



2009 SENATE BILL 435

December 21, 2009 - Introduced by COMMITTEE ON LABOR, ELECTIONS AND URBAN AFFAIRS, by request of Government Accountability Board. Referred to Committee on Labor, Elections and Urban Affairs.

1 **AN ACT** *to repeal* 7.23 (1) (b); *to amend* 7.23 (1) (f), 7.23 (1) (g), 7.23 (1) (h) and
2 7.23 (2); and *to create* 5.02 (4s) of the statutes; **relating to:** the period for
3 retention of certain election materials in state and local elections.

Analysis by the Legislative Reference Bureau

Currently, detachable recording units and compartments for use with electronic voting machines may be cleared or erased no earlier than 14 days after any primary and 21 days after any other election. Before clearing or erasing the units or compartments, a municipal clerk or board of election commissioners must transfer the data contained in the units or compartments to a disk or other recording medium which may be erased or destroyed no earlier than 22 months after the election to which the data relates.

This bill permits recording units and compartments for use with tabulating equipment for an electronic voting system at any election at which no federal office appears on the ballot to be cleared or erased no earlier than 14 days after the primary and 21 days after the election but not while a recount or appeal of a recount determination or decision is pending nor during the time period following a recount or appeal of a recount determination or decision when an appeal or petition for review may be filed except by order of a court in which an appeal is pending. The bill also applies the same limitation concerning pending recounts, appeals, and appeal

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periods to other materials relating to a specific election, subject to a minimum 22-month retention requirement for a federal election.

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

1 **SECTION 1.** 5.02 (4s) of the statutes is created to read:

2 5.02 (4s) “Federal election” means any election at which a national office
3 appears on the ballot.

4 **SECTION 2.** 7.23 (1) (b) of the statutes is repealed.

5 **SECTION 3.** 7.23 (1) (f) of the statutes is amended to read:

6 7.23 (1) (f) Except as authorized in ~~pars. (b) and par. (g)~~, ballots, applications
7 for absentee ballots, registration forms, or other records and papers requisite to
8 voting at any federal election, other than registration cards, may be destroyed after
9 22 months.

10 **SECTION 4.** 7.23 (1) (g) of the statutes is amended to read:

11 7.23 (1) (g) Detachable recording units and compartments for use with
12 tabulating equipment for an electronic voting machines system may be cleared or
13 erased 14 days after any primary and 21 days after any other election. Before
14 clearing or erasing the units or compartments for any federal election, a municipal
15 clerk shall transfer the data contained in the units or compartments to a disk or other
16 recording medium which may be erased or destroyed 22 months after the election to
17 which the data relates.

18 **SECTION 5.** 7.23 (1) (h) of the statutes is amended to read:

19 7.23 (1) (h) ~~Ballots~~ Except as provided in par. (f), ballots may be destroyed 30
20 days after any election.

21 **SECTION 6.** 7.23 (2) of the statutes is amended to read:

