

WAUSHARA COUNTY BOARD OF CANVASSERS
RECOUNT OF SUPREME COURT JUSTICE RACE
SPRING ELECTION – APRIL 5, 2011
CANVASS CONDUCTED APRIL 27, 2011-APRIL 30, 2011
WAUSHARA COUNTY COURTHOUSE, WAUTOMA, WIS.
LAW LIBRARY/ROOM 203

Wednesday, April 27, 2011 Proceedings

The Waushara County Board of Canvassers convened at 9:00 a.m. for the purpose of recounting justice of the supreme court ballots from the April 5, 2011 spring election. On April 26, 2011, the Board of Canvassers' agenda was posted in the County Clerk's Office and two other public places, as well as e-mailed to the *Waushara Argus* and the Wisconsin Government Accountability Board (G.A.B.). Throughout the entire recount process, the board consisted of County Clerk Melanie R. Stake, Marilyn Chesbrough (Republican), and Patricia Cayer (Democrat). Tabulators/volunteers for April 27 were Mike Moe, Brenda Ratajczak, Alan Anderson and Deputy County Clerk Sarah Eggers. Observers on behalf of Prosser's campaign were William and Carol Van Dongen and Jerry West. Barb Hennings observed for Kloppenburg.

OPENING COMMENTS & ACTIONS

County Clerk Stake made introductions of all those present. She then outlined the rules for observers and instructions for tabulators and canvassers. She indicated that, as much as possible, the municipality order would be alphabetical starting with towns, then villages, and then cities. All volunteers signed oaths of office. Eggers and Moe were assigned to poll book reconciliation and some absentee paperwork review, and Anderson and Ratajczak were assigned to machine ballot counting/announcing. Chesbrough and Cayer tallied the votes read, and Stake, Chesbrough and Cayer did the hand counting of paper ballots, including absentee, and reviewed absentee ballot envelopes and associated absentee paperwork.

RECOUNT RESULTS

TOWN OF AURORA, WARD 1

Candidate	Original Vote Total	Recount Vote Total
Prosser	152	152
Kloppenburg	88	88
Scattering	0	0

Total Ballots Cast: 241 (includes 1 undervote)

Number of Electors From Poll Book: 241

Number of Absentee Ballot Applications: 5 (rest permanent)

Number of Absentee Ballots: 9

Other Items Not Noted Previously: Ballot bag seal #0459597 was removed; ballot bag was resealed with seal #0212480. One name change was noted in the poll book.

***TOWN OF BLOOMFIELD, WARDS 1&2**

Candidate	Original Vote Total	Recount Vote Total
Prosser	146	144
Kloppenburg	55	55
Scattering	0	0

Total Ballots Cast: 199

Number of Electors From Poll Book: 200; originally 201 was listed, however, voter #135 was skipped in both copies of the poll book, so only 200 voters could be confirmed.

Number of Absentee Ballot Applications: 0; three of those listed on the absentee ballot log are permanent absentee voters, and therefore, applications were not required to be presented for this recount. The municipal clerk took the remaining 13 absentee requests via phone and did not require the electors to fill out absentee applications.

Number of Absentee Ballots: 14 initialed as such; 2 paper ballots were not initialed anywhere. These two paper ballots (both votes for Prosser) were marked as Exhibit #1 and Exhibit #2 and initially not counted. (However, see minutes of subsequent meeting dates.)

Other Items Not Noted Previously: Ballot bag seal #0459564 was removed; ballot bag was resealed with seal #0212390. The number of the original seal was not noted on the GAB-101. Absentee voters on the poll list were not designated as such, aside from the one on the supplemental list (determined by the absentee ballot log). An Election Day registrant was written in on the appropriate alphabetical page of the poll book *and* on the supplemental list. However, the same voter number was noted for both entries. Two of the 18 paper ballots in the ballot bag were not stamped with the municipal name or initialed by the municipal clerk or election inspectors. However, as there were 16 properly completed absentee envelopes and only 14 ballots initialed as absentees, it was conjectured that the two unsigned ballots were absentees. At the time, the Board of Canvassers determined that the uninitialed ballots should be rejected pending Clerk Stake contacting the G.A.B. for confirmation of this ruling.

ADJOURN AND RECONVENE

The Board of Canvassers adjourned at 11:52 a.m. for lunch and reconvened at 12:45 p.m.

RECOUNT RESULTS

***TOWN OF COLOMA, WARDS 1&2**

Candidate	Original Vote Total	Recount Vote Total
Prosser	114	113
Kloppenburg	68	68
Scattering	0	0

Total Ballots Cast: 183 (includes 2 undervotes)

Number of Electors From Poll Book: 183; originally 184 was listed, but in both copies of the poll book, voters #2, #143 and #166 were missing, and voter #168 was listed twice. It was recognized that the Town of Coloma Clerk wrote on the absentee applications the voter number assigned to each absentee voter and Thomas Watts was given voter #2A, so it could reasonably be assumed that Watts was voter #2. Including Watts, only 183 of the 184 reported voters could be confirmed.

Number of Absentee Ballot Applications: 4

** This municipality's information was readjusted in subsequent recount proceedings. Please see minutes of subsequent meetings.*

Number of Absentee Ballots: 2 initialed as such; 1 initialed in the wrong area (in the election inspectors’ area, as if it were issued at the polls), and 1 paper ballot was not initialed anywhere. According to the GAB-104/Inspectors’ Statement, there were four absentee voters, and four paper ballots, so it was ascertained that all four paper ballots were, in fact, absentee ballots. The absentee ballot log supported this thesis. The uninitialed ballot (a vote for Prosser) was marked as Exhibit #3 and initially not counted (however, see minutes of April 28, 2011). At the time, the Board of Canvassers determined that the uninitialed ballot should be rejected pending Clerk Stake contacting the G.A.B. for confirmation of this ruling.

