

2001 DRAFTING REQUEST

Bill

Received: **01/12/2001**

Received By: **kuesejt**

Wanted: **As time permits**

Identical to LRB:

For: **Michael Powers (608) 266-1192**

By/Representing: **Randy Thorson**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Alt. Drafters: **kuesejt**

Subject: **Elections - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Election of presidential electors

Instructions:

Elect presidential electors by congressional district. If any candidate wins a majority of congressional districts, that candidate wins the 2 additional electors for the state at large. If no candidate wins a majority, the 2 additional electors are elected from the state at large, as presently provided.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan 01/29/2001			_____			
	kuesejt 01/31/2001			_____			
/1	rmarchan 02/01/2001	jdyer 02/02/2001	jfrantze 01/31/2001	_____	lrb_docadmin 01/31/2001		
	kuesejt 02/02/2001			_____			

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/2			jfrantze 02/02/2001	_____	lrb_docadmin 02/02/2001	lrb_docadmin 02/02/2001	

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Jb2/a *Jb/KM*
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1/?	rmarchan	1/31 jld	Jbc/3c	Jb/K 1/31			

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32-710

State postprimary conventions; when held; organization; platform; selection of presidential electors.

Each political party shall hold a state postprimary convention biennially on a date to be fixed by the state central committee but not later than September 1. Candidates for elective offices may be nominated at such conventions. Such nominations shall be certified to the Secretary of State by the chairperson and secretary of the convention. The certificates shall have the same force and effect as nominations in primary elections. The convention shall formulate and promulgate a state platform, select a state central committee, select electors for President and Vice President of the United States, and transact the business which is properly before it. One presidential elector shall be chosen from each congressional district, and two presidential electors shall be chosen at large. The officers of the convention shall certify the names of the electors to the Governor and Secretary of State.

The Governor shall provide each **presidential** elector with a list of all the electors. If any elector is absent or if there is a deficiency in the proper number of electors, those present shall elect from the citizens of the state so many persons as will supply the deficiency and immediately issue a certificate of election, signed by those present or a majority of them, to the person or persons so chosen. In case of failure to elect by 3 p.m. of such day, the Governor shall fill the vacancies by appointment. After all vacancies are filled, the college of electors shall proceed with the election of a President of the United States and a Vice President of the United States and certify their votes in conformity with the Constitution and laws of the United States.

Each ~~at large presidential~~ elector shall cast his or her ballot for the **presidential** and **vice-presidential** candidates who received the highest number of votes in the state. Each congressional district **presidential** elector shall cast his or her ballot for the **presidential** and **vice-presidential** candidates who received the highest number of votes in his or her congressional district.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2022-1

RJM&JTK:.....
jld *EM NR*

Feb. 16

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1 AN ACT *privat.*; relating to: the method of selecting presidential electors

Analysis by the Legislative Reference Bureau

Under current law, ~~the political parties and the~~ independent and write-in candidates for president and vice president ~~and the political parties~~ nominate one presidential elector from each congressional district and ~~7~~ electors from the state at large. At the election for president and vice president, a vote for a particular candidate is a vote for that candidate's presidential electors. Currently, the presidential electors are elected on a statewide basis. Following the election, all of the presidential electors representing the candidates who win the statewide vote are, with certain limited exceptions, bound to vote for those candidates when the presidential electors convene to vote for president and vice president.

Under this bill, one presidential elector is elected from each congressional district and two presidential electors are elected from the state at large. However, if a candidate wins a majority of the congressional districts, ~~the candidate~~ receives two additional presidential electors ~~and no presidential electors are elected from the state at large~~. Under this bill, following the election, one presidential elector representing the candidates who win the vote in each congressional district and, if applicable, the two presidential electors representing the candidates who win the statewide vote are, with certain limited exceptions, bound to vote for those candidates when the presidential electors convene to vote for president and vice president. If a ~~candidate~~ *candidate* receives two additional presidential electors as a result of ~~the statewide vote for president and vice president~~ *irregardless of the statewide vote for president and vice president*.

one slate of candidates

slate of candidates

that slate of candidates

winning a majority of the congressional districts, those electors also are, with certain limited exceptions, bound to vote for that ~~candidate~~ *state of candidates*

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

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

7.70 (5) (b) For presidential electors, the elections board shall prepare a certificate showing the determination of the results of the canvass and the names of the persons elected or deemed elected under s. 8.25 (1), and the governor shall sign, affix the great seal of the state and transmit the certificate by registered mail to the U.S. administrator of general services. 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 after the 2nd Wednesday in December.

I would delete because I think they actually are elected.

