

Government Accountability Board

State of Wisconsin

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Statewide Supreme Court Recount Update

MADISON, WI – The Wisconsin Government Accountability Board expects all counties except Waukesha County to have completed their recounts of the April 5 Supreme Court election by the statutory deadline of 5 p.m. Monday.

“Waukesha County’s recount is taking longer than expected, and we will seek a court extension of the deadline on Monday morning,” said Kevin Kennedy, director and general counsel of the G.A.B. “At this time, it is too early to say how much additional time Waukesha County will need.”

“We cannot stress enough our gratitude for the meticulous work conducted by county clerks and their Canvass Board members throughout this historic time,” said Nathaniel E. Robinson, Elections Division administrator. “The recount process has uncovered some issues and corrected some vote totals, but these are to be expected in any recount.”

Kennedy said that those who have raised concerns that the G.A.B. does not have representatives attending individual county Board of Canvassers during the recount misunderstand the structure of Wisconsin’s elections system and the role of the G.A.B. in conducting recounts.

“Wisconsin has the most decentralized election system in the United States,” Kennedy said. “The system has strong local control coupled with state oversight, resting on the partnership between the Government Accountability Board, the 72 county clerks, and the 1,850 municipal clerks. State law clearly gives each county’s Board of Canvassers the primary authority to conduct the recount, and to decide which ballots should and should not be counted. Recounting votes is an open, transparent process in which each of the candidates may have representatives present to raise objections, and where the public may be present to observe. The G.A.B.’s legal role is to order the recount, to provide legal guidance to the counties during the recount, and to certify the results. If either of the candidates disagrees with the results of the recount, the law gives them the right to appeal in circuit court within five business days after the recount is completed. The circuit court is where issues discovered during the recount, but not resolved to the satisfaction of the candidates, are resolved.”

Monday’s court hearing will be held at 8 a.m. before Dane County Circuit Court Judge Richard G. Niess in Courtroom 5D. The case number is 2011-cv-1863.

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The Government Accountability Board (G.A.B.) is responsible for administration and enforcement of campaign finance, elections, ethics and lobbying laws in Wisconsin. The G.A.B. is made up of six non-partisan, former judges and is supported by an agency of non-partisan staff members.