



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBs0138/1
EHS:cdc

**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 335**

October 28, 2019 - Offered by Senator STROEBEL.

- 1 **AN ACT** *to create* 33.30 (5) of the statutes; **relating to:** elections to a lake
2 protection and rehabilitation district board of commissioners.

Analysis by the Legislative Reference Bureau

Under current law, a lake protection and rehabilitation district (district) may be created to carry out a program of lake protection and rehabilitation. Under current law, a district is governed by a board of governors, elected by secret ballot at an annual meeting for staggered three-year terms. This bill establishes certain procedures for such an election, including requiring ballots to be counted and results read immediately at the annual meeting, allowing any candidate or a designee to be present to observe the counting of ballots, and authorizing any elector or candidate to request a recount.

If a recount is requested, the bill requires the board secretary to note the request in meeting minutes and requires the recount to be conducted using the same procedure as the original count. Under the bill, the recount is final if the total number of votes cast is fewer than 100 when two successive recounts yield identical results or, if the total number of votes cast is 100 or more, after one recount. If the latter applies, the runner-up candidate may request another recount, in which case the bill requires that the secretary note the request in the meeting minutes and the ballots be enclosed in a container sealed with a tamper-evident seal and delivered to the clerk of the most populous town, village, or city in the district. The bill requires that clerk to conduct a recount within two weeks of receiving the ballots, after

notifying candidates of the time and location, and allows any candidate or a designee to be present to observe such a recount. The bill allows the clerk to charge the actual cost of conducting the recount to the district.

Under the bill, no recount may be requested after the meeting at which the election is held has been adjourned.

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

1 **SECTION 1.** 33.30 (5) of the statutes is created to read:

2 **33.30 (5)** All of the following apply to an election under sub. (3) (a):

3 (a) Ballots shall be distributed only to qualified electors in attendance at the
4 meeting. No ballots may be distributed after collection of the ballots commences.

5 (b) Ballots shall be counted immediately following the election and results read
6 to those attending the meeting, including the total number of ballots cast and the
7 number of votes each candidate received. Any candidate for the district board or his
8 or her designee may be present to observe the counting of ballots.

9 (c) After the procedure under par. (b) is complete, any elector or candidate may
10 request a recount. If a recount is requested, the secretary shall note the request in
11 the meeting minutes. A recount requested under this paragraph shall be conducted
12 following the same procedure as under par. (b). The recount results are final when
13 one of the following applies:

14 1. If the total number of votes cast is fewer than 100, when 2 successive recounts
15 yield identical results.

16 2. If the total number of votes cast is 100 or more, after one recount, unless a
17 recount is requested under par. (d).

1 (d) If par. (c) 2. applies, the runner-up candidate may request another recount.

2 If a recount is requested under this paragraph, the secretary shall note the request
3 in the meeting minutes and the following process applies:

4 1. The ballots shall be enclosed in a container sealed with a tamper-evident
5 seal.

6 2. The container of ballots shall be delivered, unopened, to the clerk of the most
7 populous municipality in the district within 2 business days after the election.

8 3. The clerk under subd. 2. shall conduct a recount of the ballots within 2 weeks
9 of receiving the ballots and shall immediately transmit the results of the recount to
10 the secretary of the board. The clerk shall inform all candidates of the time and
11 location of the recount at least 48 hours in advance. Any candidate for the district
12 board or his or her designee may be present to observe the recount.

13 4. The clerk under subd. 2. may charge the actual cost of conducting the recount
14 under subd. 3. to the district.

15 (e) No recount under this subsection may be requested after the meeting at
16 which the election is held has been adjourned.

17 (END)