

1969 Assembly Bill 987

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CHAPTER 421, LAWS OF 1969

AN ACT to amend 5.64 (3) (a) and (b); and to create 8.185, 10.22 (6) (bm) and (7) (bm) and 10.28 (5) (bm) and (6) (bm) of the statutes, relating to write-in votes for the offices of president and vice president of the United States.

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

SECTION 1. 5.64 (3) (a) and (b) of the statutes are amended to read:
5.64 (3) (a) The ballot shall be titled "Official Presidential Ballot" in lettering at least three-eighths of an inch high. Directly underneath in

plain, legible type shall be the following voting instructions: "Place a cross (X) or other mark in the square opposite the name of the candidate for whose electors you desire to vote *or write in the name of a candidate in the space provided*. Vote in ONE square only." The electors of the candidate need not be listed on the ballot but a vote for the candidates for president and vice president is a vote for them through their named presidential electors.

(b) The party candidates shall be arranged consecutively from top to bottom based on the number of votes received by their party's candidate for governor at the last election beginning with the party that received the most votes. The independent president-vice president candidates shall be listed alphabetically according to the presidential candidates, following under the party candidates. *Following under the independent candidates, a space shall be left for writing in the names of a candidate for president and vice president.*

SECTION 2. 8.185 of the statutes is created to read:

8.185 WRITE-IN CANDIDATES FOR PRESIDENT AND VICE PRESIDENT. (1) The names of candidates for president and vice president may be written in, in the place provided, on the general ballot at the general election for choosing the president and vice president of the United States. Write-in votes shall be listed as scattering unless the person whose name is written in has a list of presidential electors on file with the secretary of state in accordance with this section or unless the person whose name is written in has received more than 10% of the total vote cast in the precinct.

(2) Any candidate for the office of president or vice president of the United States as a write-in candidate shall file a list of presidential electors and a declaration that he will qualify for the office, if elected, with the secretary of state no later than 4:30 p.m. on the 2nd Tuesday preceding the day of the general election to choose the president and vice president of the United States. The list shall contain one presidential elector from each congressional district and 2 electors from the state at large and the names of the candidates for president and vice president for whom they intend to vote, if elected. Each person who is listed as an elector shall file a declaration of acceptance of his nomination as an elector stating that he will qualify for the office, if elected. Such declaration shall be filed with the secretary of state no later than 4:30 p.m. on the 2nd Tuesday preceding the day of the general election to choose the president and the vice president of the United States. Compliance with this subsection may be waived by the secretary of state but only if the results of the general election indicate that write-in candidate for the office of president is eligible to receive the electoral votes of this state except for noncompliance with this subsection. In such event, the write-in candidate and his named presidential electors shall have until 4:30 p.m. on the Friday following the general election to comply with the filing requirements of this subsection.

(3) If more than one list of presidential electors is filed with the secretary of state by any write-in candidates for the offices of president and vice president of the United States, the first list filed shall be considered the valid list, provided that this list meets the additional requirements of this section.

(4) Any failure by a voter to write in the name of a candidate for the office of vice president of the United States on the general ballot shall not invalidate the vote for any candidate whose name is written in for the office of president of the United States.

SECTION 3. 10.22 (6) (bm) of the statutes is created to read:

10.22 (6) (bm) *Second Tuesday before election*. Write-in candidates for the office of president and vice president of the United States shall file

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their list of presidential electors and a declaration that they will qualify for the office, if elected, by 4:30 p.m. Electors named in the aforementioned list shall file a declaration of acceptance as an elector by 4:30 p.m.

SECTION 3b. 10.22 (7) (bm) of the statutes is created to read:

10.22 (7) (bm) *First Friday after election.* The first Friday after the election at 4:30 p.m. is the deadline for write-in candidates for the offices of president and vice president of the United States who have not filed under sub. (6) (bm) but would otherwise be eligible to receive the electoral votes of this state to file a list of presidential electors and a declaration that they qualify for office and for the electors named in the list to file a declaration of acceptance.

SECTION 4. 10.28 (5) (bm) of the statutes is created to read:

10.28 (5) (bm) *Second Tuesday before election.* Write-in candidates for the office of the president and vice president of the United States shall file their list of presidential electors and a declaration that they will qualify for the office, if elected, with the secretary of state by 4:30 p.m. Electors named in the aforementioned list shall file a declaration of acceptance as an elector with the secretary of state by 4:30 p.m.

SECTION 5. 10.28 (6) (bm) of the statutes is created to read:

10.28 (6) (bm) *First Friday after election.* On the first Friday after the election, write-in candidates for the offices of president and vice president who have not filed as provided in sub. (5) (bm) but would otherwise be eligible to receive the electoral votes of this state shall file their list of presidential electors and a declaration that they qualify for office with the secretary of state by 4:30 p.m. Electors named in the aforementioned list shall file a declaration of acceptance as an elector with the secretary of state by 4:30 p.m.

Approved February 11, 1970.
