



EXECUTIVE ORDER #53

**Relating to a Special Election for the 7th Congressional District and
Amending Executive Order #46**

WHEREAS, United States Representative Sean Duffy, representing Wisconsin's 7th Congressional District, submitted his resignation to the Secretary of State, effective September 23, 2019;

WHEREAS, the Uniformed Overseas Citizens Absentee Voting Act (UOCAVA), 52 U.S.C. § 20307, mandates that UOCAVA-eligible voters must be able to receive absentee ballots at least 45 days before an election for national office;

WHEREAS, the Uniform Overseas Citizens Absentee Voting Act is critical for ensuring that each and every active military personnel stationed overseas and their family members of voting age have their votes counted;

WHEREAS, the Legislature amended the dates of the fall partisan primary to comply with UOCAVA when it enacted 2011 Wisconsin Act 75. However, the Legislature did not amend the special election statute – Wis. Stat. § 8.50 – to fully comply with UOCAVA; and

WHEREAS, pursuant to Article VI, Clause 2 of the United States Constitution, any state voting law that conflicts with the mandatory provisions of the Uniformed and Overseas Citizens Absentee Voting Act is preempted and invalid.

NOW, THEREFORE, I, TONY EVERS, Governor of the State of Wisconsin, pursuant to Article IV, Clause 2 of the United State Constitution, 52 U.S.C. Section 20307, and Section 8.50 of the Wisconsin Statutes, amend Executive Order #46 by replacing paragraph 1 with the following:

1. A special election shall be held on Tuesday, May 12, 2020, to fill the vacancy in the 7th Congressional District. The term of office for the 7th Congressional District will expire at noon on January 3, 2021. If a primary is necessary, it shall be held on Tuesday, February 18, 2020. Circulation of nomination papers for candidates began September 23, 2019, and nomination papers shall be filed no later than 5:00 p.m. on December 2, 2019, in the office of the Elections Commission, 212 East Washington Avenue, Third Floor, Madison, Wisconsin. These elections shall be held, conducted, canvassed, and returned in accordance with law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this nineteenth day of October in the year of two thousand nineteen.

A handwritten signature in blue ink, appearing to read 'Tony Evers', is written over a horizontal line.

TONY EVERS
Governor

By the Governor:

A handwritten signature in blue ink, appearing to read 'Douglas La Follette', is written over a horizontal line.

DOUGLAS LA FOLLETTE
Secretary of State