Other Items Not Noted Previously: Ballot bag seal #0459566 was removed; ballot bag was resealed with seal #0212389. The number of the original seal was not noted on the GAB-101 and a digit of the number was missing on the GAB-104 (listed as 045966). Two GAB-103s were found; it was determined upon opening the smaller envelope of the two that these were school board absentee envelopes. The GAB-103/carrier envelope was resealed and given to Village of Coloma Clerk Brenda Ratajczak who was helping tabulate, and who works with the Town of Coloma Clerk. Three Town of Coloma ballots were also discovered in the ballot bag and were given to Ratajczak as well.

TOWN OF DAKOTA, WARDS 1-3

Candidate	Original Vote Total	Recount Vote Total
Prosser	197	197
Kloppenburg	95	95
Scattering	0	0

Total Ballots Cast: 304 (includes 12 undervotes)

Number of Electors From Poll Book: 303 on the municipality’s poll book copy. On the county’s poll book copy the following voters were missing: #155 Patty Kerkhoff and #184 Gary Osiecki. The number of ballots versus voters issue did not prove to be a problem since there were undervotes for the justice of the supreme court contest.

Number of Absentee Ballot Applications: 2; the rest were either permanent absentee voters and therefore applications were not required for the purpose of this recount, or the clerk received the request via phone and did not require the electors to fill out applications.

Number of Absentee Ballots: 9; however, one was an undervote for the supreme court justice contest. In addition to these 9, there was one that had been rejected by the municipal board of canvassers because the absentee ballot envelope had not been signed by the voter.

Other Items Not Noted Previously: Ballot bag seal #0459570 was removed; ballot bag was resealed with seal #0212388. The number of the original seal was not noted on the GAB-101. One of the votes counted for Prosser was a write-in for “Proccer” as noted in the minutes of the original canvass.

VILLAGE OF COLOMA, WARD 1

Candidate	Original Vote Total	Recount Vote Total
Prosser	62	62
Kloppenburg	31	31
Scattering	0	0

Total Ballots Cast: 96 (includes 3 undervotes)

Number of Electors From Poll Book: 96. Discrepancies in the poll books were noted for #61 (Tara Brom in municipal copy and Jessica Ann Palmer in county copy) and #15 (Barbara J. Burrows in municipal copy and Julia Jane Burrows in county copy). The certification page was missing in the municipal copy as well.

Number of Absentee Ballot Applications: 8

Number of Absentee Ballots: 8; however one was an undervote for the supreme court justice contest.

Other Items Not Noted Previously: Ballot bag seal #0459579 was removed; ballot bag was resealed with seal #0212387.

TOWN OF DEERFIELD, WARDS 1&2

Candidate	Original Vote Total	Recount Vote Total
Prosser	119	119
Kloppenburg	78	78
Scattering	0	0

Total Ballots Cast: 200 (includes 3 undervotes)

Number of Electors From Poll Book: 200

Number of Absentee Ballot Applications: 1; handwritten request, form not filled out.

Number of Absentee Ballots: 1

Other Items Not Noted Previously: Ballot bag seal #0459563 was removed; ballot bag was resealed with seal #0212386.

TOWN OF HANCOCK, WARD 1

Candidate	Original Vote Total	Recount Vote Total
Prosser	72	72
Kloppenburg	55	55
Scattering	0	0

Total Ballots Cast: 127

Number of Electors From Poll Book: 127

Number of Absentee Ballot Applications: 5

Number of Absentee Ballots: 5

Other Items Not Noted Previously: Ballot bag seal #0459561 was removed; ballot bag was resealed with seal #0212385.

TOWN OF LEON, WARDS 1-3

Candidate	Original Vote Total	Recount Vote Total
Prosser	232	232
Kloppenburg	153	153
Scattering	0	0

Total Ballots Cast: 386 (includes 1 undervote)

Number of Electors From Poll Book: 386. The last voter number assigned was 388; however, there were only 386 voters, even when including voter #12 (Timmy Holmes) who was marked in the county's poll book, but not the municipality's. Two voter numbers must have been skipped over when assigning numbers.

Number of Absentee Ballot Applications: 8; remaining 3 are permanent absentees and not required to have an application for the purpose of this recount.

Number of Absentee Ballots: 11

Other Items Not Noted Previously: Ballot bag seal #0459567 was removed; ballot bag was resealed with seal #0212384. Ballots for the Town of Leon races were included in the ballot bag and resealed with the county issued ballots. The GAB-104 indicated that there were 21 paper ballots when there were actually only 19 found in the ballot bag.

ADJOURNMENT

The Board of Canvassers' recount proceedings were adjourned for the day at 4 p.m.

Thursday, April 28, 2011 Proceedings

The Waushara County Board of Canvassers convened at 8:02 a.m. for the purpose of recounting justice of the supreme court ballots from the April 5, 2011 spring election. On April 27, 2011, the Board of Canvassers’ agenda was posted in the County Clerk’s Office and two other public places, as well as e-mailed to the *Waushara Argus* and the G.A.B. Tabulators/volunteers for April 28 were Mike Moe, Mary Charette, Alan Anderson and Deputy County Clerk Sarah Eggers. Observers on behalf of Prosser’s campaign were William Van Dongen and Jerry West. Barb Hennings observed for Kloppenburg.

OPENING COMMENTS & ACTIONS

County Clerk Stake made introductions of all those present, and had new volunteer Mary Charette sign an oath of office. Eggers and Moe were assigned to poll book reconciliation and some absentee paperwork review, and Anderson and Charette were assigned to machine ballot counting/announcing. Chesbrough and Cayer tallied the votes read, and Stake, Chesbrough and Cayer did the hand counting of paper ballots, including absentee, and reviewed absentee ballot envelopes and associated absentee paperwork.

