

---

# Wisconsin Legislative Council

## ACT MEMO

---



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

April 10, 2020

**2019 Wisconsin Act 182**  
[2019 Senate Bill 422]

**Issuing Certificates  
of Election**

### BACKGROUND

State law allows a candidate to request a recount of an election, but only if the vote margin between the requesting candidate and the leading candidate is below a certain threshold. In an election with more than 4,000 votes, a candidate must be within a 1 percent vote margin to request a recount. For a smaller election, a candidate must trail the leading candidate by 40 votes or fewer.

State law requires a candidate to request a recount within a certain period of time after canvassing of the election. The deadline depends upon the particular board of canvass that determines the results for the office. A recount petition must be filed by 5 p.m. on the third business day following the last meeting day of the municipal or county board of canvassers, or by 5 p.m. on the third business day following the day the Wisconsin Elections Commission receives the last statement from a county board of canvassers, depending on the office.

Under prior law, a certificate of election could not be issued to a winning candidate until after the deadline for requesting a recount. The Wisconsin Elections Commission or appropriate clerk was required to wait until the recount deadline passed before issuing a certificate of election, regardless of whether any candidate qualified to request a recount.

### 2019 WISCONSIN ACT 182

Act 182 eliminates the waiting period before the Wisconsin Elections Commission or a clerk may issue a certificate of election when no candidate qualifies to request a recount. Instead, under the act, the certificate may be issued immediately after completion of the canvass.

**Effective date:** March 5, 2020

KBO:mca;ty