

## **WISCONSIN**

**NOTE:** Many municipalities only have one precinct located at the municipal office. The poll tapes can be viewed at the precinct (municipal office) when the polls close.

### ***Notes below by Karen McKim of Wisconsin Election Integrity:***

The statutes do not mention 'results' tapes. If they mention those documents at all, it is as the "written record of the total votes cast."

I'm not going to take the time to organize this into a coherent legal argument, but here's your raw material (emphasis mine).

The Foundation (Welcome to Old Wisconsin): s.19.31-39, Wis.Stats, which opens with:

19.31 Declaration of policy. In recognition of the fact that a representative government is dependent upon an informed electorate, **it is declared to be the public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them.** Further, providing persons with such information is declared to be an essential function of a representative government and an integral part of the routine duties of officers and employees whose responsibility it is to provide such information. To that end, ss. 19.32 to 19.37 shall be construed in every instance with a presumption of complete public access, consistent with the conduct of governmental business. **The denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied.**

7.41 Public's right to access. (Specific to election proceedings)

(1) **Any member of the public may be present at any polling place, in the office of any municipal clerk** whose office is located in a public building on any day that absentee ballots may be cast in that office, or at an alternate site under s. 6.855 on any day that absentee ballots may be cast at that site **for the purpose of observation of an election and the absentee ballot voting process**, except a candidate whose name appears on the ballot at the polling place or on an absentee ballot to be cast at the clerk's office or alternate site at that election. The chief inspector or municipal clerk may reasonably limit the number of persons representing the same organization who are permitted to observe under this subsection at the same time. Each person permitted to observe under this subsection shall print his or her name in and sign and date a log maintained by the chief inspector or municipal clerk for that polling place, office, or alternate site.

(2) The chief inspector or municipal clerk may restrict the location of any individual exercising the right under sub. (1) to certain areas within a polling place, the clerk's office, or alternate site under s. 6.855. The chief inspector or municipal clerk shall clearly designate observation areas for election observers under sub. (1). The observation areas shall be not less than 3 feet from nor more than 8 feet from the table at which electors announce their name and address to be issued a voter number at the polling place, office, or alternate site and not less than 3 feet from nor more than 8 feet from the table at which a person may register to vote at the polling place, office, or alternate site. **The observation areas shall be so positioned to permit any election observer to readily observe all public aspects of the voting process.**

7.51(1) Immediately after the polls close the inspectors except any inspector appointed under s. 7.30 (1) (b) shall proceed to canvass **publicly** all votes received at the polling place.

7.51(3)(c) requires the results tapes to be delivered immediately to the muni clerk.

Where voting machines are used, as soon as the count is complete and fully recorded, the inspectors shall seal, close and lock the machine, or remove the record so it cannot be voted on or tampered with. They shall then proceed to separately canvass and return any paper ballots voted under s. 5.40 (3) to (6). The inspectors shall count the challenged ballots the same as other ballots. Upon completion of the canvass, the inspectors shall return the paper ballots in a separate envelope marked "Paper Ballots". The inspectors shall place the record of write-in votes cast on the machines in an envelope marked "Write-In Votes". **The inspectors shall return the paper ballots and write-in votes along with any printed voting record produced by the voting machines to the clerk under par. (a) or (b) or to the board of election commissioners.** The inspectors shall place the envelopes and printed voting record in a properly sealed bag or container, indicating the ward or wards and county.

7.51(4)(b) and (c) also make it clear that the results tapes are to be made public:

(b) The chief inspector, or one of the inspectors appointed by him or her, immediately after the votes are tabulated or counted at each election, shall report the returns of the election to the municipal clerk .... **The clerk shall then make the returns public.**

(c) On election night the municipalities shall report the returns, by ward or reporting unit, to the county clerk no later than 2 hours after the votes are tabulated.