Stake informed the group that just after adjourning the recount the previous day, she had received a call from Government Accountability Board Elections Specialist Ross Hein responding to her question regarding absentee ballots not being initialed by the municipal clerk. Hein told Stake that this was not a reason to automatically reject the ballots; the voters had done their paperwork correctly and their votes should not be removed because of human error on the part of the municipal clerk. Stake showed the Board of Canvassers and the observers the appropriate pages of the G.A.B. election manual (pages 56 and 57 of the June 2010 edition) that corroborated Hein’s assessment. The consensus of the board was that the affected votes in the towns of Bloomfield and Coloma should be counted. Therefore, these municipalities were readdressed.

RECOUNT RESULTS

***TOWN OF BLOOMFIELD, WARDS 1&2**

Candidate	Original Vote Total	Recount Vote Total
Prosser	146	146
Kloppenburg	55	55
Scattering	0	0

Total Ballots Cast: 201

Number of Electors From Poll Book: 200; originally 201 was listed, however, voter #135 was skipped in both copies of the poll book, so only 200 voters could be confirmed. (The problem of ballots cast versus electors was not immediately recognized; see minutes of the April 30, 2011 proceedings of the Board of Canvassers for final disposition.)

Number of Absentee Ballot Applications: 0; three of those listed on the absentee ballot log are permanent absentee voters, and therefore, applications were not required to be presented for this recount. The municipal clerk took the remaining 13 absentee requests via phone and did not require the electors to fill out absentee applications.

This municipality’s information was readjusted during the April 30, 2011 recount proceedings.

Number of Absentee Ballots: 14 initialed as such; 2 paper ballots were not initialed anywhere. These two paper ballots (both votes for Prosser) initially rejected and marked as Exhibit #1 and Exhibit #2 were now counted.

Other Items Not Noted Previously: Ballot bag seal #0212390 was removed; ballot bag was resealed with seal #0212399.

TOWN OF COLOMA, WARDS 1&2

Candidate	Original Vote Total	Recount Vote Total
Prosser	114	114
Kloppenburg	68	68
Scattering	0	0

Total Ballots Cast: 184 (includes 2 undervotes)

Number of Electors From Poll Book: 183; originally 184 was listed, but in both copies of the poll book, voters #2, #143 and #166 were missing, and voter #168 was listed twice. It was recognized that the Town of Coloma Clerk wrote on the absentee applications the voter number assigned to each absentee voter and Thomas Watts was given voter #2A, so it could reasonably be assumed that Watts was voter #2. Including Watts, only 183 of the 184 reported voters could be confirmed. This did not prove overly problematic, however, as there were two undervotes for the justice of the supreme court race, meaning there were less votes (182) than voters (183).

Number of Absentee Ballot Applications: 4

Number of Absentee Ballots: 2 initialed as such; 1 initialed in the wrong area (in the election inspectors' area, as if it were issued at the polls), and 1 paper ballot was not initialed anywhere. According to the GAB-104/Inspectors' Statement, there were four absentee voters, and four paper ballots, so it was ascertained that all four paper ballots were, in fact, absentee ballots. The absentee ballot log supported this thesis. The uninitialed ballot (a vote for Prosser) initially rejected and marked as Exhibit #3 was now counted.

Other Items Not Noted Previously: Ballot bag seal #0212389 was removed; ballot bag was resealed with seal #0212400.

TOWN OF MT. MORRIS, WARDS 1&2

Candidate	Original Vote Total	Recount Vote Total
Prosser	212	216
Kloppenburg	193	190
Scattering	0	0

Total Ballots Cast: 412 (includes 6 undervotes)

Number of Electors From Poll Book: 410 voter numbers were assigned, but there were 412 electors as best as can be determined by looking at the two copies of the poll book as a whole. There were numerous cases where a voter would not be listed in the county poll book but would be listed in the municipal poll book, and a few cases where a voter number would be assigned to one person in one poll book and a completely different person in another poll book. (See copy of poll book reconciliation attached to these minutes.) One such case occurred with an absentee voter: Andrew Schmanski (marked #19/absentee in county poll book) was likely marked in error, as Theresa Allbaugh is

#19/absentee in the municipal poll book, and the absentee ballot log and corresponding absentee ballot application support this assertion. No such paperwork or mention exists for Schmanski.

Number of Absentee Ballot Applications: 22; 14 are actual applications and eight are e-mails or letters requesting the ballot.

Number of Absentee Ballots: 22

Other Items Not Noted Previously: Ballot bag seal #0738106 was removed; ballot bag was resealed with seal #0212383. The number of the original seal was not noted nor initialed on the GAB-104. All votes were cast on paper ballots due to the fact that the election data programmed on voting machine cartridges was inadvertently erased before the polls opened on Election Day. Initial ballot count showed 442. Upon further inspection, it was noted that 30 of these were simply stamped with the municipal name and initialed by election inspectors, but apparently had not been issued to voters. Election inspectors must have initialed ballots ahead of time instead of just before handing to voters. Perhaps these extra blank ballots confused the situation and contributed to the miscount of the paper ballots on Election Day. Discrepancies between the GAB-104 and GAB-190 were also noted. The GAB-104 indicated that there were only 21 absentee voters, whereas all other paperwork indicated 22.

TOWN OF MARION, WARDS 1-4

Candidate	Original Vote Total	Recount Vote Total
Prosser	387	390
Kloppenburg	249	250
Scattering	0	0

Total Ballots Cast: 650 (includes 10 undervotes)

Number of Electors From Poll Book: 649 voter numbers were assigned, but tabulators found 650 electors upon inspection of the poll book. The certification sheet was also missing from the county’s copy of the poll book.

Number of Absentee Ballot Applications: 35; 29 are actual applications and six are e-mails or letters requesting the ballots. The absentee ballot log shows 36 electors.

