

Chapter EIBd 5

BALLOT SECURITY

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EIBd 5.01 Ballot security. (1) Within the requirements of s. 7.51 (3), Stats., the terms “secure” and “seal” shall be interpreted together to mean that the ballots, within the container in which they are held, must be bound together in such a manner that no ballot may be removed, nor any ballot added, to the bound ballots without a visibly discernible and indelible record of or evidence of interference with or damage to that binding.

(2) Within the requirements of s. 7.51 (3) (a), Stats., a ballot container shall be considered “sealed” or “locked,” only if no ballot may be removed from the container or deposited into the container, and no other form of access to the bound ballots inside may be gained, without leaving visibly discernible and indelible evidence of, or record of, that entry or access into the container.

(3) A ballot container shall not be considered “secured” unless it is stored in a room or other facility access to which is limited

only to the clerk of the election district or to other persons known to the clerk, and access to which is not available to any other person.

(4) Whenever the custodian of the ballots is required to open the ballot container and unseal the ballots – as part of a recount, an appeal of a recount, or as part of a public records request under s. 19.35, Stats. – the custodian shall make a record of that entry and of that ballot review. Upon completion of the review of the ballots, the custodian shall re-secure them in the manner provided in s. 7.51, Stats., unless destruction is authorized under s. 7.23, Stats.

(5) Security of the ballots and the ballot container shall be maintained as provided under s. 7.51, Stats., until destruction of the ballots is conducted under s. 7.23, Stats. Destruction of the ballots under s. 7.23, Stats., requires shredding, incineration, or some other form of obliteration of the ballots.

History: Cr. Register, January, 1992, No. 433, eff. 2–1–92.