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# Wisconsin Legislative Council

## ACT MEMO

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**Prepared by:** Katie Bender-Olson, Senior Staff Attorney

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**2019 Wisconsin Act 99**  
[2019 Senate Bill 335]

**Lake Protection and  
Rehabilitation District  
Board Elections**

### BACKGROUND

State law provides for the election of some members of lake protection and rehabilitation district boards of commissioners (“lake district board”), as well as the appointment of other members. Prior law required that lake district board elections occur in-person by secret ballot at the annual meeting of the lake district, but did not otherwise dictate election or recount procedures.

### 2019 WISCONSIN ACT 99

Act 99 creates election and recount procedures for lake district board elections. The act requires that ballots be counted immediately following the election, that results be read to meeting attendees, and that candidates or their designees be able to observe the counting of ballots. Ballots may only be distributed to qualified electors and property owners, and no ballots may be distributed after collection of the ballots has begun.

The act also creates a recount process that may be requested by any candidate or voter, but a request must be made before adjournment of the annual meeting. If requested, an initial recount is conducted immediately at the meeting. Ballots must be recounted and results read to those in attendance, and candidates or their designees must be able to observe the counting. Whether the recount results are final at the meeting, or whether the municipal clerk will conduct an additional recount, depends upon the number of votes cast in the election and a request being made by a candidate.

If fewer than 100 votes are cast, then the recount results are final when two successive recounts yield identical results. If 100 or more votes are cast, then recount results are final after one recount, unless the runner-up candidate requests another recount.

A runner-up candidate’s request for a second recount is noted in the meeting minutes, and the ballots are then enclosed in a container with a tamper-evident seal and delivered to the clerk of the most populous municipality in the district within two business days. The clerk must conduct a recount within two weeks, but must first inform all candidates of the time and location of the recount at least 48 hours in advance. Candidates or their designees may be present to observe the recount by the clerk. After completing the recount, the clerk must immediately transmit the results to the lake district board secretary, and the clerk may charge the actual cost of conducting the recount to the lake district.

**Effective date:** February 7, 2020

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