Number of Absentee Ballots: 32. The municipal board of canvassers counted 31 and rejected one. However, the County Board of Canvassers decided to count the rejected ballot after analyzing the following situation as explained by Town of Marion Clerk Alan Anderson. Anderson believes that James Lehman came into the office to vote absentee (the absentee application and signature on the absentee certificate envelope supports this notion), but Anderson looked at the wrong entry in the poll book and instead of writing James’ information on the certificate envelope and the absentee ballot log, he took down Ronald Lehman’s information (James’ father). On Election Day, Ronald Lehman voted at the polls. After the polls closed, election inspectors opened the absentee envelope belonging to “Ronald Lehman” (really James Lehman), but then noticed that Ronald Lehman had voted at the polls. Therefore, they tore the absentee ballot in half and rejected it, and made note of potential voter fraud, as it appeared Ronald Lehman had tried to vote twice. After the election and initial county canvass, Anderson recognized what had happened, and wanted to bring the situation to light during the recount. Taking into consideration Anderson’s testimony and observations (the person who came into his office to vote absentee was a young man, and Ronald Lehman is older; is James’ father), and the paperwork showing that the absentee ballot application and signature on the certificate envelope are that of James Lehman, the Board of Canvassers made a unanimous decision that the vote should be counted. The situation was outside the voter’s control, the voter’s intent was clear, and therefore the voter should not

be penalized for human error. The absentee certificate envelope was marked Exhibit #4 and the ballot was marked Exhibit #5 and returned to the ballot bag.

Other Items Not Noted Previously: Ballot bag seal #0459562 was removed; ballot bag was resealed with seal #0212382. The number of the original seal was not noted on the GAB-101 or GAB-104 nor initialed on the GAB-104. Anderson performed a successful test of the optical scan voting equipment (AccuVote) using memory card #70692.

On Election Day, the municipality ran out of preprinted optical scan ballots, and therefore copies were made. The GAB-104 indicates that there were 528 “official” ballots and 121 copies, but the recount identified 529 “official” ballots (530 when including the formerly rejected absentee ballot) and 120 copies. One official ballot must have been inadvertently been placed with the hand counted ballots or somehow set aside and not counted on Election Day. During the recount, the machine counted 520 of the 530 official ballots; 9 were rejected as blank due to undervotes for the supreme court justice contest, and 1 was the formerly rejected absentee ballot that could not be run through the machine as it was torn and then taped back together. The ultimate result of the machine count was 318 for Prosser and 202 for Kloppenburg (extra vote for Kloppenburg must have been from the ballot accidentally not run through the machine on Election Day). The hand count of the remaining 120 ballots (121 when including the absentee ballot that could not be run through the machine due to being rejected/torn) showed 72 for Prosser (up three from municipal count; these ballots must somehow not have been counted on Election Day) and 48 for Kloppenburg (same as Election Day count). There was also one undervote.

TOWN OF WAUTOMA, WARDS 1&2

Candidate	Original Vote Total	Recount Vote Total
Prosser	239	239
Kloppenburg	164	164
Scattering	1	1

Total Ballots Cast: 411 (includes 7 undervotes)

Number of Electors From Poll Book: 411 voter numbers were assigned. However, voter #323 was used twice, bringing the total to 412. The only way these numbers were verified was through comparing the two copies of the poll books to a voter sign-in sheet the municipality uses. Six voters were not listed in either poll book, and an additional two were not listed in the county’s copy of the poll book but were listed in the municipality’s poll book copy. (See poll book reconciliation attached to these minutes.)

Number of Absentee Ballot Applications: 0; there were 29 people noted on the absentee ballot log.

Number of Absentee Ballots: 22; two of these were undervotes for the supreme court justice contest.

Other Items Not Noted Previously: Ballot bag seal #0459580 was removed; ballot bag was resealed with seal #0212381. The number of the original seal was not noted on the GAB-101. The number was noted on the GAB-104 but not initialed by election inspectors. No memory device or machine tamper evident serial numbers were noted on the GAB-104 either.

ADJOURNMENT

The Board of Canvassers’ recount proceedings were adjourned for the day at 12:45 p.m.

Friday, April 29, 2011 Proceedings

The Waushara County Board of Canvassers convened at 8:00 a.m. for the purpose of recounting justice of the supreme court ballots from the April 5, 2011 spring election. On April 27, 2011, the Board of Canvassers’ agenda was posted in the County Clerk’s Office and two other public places, as well as e-mailed to the *Waushara Argus* and the G.A.B. Tabulators/volunteers for April 29 were Mike Moe, Richard Becker and Deputy County Clerk Sarah Eggers. Observers on behalf of Prosser’s campaign were William Van Dongen, Wayne Winter, Wally Petersen and Marsha Haasch. Peggy and Ken Brewer observed for Kloppenburg.

OPENING COMMENTS & ACTIONS

County Clerk Stake made introductions of all those present, and had new volunteer Richard Becker sign an oath of office. Eggers and Becker were assigned to poll book reconciliation and some absentee paperwork review, and Moe, assisted by Stake, was assigned to machine ballot counting/announcing. Chesbrough and Cayer tallied the votes read, and Stake, Chesbrough and Cayer did the hand counting of paper ballots, including absentee, and reviewed absentee ballot envelopes and associated absentee paperwork.

RECOUNT RESULTS

TOWN OF OASIS, WARD 1

Candidate	Original Vote Total	Recount Vote Total
Prosser	68	68
Kloppenburg	38	38
Scattering	0	0

Total Ballots Cast: 107 (includes 1 undervote)

Number of Electors From Poll Book: 107

Number of Absentee Ballot Applications: 5

Number of Absentee Ballots: 5

Other Items Not Noted Previously: Ballot bag seal #0739100 was removed; ballot bag was resealed with seal #0212398.

