

**2013 DRAFTING REQUEST**

**Bill**

Received: **9/20/2012** Received By: **jkuesel**  
 Wanted: **As time permits** Same as LRB:  
 For: **Mary Lazich (608) 266-5400** By/Representing: **Andrew Hanus**  
 May Contact: Drafter: **jkuesel**  
 Subject: **Elections - miscellaneous** Addl. Drafters:  
 Extra Copies:

Submit via email: **YES**  
 Requester's email: **Sen.Lazich@legis.wisconsin.gov**  
 Carbon copy (CC) to: **joseph.kreye@legis.wisconsin.gov**  
**tracy.kuczenski@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Missing poll book signatures

**Instructions:**

Per attached #5.

**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>
/?	jkuesel 9/26/2012	scalvin 10/1/2012		_____			
/1			jfrantze 10/1/2012	_____	lparisi 10/1/2012	lparisi 4/18/2013	

FE Sent For: *Wol*

<END>

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12/1	jkuesel 9/26/12	10/01/12 /1 SAC	10/01/12 /1 SAC	 10/1			

FE Sent For:

<END>

1. **Full access to election documents during recount.** Change recount statutes so that candidates have complete access to all Election Day documents during a recount, including same-day registration documents. If a candidate finds errors with an Election Day registration, they could arguably be used to warrant a draw down.
  - a. Potential problems: Confidential information on registration forms may need to be redacted, and there wouldn't be much time to do it.
2. **Greater recount efficiency.** Clarify in statute that members of the board of canvass may deputize tabulators to allow them to handle absentees. Currently only members of the board of canvass may handle absentee ballots during a recount.
3. **Greater ballot security by mandating only the chief elections inspector may seal ballot bags.**
4. **Better record of proof of residency.** Currently, there is a space on new registration forms where an election worker may write the type of proof of residency provided. Require that poll workers fill this out.
5. **Clarify that a missing poll book signature results in a draw down during a recount.**
6. **Clarify that a missing witness address results in an invalid absentee ballot.**
7. **Larger pool of GAB nominees.** Modify 5.052 to give the governor more choices when appointing GAB members. → Already in drafting
8. **Party representation should apply to individual tasks at polling place, not just polling place generally.** Currently, each of the two political parties gets proportional representation at each polling place, but arguably some stations within the polling place (such as the registration table) are more important. The statutes should guarantee each party equal representation at each station within each polling place.
9. **Poll worker residency.** Currently, election officials are generally required to be qualified electors of the ward or municipality in which they serve. 2011 SB 269 would have expanded this to *county*, but the bill failed to pass the Assembly. It passed the Senate 17-16.
10. **Require that remade ballots are marked as such in a uniform location.** During recounts, it is often difficult to pick out remade ballots because each polling place marks them differently and in different locations on the ballots. Prescribing a uniform method and location for marking them will make it easier to identify remade ballots.



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 **AN ACT** <sup>gen act</sup> **relating to:** the procedure for recounting ballots when electors voting  
(2) in person are required to sign the poll list and fail to do so.

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

Currently, with limited exceptions, an elector voting in person at a polling place must enter his or her signature on the poll list or a similar list before being permitted to vote. After entering his or her signature, the election officials mark the poll list to indicate that the elector has voted and, unless voting machines are used, give the elector a ballot. Under current law, with certain exceptions, the election laws are to be interpreted to give effect to the will of the electors if that can be ascertained from the proceedings, notwithstanding failure to fully comply with some of their provisions. When the ballots cast at an election are used to recount the votes cast for an office or question, the officials compare the number of ballots cast to the number of voting electors, according to the poll list. After certain other categories of defective ballots are removed from the count, if the number of voting electors still exceeds the number of ballots, the officials conducting the recount draw a number of ballots at random from the remaining ballots until the number of voting electors equals the number of ballots.

This bill provides that, for purposes of a recount, an elector shall not be considered to be a voting elector if he or she is required to sign the poll list and does not do so.

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

x

1           **SECTION 1.** 6.88 (3) (a) of the statutes is amended to read:

2           6.88 **(3)** (a) Except in municipalities where absentee ballots are canvassed  
3 under s. 7.52, at any time between the opening and closing of the polls on election day,  
4 the inspectors shall, in the same room where votes are being cast, in such a manner  
5 that members of the public can hear and see the procedures, open the carrier  
6 envelope only, and announce the name of the absent elector or the identification  
7 serial number of the absent elector if the elector has a confidential listing under s.  
8 6.47 (2). When the inspectors find that the certification has been properly executed,  
9 the applicant is a qualified elector of the ward or election district, and the applicant  
10 has not voted in the election, they shall enter an indication followed by the letter "A"  
11 on the poll list next to the applicant's name indicating an absentee ballot is cast by  
12 the elector. They shall then open the envelope containing the ballot in a manner so  
13 as not to deface or destroy the certification thereon. The inspectors shall take out the  
14 ballot without unfolding it or permitting it to be unfolded or examined. Unless the  
15 ballot is cast under s. 6.95, the inspectors shall verify that the ballot has been  
16 endorsed by the issuing clerk. If the poll list indicates that proof of residence under  
17 s. 6.34 is required and no proof of residence is enclosed or the name or address on the  
18 document that is provided is not the same as the name and address shown on the poll  
19 list, the inspectors shall proceed as provided under s. 6.97 (2). The inspectors shall  
20 then deposit the ballot into the proper ballot box and enter the absent elector's name  
21 or voting number after his or her name on the poll list in the same manner as if the  
22 elector had been present and voted in person.

History: 1971 c. 304 s. 29 (2); 1975 c. 85, 199; 1977 c. 394 ss. 43, 53; 1979 c. 232, 260; 1983 a. 183, 484; 1987 a. 391; 1999 a. 49, 182; 2001 a. 38, 109; 2003 a. 265; 2005 a. 451; 2011 a. 23, 75, 227.

23           **SECTION 2.** 9.01 (1) (b) 1. of the statutes is amended to read:



Parisi, Lori

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**From:** Sieg, Tricia  
**Sent:** Thursday, April 18, 2013 11:24 AM  
**To:** Parisi, Lori  
**Subject:** Assembly Companion bill draft request

Lori,

Here is the list of those Senate bills that we would like to get an Assembly Companion drafted for.

LRB 0122/1 - TKK  
LRB 0122/1 - JTK  
LRB 0122/1 - JK  
LRB 0122/1 - JTK  
LRB 0122/1 - JK  
LRB 0122/1 - TKK

Thank you for your help. If you have any questions please let me know

Tricia

**Parisi, Lori**

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**From:** Sen.Lazich  
**Sent:** Thursday, April 18, 2013 11:17 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -0122/1 Topic: Missing poll book signatures

Please Jacket LRB -0122/1 for the SENATE.