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# Wisconsin Legislative Council

## AMENDMENT MEMO

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### 2019 Assembly Bill 360

### Assembly Substitute Amendment 1

## CURRENT LAW

Current law provides for the election of three or five members of a lake protection and rehabilitation district board of commissioners (“lake district board”), as well as the appointment of several additional members. Current law requires that the election occur in-person by secret ballot at the annual meeting of the lake district, but does not otherwise dictate election or recount procedures for lake districts.

## 2019 ASSEMBLY BILL 360

Assembly Bill 360 creates election and recount procedures for lake district boards, including requirements that ballots be counted immediately following the election, that results be read to meeting attendees, and that candidates be able to observe the counting of ballots. The bill also permits a runner-up candidate to request a recount during the meeting, if the vote margin is fewer than 10 votes. The recount request must be noted in the meeting minutes, and the ballots must be enclosed and delivered to the clerk of the most populous municipality in the district. The clerk must then conduct a recount within two weeks of receiving the ballots.

## ASSEMBLY SUBSTITUTE AMENDMENT 1

Assembly Substitute Amendment 1 creates election and recount procedures for lake district board elections that differ slightly from those created in the original bill. Similar to the bill, the substitute amendment requires that ballots be counted immediately following the election, that results be read to meeting attendees, and that candidates be able to observe the counting of ballots. Unlike the bill, the substitute amendment states that ballots may only be distributed to qualified electors and property owners and that no ballots may be distributed after collection of the ballots has begun.

The substitute amendment also creates a recount process, but unlike the bill, the substitute amendment permits a recount to be requested by any candidate or voter. Further, unlike the bill, the substitute amendment provides for an initial recount to be conducted immediately at the annual meeting. Whether an additional recount is later conducted by the municipal clerk depends upon the number of votes cast in the election.

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 during the meeting.

A runner-up candidate’s request for a second recount is noted in the meeting minutes, and the ballots are then enclosed 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. Unlike the bill, the substitute amendment authorizes the clerk to charge the actual cost of the recount to the lake district.

## **BILL HISTORY**

The substitute amendment was introduced on November 7, 2019, by Representative Gundrum. On December 12, 2019, the Assembly Committee on Local Government adopted the substitute amendment on a vote of Ayes, 9; Noes, 0. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 6; Noes, 3.

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