TOWN OF PLAINFIELD, WARD 1

Candidate	Original Vote Total	Recount Vote Total
Prosser	78	79
Kloppenburg	40	40
Scattering	0	0

Total Ballots Cast: 124 (includes 5 undervotes)

Number of Electors From Poll Book: 124; #119 not assigned in county’s poll book, but was assigned to Dale Lloyd Craig in municipal poll book. In the county poll book, Randy Lee Phillips was assigned voter #89 when he should have been given #82 (#89 had already been assigned to Michael J. Roby).

Number of Absentee Ballot Applications: 4, plus two permanent absentee voters not requiring applications for the purpose of this recount.

Number of Absentee Ballots: 5

Other Items Not Noted Previously: Ballot bag seal #0459592 was removed; ballot bag was resealed with seal #0212397. Only one of the municipality’s two voting machines was used on Election Day due to a printing problem. According to the GAB-104, election inspectors tried to rectify the problem but were unsuccessful. The GAB-104 indicated that 39 votes were cast on paper ballots, and the recount verified this number. However, the municipality’s election night vote tally only totaled 38 paper ballot votes. Apparently the missed vote was one for Prosser, as the recount revealed one extra vote for Prosser than that reported on election night.

TOWN OF POY SIPPI, WARD 1

Candidate	Original Vote Total	Recount Vote Total
Prosser	125	126
Kloppenburg	66	66
Scattering	0	0

Total Ballots Cast: 196 (includes 4 undervotes)

Number of Electors From Poll Book: 196

Number of Absentee Ballot Applications: 2 (no absentee ballot log was kept)

Number of Absentee Ballots: 2

Other Items Not Noted Previously: Ballot bag seal #0459594 was removed; ballot bag was resealed with seal #0212392. Tabulators noticed that all the paper trail machine votes (from the Edge machine) were prefaced with the designation “prelat” instead of “official.” Stake left the meeting at 9:10 a.m. to consult with voting machine vendor Command Central. Aaron Storbeck of Command Central indicated that the municipality must have used its prelat (test) cartridge on Election Day instead of the official cartridge. To distinguish between the actual prelat votes and the “real” votes, Stake and Moe, along with observers from both campaigns, reviewed the vote dates printed on each ballot. Only “prelat” votes cast on April 5, 2011 were counted as official ballots.

A day or two before the recount, Stake had spoken with the Town of Poy Sippi Clerk, who had warned Stake that one of the voting machines had a paper jam on Election Day, and that she was not sure if that vote would be legible. When reviewing the jammed ballot during the recount, the vote for supreme court justice was readable (a vote for Prosser); it wasn’t until subsequent contests on that same ballot that the printer began printing over other information, making it illegible. However, the entire ballot had been deemed “void” by either the machine or operator on Election Day. No note of the incident was made on the GAB-104 to indicate whether the elector was allowed to recast a ballot after the printer problem or whether the voter had left and assumed that his/her vote was counted. The vote was not accounted for in the machine totals at the end of the roll. Stake again excused herself from the meeting to call the Town of Poy Sippi Clerk for her assessment of events. The municipal clerk stated that she thought the elector had left after the incident and not cast another ballot. The Board of Canvassers considered this statement and reviewed the number of voters (196) versus the number of ballots *without* counting the ballot in question (195). To complicate matters, one copy of the GAB-104 indicated there had been 186 machine ballots (which would have been the number including the jammed ballot) and the other indicated 185. By unanimous consent, the board decided to count the ballot, which was marked Exhibit #6. Therefore, Prosser gained one vote.

TOWN OF RICHFORD, WARDS 1&2

Candidate	Original Vote Total	Recount Vote Total
Prosser	80	79
Kloppenburg	43	43
Scattering	0	0

Total Ballots Cast: 128 (includes 6 undervotes)

Number of Electors From Poll Book: 129

Number of Absentee Ballot Applications: 8; application for Arlene Marks was missing, but she is a confined voter.

Number of Absentee Ballots: 4 (was 5 initially, but one was thrown out due to a lack of signatures on the envelope).

Other Items Not Noted Previously: Ballot bag seal #0459596 was removed; ballot bag was resealed with seal #0212394. The certificate envelopes processed by the municipal board of canvassers were inadvertently put in the container/envelope for rejected absentee certificate envelopes. Upon inspection of the absentee certificate envelopes, it was noticed that one was not signed by either the voter or a witness (Exhibit #7). Through a draw-down process, a probable absentee ballot for Prosser was removed (Exhibit #8).

TOWN OF ROSE, WARD 1

Candidate	Original Vote Total	Recount Vote Total
Prosser	78	78
Kloppenburg	81	81
Scattering	0	0

Total Ballots Cast: 159

Number of Electors From Poll Book: 159

Number of Absentee Ballot Applications: 14

Number of Absentee Ballots: 13; one was rejected by the municipality on election night due to no elector signature on certificate envelope.

Other Items Not Noted Previously: Ballot bag seal #0459524 was removed; ballot bag was resealed with seal #0212396. All of the absentee certificate envelopes were put into the used certificate envelope container, including an envelope that had been rejected. The ballot from that rejected envelope had been removed, and the ballot itself had been placed in the rejected certificate envelope container.

TOWN OF SAXEVILLE, WARDS 1&2

Candidate	Original Vote Total	Recount Vote Total
Prosser	172	170
Kloppenburg	135	135
Scattering	0	0

Total Ballots Cast: 311 (includes 6 undervotes); initial ballot count showed 313, but due to there being more ballots cast than confirmed voters, a draw down had to be performed (see the following).

Number of Electors From Poll Book: 311; this figure was arrived at after extensive comparison of the municipal and county poll book copies. The last voter number assigned was 312, however, voter #270 was skipped on both copies of the poll book, and there were numerous instances of discrepancies and omissions between the two poll books (see attached copy of poll book reconciliation paperwork). The net result was that it was impossible to tell with certainty how many electors actually participated in the election.

