

**COUNTY BOARD OF CANVASSERS
RECOUNT
JUSTICE OF THE SUPREME COURT
SPRING ELECTION APRIL 5, 2011
April 27, 28, and 29, 2011**

The meeting was called to order at 9:00 a.m. by Marquette County Clerk Donna Seddon. The Board of Canvassers met in the Old County Board Room #B11 in the basement of the Marquette County Courthouse, Montello, Wisconsin to conduct an election recount of the April 5, 2011 Spring Election for Justice of the Supreme Court. The recount notice was posted on Tuesday April 26, 2011 at 8:00 a.m.

Those present: County Clerk: Donna Seddon; Chief Deputy Clerk: Debra Kemnitz
Canvas Board: Roger Banicki, Jarold Barth, Karen Wollenburg
Volunteers/Observers: Margarete Worthington, Nancy Burns, Tim Burns, Duaine Hoefft, Gene Kohnke, Mavis DeWitt, Eileen Napralla, Grace M. Wenzel, Karen L. Vick, Cheryl Lee Eilert, Judy Johnson, Mary Jean Thalacker, Gayle Marshall, Phyllis Ingram, Charles McEniry, David Hamel, John Furman, Miriam Bentley, Kim Gaffney, Dawn Calnin, Mary Alexander, Sandra Wright, Roger Kryscio, Ben Bult, Ashley Schultz, Christ Troupis

County Clerk Donna Seddon welcomed everyone and thanked them for volunteering their time. The candidate representatives introduced themselves, as they will be the only persons to address the Board of Canvass. Ground rules were explained and sign in and out procedures were addressed. The purpose of this recount is to verify election night results.

County Clerk Donna Seddon appointed four volunteers to reconcile the poll books and six for ballot tabulators. The Recount Volunteers were delivered the Official Oath for "Tabulators".

The Recount Process began, and the following procedures were conducted for all 19 municipalities in Marquette County.

1. Poll lists were reviewed, comparing numbers on both the County and Municipal copy
2. All ballot bags were inspected for locking seals and signatures
3. All ballot bag seals were cut and ballots were individually counted. Absentee ballots were inspected for initials of election inspectors or municipal clerk. Machine tape ballots were cut and counted individually.
4. Lists of absentee voters were reviewed and compared with the number of used absentee certificate envelopes, and the notations on the poll lists, verifying the number of people voting by absentee ballot
5. Absentee ballot applications were reviewed to make sure the number of applications on file matched the number of people voting by absentee ballot
6. Rejected Absentee Ballot envelopes were reviewed-if there were any

- 7. Defective Absentee Ballot envelopes were reviewed-if there were any
- 8. The Clerk advised there were no provisional or late arriving military ballots

Individual Recount Information for all 19 Municipalities in Marquette County follows:

<u>TOWN OF BUFFALO</u>	<u>Recount Vote Total*</u>	<u>Primary Vote Total</u>
David T. Prosser, Jr.	115	115
Joanne F. Kloppenburg	147	147
Scatterings	0	0

Total Registered Voters: 629
Total Electors: 263
Total Ballots Cast: 263
Absentee Ballots: 9
Paper Ballots: 16

Seal # 129UTCA was removed from the ballot bag
Reseal bag with Seal #138UTCA

Poll List Verification:
Two voters not assigned a number on Municipal Poll List, but they were on County Poll List
Page 57: Voter #185
Page 57: Voter #159
Three random page checks were good

The Board of Canvass approved Chain of Custody and Inspector Statements.
Memory device seal was present.
Incident Log complete and seals included

Absentee Ballots: No Discrepancies

No Change to original count

<u>TOWN OF CRYSTAL LAKE</u>	<u>Recount Vote Total*</u>	<u>Primary Vote Total</u>
David T. Prosser, Jr.	78	78
Joanne F. Kloppenburg	77	77
Scatterings	0	0

Total Registered Voters: 344

Total Electors: 157

Total Ballots Cast: 157

Absentee Ballots: 12

Paper Ballots: 12

**Seal # 124UTCA was removed from the ballot bag
Reseal bag with Seal #140UTCA**

Poll List Verification:

No discrepancies found

Three random page checks were good

The Board of Canvass approved Chain of Custody and Inspector Statements.

Memory device seal was present.

Incident Log complete and seals included.

Absentee Ballots: No Discrepancies

No change to original count

<u>TOWN OF DOUGLAS</u>	<u>Recount Vote Total*</u>	<u>Primary Vote Total</u>
David T. Prosser, Jr.	137	138
Joanne F. Kloppenburg	118	118
Scatterings	0	0

When recounted, one machine ballot did not print properly, could not determine voter intent.

