

State of Wisconsin \ Government Accountability Board

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JUDGE THOMAS H. BARLAND
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Director and General Counsel

DATE: April 14, 2011

TO: Wisconsin County Clerks
Milwaukee County Election Commission

FROM: Nathaniel E. Robinson
Elections Division Administrator
Government Accountability Board

UPDATE #2: Status of the Statewide Supreme Court Race Recount Process

SUBJECT:

Please Respond by Close of Business on Friday, April 15, 2011.
Note Last Section on Page Two for Whom Response Should be Addressed to.
Thank you!

As a follow-up to the April 8, 2011 Update, I am writing to share additional information on the possibility of a Statewide recount for the Supreme Court Race. Even though neither campaign has yet requested a recount, it is our duty to continue to proceed with the planning process as though there will be a recount. We expect to know definitively one way or the other on Tuesday, April 19 whether there actually will be a recount.

Some Important Dates to Keep in Mind:

1. Friday, April 15, 2011: This is the date that all county canvasses are to be completed and submitted to the Government Accountability Board. At this point only Milwaukee County is outstanding and we expect it to be complete today.
2. Tuesday, April 19, 2011: Barring some unforeseen intervention (i.e. court action), we expect to learn by this date if either campaign will request a recount and the scope of the recount, if any, i.e. Statewide, select counties. If we receive the Milwaukee County canvass tomorrow, the deadline for requesting a recount will be 5:00 p.m. on Wednesday, April 20, 2011.
2. The week of April 25, 2011: Once again, barring some unforeseen intervention (i.e. court action), we anticipate the recount process to begin that week.
3. The G.A.B. will conduct a teleconference meeting before the recount begins to review standard procedures for the recount.

Recount Preparedness (Getting Ready):

If you have not already begun to do so, please start the recount preparation now. Some of the most basic preparation activities include:

1. Secure and retain intact all memory devices from tabulation voting equipment.

2. Immediately notify your Board of Canvassers of the possible April 25 Recount Start Date
3. If any Canvass members will not be available for all or portions of a Statewide recount, now is the time for identifying alternates to be used to fill temporary vacancies
4. Please identify the location where the canvassing will take place and as a contingency, reserve the location for sufficient period.
5. Now is the time to identify tabulators, people to assist your Recount Canvass Board during the recount, that may be employed by your office to sort ballots, reconcile poll lists, etc. Extra support may be necessary and early identification of those that can assist will allow you to focus on your other recount preparations.

Method of Tabulating Votes During Recount:

We are receiving information from some county clerks who use prom packs with tabulating equipment for their voting systems, and they report that they are unable to get sufficient additional prom packs from their respective vendors to conduct the recount, while at the same time preserving and retaining intact the Election Day prom packs. If there is to be a Statewide recount, it will be conducted under uniform standards issued by our office, and these standards will be consistently applied.

In light of the strong likelihood that all counties may not be able to secure the necessary additional memory devices to use electronic tabulating equipment to assist in a Statewide recount, the Government Accountability Board is planning to seek court relief in some fashion next Wednesday, April 20. This may mean getting judicial permission to clear memory devices for reuse during the recount or to conduct a Statewide hand count of all ballots in the recount.

Your Availability for a Teleconference Call Meeting:

In order to answer your questions and to ensure everyone understands what to expect and how to prepare for a possible Statewide recount, we will hold a teleconference meeting next Thursday, afternoon, April 21 from 1:00 to 3:00 p.m., or the following Monday, April 25 , also from 1:00 to 3:00 p.m. Note the section below. We would like to seek your input regarding these dates and, of course, if no recount petition is filed the teleconference will be cancelled.

Important Request for your Immediate Attention and Feedback to the G.A.B.:

Please respond to us by the close of business on **Friday, April 15** with the following information:

1. What date is best for you or your designee to participate in a teleconference call, April 21 or April 25?
2. Are your offices open on Thursday, April 21; Friday, April 22; and, Monday, April 25?
3. Have you secured additional memory devices for use in tabulating equipment to recount votes? Please provide our office with detailed information regarding your efforts and the results. This information is needed by our office to assist with seeking court relief as soon as next Wednesday, April 20, 2011.

Address Your Email Responses to both:

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Thank you!

