

1973 Assembly Bill 754

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### CHAPTER 313, Laws of 1973

AN ACT to repeal and recreate 9.01 (1) (b) 3 and 4; and to create 9.01 (1) (b) 1m of the statutes, relating to election recount procedure.

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

SECTION 1. 9.01 (1) (b) 1m of the statutes is created to read:

9.01 (1) (b) 1m. The board shall then examine the absentee ballots. Any defective absentee ballots shall be laid aside, properly marked and carefully preserved. The number of voting electors shall be reduced by the number of ballots set aside under this subdivision. An absentee ballot is defective only if it is neither notarized nor witnessed, if it is not signed by the voter or if the affidavit supporting the absentee ballot has such a number of technical errors that the board is doubtful of the legal effect of the affidavit.

SECTION 2. 9.01 (1) (b) 3 and 4 of the statutes are repealed and recreated to read:

9.01 (1) (b) 3. When the container or bag has been checked, it shall be opened and the contents removed. When the number of ballots and electors agree, or after noting that there are fewer ballots than electors, the board shall proceed to place all ballots face down to check the ballot clerks' initials. Any ballots not properly initialed by 2 ballot clerks shall be laid aside, properly marked and carefully preserved.

4. The board shall, without examination other than is necessary to determine that each is a single ballot, count the number of ballots therein. If the number of ballots and the totals recorded under subd. 1 do not agree, this fact shall be noted. When the number of ballots exceeds the number of electors, all the ballots shall be returned to the container or bag and a number of ballots equal to the excess number of ballots shall be drawn by chance and without inspection from the container or bag. These ballots shall be specially marked as having been removed by the canvassers on recount due to an excess number of ballots and carefully preserved. After ascertaining that all the remaining ballots have been properly indorsed and all ballots removed as provided under this subdivision, the canvass shall begin.

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