Total Registered Voters: 518

Total Electors: 258

Total Ballots Cast: 258

Absentee Ballots: 11

Paper Ballots: 11

Seal # 132UTCA was removed from the ballot bag
 Reseal bag with Seal #134UTCA

Poll List Verification:

Page 6, Voter #236A – Absentee voter, not marked on County Poll list;
 #236A was assigned to another person in error. Per comparison with
 municipal Poll list and absentee ballot log

Page 29, Voter #18- omitted on County Poll List

Page 37, Voter #254 – omitted on County Poll List

Three random page checks were good

The Board of Canvass approved Chain of Custody and Inspector Statements.

Memory device seal was present.

Incident Log not complete

Absentee Ballots: No Discrepancies

Prosser lost one vote

<u>TOWN OF HARRIS</u>	<u>Recount Vote Total*</u>	<u>Primary Vote Total</u>
David T. Prosser, Jr.	131	131
Joanne F. Kloppenburg	115	115
Scatterings	0	0

Total Registered Voters: 558

Total Electors: 259

Total Ballots Cast: 259

Absentee Ballots: 42 One absentee envelope did not have state ballot in it

Paper Ballots: 41

**Seal # 143UTCA was removed from the ballot bag
Reseal bag with Seal #132UTCA**

Poll List Verification:

Page 35, Voter #197 – omitted on municipality poll list

Three random page checks were good

The Board of Canvass approved Chain of Custody and Inspector Statements.

Memory device seal was present.

Incident Log complete and seals included

Absentee Ballots: No Discrepancies

No change to original count

<u>TOWN OF MECAN</u>	<u>Recount Vote Total*</u>	<u>Primary Vote Total</u>
David T. Prosser, Jr.	136	136
Joanne F. Kloppenburg	75	75
Scatterings	1	1

Total Registered Voters: 450

Total Electors: 217

Total Ballots Cast: 217

Absentee Ballots: 12

Paper Ballots: 12

**Seal # 122UTCA was removed from the ballot bag
Reseal bag with Seal #127UTCA**

Poll List Verification:

Page 27, Voter #1 – omitted from municipality Poll list

Page 43, Voter #146 – omitted from municipality Poll list

Three random page checks were good

The Board of Canvass approved Chain of Custody and Inspector Statements.

Memory device seal was present.

Incident Log completed and seals included

Absentee Ballots: No discrepancies

No change to original count

<u>TOWN OF MONTELLO</u>	<u>Recount Vote Total*</u>	<u>Primary Vote Total</u>
David T. Prosser, Jr.	184	184
Joanne F. Kloppenburg	105	105
Scatterings	0	0

Total Registered Voters: 710

Total Electors: 291

Total Ballots Cast: 291

Absentee Ballots: 5

Paper Ballots: 6

**Seal # 135UTCA was removed from the ballot bag
Reseal bag with Seal #126UTCA**

Poll List Verification:

No discrepancies found

Three random page checks were good

The Board of Canvass approved Chain of Custody and Inspector Statements.

Memory device seal was present.

Incident Log completed and seals included

Absentee Ballots: No discrepancies

No change to original count

<u>TOWN OF MOUNDVILLE</u>	<u>Recount Vote Total*</u>	<u>Primary Vote Total</u>
David T. Prosser, Jr.	63	63
Joanne F. Kloppenburg	46	46
Scatterings	0	0

Total Registered Voters: 298

Total Electors: 109

Total Ballots Cast: 109

Absentee Ballots: 4

Paper Ballots: 4

**Seal # 144UTCA was removed from the ballot bag
Reseal bag with Seal #121UTCA**

Poll List Verification:

No absentee voter notations on either poll list

Page 23, Voter #42 – omitted from County Poll list

Three random page checks were good

The Board of Canvass approved Chain of Custody and Inspector Statements.

Memory device seal was present.

Incident Log completed and seals included

Absentee Ballots: No discrepancies

No change to original count

<u>TOWN OF NESHKORO</u>	<u>Recount Vote Total*</u>	<u>Primary Vote Total</u>
David T. Prosser, Jr.	106	106
Joanne F. Kloppenburg	46	46
Scatterings	0	0

Total Registered Voters: 401

Total Electors: 154

Total Ballots Cast: 154

Absentee Ballots: 6

Paper Ballots: 6

**Seal # 135UTCA was removed from the ballot bag
Reseal bag with Seal #131UTCA**

Poll List Verification:

No discrepancies found

No absentee voter notations on either poll list

Three random page checks were good

The Board of Canvass approved Chain of Custody and Inspector Statements.

