

State of Wisconsin \ Government Accountability Board

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DATE: July 20, 2011

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

FROM: Nathaniel E. Robinson
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SUBJECT: Review of Minutes from the Recount of the State Supreme Court Justice

As part of the recount of the State Supreme Court Justice contest from the April 5, 2011 Spring Election, counties were required to take detailed minutes of the recount proceedings and submit them to the Government Accountability Board (G.A.B.). In order to garner information from these minutes, the minutes collected from all 72 counties were reviewed and the incidents from the recount were compiled and summarized.

Below is a list of issues that occurred statewide. This list is delineated into different categories in order to make it user-friendly. These items made up the vast majority of incidents recorded in the recount minutes. While the issues identified in the Board of Canvassers' minutes need to be corrected for future elections, the G.A.B. has no evidence that any of the incidents affected the outcome of the election or demonstrated intentional wrongdoing by local election officials. To the contrary, the recount primarily confirmed the accuracy of the original canvass result and, where errors in the process or discrepancies were discovered, it was the meticulous work of recount officials which ensured that each ballot was reviewed to try to determine the voter's intent.

The G.A.B. presents this summary in the spirit of transparency, with the purpose of continuously improving election administration and maintaining public confidence in Wisconsin's electoral system.

Issues regarding Poll Book Reconciliation

- When recording voter numbers in the poll book, Election Inspectors skipped or duplicated numbers.
- When issuing voter numbers in the poll book for Election Day registrants, Election Inspectors did not record participation for these voters in the supplemental poll book. Instead, the Inspectors recorded voter participation in the pre-printed section of the poll book only, or the Inspectors recorded participation in both the supplemental poll book and regular poll book.
- Elections Inspectors, when recording participation for absentee electors, failed to notate which electors voted by absentee ballot in the poll book.

Issues dealing with Ballots/Ballot Containers

- Election Inspectors were inconsistent with the handling of spoiled, damaged and replacement ballots. These ballots were inconsistently marked as damaged or replaced, or were not marked at all and were often put in incorrect envelopes for delivery to the municipal clerk's office.
- Municipalities failed to accurately mark ballots with the name of the municipality or reporting unit in which the ballot was being cast.
- Election Inspectors failed to enclose all ballots with the election materials. Additionally, ballot containers were not properly secured in the office of the municipal clerk. On several occasions, the County Board of Canvassers had to request further investigation of missing ballots.
- There was difficulty in determining voter intent on many ballots due to many electors using incorrect ballot marking devices.
- Ballot containers were not properly sealed. Also, ballot containers contained holes generally from too many ballots being stored in the ballot bags. Tamper evident seal numbers documented on the Ballot Container Certificate (GAB-101) and Inspectors' Statement were incorrectly recorded.

Issues dealing with the Absentee process and Absentee Ballots

- Absentee Certificate Envelopes lacked witness signatures.
- Many absentee ballots failed to include the initials of the issuing clerk or deputy clerk.
- Requests for absentee ballots were taken incorrectly, such as by telephone.
- Absentee ballots cast in the Clerk's office lacked witness signatures.
- Municipal clerks did not use the combination Absentee Certificate Envelope/Application for in-person absentee voting, and also did not require that the absentee voter complete an absentee application.

Issues dealing with Voting Equipment and Elections Materials

- Municipalities incorrectly used the Pre-Lat cartridge for the entire election.
- Municipalities mixed the test ballots with the official ballots.
- Many tamper evident seals used were old and brittle; thus, causing the seals to break during transit or during handling, and these were never notated on the chain of custody statement or the GAB-104 Inspectors' Statement.
- Many Election Inspectors and clerks were unfamiliar with how to troubleshoot voting equipment issues, such as jammed ballots. Additionally, there were many instances where the voter verified paper audit trail was loaded backwards causing candidate selections to not print on the paper receipt.
- Errors that occurred with voting equipment were not properly documented and recorded on the Inspectors' Statement (GAB-104). This required further investigation on behalf of the County Board of Canvassers.
- Some County Boards of Canvassers improperly used the drawdown process.

Issues regarding required GAB Forms (GAB-101, GAB-104, etc.)

- Election Inspectors failed to fill out the Inspectors' Statement (GAB-104) completely on election night. This resulted in tamper evident seals for ballot containers not being recorded on the Inspectors' statement or the Ballot Container Certification. In addition, in many cases, Election Inspectors failed to sign the required forms, incidents were not clearly defined, and poll book reconciliation errors were not remedied.
- Election Inspectors failed to accurately record statistics regarding absentee ballots or total number of electors and ballots. This led to inaccurate recording of participation statistics.

Conclusion

Overall, the statewide Recount for the office of Supreme Court Justice was handled professionally and efficiently by local election officials. Although it was a difficult task, the recount provided the Government Accountability Board, county and municipal clerks, and the public a unique opportunity to review election-related business processes.

Lessons learned will generate new training opportunities including WisLine training teleconferences, step-by-step guides and additional topics for in-person and virtual classroom training conducted by the Government Accountability Board and our clerk partners. The Government Accountability Board will continue to offer new help guides, such as the Poll Worker Checklist, in order to assist and train local election officials. New and comprehensive training and public education initiatives will continue to demonstrate to concerned members of the public that elections in the State of Wisconsin are being carried out efficiently, effectively and with the fullest possible transparency now and in the future.