

Rep. Tusler: Recount possible in Supreme Court election

Posted on Wednesday, Apr 3, 2019

>> **WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)**

Contact: Representative Ron Tusler (608) 266-5831

Candidate Required to Pay if Recount Requested

Madison - Tuesday's highly contested State Supreme Court race between Appellate Judges Brian Hagedorn and Lisa Neubauer may result in a recount. As of Wednesday morning after all precincts reported, Judge Hagedorn had a 5,962 vote lead over Judge Neubauer, a one-half percent (0.50%) lead.

Last session, Representative Ron Tusler (R - Harrison), now Chairman of the Assembly Campaigns and Elections Committee, advanced [changes](#) to Wisconsin's recount statutes signed into law. Under [the revised laws](#), only an "aggrieved party" may petition for a recount. An "aggrieved party" is defined as, for an election at which more than 4,000 votes are cast for the office that the candidate seeks, a candidate who trails the leading candidate by no more than one percent (1%) of the total votes cast for that office. Judge Neubauer qualifies as an "aggrieved party."

Races in which the difference in votes cast [is more than one-quarter of a percent \(0.25%\) of the total votes cast](#) the "aggrieved party" is required to pay the costs associated with a recount. In races under that threshold, state taxpayers cover the costs of a recount. This was not changed in last session's enactment.

In the 2011 State Supreme Court race, Justice David Prosser narrowly defeated Judge JoAnne Kloppenburg by [7,004 votes](#). After a recount, Judge Kloppenburg gained only 683 votes.

"As was seen in the 2016 Presidential Recount and 2011 State Supreme Court Race, Wisconsin is already extremely accurate in its election results," Rep. Tusler said.

“The recount reforms I instituted last session have worked. Governor Walker fell outside of the one percent threshold, Attorney General Schimel did not, but decided to decline petitioning for a recount. Here again, the one percent threshold is more than fair and will give Judge Neubauer the opportunity for a recount if she wishes.”

According to Government Accountability Board testimony, there have been three state-level recounts where the results flipped since 1979. In all three elections, the difference in margin was less than twelve-hundredths of a percent (0.12%), eight times less than one percent (1%).