

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:

Access to documents during recounts

Instructions:

Per attached #1.

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 10/24/2012	evinz 10/30/2012		_____			
/1			rschluet 10/31/2012	_____	sbasford 10/31/2012	lparisi 4/18/2013	

FE Sent For:

none

<END>

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1/1	jkuesel 10/24/12	1 ee v 10/30/12	1 ee v 10/30/12				

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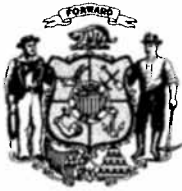
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/1			10/31/2012	_____	sbasford 10/31/2012		

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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

AD
ref

1

^{gen} AN ACT _{relating to}; relating to: challenging an elector's registration during recount proceedings.

2

Analysis by the Legislative Reference Bureau

Currently, any person may object to the validity of an elector's registration by filing an objection with the municipal clerk or board of election commissioners before election day or with the inspectors at a polling place on election day. If a challenge is made to an elector's registration on election day, the elector's ballot is marked for review of the challenge during any recount that may be held. Currently, during the recount of an election, the board of canvassers conducting the recount compares the number of voted ballots to the number of voting electors as indicated on the poll lists or supplemental lists. If, after certain other defective ballots are set aside, the number of voted ballots still exceeds the number of voting electors, the board draws down, at random, a number of voted ballots equal to the excess number before recounting the voted ballots and these ballots are not counted during the recount.

This bill provides that, in determining the number of voting electors, the board of canvassers must hear and decide any objection to the validity of the registration of an elector who registered on election day. Under the bill, if the board of canvassers determines that the registration of an elector who registered on election day is invalid, the board reduces the number of voting electors by one in performing the draw down of voted ballots, whenever a draw down is required.

*

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

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

2 9.01 (1) (b) (intro.) The proper board of canvassers shall reconvene no earlier
3 than 9 a.m. on the day following delivery of notice to all candidates under sub. (2) and
4 no later than 9 a.m. on the day following the last day for filing of a petition. The
5 municipal clerk shall provide the board of canvassers with all ballots, registrations
6 under s. 6.55 (2), and other voting materials relating to the election except
7 information to which access is restricted under s. 6.36 (1) (b). The board of
8 canvassers shall then proceed to recount the ballots in the wards or municipalities
9 specified and to review the allegations of fact contained in the petition or petitions.
10 The recount shall proceed for each ward or municipality as follows:

History: 1971 c. 251; 1971 c. 304 s. 29 (2); 1971 c. 336; 1973 c. 313; 1973 c. 334 ss. 23 to 26, 57; 1975 c. 41, 422; 1977 c. 394 s. 53; 1977 c. 427; 1979 c. 200; 1979 c. 260
ss. 66 to 68, 93; 1979 c. 311, 355; 1983 a. 183; 1983 a. 484 s. 172 (3); 1983 a. 538; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1993 a. 213; 1997 a. 27; 1999 a. 49, 182; 2001 a. 16;
2003 a. 265, 321; 2005 a. 149, 451; 2007 a. 1, 96; 2011 a. 75, 115.

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

12 9.01 (1) (b) 1. The board of canvassers shall first compare the poll lists and
13 determine the number of voting electors. In determining the number of voting
14 electors, the board of canvassers shall hear and decide any objection to the validity
15 of a voting elector's registration under s. 6.55 (2). If the board of canvassers
16 determines that the registration of the voting elector is invalid, the board of
17 canvassers shall reduce the number of voting electors accordingly.

History: 1971 c. 251; 1971 c. 304 s. 29 (2); 1971 c. 336; 1973 c. 313; 1973 c. 334 ss. 23 to 26, 57; 1975 c. 41, 422; 1977 c. 394 s. 53; 1977 c. 427; 1979 c. 200; 1979 c. 260
ss. 66 to 68, 93; 1979 c. 311, 355; 1983 a. 183; 1983 a. 484 s. 172 (3); 1983 a. 538; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1993 a. 213; 1997 a. 27; 1999 a. 49, 182; 2001 a. 16;
2003 a. 265, 321; 2005 a. 149, 451; 2007 a. 1, 96; 2011 a. 75, 115.

18 **SECTION 3. Initial applicability.**

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

21

(END)

Parisi, Lori

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 [REDACTED] — TKK
LRB [REDACTED] — JTK
LRB [REDACTED] — JK
LRB 0121/1 ← JTK
LRB [REDACTED] — JK
LRB [REDACTED] — TKK

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

Tricia

Parisi, Lori

From: Sen.Lazich
Sent: Thursday, April 18, 2013 11:20 AM
To: LRB.Legal
Subject: Draft Review: LRB -0121/1 Topic: Access to documents during recounts

Please Jacket LRB -0121/1 for the SENATE.