



2013 SENATE BILL 262

August 21, 2013 – Introduced by Senators LAZICH, VUKMIR, GROTHMAN and DARLING, cosponsored by Representative SANFELIPPO. Referred to Elections and Urban Affairs.

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:

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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

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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.

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(END)