



2013 SENATE BILL 266

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

1 **AN ACT to amend** 6.88 (3) (a) and 9.01 (1) (b) 1. of the statutes; **relating to:** the
2 procedure for recounting ballots when electors voting in person are required to
3 sign the poll list and fail to do so.

Analysis by the Legislative Reference Bureau

Currently, with limited exceptions, an elector voting in person at a polling place must enter his or her signature on the poll list or a similar list before being permitted to vote. After entering his or her signature, the election officials mark the poll list to indicate that the elector has voted and, unless voting machines are used, give the elector a ballot. Under current law, with certain exceptions, the election laws are to be interpreted to give effect to the will of the electors if that can be ascertained from the proceedings, notwithstanding failure to fully comply with some of their provisions. When the ballots cast at an election are used to recount the votes cast for an office or question, the officials compare the number of ballots cast to the number of voting electors, according to the poll list. After certain other categories of defective ballots are removed from the count, if the number of voting electors still exceeds the number of ballots, the officials conducting the recount draw a number of ballots at random from the remaining ballots until the number of voting electors equals the number of ballots.

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This bill provides that, for purposes of a recount, an elector shall not be considered to be a voting elector if he or she is required to sign the poll list and does not do so.

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

1 **SECTION 1.** 6.88 (3) (a) of the statutes is amended to read:

2 6.88 (3) (a) Except in municipalities where absentee ballots are canvassed
3 under s. 7.52, at any time between the opening and closing of the polls on election day,
4 the inspectors shall, in the same room where votes are being cast, in such a manner
5 that members of the public can hear and see the procedures, open the carrier
6 envelope only, and announce the name of the absent elector or the identification
7 serial number of the absent elector if the elector has a confidential listing under s.
8 6.47 (2). When the inspectors find that the certification has been properly executed,
9 the applicant is a qualified elector of the ward or election district, and the applicant
10 has not voted in the election, they shall enter an indication followed by the letter "A"
11 on the poll list next to the applicant's name indicating an absentee ballot is cast by
12 the elector. They shall then open the envelope containing the ballot in a manner so
13 as not to deface or destroy the certification thereon. The inspectors shall take out the
14 ballot without unfolding it or permitting it to be unfolded or examined. Unless the
15 ballot is cast under s. 6.95, the inspectors shall verify that the ballot has been
16 endorsed by the issuing clerk. If the poll list indicates that proof of residence under
17 s. 6.34 is required and no proof of residence is enclosed or the name or address on the
18 document that is provided is not the same as the name and address shown on the poll
19 list, the inspectors shall proceed as provided under s. 6.97 (2). The inspectors shall
20 then deposit the ballot into the proper ballot box and enter the absent elector's name

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1 or voting number after his or her name on the poll list in the same manner as if the
2 elector had been present and voted in person.

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

4 9.01 (1) (b) 1. The board of canvassers shall first compare the poll lists and
5 determine the number of voting electors. If an elector has voted in person at a polling
6 place and is required to sign the poll list but does not do so, the elector shall not be
7 considered a voting elector.

8 **SECTION 3. Initial applicability.**

9 (1) This act first applies with respect to voting at elections held on the effective
10 date of this subsection.

11 (END)