

State of Wisconsin \ Government Accountability Board

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DATE: April 11, 2012

TO: Wisconsin Municipal Clerks
City of Milwaukee Election Commission
Wisconsin County Clerks
Wisconsin County Election Commission

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

SUBJECT: Preparing for the May 8, 2012 Special Recall Primary

Yesterday, April 10, 2012 was the deadline for candidates for Governor, Lt. Governor and State Senate (Districts 13, 21, 23 and 29) to file the required Campaign Registration Statement, Declaration of Candidacy and the required number of Nomination Petitions. The deadline for filing the Statement of Economic Interest is 4:30 p.m. Friday, April 13th. The deadline for filing challenges to nomination petitions is 4:30 p.m. Friday, and the deadline for filing response to any challenge is 4:30 on the third day after challenges are filed.

Ballot Preparation

Attached to this communication you will find the **unofficial** certification for candidates, including ballot order. Please note, one candidate, Ira Robins currently has insufficient nomination petitions, but has strongly indicated his intent to rehabilitate enough signatures by the Friday deadline to gain ballot access. If Mr. Robins fails to accomplish this, his name will be removed and we will communicate this to you. It is all but certain that there will be a primary for each of the offices subject to recount, with the General election taking place on June 5, 2012. Please note that official ballots may **not** be printed nor distributed until the official certification is issued by the Government Accountability Board. Providing the unofficial certification and ballot order will allow you to prepare your ballots and submit them to the G.A.B. for review. Sample ballots are available at the following link: <http://gab.wi.gov/forms/ballots>.

The primary ballot and voting equipment will need to be prepared to treat each of the recall offices separately. **This election will not be set-up like a normal partisan primary.** Only candidates within a party that faces opposition will show up on the primary ballot. Candidates within a party that does not have opposition will not appear on the primary ballot. Additionally, Independent candidates will not appear on the primary ballot. Ballots and voting equipment will not have a party preference, as this primary will allow a voter to vote for only one candidate for each office, regardless of partisan affiliation. For example, a voter can vote for a Republican Governor candidate, and a Democratic Lt. Governor candidate. Although all offices will appear on one ballot, each office is separate and there are no partisan restrictions.

G.A.B. Certification

The G.A.B. has been informed that challenges are likely to be filed by the Friday deadline. Because responses will not be due until Monday afternoon, this will delay final certification. The Board has

scheduled a meeting for Tuesday, April 17th at 9:00 a.m. to address the expected challenges. At minimum, the challenges are likely to be filed by the Democratic Party for some candidates based upon their registered partisan affiliation. These challenges will complicate the April 17th statutory deadline which requires municipal clerks to have absentee ballots available for voters that requested them by mail (only military electors may receive ballots electronically for the recall elections).

Absentee Timeline

As soon as the G.A.B. issues the certification on April 17th, staff will immediately communicate with county clerks. Once the certification is issued, municipalities must have “paper” ballots available on the 17th to send to voters that may require additional time to return their absentee ballot. To accomplish this, county clerks will provide a ballot proof to the municipal clerks so they can use that as a paper ballot. A “paper” ballot should be sent to voters that are in the military, temporarily overseas voters, or voters that reside in a different state. These ballots would then need to be either remade or hand-counted on Election Day. If the official ballots are not available for in-person absentee voting beginning on April 23rd, paper ballots should be provided to absentee voters upon request.

Voting Equipment Memory Devices

Memory devices used for the April 3rd Spring Election and Presidential Preference may be cleared 21 days after the election, § 7.23 Wis. Stats. For additional information on retention requirements, please see the June 9, 2010 communication, available at the following link: <http://gab.wi.gov/node/1126>.

Write-In Votes for Scott Walker on the Democratic Primary Ballot

The G.A.B. has received inquiries regarding voters who write in the name of Scott Walker for Governor on the Democratic primary ballot. Pursuant to Wis. Stats. Sections 7.50(1)(g) and (h), and 8.03, any write-in vote for Scott Walker on the Democratic Party primary ballot for Governor shall not be counted, regardless of whether or not there is a Republican Party primary for that office.

SVRS

Also attached to this memorandum are SVRS Checklist I and SVRS Checklist II for the 2012 May 8 Recall Primary. The May 8th Recall Primary election is available to be inherited in SVRS. When inheriting your election be sure that you are selecting the Polling Place Assignment Plan and Reporting Unit Plan that will be used for this election. Your PPAP & RUP should also match the programming of your electronic voting equipment.

Having the assigned PPAP, assigned RUP and the voting equipment programming match each other, will enable you to avoid many problems with reporting your election results after the election. The G.A.B. will check milestone #3 in SVRS following certification by the Board. Once the County checks Milestone #3, municipalities may begin preparations in SVRS to issue and track absentee ballots. See checklist and manuals for further details. The G.A.B. also encourages all municipalities to review their voter data in SVRS prior to the election including Address exceptions, Geo-Code exceptions and voters with no district combo.

If you have any questions or need further assistance, please contact us at GABHelpDesk@wi.gov or (608) 261-2028. Thank you.

cc: Kevin J. Kennedy
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Government Accountability Board

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Government Accountability Board