

**2013 DRAFTING REQUEST**

**Senate Amendment (SA-SB(LRBx1111/1))**

Received: **1/31/2013** Received By: **jkreye**  
 Wanted: **As time permits** Same as LRB:  
 For: **Richard Gudex (608) 266-5300** By/Representing: **Lance Burri**  
 May Contact: Drafter: **jkreye**  
 Subject: **Elections - miscellaneous** Addl. Drafters:  
 Extra Copies:

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

**Pre Topic:**

No specific pre topic given

**Topic:**

Method of recounting votes cast with automatic tabulating equipment

**Instructions:**

No specific instructions given

**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>
/?	jkreye 1/31/2013			_____			
/1		kfollett 1/31/2013	rschluet 1/31/2013	_____	mbarman 1/31/2013	mbarman 1/31/2013	

FE Sent For:

<END>

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FE Sent For:

<END>



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBa0062/1  
JK...

*kyf*

SENATE AMENDMENT,  
TO SENATE BILL (LRB-1111/1)

*attached*

*ms 1-31-13*

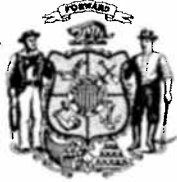
*Toolay*

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1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 15: after “hand” insert “and may determine to conduct the  
3 recount by hand for only certain wards or election districts”.

4 (END)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1111/1  
JK:cjs:ph

## 2013 BILL

1     **AN ACT to amend** 5.90 (1) of the statutes; **relating to:** the method of recounting  
2     votes cast with automatic tabulating equipment.

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

Currently, with a limited exception, a board of canvassers must use automatic tabulating equipment to conduct a recount of ballots that are in machine-readable form. However, a candidate, or an elector if the recount is for a referendum question, may petition the circuit court for an order requiring ballots in machine-readable form to be recounted by hand or by another method approved by the court. To obtain such an order, the candidate or elector must show by clear and convincing evidence that due to an irregularity, defect, or mistake committed during the voting or canvassing process the results of a recount using automatic tabulating equipment will produce incorrect results and there is a substantial probability that recounting the ballots by hand or by another method will produce a more correct result and change the outcome of the election.

This bill permits the board of canvassers conducting a recount to determine to conduct the recount of a specific election by hand unless a court orders the recount to be conducted by another method.

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

3     **SECTION 1.** 5.90 (1) of the statutes is amended to read:

**BILL**

1           5.90 (1) Except as otherwise provided in this subchapter, recounts of votes cast  
2 on an electronic voting system shall be conducted in the manner prescribed in s. 9.01.  
3 Except as provided in sub. (2) and s. 9.01 (1) (b) 8s. and this subsection, if the ballots  
4 are distributed to the electors, the board of canvassers shall recount the ballots with  
5 automatic tabulating equipment. The board of canvassers shall test the automatic  
6 tabulating equipment to be used prior to the recount as provided in s. 5.84, and then  
7 the official ballots or the record of the votes cast shall be recounted on the automatic  
8 tabulating equipment. In addition, the board of canvassers shall check the ballots  
9 for the presence or absence of the initials and other distinguishing marks, shall  
10 examine the ballots marked "Rejected", "Defective" and "Objected to" to determine  
11 the propriety of such labels, and shall compare the "Duplicate Overvoted Ballots"  
12 and "Duplicate Damaged Ballots" with their respective originals to determine the  
13 correctness of the duplicates. Unless a court orders a recount to be conducted by  
14 another method under sub. (2), the board of canvassers may determine to conduct the  
15 recount of a specific election by hand. If electronic voting machines are used, the

16 board of canvassers shall perform the recount using the permanent paper record of  
17 the votes cast by each elector, as generated by the machines.

**SECTION 2. Initial applicability.**

18  
19 (1) This act first applies with respect to petitions for recounts at elections held  
20 after the effective date of this subsection.

(END)

*and may determine to conduct the recount by hand  
for only certain wards or election districts*