

2013 DRAFTING REQUEST

Bill

Received: **11/1/2012** Received By: **tkuczens**
 Wanted: **As time permits** Same as LRB:
 For: **Mary Lazich (608) 266-5400** By/Representing: **Andrew Hanus**
 May Contact: Drafter: **tkuczens**
 Subject: **Elections - miscellaneous** Addl. Drafters:
 Extra Copies: **jk, jtk**

Submit via email: **YES**
 Requester's email: **Sen.Lazich@legis.wisconsin.gov**
 Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Require remade ballots to be marked as such in uniform location

Instructions:

See attached

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>
/?	tkuczens 11/9/2012			_____			
/P1	tkuczens 1/30/2013	evinz 1/30/2013	phenry 1/30/2013	_____	sbasford 11/9/2012		
/1				_____	mbarman 1/30/2013	lparisi 4/18/2013	

FE Sent For:

None

<END>

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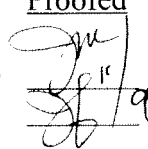
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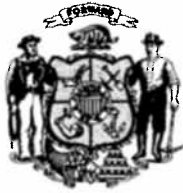
See attached

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1?	tkuczens	pl eev 11/9/12	pl eev 11/9/12				

FE Sent For:

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-04727-PT
TKK... eeV
RME on

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAJ
xref /

in 11/9/12
SODM

gen cat

1 AN ACT ...; relating to: labeling of duplicate ballots.

Analysis by the Legislative Reference Bureau

or
as well as

Current law permits an election official to create a duplicate of an elector's ballot when one of two circumstances occur: 1) the elector's original ballot is damaged or defective such that the ballot cannot be properly counted by automatic tabulating equipment; and 2) the elector has overvoted for an office by voting for an identified candidate and by also voting for a write-in candidate for the same office. In the first circumstance, the election official duplicates the elector's ballot in its entirety. In the second circumstance, the election official duplicates the elector's original ballot but does not complete that portion of the ballot for the office for which the elector overvoted. Current law requires the election official to retain and write "Damaged Ballot" or "Overvoted Ballot" on the elector's original ballot. Current law also requires the election official to keep the original ballot with its duplicate and to write "Duplicate Damaged Ballot" or "Duplicate Overvoted Ballot" on the duplicate ballot.

This bill requires the election official to uniformly write the identity of these ballots and duplicate ballots on the upper right-hand corner of the ballot.

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

- 2 SECTION 1. 5.85^x (2) (b) of the statutes is amended to read:
- 3 5.85 (2) (b) Write-in votes shall be counted as provided in s. 7.50 (2) (d). The
- 4 upper right-hand corner of the original ballot upon which there is an overvote shall

1 be clearly labeled with the words "Overvoted Ballot" and the upper right-hand
 2 corner of the duplicate ballot produced under par. (a) shall be clearly labeled with the
 3 words "Duplicate Overvoted Ballot." The election officials shall place the same serial
 4 number on each "Overvoted Ballot" ^{ballot} and its corresponding "Duplicate Overvoted
 5 ~~Ballot,~~ ^{Ballot & ballots} commencing with number "1" and continuing consecutively for each of the
 6 ballots for which a "Duplicate Overvoted Ballot" ^{ballot} is produced in that ward or election
 7 district. The election officials shall initial the "Duplicate Overvoted Ballot" ballots
 8 and shall place them in the container for return of the ballots. The "Overvoted Ballot"
 9 ballots and their envelopes shall be placed in the "Original Ballots" envelope.

History: 1979 c. 311; 1989 a. 192; 1997 a. 127; 2001 a. 16; 2005 a. 149.

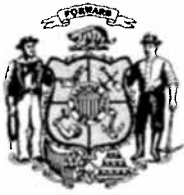
10 **SECTION 2.** 5.85 (3) of the statutes is amended to read:

11 5.85 (3) The election officials shall examine the ballots to determine if any is
 12 damaged or defective so that it cannot be counted by the automatic tabulating
 13 equipment. If any ballot is damaged or defective so that it cannot be properly counted
 14 by the automatic tabulating equipment, the election officials, in the presence of
 15 witnesses, shall make a true duplicate ballot of all votes on that ballot by using one
 16 of the marking devices so as to transfer all votes of the elector to an official ballot of
 17 that kind used by the elector who voted the original ballot in that election. Unless
 18 election officials are selected under s. 7.30 (4) (c) without regard to party affiliation,
 19 the election officials shall consist in each case of at least one election official of each
 20 of the 2 major political parties, whenever officials of both parties are present. The
 21 upper right-hand corner of the original ballot shall be clearly labeled with the words
 22 "Damaged Ballot" and the upper-right hand corner of the ballot so produced with
 23 the words "Duplicate Damaged Ballot", ^{str} and each shall bear the same number which
 24 shall be placed thereon by the election officials, commencing with number "1" and

1 continuing consecutively for the ballots of that kind in the ward. The election
2 officials shall initial the "Duplicate Damaged Ballot" ballots, and shall place them
3 in the container for return of the ballots. The officials shall place "Damaged Ballot"
4 ballots and their envelopes in the "Original Ballots" envelope.

