of this paragraph, "business day" means any day  
15 from Monday to Friday, not including a legal holiday under s. 995.20.

16           **SECTION 26.** 7.15 (1) (j) of the statutes is amended to read:

17           7.15 (1) (j) Send an absentee ballot automatically to each elector and send or  
18 transmit an absentee ballot to each military elector, as defined in s. 6.34 (1) (a), and  
19 each overseas elector, ~~as defined in s. 6.34 (1) (b)~~, making an authorized request  
20 therefor in accordance with s. 6.22 (4), 6.24 (4) (e), or 6.86 (2) or (2m).

21           **SECTION 27.** 8.50 (2) of the statutes is amended to read:

22           8.50 (2) DATE OF SPECIAL ELECTION. (a) The date for the special election shall  
23 be not less than ~~62~~ 124 nor more than ~~77~~ 154 days from the date of the order except  
24 when the special election is held to fill a vacancy in a national office or the special  
25 election is held on the day of the general election or spring election. If a special

1 election is held concurrently with the spring election, the special election may be  
2 ordered not earlier than 92 days prior to the spring primary and not later than 49  
3 60 days prior to that primary. If a special election is held concurrently with the  
4 general election or a special election is held to fill a national office, the special election  
5 may be ordered not earlier than 122 days prior to the partisan primary or special  
6 primary, respectively, and not later than 92 days prior to that primary.

7 (b) If a primary is required, the primary shall be on the day ~~4~~ 8 weeks before  
8 the day of the special election except when the special election is held on the same  
9 day as the general election the special primary shall be held on the same day as the  
10 partisan primary or if the special election is held concurrently with the spring  
11 election, the primary shall be held concurrently with the spring primary, and except  
12 when the special election is held on the Tuesday after the first Monday in November  
13 of an odd-numbered year, the primary shall be held on the 2nd Tuesday of August  
14 in that year.

15 **SECTION 28.** 8.50 (4) (d) of the statutes is repealed and recreated to read:

16 8.50 (4) (d) No special election for the office of state senator or representative  
17 to the assembly shall be held after the spring election in the year in which a regular  
18 election is held to fill that seat.

19 **SECTION 29.** 11.0101 (30) (intro.) of the statutes is amended to read:

20 11.0101 (30) (intro.) "Special primary" means the primary held ~~4~~ 8 weeks  
21 before the special election, except as follows:

22 **SECTION 30. Initial applicability.**

