



Wisconsin Elections Commission

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MEMORANDUM

DATE: For the March 7, 2025, Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: WEC Staff

SUBJECT: **In re the investigation of: City of Madison
Investigation Summary and Findings**

APPENDICES

The records in Appendices 1 – 43 constitute 1,630 pages of materials. While all of these records are responsive to the Commission’s document requests, many of them do not provide additional detail or information with respect to the uncounted absentee ballots.

Document Number	Description
Additional Documentation	
1	Response of Clerk Maribeth Witzel-Behl to Commission Questions. Most of the detail from the investigation is contained in this document. Clerk Witzel-Behl also provided a page of reflections and policy change ideas for lessons learned and changes that can be made going forward.
1A	Letter from Scott McDonnell, Dane County Clerk. Commission staff received this letter unprompted from Clerk McDonnell in February, and in it, he asserts he had no knowledge of the uncounted ballots until mid-December when it was reported in the media.
2	WisVote Data for Uncounted Ballots Wards 56, 65, and 68. Commission staff retrieved WisVote data for each of the uncounted ballots. For each ballot, the data indicate the absentee application type, the ballot delivery method, the ballot type, when the absentee ballot record was created, the date the ballot was sent, the date the ballot was returned, and a few other ballot identifiers. The data does not reflect the method of return because that is not a datapoint that clerks record in WisVote for absentee ballots.
Request 1: Records, logs, or documents used by the City of Madison Clerk’s Office to track or log carrier envelopes (green or red), courier bags, “secure red cages,” or any other object used to store or transport sealed absentee certificate envelopes. This request excludes the actual carrier envelopes themselves and	

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is specific to any record used to track or log the movement of absentee ballots from the voter to the ultimate destination of the polling place.	
3	Absentee Carrier Seal Number Record Sheets. This is the log that the Clerk’s Office used to record absentee carrier seal numbers as they were generated. It is handwritten, which means searching for a particular seal number must be done manually through over 100 pages. Commission staff were able to find some of the seal numbers provided by the Clerk’s Office on this log, but not all of them. The log is also not organized by ward.
4	Drop Box Key Sign Out. This is the log that the Clerk’s Office used to record who accessed and used keys to the city’s drop boxes. It is also handwritten.
5	Election Day Absentee Chain of Custody. These are the chain of custody forms that the Clerk’s Office used to track the movement of returned absentee ballots. There are two chain of custody forms from Ward 65, and two from Ward 56 in this record. The carrier seals on these forms do not match the seal numbers of the uncounted ballots, so it’s likely that these chain of custody forms are for other batches of absentee ballots that were delivered by courier on Election Day. The uncounted ballots were delivered to the polling places ahead of Election Day with the tabulators and other equipment.
6	Equipment Delivery by Route. This record contains the route and delivery information for the polling place equipment drop offs that were made before Election Day. The log contains a description of the items delivered, but the description does not mention ballots or absentee ballots. The Clerk’s Office indicated that the uncounted ballots were delivered with the rest of the equipment and supplies. The deliveries for Wards 56 and 65 were on October 31 to the polling places.
7	November 2024 – Chains of Custody, Dropbox and IPAV. These records contain the chain of custody forms from completed absentee ballots returning to the Clerk’s Office from drop boxes and IPAV sites in November 2024. It is not possible to determine whether any of the uncounted ballots were in the ballot batches recorded in these records.
8	Election Day Absentee Ballot Delivery Route Log. These records contain the absentee courier routes and delivery information for batches of absentee ballots that were delivered to polling places on election day. The uncounted ballots were not delivered by absentee courier, they were delivered with the polling place supplies ahead of Election Day.
9	Absentee Ballot Drop Box Locations. This record lists the addresses of the drop boxes used during the November 2024 election, along with descriptions of where each box was located.
10	Absentee Mail Chains of Custody – Office to Hamer. These records consist of chain of custody forms for absentee ballots that were delivered to and from the Clerk’s Office and the Fannie Lou Hamer Annex. Some logs were used for ballots sent back to the Clerk’s Office to be returned to the voter. Some logs were used to track ballots sent to the Hamer Annex that had been received by the Clerk’s Office by mail. Seal numbers were recorded by hand, meaning searching for specific seal numbers requires manual review of all records. Commission staff did not identify any of the pertinent seal numbers from the uncounted ballots within this record.

