



2013 ASSEMBLY BILL 24

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

Analysis by the Legislative Reference Bureau

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:
4 5.90 (1) Except as otherwise provided in this subchapter, recounts of votes cast
5 on an electronic voting system shall be conducted in the manner prescribed in s. 9.01.
6 Except as provided in this subsection, sub. (2), and s. 9.01 (1) (b) 8s., if the ballots are
7 distributed to the electors, the board of canvassers shall recount the ballots with
8 automatic tabulating equipment. The board of canvassers shall test the automatic
9 tabulating equipment to be used prior to the recount as provided in s. 5.84, and then
10 the official ballots or the record of the votes cast shall be recounted on the automatic

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1 tabulating equipment. In addition, the board of canvassers shall check the ballots
2 for the presence or absence of the initials and other distinguishing marks, shall
3 examine the ballots marked “Rejected”, “Defective” and “Objected to” to determine
4 the propriety of such labels, and shall compare the “Duplicate Overvoted Ballots”
5 and “Duplicate Damaged Ballots” with their respective originals to determine the
6 correctness of the duplicates. Unless a court orders a recount to be conducted by
7 another method under sub. (2), the board of canvassers may determine to conduct the
8 recount of a specific election by hand and may determine to conduct the recount by
9 hand for only certain wards or election districts. If electronic voting machines are
10 used, the board of canvassers shall perform the recount using the permanent paper
11 record of the votes cast by each elector, as generated by the machines.

SECTION 2. Initial applicability.

12 (1) This act first applies with respect to petitions for recounts at elections held
13 after the effective date of this subsection.
14

15 (END)