Number of Absentee Ballot Applications: 18

Number of Absentee Ballots: 17 (initially 18, but one removed due to draw-down procedure).

Other Items Not Noted Previously: Ballot bag seal #0459569 was removed; ballot bag was resealed with seal #0212393. Board of Canvassers noted that the number of paper ballots listed on the GAB-104 was 33, but 34 paper ballots were found during recount proceedings. There were 18 properly initialed absentee ballots, so the mistake in counting on election night must have come from the paper ballots cast at the polls. Combined with the 279 machine-cast ballots, these 34 paper ballots made the total ballots cast 313. Since only 311 voters could be confirmed – and only tentatively at that because of the state of the poll books – Stake left the meeting to consult with Ross Hein at the G.A.B. Hein recommended that the Saxeville Chief Election Inspector be called before the Board of Canvassers to explain these errors and discrepancies. If total ballots cast still exceeded number of voters, a draw down would have to be performed.

Stake returned to the Board of Canvassers and relayed Hein’s message. The board couldn’t see how so many discrepancies could be recalled and explained by the chief election inspector, so by unanimous consent, the board agreed to an immediate draw down. The board and some observers questioned whether the absentee ballots had to be included in the draw-down process since the absentee numbers were accurate (18 properly completed absentee certificate envelopes, 18 absentee applications, 18 people on the absentee ballot log, 18 absentee electors identified in the poll book). Stake again contacted Hein to confirm that absentee ballots had to be included in the draw-down procedure. Hein indicated that yes, they must be included. Therefore, a draw down was performed including all 34 paper ballots, and two votes for Prosser were lost (Exhibit #9, Exhibit #10). One of those pulled was an absentee ballot, reducing the number of absentee ballots from 18 to 17.

The Board of Canvassers directed Stake to address the poll book problems with the municipal clerk and chief election inspector.

ADJOURN AND RECONVENE

The Board of Canvassers adjourned at 1:35 p.m. for lunch and reconvened at 2:20 p.m.

RECOUNT RESULTS

CITY OF WAUTOMA, WARDS 1-4

Candidate	Original Vote Total	Recount Vote Total
Prosser	205	206
Kloppenburg	147	147
Scattering	2	2

Total Ballots Cast: 369 (includes 14 undervotes)

Number of Electors From Poll Book: 369

Number of Absentee Ballot Applications: 2. The remaining 27 were either permanent absentee voters (per the City Clerk’s Office; they were not designated as such on the absentee log) or cast their ballot at the City Clerk’s Office, so their certificate envelopes doubled as applications.

Number of Absentee Ballots: 29, although it was difficult to determine because the ballot clerks did not always initial in the appropriate place on the back of the ballot. The Board of Canvassers asked the City Clerk/Treasurer/Administrator Ryan McCue to speak to the ballot clerks about this.

Other Items Not Noted Previously: Ballot bag seal #0459595 was removed; ballot bag was resealed with seal #0212395. McCue performed a successful test of the optical scan (AccuVote) voting equipment using memory card #89469. The rejected absentee ballot container was not sealed, and spoiled (voided) ballots were inside instead of rejected absentee certificate envelopes. There were no actual rejected absentee certificate envelopes. The spoiled ballots were put in the ballot bag where they belonged. No voting unit number, memory device serial number or machine tamper evident serial number was noted on the GAB-104.

After running the 369 ballots through the optical scan machine (14 of these were rejected due to no vote cast for supreme court justice), a Ward II discrepancy in vote totals from Election Day to the recount was discovered. The recount figures for Ward II showed Prosser 35, Kloppenburg 29, and 1 scattering. This was one more vote for Prosser than on Election Day. Tabulators and Board of Canvassers separated the Ward II ballots for a hand count, and Moe commented that he had had to peel apart two ballots before feeding the ballots through the machine; perhaps the substance on the ballot interfered with the machine reading it correctly on Election Day. The hand count confirmed the recount machine totals.

TOWN OF SPRINGWATER, WARDS 1-3

Candidate	Original Vote Total	Recount Vote Total
Prosser	200	201
Kloppenburg	168	169
Scattering	0	0

Total Ballots Cast: 375 (includes 5 undervotes)

Number of Electors From Poll Book: 377

Number of Absentee Ballot Applications: 21

Number of Absentee Ballots: 21; however, one of these was an undervote for the supreme court justice contest.

Other Items Not Noted Previously: Ballot bag seal #0459590 was removed; ballot bag was resealed with seal #0212360. After the recount for this municipality was completed, it was noticed that the paper ballots had not been returned to the ballot bag, so ballot seal #0212360 was removed and replaced with #0212359. Still, paper ballots were missed, so the ballot bag seal #0212359 was removed and replaced with #0212358. It was noted that although the GAB-104 says there were 51 paper ballots, only 49 were found in the ballot bag during recount. It was determined that the initial count of 51 must have been an error, since the recount machine totals came out the same as Election Day and two *more* votes were actually “found” during the recount of paper ballots – one each for Prosser and Kloppenburg.

TOWN OF WARREN, WARD 1

Candidate	Original Vote Total	Recount Vote Total
Prosser	82	82
Kloppenburg	50	50
Scattering	0	0

Total Ballots Cast: 134 (includes 2 undervotes)

Number of Electors From Poll Book: 134

Number of Absentee Ballot Applications: 3

Number of Absentee Ballots: 3

Other Items Not Noted Previously: Ballot bag seal #10157862 was removed; ballot bag was resealed with seal #0212357. Poll book reconciliation found that Robert James Nigbor was voter #107 in the county poll book (same number as Leon Philip Rinke) when he should have been #123 as he was in the municipal poll book.