11	Procedures – Ballot Box Couriers Check in / Check Out. This is a page of written policy and procedure for how Clerk’s Office staff properly retrieve completed absentee ballots from drop boxes.
12	Ward 56 Absentee Chains of Custody (Election Day). These chain of custody logs are for absentee ballot carrier deliveries during Election Day to Ward 56. None of the uncounted absentee ballots were delivered to polling places on Election Day via courier.
13	Ward 65 Absentee Chains of Custody (Election Day). These chain of custody logs are for absentee ballot carrier deliveries during Election Day to Ward 65. None of the uncounted absentee ballots were delivered to polling places on Election Day via courier.
Request 2: Internal communications including email, text messages, or instant messaging (such as Teams or Skype) between City of Madison Clerk’s Office staff between November 12, 2024, and December 26, 2024. This request is specific to any record containing information regarding the 193 uncounted absentee ballots from Wards 56, 65, and 68.	
14	Internal Email Communications of City Clerk’s Office Staff. The Clerk’s Office produced 36 pages of internal communication records relating to this incident, the vast majority of which were created and sent on or after December 17. The records custodian explained that while the Clerk’s Office does use Microsoft Teams, the City only has a retention period of 24 hours for messages. The records custodian did not confirm or deny whether responsive Teams message records existed at one point. Additionally, the earliest emails provided were from November 26. The Clerks Office did not produce any emails from November 12 to November 26.
Request 3: Internal communications, including email, text messages, or instant messaging (such as Teams or Skype) between City of Madison Clerk’s Office and any member of the City of Madison Municipal Board of Canvassers or Dane County Board of Canvassers between November 12, 2024, and December 26, 2024. This request is specific to any record containing information regarding the 193 uncounted absentee ballots from Wards 56, 65, and 68.	
No Responsive Records	
Request 4: Internal communications, including email, text messages, or instant messaging (such as Teams or Skype) between the City of Madison Clerk’s Office and the Dane County Clerk between November 12, 2024, and December 26, 2024. This request is specific to any record containing information regarding the 193 uncounted absentee ballots from Wards 56, 65, and 68, as well as any information regarding the city, county, or state canvass or certification deadlines.	
No Responsive Records	
Request 5: All documentation, data, files, paperwork, or other substantive results materials provided by your office to the City of Madison Municipal Board of Canvassers and the Dane County Board of Canvassers.	
15	November 2024 Municipal Board of Canvassers Notes. Commission staff believe these notes were prepared by Clerk’s Office staff ahead of the first meeting of the Municipal Board of Canvassers on November 8. The notes

	detail issues in various wards, which are not in order. Neither Ward 56 nor Ward 65 appear on the list of notes.
16	Ward 56 – Inspectors’ Statement, Absentee Ballot Inspectors’ Statement, Observer Log. Election Day materials from the polling place for Ward 56, including a log of discovered issues. The uncounted ballots are not mentioned, nor does anything on the Inspectors’ Statement or Absentee Ballot Log provide the number of absentee ballots received for Ward 56. The seals from the carrier bags containing the uncounted ballots were not recorded on the Absentee Ballot Chain of Custody.
17	Ward 65 - Inspectors’ Statement, Absentee Ballot Inspectors’ Statement, Observer Log. Election Day materials from the polling place for Ward 65, including a log of discovered issues. The uncounted ballots are not mentioned. The Hourly Vote Tracking sheet says that 914 absentee ballots were received, though it is not clear as of which date. The Absentee Log recorded 984 absentee ballots counted. The seals from the carrier bags containing the uncounted ballots were not recorded on the Absentee Ballot Chain of Custody.
18	Ward 68 – Inspectors’ Statement, Absentee Ballot Inspectors’ Statement, Observer Log. Election Day materials from the polling place for Ward 68, including a log of discovered issues. Ward 68 did not miss counting any ballots, but one of its ballots was accidentally sorted into the batch of uncounted ballots from Ward 65.
19	January 10, 2025 Madison Municipal Board of Canvassers Agenda, Statement & Vote Tally of Uncounted Ballots. The Madison Board of Canvassers convened on January 10 to tally the 193 uncounted ballots. The Board of Canvassers tallied the ballots, and also provided a correction that the number of provisional ballots issued on Election Day was 128, not 123.
20	Ward 56 – Scans of Poll Books Provided to County Board of Canvassers. This appendix contains the second copy of the poll book, the one not signed by the voters. This was the copy that was provided to the Dane County Board of Canvassers
21	Ward 65 – Scans of Poll Books Provided to County Board of Canvassers. This appendix contains the second copy of the poll book, the one not signed by the voters. This was the copy that was provided to the Dane County Board of Canvassers.
22	November 2024 Canvass Documents. These records are from the first meeting of the Madison Municipal Board of Canvassers on November 8, 2024.
23	Ward 56 Poll Book (Voter Signature Version provided to MBOC). This appendix contains the first copy of the poll book, the one signed by the voters. This was the copy that was provided to the Madison Board of Canvassers. Based on email records in Appendix 14, Commission staff believe that the Clerk’s Office added the voter numbers in green pen after the uncounted ballots were discovered when Clerk Witzel-Behl originally tasked her staff with assigning voter participation.
24	Ward 56 Results Tape. This is the results tape from the tabulator from Ward 56 that was provided to the Municipal Board of Canvassers.
25	Ward 65 Poll Book (Voter Signature Version provided to MBOC). This appendix contains the first copy of the poll book, the one signed by the voters.