5 **History:** 1979 c. 311; 1989 a. 192; 1997 a. 127; 2001 a. 16; 2005 a. 149.

(END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

DWV

1/30/13

Today (no changes)

1 **AN ACT to amend** 5.85 (2) (b) and 5.85 (3) of the statutes; **relating to:** labeling
2 of duplicate ballots.

Analysis by the Legislative Reference Bureau

Current law permits an election official to create a duplicate of an elector's ballot when one of two circumstances occur: 1) the elector's original ballot is damaged or defective such that the ballot cannot be properly counted by automatic tabulating equipment; or 2) the elector has overvoted for an office by voting for an identified candidate as well as a write-in candidate for the same office. In the first circumstance, the election official duplicates the elector's ballot in its entirety. In the second circumstance, the election official duplicates the elector's original ballot but does not complete that portion of the ballot for the office for which the elector overvoted. Current law requires the election official to retain and write "Damaged Ballot" or "Overvoted Ballot" on the elector's original ballot. Current law also requires the election official to write "Duplicate Damaged Ballot" or "Duplicate Overvoted Ballot" on the duplicate ballot.

This bill requires the election official to uniformly write the identity of these ballots and duplicate ballots on the upper right-hand corner of the ballot.

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

3 **SECTION 1.** 5.85 (2) (b) of the statutes is amended to read:

1 5.85 (2) (b) Write-in votes shall be counted as provided in s. 7.50 (2) (d). The
2 upper right-hand corner of the original ballot upon which there is an overvote shall
3 be clearly labeled with the words “Overvoted Ballot” and the upper right-hand
4 corner of the duplicate ballot produced under par. (a) shall be clearly labeled with the
5 words “Duplicate Overvoted Ballot.” The election officials shall place the same serial
6 number on each “Overvoted Ballot” ballot and its corresponding “Duplicate
7 Overvoted ~~Ballot,~~ Ballot” ballot, commencing with number “1” and continuing
8 consecutively for each of the ballots for which a “Duplicate Overvoted Ballot” ballot
9 is produced in that ward or election district. The election officials shall initial the
10 “Duplicate Overvoted Ballot” ballots and shall place them in the container for return
11 of the ballots. The “Overvoted Ballot” ballots and their envelopes shall be placed in
12 the “Original Ballots” envelope.

13 **SECTION 2.** 5.85 (3) of the statutes is amended to read:

14 5.85 (3) The election officials shall examine the ballots to determine if any is
15 damaged or defective so that it cannot be counted by the automatic tabulating
16 equipment. If any ballot is damaged or defective so that it cannot be properly counted
17 by the automatic tabulating equipment, the election officials, in the presence of
18 witnesses, shall make a true duplicate ballot of all votes on that ballot by using one
19 of the marking devices so as to transfer all votes of the elector to an official ballot of
20 that kind used by the elector who voted the original ballot in that election. Unless
21 election officials are selected under s. 7.30 (4) (c) without regard to party affiliation,
22 the election officials shall consist in each case of at least one election official of each
23 of the 2 major political parties, whenever officials of both parties are present. The
24 upper right-hand corner of the original ballot shall be clearly labeled with the words
25 “Damaged Ballot” and the upper-right hand corner of the ballot so produced with

1 the words “Duplicate Damaged Ballot”, and each shall bear the same number which
2 shall be placed thereon by the election officials, commencing with number “1” and
3 continuing consecutively for the ballots of that kind in the ward. The election
4 officials shall initial the “Duplicate Damaged Ballot” ballots, and shall place them
5 in the container for return of the ballots. The officials shall place “Damaged Ballot”
6 ballots and their envelopes in the “Original Ballots” envelope.

7



(END)

Kuczenski, Tracy

From: Sieg, Tricia
Sent: Wednesday, January 30, 2013 7:16 AM
To: Kuczenski, Tracy
Subject: Some more P drafts to get drafted as regular bills

Tracy,

To avoid the rush of yesterday (thanks again for your help with that) I figured I should get the all of our p drafts from the summer drafted as regular 13-14 bills. Here are the others that you did the p drafts on that I would like to have drafted.


0472/P1


These are by no means a rush.

Thank you again for your help.

Tricia
Senator Lazich's office

Pàrisi, Lori

From: Sen.Lazich
Sent: Thursday, April 18, 2013 11:16 AM
To: LRB.Legal
Subject: Draft Review: LRB -0472/1 Topic: Require remade ballots to be marked as such in uniform location

Please Jacket LRB -0472/1 for the SENATE.