VILLAGE OF HANCOCK, WARD 1

Candidate	Original Vote Total	Recount Vote Total
Prosser	50	50
Kloppenburg	36	36
Scattering	0	0

Total Ballots Cast: 90 (includes 4 undervotes)

Number of Electors From Poll Book: 90

Number of Absentee Ballot Applications: 3

Number of Absentee Ballots: 3

Other Items Not Noted Previously: Ballot bag seal #0459578 was removed; ballot bag was resealed with seal #0212356. The number of the original seal was not noted on GAB-101. The container/envelope for the used certificate envelopes was not sealed.

VILLAGE OF LOHRVILLE, WARD 1

Candidate	Original Vote Total	Recount Vote Total
Prosser	62	62
Kloppenburg	59	59
Scattering	0	0

Total Ballots Cast: 136 (includes 15 undervotes)

Number of Electors From Poll Book: 137

Number of Absentee Ballot Applications: 0; however, both absentee ballots were cast in person, so their certificate envelopes doubled as their applications.

Number of Absentee Ballots: 2

Other Items Not Noted Previously: Ballot bag seal #0459576 was removed; ballot bag was resealed with seal #0212355. The number of the original seal was not noted on the GAB-101. The GAB-104

indicates there were 30 paper ballots, but only 29 were in the ballot bag. There was no supplemental poll list for the municipal copy of the poll book.

VILLAGE OF PLAINFIELD, WARDS 1&2

Candidate	Original Vote Total	Recount Vote Total
Prosser	85	85
Kloppenburg	55	56
Scattering	0	0

Total Ballots Cast: 146 (includes 5 undervotes)

Number of Electors From Poll Book: 146; county poll book was missing voter #96 (Marjory A. Prescher) and the supplemental poll list.

Number of Absentee Ballot Applications: 1, but the remaining 2 are permanent absentees, and their applications are not required for the purpose of this recount.

Number of Absentee Ballots: 3

Other Items Not Noted Previously: Ballot bag seal #0459577 was removed; ballot bag was resealed with seal #0212391. The extra vote for Kloppenburg discovered in the recount appears to be an oversight when counting the paper ballots, as machine totals on election night were identical to those paper trail machine ballots when recounted.

VILLAGE OF REDGRANITE, WARDS 1&2

Candidate	Original Vote Total	Recount Vote Total
Prosser	77	77
Kloppenburg	74	74
Scattering	0	0

Total Ballots Cast: 156 (includes 5 undervotes)

Number of Electors From Poll Book: 156; county poll book shows Betty Jean Angelo as voter #57, and the municipal poll book shows Dolores A. Angelo as voter #57.

Number of Absentee Ballot Applications: 3

Number of Absentee Ballots: 3

Other Items Not Noted Previously: Ballot bag seal #0459575 was removed; ballot bag was resealed with seal #0212354.

VILLAGE OF WILD ROSE, WARDS 1&2

Candidate	Original Vote Total	Recount Vote Total
Prosser	82	82
Kloppenburg	77	78
Scattering	0	0

Total Ballots Cast: 163 (including 3 undervotes). Initially was 164, including 4 undervotes; see the following.

Number of Electors From Poll Book: 164

Number of Absentee Ballot Applications: 19

Number of Absentee Ballots: 18; initially was 19, however, one was thrown out during the draw-down process (see the following). The number of absentee ballots was listed in error as 23 on the GAB-104 (23 was the total number of *paper* ballots, but not just absentee ballots). The certification page of the county poll book indicated there were 18 absentee electors, but there were 19 electors designated as absentee throughout the poll books. The GAB-190 indicated that there were 19 absentee electors.

Other Items Not Noted Previously: Ballot bag seal #0459600 was removed; ballot bag was resealed with seal #0212353. The certification page was missing from the municipal poll book. During the review of the absentee ballot envelopes, it was discovered that one, accepted by the municipal board of canvassers, was unsigned (Exhibit #12). An absentee ballot with an undervote for the supreme court justice race was discovered (Exhibit #11) and thus thrown out accordingly.

CITY OF BERLIN, WARD 7

The Board of Canvassers removed ballot bag seal #0459591 and discovered that the ballot bag contained only 13 paper ballots, no machine ballots. The Board of Canvassers resealed the ballot bag with seal #0212352 pending receipt of these machine ballots. With it being past business hours just before the weekend, it was anticipated that these ballots would not be able to be obtained until sometime Monday, meaning the Board of Canvassers likely could not reconvene until Tuesday, May 3, 2011.

TOWN OF BLOOMFIELD, WARDS 1&2

Stake informed the Board of Canvassers that, when submitting her revised Town of Bloomfield results to the G.A.B. the previous evening, she noticed a problem with the ballots cast vs. voters figures. When the board first decided to reject two absentee ballots because they did not contain the municipal clerk's initials (see minutes of the April 27, 2011 recount proceedings), numbers had been acceptable: 199 ballots cast, 200 electors. When the board decided to count the two uninitialed ballots on April 28, 2011, this brought the ballot figure to 201, whereas there were only 200 confirmed voters. The board decided to rectify the situation at the same time that they addressed the City of Berlin, Ward 7.

ADJOURNMENT

The Board of Canvassers adjourned at 6:25 p.m. until such a time that the City of Berlin, Ward 7 machine ballots could be located and obtained.

Saturday, April 30, 2011 Proceedings

The Waushara County Board of Canvassers convened at 8:05 a.m. for the purpose of completing the recount of justice of the supreme court ballots from the April 5, 2011 spring election.

