

Destruction of Materials

The following chart is designed to assist clerks in determining when to destroy election materials. Materials and supplies associated with an election may be destroyed according to the following chart unless there is a recount, notice of an election contest, or any contest or litigation pending with respect to the election. For specific dates please see the *Calendar of Election and Campaign Events* from the Wisconsin Elections Commission. All materials and documentation associated with a federal election must be retained at least 22 months after the election. Wis. Stat. § 7.23.

Materials	Destruction Date
Contents of a discarded ballots box, i.e. discarded partisan primary ballots	3 business days after all canvasses are completed for an election*
Unused ballots	3 business days after all canvasses are completed for an election*
Voter number tickets or slips	90 days after an election
	22 months after a federal election***
Memory devices, test decks, results tapes	14 days after a primary
	21 days after an election**
Voted Ballots (state, county, local offices)	30 days after an election
Voted Ballots (federal offices)***	22 months after a federal election
Applications and certificate envelopes for absentee ballots	90 days after an election
	22 months after the election for federal election ballots ***
Forms associated with the election such as tally sheets, Inspectors' Statements (EL-104), Declarations of Candidacy (EL-162), and nomination papers, incomplete EL-131s or voter applications lacking POR.	90 days after an election
	22 months after a federal election***
Official canvass statements	10 years after an election
Voter lists (aka poll lists, poll book lists)	22 months after an election

Absentee Ballot Log and Provisional Ballot Reporting Form (EL-123r)	90 days after an election when votes are not recorded by the MBOC (22 months after a federal election***)
	22 months after an election when votes are recorded by the MBOC
Inactivated voter registration applications	4 years after the cancellation
Election notices	1 year after the election
	22 months after the federal election***
Proofs of publication of notices and correspondence relative to publications	1 year after the election
	22 months after a federal election***
Clerk Materials (e.g. late absentee ballots)	90 days after an election 22 months after a federal election***
Notifications of Noncandidacy (EL-163)	6 years after termination by the registrant
Election Voting and Registration Statistics Reports (EL-190)	22 months after the election for which they were created

* Unless a petition for recounts is filed, in which case the materials must be retained.

** Before units can be cleared or erased, the information must be transferred to a disk or other recording medium and retained for 22 months. This provision applies to elections that contain a federal office. For additional information on retention requirements for electronic media please see the clerk communication dated June 9, 2010, available on the G.A.B. website.

*** Federal offices are President of the U.S., U.S. Senator and U.S. Representative in Congress.

Electronic Conversion of Election Records

The Legislature, in Wis. Stat. § 7.23, established a schedule for the destruction of election materials, but it did not provide in that statute, or in any other elections statute, a schedule or timetable for the conversion of elections records from “hard-copy” to electronic format or to microfiche.

The statute that authorizes the conversion of hard copies, Wis. Stat. § 19.21(4)(c), reads as follows:

(c) Any local governmental unit or agency may provide for the keeping and preservation of public records kept by that governmental unit through the use of microfilm or another reproductive device, optical imaging or electronic formatting. A local governmental unit or agency shall make such provision by

ordinance or resolution. Any such action by a subunit of a local governmental unit or agency shall be in conformity with the action of the unit or agency of which it is a part. Any photographic reproduction of a record authorized to be reproduced under this paragraph is deemed an original record for all purposes if it meets the applicable standards established in §§ 16.61 (7) and 16.612. This paragraph does not apply to public records kept by counties electing to be governed by Chapter 228.

At its July 18, 2007 meeting, the former State Elections Board formally adopted the recommendation that counties or municipalities who convert their elections or campaign finance records from paper or “hard-copy” to microfilm or electronic format must retain the “hard copies” of those records for at least two years after the election immediately following the creation of those records, or for that period of time requested by the district attorney for that county or whose jurisdiction includes that municipality.