



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 92
[2005 Assembly Bill 627]

Electronic Voting System Standards

2005 Wisconsin Act 92 makes four primary changes to the state's election laws. Those changes are described below.

- Act 92 requires that an electronic voting machine generate a complete, permanent paper record showing all votes cast by each elector that is verifiable by the elector, by either visual or nonvisual means (as appropriate), before the elector leaves the voting area.
- Act 92 requires that if electronic voting machines are used at an election, any recount of votes cast on such machines must be performed using the permanent paper record of the votes cast generated by the machines.
- Act 92 requires the Elections Board to determine which software components of an electronic voting system are necessary to enable review and verification of the accuracy of the automatic tabulating equipment used to record and tally the votes cast with the system. The board must then require the vendor of each electronic voting system that is approved for use in the state to place those software components in escrow with the board within 90 days of approval of the system and within 10 days of the state of any subsequent change in the components. The escrowed components are to be maintained in strict confidence and are not subject to inspection under the Open Records Law. However, if a valid petition for a recount is filed in an election at which an electronic voting system is used, each party to the recount may designate one or more persons who are authorized to receive access to the escrowed software used in that election. The designated persons may receive access to the relevant escrowed software if the persons agree in writing to maintain the confidentiality of all proprietary information to which the person has access. Additionally, a county or municipality may contract with the vendor of an electronic voting system to permit a greater degree of access to software components used with that system. Finally, the board is directed to promulgate administrative rules to ensure the security, review, and verification of software components used with each electronic voting system approved for use in the state. The

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

verification procedure must include a determination that the software components correspond to the instructions actually used by the system to count votes.

- Act 92 deletes the minimum 8 point font size requirement applicable to paper ballots under current law. Accordingly, the Elections Board may promulgate a minimum font size applicable to paper ballots.

Effective Date: The act takes effect on January 20, 2006.

Prepared by: Robert J. Conlin, Senior Staff Attorney

January 6, 2006

RJC:jal:ksm