

2013 Assembly Bill 24 (LRB -0623)

An Act to amend 5.90 (1) of the statutes; relating to: the method of recounting votes cast with automatic tabulating equipment.

2013

02-15.	A.	Introduced by Representatives Thiesfeldt, Bernier, LeMahieu, Ripp, Sinicki, Petryk, Kleefisch, T. Larson, Knodl, Berceau, Schraa, Kahl and Marklein ; cosponsored by Senators Gudex, Petrowski and Grothman .	42
02-15.	A.	Read first time and referred to Committee on Campaigns and Elections	42
03-06.	A.	Assembly Amendment 1 offered by Representative Thiesfeldt (LRB a0063)	73
03-12.	A.	Executive action taken	
03-26.	A.	Report Assembly Amendment 1 adoption recommended by Committee on Campaigns and Elections, Ayes 8, Noes 0	96
03-26.	A.	Report passage as amended recommended by Committee on Campaigns and Elections, Ayes 8, Noes 0	96
03-26.	A.	Referred to Committee on Rules	96

2014

02-13.	A.	Placed on calendar 2-18-2014 by Committee on Rules	
02-18.	A.	Representative Wright added as a coauthor	655
02-18.	A.	Rules suspended to withdraw from calendar and take up	654
02-18.	A.	Read a second time	654
02-18.	A.	Assembly Amendment 1 adopted	655
02-18.	A.	Ordered to a third reading	655
02-18.	A.	Rules suspended	655
02-18.	A.	Read a third time and passed	655
02-18.	A.	Ordered immediately messaged	655
02-19.	S.	Received from Assembly	694
02-19.	S.	Read first time and referred to committee on Senate Organization	695
02-19.	S.	Available for scheduling	
03-07.	S.	Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (1m), Ayes 5, Noes 0	743
03-07.	S.	Placed on calendar 3-11-2014 pursuant to Senate Rule 18(1)	743
03-11.	S.	Read a second time	
03-11.	S.	Ordered to a third reading	
03-11.	S.	Rules suspended	
03-11.	S.	Read a third time and concurred in	
03-11.	S.	Ordered immediately messaged	
03-12.	A.	Received from Senate concurred in	737

MB

2013
ENROLLED BILL

13en A B-24

ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

13-0623/1

Amendments to above (if none, write "NONE"): AA1 — a 0063/1

Corrections - show date (if none, write "NONE"): None

Topic Rel

3-14-14

J. Miller

Date

Enrolling Drafter



2013 ASSEMBLY BILL 24

February 15, 2013 - Introduced by Representatives THIESFELDT, BERNIER, LEMAHIEU, RIPP, SINICKI, PETRYK, KLEEFISCH, T. LARSON, KNODL, BERCEAU, SCHRAA, KAHL and MARKLEIN, cosponsored by Senators GUDEx, PETROWSKI and GROTHMAN. Referred to Committee on Campaigns and Elections.

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

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.

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:

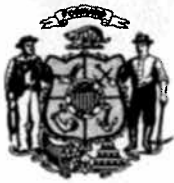
ASSEMBLY BILL 24**SECTION 1**

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 this subsection, sub. (2), and s. 9.01 (1) (b) 8s., if the ballots are
 4 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. ^{INS. AA1-1} 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 (1) This act first applies with respect to petitions for recounts at elections held
 19 after the effective date of this subsection.
 20

21 (END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa0063/1
JK:kjf:jm

ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 24

March 6, 2013 - Offered by Representative THIESFELDT.

AA1-1

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)