

Government Accountability Board

State of Wisconsin

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G.A.B. Certifies Supreme Court Recount Results

MADISON, WI – The Government Accountability Board today certified David T. Prosser Jr. as the winning candidate in the April 5, 2011 election for Supreme Court Justice, following a recount of ballots conducted by Boards of Canvassers in Wisconsin’s 72 counties. The Board’s certification notes that Justice Prosser received a total of 752,694 votes and that JoAnne F. Kloppenburg received 745,690 votes, a difference of 7,004 votes, or 0.46%. A total of 1,729 write-in votes were cast for other individuals.

The initial official results submitted by the county canvassing boards after the Spring Election indicated that Justice Prosser received 752,323 votes and that Ms. Kloppenburg received 745,007 votes, a difference of 7,316 votes or 0.49%. After the recount, the official totals reflected a gain of 371 votes for Justice Prosser and a gain of 683 votes for Ms. Kloppenburg.

After signing the official certification, Board Chair Thomas H. Barland praised the work of county clerks, county canvassing boards, and the thousands of municipal clerks and tabulators who completed the first statewide recount since 1989 – the first one involving candidates since 1858. “Elections in Wisconsin are conducted at the local level, and we appreciate the dedication of local election officials and volunteers who conducted this meticulous task,” Judge Barland said. “They have provided an invaluable service not only to the candidates involved, but to the voters and the public who are entitled to a great degree of confidence in the election process and results. I also wish to publicly acknowledge the work of the G.A.B. staff in organizing and supervising this effort.”

During the recount, the Board posted unofficial results reported by the counties each day, as well as a comparison of those results to the initial official results. The Board also sought explanations for any variance of 10 or more votes in a reporting unit. A total of 23 reporting units, out of more than 3,600 reporting units in the state, indicated such differences. A county-by-county comparison of the original official results and the recount official results can be found at <http://gab.wi.gov/elections-voting/recount/county-by-county>.

Director and General Counsel Kevin J. Kennedy noted that the county canvassing boards discovered and corrected errors made in counting ballots on Election Night and during the original county canvass process. “As expected, the recount process identified issues to address and procedures which can be improved, Kennedy said. “Each of the 1,500,130 ballots was reviewed during the recount to determine the correct results. Both candidates were able to raise questions and challenge ballots in a completely open and transparent manner. To the extent that either candidate believes any decisions or procedures affected the outcome of the election, they may seek a court review of the results.”

The recount results may be appealed to circuit court within five days of the Board's certification. Due to the Memorial Day holiday, the appeal deadline is May 31, 2011.

Elections Division Administrator Nathaniel E. Robinson said the Board intends to conduct a review of the recount process and issues which arose to assess areas for future improvement. "The recount served the dual purpose of verifying correct vote totals for the candidates and public, as well as providing an opportunity for state and local election officials to evaluate procedures for conducting elections and canvassing results," Robinson said. "Overall, I am very pleased and proud of the performance of our election partners at the municipal and county level in conducting the recount. We recognize that this is an unexpected and unbudgeted task, and their efforts will help us to further improve our training and election administration."

A copy of the official canvass certification and report can be found at <http://gab.wi.gov/elections-voting/results>.

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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.