

2001 DRAFTING REQUEST

Bill

Received: 11/22/2000

Received By: kuesejt

Wanted: As time permits

Identical to LRB:

For: Stephen Freese (608) 266-7502

By/Representing: him

This file may be shown to any legislator: NO

Drafter: kuesejt

May Contact:

Alt. Drafters: rmarchan

Subject: Elections - miscellaneous

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Disclosure of election returns

Instructions:

See Attached.

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>
/?	kuesejt 12/05/2000 rmarchan 12/08/2000	rschluet 12/21/2000					
/1			martykr 12/21/2000		lrb_docadmin 12/21/2000	lrb_docadmin 12/26/2000	

FE Sent For:

Not Needed

<END>

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(DN & RE)

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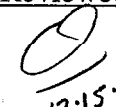
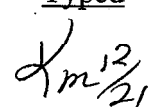
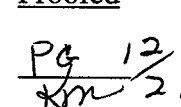
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176	kuesejt 12/5	 12-15-00	 12/21	 PG 12 KM 21			
		1-12/King 2003					

FE Sent For:

<END>

## Memorandum

To: Jeffrey Kuesel, Managing Attorney  
Robert Marchant, Attorney

From: Representative Steve Freese

Date: November 21, 2000

Re: Bill draft request relating to disclosure of election results

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Please prepare a legislative draft that would require all 72 Wisconsin counties and the State Elections Board to withhold presidential election results from the public until all polling locations have closed in the continental United States.

If you have any questions please feel free to contact Rob in my office at 266-7502.  
Thank you!

2001

Date (time) needed

DN 8725

LRB - 1171, 1

BILL

IN 1218

JTK:RJM  
rs  
rs & KMG

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the

statutes; relating to: *public inspection of the records of the*  
*Canvass* *of elections for the offices of*  
*president and vice president.*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

*Analysis by the Legislative Reference Bureau*

If titles are needed in the analysis, in the component bar:

For the main heading, execute: . . . . . create → anal: → title: → head

For the subheading, execute: . . . . . create → anal: → title: → sub

For the sub-subheading, execute: . . . . . create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: . . . . . create → anal: → text

(Amal into A)

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

SECTION #. *(next page)*

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1171/1  
JTK & RJM.....

**SECTION 1.** 7.10 (7) of the statutes is created to read:

7.10 (7) RELEASE OF PRESIDENTIAL ELECTION RETURNS. The county clerk shall withhold from public inspection under s. 19.35 (1) records of the canvass of the election for president and vice president until 10 p.m. on election night.

**SECTION 2.** 7.15 (9) of the statutes is created to read:

7.15 (9) RELEASE OF PRESIDENTIAL ELECTION RETURNS. The municipal clerk shall withhold from public inspection under s. 19.35 (1) records of the canvass of the election for president and vice president until 10 p.m. on election night.

**SECTION 3.** 7.51 (4) (b) of the statutes is amended to read:

7.51 (4) (b) The chief inspector, or one of the inspectors appointed by him or her, immediately after the votes are tabulated or counted at each election, shall report the returns of the election to the municipal clerk or to the school district clerk for school district elections, except in 1st class cities. The Except as provided in s. 7.15 (9), the clerk shall then make the returns public.

~~History:~~ 1971 c. 304 s. 29 (2); 1977 c. 29; 1977 c. 394 s. 53; 1977 c. 427, 447; 1979 c. 260 ss. 36, 48; 1979 c. 311; 1981 c. 4, 391; 1983 a. 183, 442; 1983 a. 484 ss. 76, 77, 172 (3); 1983 a. 538; 1985 a. 120, 304; 1987 a. 391; 1989 a. 56, 192; 1993 a. 399; 1997 a. 127; 1999 a. 49, 182.

**SECTION 4.** 7.60 (1) of the statutes is amended to read:

7.60 (1) KEEP OFFICE OPEN. On election night the county clerk shall keep the clerk's office open to receive reports from the ward inspectors and, except as otherwise provided in s. 7.10 (7), shall post all returns.

~~History:~~ 1971 c. 304 s. 29 (2); 1973 c. 334 ss. 14, 57; 1975 c. 93, 199; 1977 c. 187, 427, 449; 1979 c. 221, 260, 355; 1981 c. 4; 1983 a. 442, 484, 538; 1985 a. 89, 304, 332; 1987 a. 391; 1989 a. 31; 1991 a. 316; 1993 a. 399; 1999 a. 150 s. 672; 1999 a. 182.

(END)

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1171/1  
JTK & RJM.....

Currently, canvasses of elections are conducted at polling places or at central counting locations. All canvasses are open to the public. When a canvass at a polling place is completed, the election inspectors announce the results to those persons who are present at the polling place. The inspectors then report the returns to the municipal clerk or board of election commissioners. If a canvass is conducted at a central counting location, the municipal or county clerk or board of election commissioners is responsible for the canvass. Municipal and county clerks and boards of election commissioners then report results to other clerks or agencies to the extent required to determine election results. All records of returns are open to public inspection. County clerks and boards of election commissioners are required to keep their offices open on election night and to post all returns.

This bill directs municipal and county clerks to withhold from public inspection records of the canvass of the election for the offices of president and vice president until 10 p.m. on election night. The bill does not affect public access to polling places and central counting locations.

*the*

(and.  
INS A)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

(date)

LRB-1171/1  
JTK & RJM:.....

rs  
eking

Representative Freese:

\* According to the latest edition of the *Book of the States*, of the five states located in the Pacific Time Zone (other than Alaska and Hawaii), four (California, Idaho, Oregon, and Washington) close their polling places at 10 p.m. central time and one (Nevada) closes its polling places at 9 p.m. central time. This draft, therefore, provides for a 10 p.m. release time for returns.

Standard

Jeffery T. Kuesel  
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Robert J. Marchant  
Legislative Attorney  
Phone: (608) 261-4454  
E-mail: robert.marchant@legis.state.wi.us



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1171/1  
JTK&RJM:rs&kmg:km

December 21, 2000

Representative Freese:

According to the latest edition of the *Book of the States*, of the five states located in the Pacific time zone (other than Alaska and Hawaii), four (California, Idaho, Oregon, and Washington) close their polling places at 10 p.m. central standard time and one (Nevada) closes its polling places at 9 p.m. central standard time. This draft, therefore, provides for a 10 p.m. release time for returns.

Jeffery T. Kuesel  
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# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

December 21, 2000

### MEMORANDUM

To: Representative Freese

From: Jeffery T. Kuesel, Managing Attorney

Re: LRB-1171 Disclosure of election returns

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-6778 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.