

In the Matter of the Recount of Votes
for Wisconsin Supreme Court Justice:

WISCONSIN GOVERNMENT
ACCOUNTABILITY BOARD
212 East Washington Avenue
Madison, Wisconsin 53703,

Petitioner,

v.

Case No. 2011CV1863

Declaratory Judgment: 30701

DAVID PROSSER
57 Golf Course Road, Unit F
Madison, Wisconsin 53704

and

JOANNE KLOPPENBURG
2318 Rowley Avenue
Madison, Wisconsin 53726,

Respondents.

ORDER

The above-entitled case having been filed and having come on for hearing before the court, the Honorable Richard G. Niess, presiding, on April 21, 2011; and

The petitioner having appeared by Assistant Attorney General David Rice, respondent David Prosser having appeared by Attorneys Jim Troupis and Daniel Kelly, and respondent JoAnne Kloppenburg having appeared by Attorney Susan Crawford; and

The parties having stipulated that for the recount requested by respondent Kloppenburg, ballots will be re-counted by hand in the municipalities that used the Optech Eagle equipment to tabulate votes on election day, and ballots in the remaining municipalities will be re-counted by the same method that ballots in those municipalities were counted on election day as provided by law; and

The petitioner having agreed that its complaint could be dismissed based upon the stipulation of the parties,

Now Therefore, IT IS ORDERED:

(1) For the recount requested by respondent Kloppenburg, ballots will be re-counted by hand in the municipalities that used the Optech Eagle equipment to tabulate votes on election day, and ballots in the remaining municipalities will be re-counted by the same method that ballots in those municipalities were counted on election day as provided by law.

(2) The petitioner's complaint is dismissed without costs to any party.

Dated at Madison, Wisconsin, this 25 day of April, 2011.

BY THE COURT:



Honorable Richard G. Niess
Circuit Court Judge