Memory device seal was present.

Incident Log completed and seals included

Absentee Ballots: No discrepancies

No change to original count

<u>TOWN OF NEWTON</u>	<u>Recount Vote Total*</u>	<u>Primary Vote Total</u>
David T. Prosser, Jr.	82	82
Joanne F. Kloppenburg	57	58
Scatterings	0	0

Total Registered Voters: 293

Total Electors: 143

Total Ballots Cast: 141 Per recount – refer to Friday 4-29 minutes

Absentee Ballots: 3

Paper Ballots: 16

Thursday, April 28, 2011, AM

Seal # 129UTCA was removed from the ballot bag

There were no Machine Ballots in the ballot bag

Reseal bag with Seal #136UTCA

County Clerk Donna Seddon called Municipal Clerk, Sandra Wright, and told her to bring the machine ballots in as soon as possible. Sandra brought the machine ballots in around noon; they had been locked in the office at the town hall.

Thursday, April 28, 2011, Afternoon

Seal #136UTCA was removed from the ballot bag

Poll List Verification:

There were no totals on the Inspector sheet on the last page of poll list

Page 25 – Voter marked as Absentee Voter, but not assigned a number on Municipal poll list – Voter #131, per County poll list

Page 16 – Voter #141 – omitted from Municipal poll list

Page 26 - Voter #121 – omitted from Municipal poll list

Page 29 – Voter #51 – omitted from Municipal poll list

Three random page checks were good

The Board of Canvass approved Chain of Custody and Inspector Statements by comparing the two reports, no seals to verify at this time.

Incident Log completed, but no seals included

Absentee Ballots: No discrepancies

When counting the machine ballots, the tabulators came up two ballots short.

The Incident Log stated that they had a problem with the new paper roll not printing. They had also called County Clerk, Donna Seddon, on election day in regard to this incident.

Margarete Worthington, Kloppenburg Representative, objects to ballot vote because the ballots were not brought into the County Clerk in the ballot bag.

Nancy Burns, Prosser Representative, concurs with objection; ballots were not brought into the County Clerk in the ballot bag.

We need to verify the chain of custody pertaining to where these ballots were between election night until now.

Board of Canvassers cannot come to a conclusion at this time. County Clerk Donna Seddon should call Municipal Clerk, Sandra Wright, and have her come in.

Resealed bag with Seal #126UCTA.

**Friday, April 29, 2011
Reconvened Recount at 9:00 a.m.**

County Clerk Donna Seddon made introductions and gave a short explanation about the recount problem. The machine ballots were not brought into the County Clerk's office until Thursday, April 28, 2011. They were not sealed in a ballot bag.

Seal #126UCTA removed from ballot bag.

Municipal Clerk, Sandra Wright, stated that she neglected to put the machine tape rolls into the ballot bag on election night. They were on the table, locked in the town hall office. The only people with a key were the Newton town board. She retrieved them on April 28, 2011, completely intact with rubber bands around all rolls. She also brought seals back.

Board of Canvassers—

The seals brought in correspond to seals listed on inspector statement and Chain of Custody.

Absentee ballots agree with absentee log

Poll lists were presented for review

The memory cartridges were returned to County Clerk on 4-6-11.

Tabulators counted 125 Total machine ballots

Machine count total 127 ballots

The difference in the total is because two votes cast were not printed.

Chief Inspector Mary Alexander called County Clerk Donna Seddon on Election Day to report the problem. Also noted on the Incident Log.

Roger Kryscio, Election Inspector, stated that about 5:00 p.m. the machine ran out of paper. Put on a new paper roll that did not print. Two voters cast their ballot on this defective paper roll. Replaced with a new paper roll. Noted this on the Incident Log.

Prosser Representative, Christ Troupis, said a similar problem occurred in another municipality with absentee ballots. Those were counted after being verified. He stated that he would not contest this municipal count after hearing the circumstances.

Margarete Worthington is contesting the count.

Ballots were replaced in ballot bag and sealed with seal #135UTCA

Prosser Representative wants votes to be counted. There is no question as to the validity of the ballots. Thank you to County Clerk for handling this professionally.

Town of Newton Canvas concluded.