	This was the copy that was provided to the Madison Board of Canvassers. Based on email records in Appendix 14, Commission staff believe that the Clerk’s Office added the voter numbers in green pen after the uncounted ballots were discovered when Clerk Witzel-Behl originally tasked her staff with assigning voter participation.
26	Ward 65 Results Tape. This is the results tape from the tabulator from Ward 65 that was provided to the Municipal Board of Canvassers.
27	Write In Tally Sheets for Wards 56, 65, and 68. These records confirm the number of write-in votes received for each ward.
Request 6: Training materials, including email, PowerPoint slides, or webinar recordings, given to the election officials who were ultimately scheduled to work at Wards 56, 65, and 68. This request is specific to any record containing instruction on the processing, handling, and tabulating of absentee ballots. This request specifically excludes any training material or guidance document prepared by or issued by the Commission.	
28	Opening the Polls Task Sheets Binder. This record is a resource for poll workers on election day, and provides all of the necessary procedure for opening the polling place. The binder instructs poll workers to remove ballots and other supplies from both compartments of the tabulators as part of morning set up. The binder also instructs poll workers on how to highlight the names of voters who have returned absentee ballots. The binder does not have a dedicated section for setting up the absentee ballot processing area.
29	Closing the Polls Task Sheets Binder. This record is a resource for poll workers on election day, and provides all of the necessary procedure for closing the polling place. There is a section of the closing checklist to prompt the Chief Inspector and poll workers to make sure all ballots are counted, including verifying that ballot carrier bags are empty. This binder contains detailed instructions, including pictures, of what supplies go where.
30	2024 Quick Guide to Absentees. This training material provides poll workers with specific procedures to follow when opening and processing absentee ballots, starting with opening the sealed courier bags.
31	2024 Quick Guide to Remaking Absentees. This training material provides poll workers with specific procedures to follow when remaking absentee ballots at the polling place.
32	Blank Absentee Bundle Checklist. This record is a blank template of the absentee bundle checklists that poll workers use at the end of the night on election day to organize used absentee certificate envelopes. It is not clear whether poll workers in Ward 56 or 65 used this document, and if they did, the completed versions were not produced.
33	Absentee Processing Flashcards. Commission staff believe these flashcards are provided with polling place materials. The first flashcard instructs that absentee ballots are secured inside the ballot box inside the security cart. The flashcards detail the procedure for processing absentee ballots.
34	Absentee Processing Observer Guide. This record appears to be a flowchart to aid election observers in understanding the procedure for how poll workers process absentee ballots. It also contains examples of the three different absentee certificate envelope styles that are used in Wisconsin.

35	Absentee Processing Training Presentation Slides. This record provides another overview of the absentee ballot processing on election day.
36	Blank Absentee Bundle Tracking Sheet. This record is a blank template of the absentee bundle tracking sheet that poll workers use on election day as they process bundles of absentee ballots. It is not clear whether poll workers in Ward 56 or 65 used this document, and if they did, the completed versions were not produced.
37	Blank Bundle Tally Sheet. This record is a blank template of a tracking sheet poll workers could use on election day. It is not clear whether poll workers in Ward 56 or 65 used this document, and if they did, the completed versions were not produced.
38	Good & Bad Ballot Label Instructions. This record provides the procedures for how poll workers should correctly label good and bad ballots when remaking original ballots.
39	Blank Good & Bad Ballot Labels 1 – 15. The record also contains a sheet of unused good and bad ballot labels.
40	Poll Worker Reference Guide November 2024. This record is a reference document used to provide action steps to common situations that could arise on election day at the polling place.
41	Absentee Sealing Procedures. This record appears to be an internal Clerk’s Office record that provides the procedure for how to organize and package absentee ballots for transport to Hamer storage location.
42	Training Q&A of Election Inspectors for November 2024. This record contains questions and answers that were asked by election inspectors during trainings ahead of the November 5 General Election.
43	Blank Absentee Bundle Sheets. This record is a blank template of slips that poll workers can use to ensure they have taken all appropriate steps in processing bundles of absentee ballots at the polling place. It is not clear whether poll workers in Ward 56 or 65 used this document, and if they did, the completed versions were not produced.