After adjournment the previous day, County Clerk Melanie R. Stake had contacted Green Lake County Clerk Margaret Bostelmann to determine whether Bostelmann had seen any Waushara County ballots during Green Lake County’s recount of the City of Berlin’s ballots. (Wards 1-6 of the City of Berlin are in Green Lake County, and Ward 7 lies in Waushara County.) Bostelmann contacted her Deputy Clerk Liz Otto who remembered seeing (and marking so they wouldn’t be counted) Waushara County ballots on the machine roll during Green Lake County’s recount of the City of Berlin. It was recognized that all City of Berlin voters, regardless of ward or county, could vote on the same Edge machine, so all votes – for both counties – would be recorded on the one roll. Bostelmann had offered to bring the ballot container to Wautoma on Saturday morning so Waushara County could conclude its recount. On Friday evening, April 29, 2011, immediately after speaking with Bostelmann and calling her Board of Canvassers to determine availability, Stake posted the Board of Canvassers’ agenda in the County Clerk’s Office and two other public places, as well as e-mailed it to the *Waushara Argus*, the G.A.B., and attorneys of the Prosser and Kloppenburg campaigns. Due to the emergency and unplanned nature of the meeting, Stake deemed that the 24-hour notice requirement could be waived.

Robert Bostelmann was given the oath of office so that he could assist Green Lake County Clerk Bostelmann in helping review the machine rolls for Waushara County ballots. William Van Dongen was present on behalf of Prosser’s campaign.

RECOUNT RESULTS

CITY OF BERLIN, WARD 7

Candidate	Original Vote Total	Recount Vote Total
Prosser	19	19
Kloppenburg	2	2
Scattering	0	0

Total Ballots Cast: 21

Number of Electors From Poll Book: 21

Number of Absentee Ballot Applications: 0; but both voted in the City Clerk’s Office, so the absentee ballot certificate envelopes doubled as the applications.

Number of Absentee Ballots: 2

Other Items Not Noted Previously: Green Lake County ballot container seal #0462702 was removed, and after counting machine ballots and returning those ballots to the container, resealed with ballot container seal #0462613. (Waushara County) ballot bag seal #0212352 was removed; ballot bag was resealed with seal #0212351.

During the initial county canvass, a situation with the City of Berlin, Ward 7 had come to light. The city canvass had found 23 Waushara County ballots, whereas, the poll book showed only 21 Waushara County voters. The problem was with two Waushara County paper ballots in the Eagle (optical scan) machine bin. These two ballots were thrown out during the municipal canvass to reconcile the voter vs. ballot number.

The County Board of Canvassers found that the City of Berlin had acted appropriately after analyzing the situation. Waushara and Green Lake County City of Berlin voters all share the same polling place; however the Eagle was only programmed for Green Lake County use. It was conjectured that two Waushara County voters had been issued voter numbers and paper ballots and had tried to feed these paper ballots through the optical scan (Eagle) machine instead of depositing them into the appropriate ballot box. Realizing their mistake, the electors then voted either on a different set of paper ballots or on the Edge machine. There could be no confirmation of this theory, however, as election inspectors did not record the event on the GAB-104. The only note on the GAB-104 was added during the initial county canvass after Stake asked the Berlin City Clerk’s Office to explain how its municipal canvass had rectified the ballot vs. voter situation. The two ballots rejected at the municipal canvass were in a separate envelope in the ballot bag. The envelope containing the rejected ballots was marked as Exhibit #13.

TOWN OF BLOOMFIELD, WARDS 1&2

Candidate	Original Vote Total	Recount Vote Total
Prosser	146	145
Kloppenburg	55	55
Scattering	0	0

Total Ballots Cast: 200

Number of Electors From Poll Book: 200; originally 201 was listed, however, voter #135 was skipped in both copies of the poll book, so only 200 voters could be confirmed.

Number of Absentee Ballot Applications: 0; three of those listed on the absentee ballot log are permanent absentee voters, and therefore, applications were not required to be presented for this recount. The municipal clerk took the remaining 13 absentee requests via phone and did not require the electors to fill out absentee applications.

Number of Absentee Ballots: 16

Other Items Not Noted Previously: Ballot bag seal #0212399 was removed; ballot bag was resealed with seal #0212374. It was realized that paper ballots had not been returned to the ballot bag, so seal #0212374 was removed and replaced with seal #0212371.

Due to issues with ballots cast vs. electors (see minutes of April 28 and 29, 2011) a draw down was performed, and a vote for Prosser was lost (Exhibit #14).

FINAL RECOUNT RESULTS

The ultimate recount results were as follows: Prosser, 3,402 (plus 7); Kloppenburg, 2,301 (plus 1); Scattering, 3 (no change). Vote updates occurred in the following municipalities.

Town of Bloomfield: Less 1 for Prosser

Town of Marion: Plus 3 for Prosser, Plus 1 for Kloppenburg

Town of Mt. Morris: Plus 4 for Prosser, Less 3 for Kloppenburg

Town of Plainfield: Plus 1 for Prosser

Town of Poy Sippi: Plus 1 for Prosser

Town of Richford: Less 1 for Prosser
Town of Saxeville: Less 2 for Prosser
Town of Springwater: Plus 1 for Prosser, Plus 1 for Kloppenburg
Village of Plainfield: Plus 1 for Kloppenburg
Village of Wild Rose: Plus 1 for Kloppenburg
City of Wautoma: Plus 1 for Prosser

CERTIFICATION

Stake entered the recount results in the online canvass system and verified them, but immediately realized she had failed to update one figure. She contacted the G.A.B. to reject these results, and Aaron Frailing of the G.A.B. did so. The correct figures were certified and printed for the board's approval. Stake, Cayer and Chesbrough checked the canvass system figures against the GAB-106s that had been completed for each municipality during the recount proceedings and found no errors. The board signed the Summary Statement and Certification of the Board of Canvassers for submission to the G.A.B.

There being no further business, the meeting thus adjourned at 9:30 a.m.

Respectfully submitted,

Melanie R. Stake
County Clerk