History: 1971 c. 304 s. 29 (2); 1973 c. 334 ss. 15, 57; 1975 c. 93, 199; 1977 c. 107, 187, 427, 449; 1979 c. 221, 260, 328; 1983 a. 484; 1985 a. 89, 304; 1987 a. 391; 1989 a. 31, 192; 1995 a. 16 s. 2; 1997 a. 27; 1999 a. 150 s. 672; 1999 a. 182.

SECTION 2. 8.25 (1) of the statutes is amended to read:

8.25 (1) PRESIDENTIAL ELECTORS. By general ballot at the general election for choosing the president and vice president of the United States there shall be elected as many electors of president and vice president as this state is entitled to elect senators and representatives in congress. One elector of president and vice president shall be elected from each congressional district and, ~~accept as otherwise provided~~

~~In this subsection,~~ ² ~~two~~ electors of president and vice president shall be elected from the state at large. If any candidate ^(S) ~~for~~ ^{and} president ~~or~~ vice president receives a plurality of the votes ^{cast} in a majority of the congressional districts, the ~~two~~ ² at-large electors ~~the political party of that candidate,~~ ^{for those candidates} who were nominated under s. 8.18 [✓] or the ~~two~~ ² at-large presidential electors listed by ~~that candidate~~ ^{those candidates} under s. 8.185 (2) [✓] or 8.20 (2) [✓]

(d) shall be ~~deemed to have been~~ elected in lieu of any electors elected from the state

unless any candidates for president and vice president receive a plurality of the votes cast in a majority of the congressional districts,

1 . at large. A vote for the president and vice president nominations of any party is a
2 vote for the electors of the nominees.

3 (END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2022/1

RJM&JTK:jld:jf

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Don

RWR

2001 BILL

Regen

1 AN ACT to amend 8.25 (1) of the statutes; relating to: the method of selecting
2 presidential electors.

Analysis by the Legislative Reference Bureau

Under current law, the political parties and the independent and write-in candidates for president and vice president nominate one presidential elector from each congressional district and two electors from the state at large. At the election for president and vice president, a vote for a particular candidate is a vote for that candidate's presidential electors. Currently, the presidential electors are elected on a statewide basis. Following the election, all of the presidential electors representing the candidates who win the statewide vote are, with certain limited exceptions, bound to vote for those candidates when the presidential electors convene to vote for president and vice president.

The
that
~~Under this bill, one presidential elector is elected from each congressional district and two presidential electors are elected from the state at large. However, if one slate of candidates wins a majority of the congressional districts, that slate of candidates receives two additional presidential electors regardless of the statewide vote for president and vice president. Under this bill, following the election, one presidential elector representing the candidates who win the vote in each congressional district and, if applicable, the two presidential electors representing the candidates who win the statewide vote are, with certain limited exceptions, bound to vote for those candidates when the presidential electors convene to vote for president and vice president. If a slate of candidates receives two additional presidential electors as a result of winning a majority of the congressional districts,~~

INS
ANALYSIS

BILL

~~those electors also are, with certain limited exceptions, bound to vote for that slate of candidates.~~

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

1 **SECTION 1.** 8.25 (1) of the statutes is amended to read:

2 8.25 (1) **PRESIDENTIAL ELECTORS.** By general ballot at the general election for
3 choosing the president and vice president of the United States there shall be elected
4 as many electors of president and vice president as this state is entitled to elect
5 senators and representatives in congress. One elector of president and vice president
6 shall be elected from each congressional district and, unless any candidates for
7 president and vice president receive a plurality of the votes cast in a majority of the
8 congressional districts, 2 electors of president and vice president shall be elected
9 from the state at large. If any candidates for president and vice president receive a
10 plurality of the votes cast in a majority of the congressional districts, the 2 at-large
11 electors for those candidates who were nominated under s. 8.18 or the 2 at-large
12 presidential electors listed by those candidates under s. 8.185 (2) or 8.20 (2) (d) shall
13 be elected in lieu of any electors elected from the state at large. A vote for the
14 president and vice president nominations of any party is a vote for the electors of the
15 nominees.

16

(END)

INSERT ANALYSIS

each
¶ Under this bill, ^{each} state of candidates that wins a congressional district receives one presidential elector and the state of candidates that wins a majority of the congressional districts receives two additional presidential electors. If no state of candidates wins a majority of the congressional districts, the state of candidates that wins the statewide vote receives two additional presidential electors.

(end ins)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

February 2, 2001

MEMORANDUM

To: Representative Powers

From: Robert J. Marchant, Legislative Attorney

Re: LRB-2022 Election of presidential electors

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-4454 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.