



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:

