

1 **AN ACT** *to create* 5.91 (19) of the statutes; **relating to:** requiring the use of printed
2 ballots with electronic voting systems.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on election law review.

Under current law, no electronic voting system, including an electronic voting machine, may be used unless the system meets statutory standards and is approved by the elections board for use at elections held in this state. A system may not be approved unless it, among other things, enables the elector to vote in secrecy; records and counts votes correctly and accurately; and does not employ a mechanism by which a ballot is punched or punctured to record a vote.

Additionally, effective January 1, 2006, such a system must permit an elector to privately verify the votes selected by the elector before the elector's ballot is cast and must produce a permanent paper record of each vote cast that enables a manual count or recount.

This draft adds an additional requirement. Under the draft, an electronic voting system may not be approved unless it requires the use of an individual printed ballot that is distributed to the elector.

The draft contains an effective date of January 1, 2006.

3 **SECTION 1.** 5.91 (19) of the statutes is created to read:

4 5.91 (19) [Except as may be necessary to satisfy the requirements of s. 301 (a) (3) of
5 P.L. 107-252 and s. 5.25 (4) (a), it] [It] requires the use of an individual printed ballot that is
6 distributed to the elector.

COMMENT: Section 301 (a) (3) of the help America vote act of 2002 (P.L. 107-252) requires each voting system used in an election for federal office to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation,

including privacy and independence, as for other voters. That section further provides that a state may satisfy these requirements through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place.

It is possible that a system which requires the distribution of an individual printed ballot may not satisfy these federal requirements. Therefore, the special committee may wish to consider language similar to the bracketed language in the draft so that the elections board retains discretion to approve systems not using a separate ballot to meet federal law.

1 **SECTION 2. Effective date.** This act takes effect on January 1, 2006.

2 (END)