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STATE REPRESENTATIVE • 58TH ASSEMBLY DISTRICT

Senate Committee on Elections, Ethics and Rural Issues
Tuesday, September 24, 2019
Room 400 Southeast
Testimony on Senate Bill 335

Thank you to Chair Bernier and members of the committee for holding a public hearing on Senate Bill 335 and providing me with the opportunity to testify in favor of this legislation.

SB 335 seeks to provide clarity in our statutes by establishing a fair, objective, and straightforward procedure for verifying the results of elections for commissioners of lake protection and rehabilitation district boards (lake district boards), in addition to creating a mechanism for conducting a recount of these elections.

The section of our statutes specific to lake district commissioner elections does not speak to anything beyond the requirement that commissioner elections coincide with the annual meeting of the lake district board.

In the first annual meeting following the enactment of a contentious ordinance by the Big Cedar Lake Protection and Rehabilitation District Board in West Bend, the district's electors came out in record numbers to cast their ballots in an election for two commissioner seats. One of the two seats would ultimately be decided with a margin of only five votes separating three of the candidates.

In the absence of clear statutory guidance, the Big Cedar Lake PRD Board decided to honor a recount petition from two of the candidates and proceeded to complete the task over the following weeks with the help of local elections officials. However, a number of residents were left unsatisfied with the process due to the circumstances surrounding the Board's venturing into unfamiliar territory. Moreover, nothing under state law required the Board to honor the recount request.

In light of the confusion and frustration that surrounded this impassioned course of events, SB 335 seeks to clarify the area of our law pertaining to lake district commissioner elections by laying out a simple procedure for:

- conducting and allowing for observation of the initial count of the ballots;
- establishing a threshold (10 votes) and timeline for requesting a recount (before adjournment of the annual meeting);
- documenting the recount request (in the meeting minutes);
- properly preserving and transferring the ballots;
- notifying the candidates of the time and location at which the recount may be observed; and,
- requiring the clerk of the most populous city, village, or town within the lake district to complete the recount and transmit the results to the lake district board secretary within two weeks.

Thank you for your time and consideration of Senate Bill 335. Senator Stroebel and I would be open to taking any of your questions.



DUEY STROEBEL

STATE SENATOR • 20TH DISTRICT

Testimony on Senate Bill 335

September 24, 2019

Good Morning Chairman Bernier and committee members. Thank you for scheduling this Public Hearing today and giving us the opportunity to discuss recounts in lake protection and rehabilitation board elections.

In August 2018, there was a hotly contested election for the Big Cedar Lake Protection & Rehabilitation District Board in Washington County. Due to a board action imposing limits on the number of boats allowed to launch on Big Cedar Lake, the election resulted in record turnout and a difference of only several votes between three candidates out of the hundreds that were cast. The manner in which the votes were tabulated, preserved and recounted created confusion and resentment because of the lack of statutory guidance on how to handle these circumstances.

I have constituents on both sides of the underlying issue, a few of whom are hear today to share their experiences. Current law gave no guidance as to how to proceed when a recount was requested. I am not testifying today to claim which side of this dispute is correct or attack anyone's actions in the contentious election administration. Rather, I am here to discuss SB 335, which provides transparency and a clear process to handle any future close election for a Lake District board seat.

SB 335 requires ballots to be counted and the election results read immediately before the attendees at the annual meeting. Any candidate or designee can observe the counting of the ballots, in addition to requesting a recount prior to the adjournment of the meeting if the difference in votes cast for the top two candidates is fewer than ten.

If a recount is requested, the bill requires the secretary of the district board to note the request in the meeting minutes and enclose the ballots in a sealed, tamper-evident container, which is to be delivered to the clerk of the most populous town, village, or city within the Lake District. The clerk is then required to conduct a recount within two weeks of receiving the ballots and allow a representative of each side to observe the recount. Upon completion, the clerk is required to immediately transmit the results to the secretary of the district board.

After speaking with the municipal clerks, I am drafting an amendment to allow clerks to be reimbursed for their costs by the Lake District requesting the recount.

Thank you again for holding this hearing and I would be happy to address any questions members may have about this bill.