Joanne Kloppenburg lost one vote

<u>TOWN OF OXFORD</u>	<u>Recount Vote Total*</u>	<u>Primary Vote Total</u>
David T. Prosser, Jr.	113	113
Joanne F. Kloppenburg	94	94
Scatterings	1	1

Total Registered Voters: 552

Total Electors: 210

Total Ballots Cast: 210

Absentee Ballots: 11

Paper Ballots: 11

**Seal # 139UTCA was removed from the ballot bag
Reseal bag with Seal #127UTCA**

Poll List Verification:

Page 2 – Voter #210- omitted on municipal list

Three random page checks were good

The Board of Canvass approved Chain of Custody and Inspector Statements.

Memory device seal was present.

Incident Log completed and seals included

Absentee Ballots: No discrepancies

No change to original count

<u>TOWN OF PACKWAUKEE</u>	<u>Recount Vote Total*</u>	<u>Primary Vote Total</u>
David T. Prosser, Jr.	218	218
Joanne F. Kloppenburg	171	171
Scatterings	0	0

Total Registered Voters: 845

Total Electors: 402

Total Ballots Cast: 402

Absentee Ballots: 10

Paper Ballots: 11

**Seal # 140UTCA was removed from the ballot bag
Reseal bag with Seal #140UTCA**

Poll List Verification:

No discrepancies found

Three random page checks were good

The Board of Canvass approved Chain of Custody and Inspector Statements.

Chain of Custody completed and returned

Inspector statement incomplete and Incident Log not filled out

Memory device seal was present.

Absentee Ballots: No discrepancies

No change to original count

<u>TOWN OF SHIELDS</u>	<u>Recount Vote Total*</u>	<u>Primary Vote Total</u>
David T. Prosser, Jr.	85	85
Joanne F. Kloppenburg	35	35
Scatterings	1	1

Total Registered Voters: 390

Total Electors: 124

Total Ballots Cast: 124

Absentee Ballots: 1

Paper Ballots: 5

Seal # 123UTCA was removed from the ballot bag

Reseal bag with Seal #145UTCA

Poll List Verification:

No signatures on poll list – municipal copy

No supplemental list with municipal copy

No final numbers on County copy

No absentee notations on County copy

Three random page checks were good

The Board of Canvass approved Chain of Custody and Inspector Statements.

Incident Log not completed

Memory device seal was present.

Absentee Ballots: No discrepancies

No change to original count

<u>TOWN OF SPRINGFIELD</u>	<u>Recount Vote Total*</u>	<u>Primary Vote Total</u>
David T. Prosser, Jr.	169	169
Joanne F. Kloppenburg	104	104
Scatterings	0	0

Total Registered Voters: 522

Total Electors: 279

Total Ballots Cast: 279

Absentee Ballots: 10

Paper Ballots: 10

**Seal # 144UTCA was removed from the ballot bag
Reseal bag with Seal #122UTCA**

Poll List Verification:

No signatures on Certification Page on either poll list

Page 1, Voter #175 – omitted on Municipality copy

Page 5, Voter #239 – omitted on Municipality copy

Page 5, Voter #240 – omitted on Municipality copy

Page 17, Voter #256 – omitted on Municipality copy

Page 17, Voter #257 – omitted on Municipality copy

Page 46, Voter #141 – omitted on Municipality copy

Three random page checks were good

The Board of Canvass approved Chain of Custody and Inspector Statements.

Memory device seal was present.

Incident Log completed and seals included

Absentee Ballots: No discrepancies

No change to original count

<u>TOWN OF WESTFIELD</u>	<u>Recount Vote Total*</u>	<u>Primary Vote Total</u>
David T. Prosser, Jr.	164	164
Joanne F. Kloppenburg	93	93
Scatterings	0	0

Total Registered Voters: 540

Total Electors: 265

Total Ballots Cast: 264 One voter did not cast ballot on machine

Absentee Ballots: 10

Paper Ballots: 21

**Seal # 128UTCA was removed from the ballot bag
Reseal bag with Seal #139UTCA**

Poll List Verification:

Page 54, Voter #199 – omitted on county copy

Page 1, Voter #78 – Voter not absentee – she did not vote at all; mistaken for absentee voter with almost same name

Three random page checks were good

**The Board of Canvass approved Chain of Custody and Inspector Statements
Memory device seal was present.**

Inspector Statement and Incident Log incomplete

Absentee Ballots: No discrepancies

No change to original count

<u>VILLAGE OF ENDEAVOR</u>	<u>Recount Vote Total*</u>	<u>Primary Vote Total</u>
David T. Prosser, Jr.	63	63
Joanne F. Kloppenburg	47	47
Scatterings	0	0

Total Registered Voters: 311

Total Electors: 111

Total Ballots Cast: 111

Absentee Ballots: 14

Paper Ballots: 17

**Seal # 123UTCA was removed from the ballot bag
Reseal bag with Seal #136UTCA**

Poll List Verification:

No discrepancies found

Three random page checks were good

The Board of Canvass approved Chain of Custody and Inspector Statement

Memory device seal was present.

