

**2013 DRAFTING REQUEST**

**Assembly Amendment (AA-AB(LRBx0623/1))**

Received: 1/31/2013 Received By: jkreye  
 Wanted: As time permits Same as LRB:  
 For: Jeremy Thiesfeldt (608) 266-3156 By/Representing: Hariah Hutkowski  
 May Contact: Drafter: jkreye  
 Subject: Elections - miscellaneous Addl. Drafters:  
 Extra Copies:

Submit via email: YES  
 Requester's email: Rep.Thiesfeldt@legis.wi.gov  
 Carbon copy (CC) to:

**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<br>1/31/2013 | kfollett<br>1/31/2013 | jmurphy<br>1/31/2013 | _____          |                    |                    |                 |
| /1           |                     |                       |                      | _____          | srose<br>1/31/2013 | srose<br>1/31/2013 |                 |

FE Sent For:

<END>

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /?           | jkreye         | 1/31 kf         | 1/31 jw      | self           |                  |                 |                 |

FE Sent For:

<END>



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0623/1

JK:cjs:jm

## 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:





State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBa0062/1  
JK:kjf:rs

ASSEMBLY

SENATE AMENDMENT ,

TO SENATE BILL (LRB-1111/1)

ASSEMBLY

0623/1 attached

a0063/1

in 1-31-13

today

- 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)