



2013 SENATE BILL 263

August 21, 2013 – Introduced by Senators LAZICH, LEIBHAM, VUKMIR, GROTHMAN and DARLING, cosponsored by Representatives BERNIER, T. LARSON, SANFELIPPO, TITTL, MURPHY and PRIDEMORE. Referred to Elections and Urban Affairs.

- 1 **AN ACT to amend** 9.01 (1) (b) (intro.) and 9.01 (1) (b) 1. of the statutes; **relating**
2 **to:** challenging an elector's registration during recount proceedings.

Analysis by the Legislative Reference Bureau

Currently, any person may object to the validity of an elector's registration by filing an objection with the municipal clerk or board of election commissioners before election day or with the inspectors at a polling place on election day. If a challenge is made to an elector's registration on election day, the elector's ballot is marked for review of the challenge during any recount that may be held. Currently, during the recount of an election, the board of canvassers conducting the recount compares the number of voted ballots to the number of voting electors as indicated on the poll lists or supplemental lists. If, after certain other defective ballots are set aside, the number of voted ballots still exceeds the number of voting electors, the board draws down, at random, a number of voted ballots equal to the excess number before recounting the voted ballots and these ballots are not counted during the recount.

This bill provides that, in determining the number of voting electors, the board of canvassers must hear and decide any objection to the validity of the registration of an elector who registered on election day. Under the bill, if the board of canvassers determines that the registration of an elector who registered on election day is invalid, the board reduces the number of voting electors by one in performing the drawdown of voted ballots, whenever a drawdown is required.

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

SENATE BILL 263**SECTION 1**

1 **SECTION 1.** 9.01 (1) (b) (intro.) of the statutes is amended to read:

2 9.01 (1) (b) (intro.) The proper board of canvassers shall reconvene no earlier
3 than 9 a.m. on the day following delivery of notice to all candidates under sub. (2) and
4 no later than 9 a.m. on the day following the last day for filing of a petition. The
5 municipal clerk shall provide the board of canvassers with all ballots, registrations
6 under s. 6.55 (2), and other voting materials relating to the election except
7 information to which access is restricted under s. 6.36 (1) (b). The board of canvassers
8 shall then proceed to recount the ballots in the wards or municipalities specified and
9 to review the allegations of fact contained in the petition or petitions. The recount
10 shall proceed for each ward or municipality as follows:

11 **SECTION 2.** 9.01 (1) (b) 1. of the statutes is amended to read:

12 9.01 (1) (b) 1. The board of canvassers shall first compare the poll lists and
13 determine the number of voting electors. In determining the number of voting
14 electors, the board of canvassers shall hear and decide any objection to the validity
15 of a voting elector's registration under s. 6.55 (2). If the board of canvassers
16 determines that the registration of the voting elector is invalid, the board of
17 canvassers shall reduce the number of voting electors accordingly.

18 **SECTION 3. Initial applicability.**

19 (1) This act first applies with respect to elections held after the effective date
20 of this subsection.

21 **(END)**