Inspector Statement complete and seals included

Incident Log not complete

Absentee Ballots: No discrepancies

No change to original count

<u>VILLAGE OF NESHKORO</u>	<u>Recount Vote Total*</u>	<u>Primary Vote Total</u>
David T. Prosser, Jr.	53	53
Joanne F. Kloppenburg	44	44
Scatterings	0	0

Total Registered Voters: 296

Total Electors: 100

Total Ballots Cast: 100

Absentee Ballots: None

Paper Ballots: None

**Machine seal #0160757 was removed from ballot bag
Reseal bag with Seal #130UTCA**

Poll List Verification:

No discrepancies found

Three random page checks were good

The Board of Canvass approved Chain of Custody and Inspector Statement

Memory device seal was present.

Inspector Statement complete and seals included

Incident Report not complete

No change to original count

<u>VILLAGE OF OXFORD</u>	<u>Recount Vote Total*</u>	<u>Primary Vote Total</u>
David T. Prosser, Jr.	56	56
Joanne F. Kloppenburg	59	59
Scatterings	0	0

Total Registered Voters: 332

Total Electors: 117

Total Ballots Cast: 117

Absentee Ballots: 1

Paper Ballots: 13

**Seal # 137UTCA was removed from the ballot bag
Reseal bag with Seal #1296UTCA**

Poll List Verification:

Page 32 – Voter #108 – omitted from municipal copy

Page 32 – Voter #109 – omitted from municipal copy

Three random page checks were good

**The Board of Canvass approved Chain of Custody and Inspector Statement
Memory device seal was present.**

Inspector Statement complete and seals included

**Absentee Ballots: One absentee ballot rejected – no name-no signature
No Discrepancies**

No change to original count

<u>VILLAGE OF WESTFIELD</u>	<u>Recount Vote Total*</u>	<u>Primary Vote Total</u>
David T. Prosser, Jr.	120	120
Joanne F. Kloppenburg	128	129
Scatterings	0	0

Total Registered Voters: 622

Total Electors: 250

Total Ballots Cast: 250

Absentee Ballots: 8

Paper Ballots: 11

**Seal # 126UTCA and 1246674 were removed from the ballot bag
Reseal bag with Seal #129UTCA**

Poll List Verification:

Page 4 – Voter #167 – omitted from municipal copy

Page 10 – Voter #169 – omitted from municipal copy

Page 46 – Voter #210 – omitted from municipal copy

Page 46 – Voter #248 – omitted from municipal copy

Page 46 – Voter #147 – omitted from municipal copy

Page 48 – Voter #138 – omitted from municipal copy

Page 1 - Voter #202 – omitted from municipal copy

Three random page checks were good

**The Board of Canvass approved Chain of Custody and Inspector Statement
Memory device seal was present.**

Inspector Statement complete and seals included

Absentee Ballots: 1 absentee certificate was not signed

1 paper ballot draw down for Kloppenburg

Kloppenburg lost one vote

<u>CITY OF MONTELLLO</u>	<u>Recount Vote Total*</u>	<u>Primary Vote Total</u>
David T. Prosser, Jr.	146	146
Joanne F. Kloppenburg	162	163
Scatterings	0	0

Total Registered Voters: 797

Total Electors: 315

Total Ballots Cast: 315

Absentee Ballots: 33

Paper Ballots: 52

**Seal # 124UTCA was removed from the ballot bag
Reseal bag with Seal #131UTCA**

Poll List Verification:

Page 6 – Voter #198 – Name change- is not marked as absentee on either poll list

Three random page checks were good

**The Board of Canvass approved Chain of Custody and Inspector Statement
Memory device seal was present.**

Inspector Statement complete and seals included

Incident Log not filled out

Absentee Ballots: one too many paper ballots – draw down one with no vote on it

Paper Ballots – recount has one less for Kloppenburg

Kloppenburg lost one vote

Marquette County Recount adjourned on April 29, 2011 at 9:40 am

***Marquette County Board of Canvass members Roger Banicki and Jerold Barth met again on May 6, 2011 to remove the undervotes from the scatterings, per the GAB request. The totals in this report reflect this change.**

Donna Seddon

Marquette County Clerk