

State of Misconsin 2001 - 2002 LEGISLATURE

 $LRB-1171/1 \\ JTK\&RJM:rs\&kmg:km$

2001 ASSEMBLY BILL 38

January 19, 2001 – Introduced by Representatives Freese, Gronemus, Ainsworth, Albers, Hoven, Hundertmark, Krawczyk, Ladwig, McCormick, Montgomery, Musser, Owens, Pettis, Townsend, Urban and Williams, cosponsored by Senators Schultz and Farrow. Referred to Committee on Campaigns and Elections.

AN ACT to amend 7.51 (4) (b) and 7.60 (1); and to create 7.10 (7) and 7.15 (9) of the statutes; relating to: public inspection of the records of the canvass of elections for the offices of president and vice president.

Analysis by the Legislative Reference Bureau

Currently, canvasses of elections are conducted at polling places or at central counting locations. All canvasses are open to the public. When a canvass at a polling place is completed, the election inspectors announce the results to those persons who are present at the polling place. The inspectors then report the returns to the municipal clerk or board of election commissioners. If a canvass is conducted at a central counting location, the municipal or county clerk or board of election commissioners is responsible for the canvass. Municipal and county clerks and boards of election commissioners then report the results to other clerks or agencies to the extent required to determine election results. All records of returns are open to public inspection. County clerks and boards of election commissioners are required to keep their offices open on election night and to post all returns.

This bill directs municipal and county clerks to withhold from public inspection records of the canvass of the election for the offices of president and vice president until 10 p.m. on election night. The bill does not affect public access to polling places and central counting locations.

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

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Section 1. 7.10 (7) of the statutes is created to read:
7.10 (7) Release of presidential election returns. The county clerk shall
withhold from public inspection under s. 19.35 (1) records of the canvass of the
election for president and vice president until 10 p.m. on election night.
Section 2. 7.15 (9) of the statutes is created to read:
7.15 (9) Release of presidential election returns. The municipal clerk shall
withhold from public inspection under s. 19.35 (1) records of the canvass of the
election for president and vice president until 10 p.m. on election night.
Section 3. 7.51 (4) (b) of the statutes is amended to read:
7.51 (4) (b) The chief inspector, or one of the inspectors appointed by him or her,
immediately after the votes are tabulated or counted at each election, shall report
the returns of the election to the municipal clerk or to the school district clerk for
school district elections, except in 1st class cities. The Except as provided in s. 7.15
(9), the clerk shall then make the returns public.
Section 4. 7.60 (1) of the statutes is amended to read:
7.60 (1) KEEP OFFICE OPEN. On election night the county clerk shall keep the
clerk's office open to receive reports from the ward inspectors and, except as

(END)

otherwise provided in s. 7.10 (7), shall post all returns.