

State of Wisconsin



2019 Senate Bill 335

Date of enactment: **February 5, 2020**
Date of publication*: **February 6, 2020**

2019 WISCONSIN ACT 99

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

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

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

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

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

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

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

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

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

(d) If par. (c) 2. applies, the runner-up candidate may request another recount. If a recount is requested under this paragraph, the secretary shall note the request in the meeting minutes and the following process applies:

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

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

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

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

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

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."