



Wisconsin Elections Commission

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DATE: November 1, 2024

TO: Wisconsin Municipal Clerks
Wisconsin County Clerks
Milwaukee County Election Commission
City of Milwaukee Election Commission

FROM: The Wisconsin Elections Commission

SUBJECT: Preparing for a Potential 2024 Presidential Recount

The Wisconsin Elections Commission (“the Commission”) approved this clerk communication on November 1, 2024, to provide pertinent information on planning for a possible 2024 presidential recount petition.

This clerk communication provides detailed information on four recount topics:

- 1. Recount Completion Deadline of November 30, 2024**
- 2. Information the Commission will Need from Counties to Determine Recount Fee**
- 3. Minor Revisions to the Recount Manual**
- 4. Commission Staff will Compile Unofficial County Results to Track Recount Margins**

Part 1 - Recount Completion Deadline of November 30, 2024

Any recount regarding the presidential election would proceed on a precise timeline under Wisconsin and federal law. The timeline is determined by the last date that a county canvass statement is submitted to the Commission. The Commission would notify all county clerks immediately should a sufficient petition for a recount be filed. Regardless of when the last county canvass statement is received, the state canvass must occur no later than December 1, and thus the Commission must have received all county recount statements by **noon on November 30**. Please use the table below when planning for the possibility of a recount. Please also plan accordingly given that Thursday, Nov. 28 (11/28/24) is Thanksgiving.

Date County Canvasses Transmitted to WEC	Date Recount Requested	Date Recount Results Transmitted to WEC	Date of State Canvass of Recount Returns
11/13/24	11/14/24	11/27/24	11/28/24
11/14/24	11/15/24	11/28/24	11/29/24
11/15/24*	11/16/24	11/29/24	11/30/24
11/16/24	11/17/24	11/30/24	12/1/24

Wisconsin Elections Commissioners

Ann S. Jacobs, chair | Marge Bostelmann | Don M. Millis | Carrie Riepl | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

11/17/24	11/18/24	11/30/24	12/1/24
11/18/24	11/19/24	11/30/24	12/1/24
11/19/24	11/20/24	11/30/24	12/1/24

Citations:

[Wis. Stat. § 7.60\(5\)](#): The final day for a county to transmit its completed canvass to the WEC is November 19, 2024. It may be completed and transmitted earlier.

[Wis. Stats. §§ 7.60\(5\), 9.01\(1\)\(a\)1. & \(ar\)3.](#): A recount must be requested within one business day of the WEC receiving all the completed county canvasses. The last day to request a recount is therefore November 20, 2024, one day after the November 19, 2024, county canvass deadline. Upon receipt of a timely and proper request for a recount, the Commission will promptly issue an order for the recount.

[Wis. Stat. § 9.01\(1\)\(ar\)3.](#): Any recount return from the counties must be submitted to the Commission no later than 13 days from the date of the order for recount, but may be submitted earlier.

[Wis. Stat. § 7.70\(3\)\(a\)](#): The chair must publicly canvass the returns and make her certifications and determinations on or before December 1, 2024.

[Wis. Stat. § 7.70\(5\)\(b\)](#): Once the Commission Chair has completed the state canvass, a certificate of determination is prepared by the Commission and signed by the governor. This is different than a certificate of election as seen in [Wis. Stat. § 7.70\(5\)\(a\)](#).

*If the Canvass is returned on Friday, November 15 (11/15/24), under the statute, the aggrieved party could file the request for recount on Monday, November 18 (11/18/24). If so, the dates governing that request would be the same as if the canvass was returned on Sunday, November 17 (11/17/24).

Part 2 – Information the Commission will Need from Counties to Determine Recount Fee

Following a presidential election, a candidate for president would need to file with the WEC a verified petition for a recount by 5 p.m. on the 1st business day following the day on which the WEC receives the last statement from a county board of canvassers. The WEC would immediately inform all counties under which the recount is desired. If the difference between the total votes cast in the state for the leading candidate and the petitioner is equal to or less than 0.25% of the total votes cast in Wisconsin for the office, each county assumes the cost of the recount, and an estimated cost would not be necessary. However, if the difference is greater than 0.25% of the total votes cast for the office, the WEC would request from those counties a reasonable estimate of expenditures to conduct their recount. A prompt estimate is necessary. WEC would provide to the counties an excel form (similar form as in 2020) in which to report their cost estimate (see [Wis. Stat. § 9.01\(1\)\(ag\)](#)). That excel includes estimates for:

- Labor (Salaries/Wages & Fringe):
 - Board of Canvassers & Tabulators
 - Legal Counsel
 - Security Staff
 - Other Personnel
- Other Allowable Expenses:
 - Space Rental
 - Transportation Fees
 - Equipment Rental Fees

- Allowable Travel Costs (Mileage & Parking)
- Supplies, Including PPE & Other Safety Supplies
- IT Related Expenses
- Meals
- Other Allowable Expenses (description required)

WEC will compile the county estimates along with our own estimate of costs and provide those estimates to the petitioner who will decide whether to pursue the recount, in full or in part, or withdraw the petition. If pursued and if the difference between the votes cast for the leading candidate and the petitioner is greater than 0.25% of the total votes cast for the office, the petitioner must prepay the WEC the full estimated fee before the petition can be considered valid. [Wis. Stat. § 9.01\(1\)\(ag\)3](#). The WEC will receive these funds into a designated appropriation. Once the WEC has received the valid petition and payment from the petitioner, we will notify the participating county clerks who shall, in turn, notify their board of canvassers to commence the recount. WEC will then distribute to the county clerks of the counties in which the recount is to be held each county's estimated amount. The county clerk shall deposit their prepayment received with their county treasurer.

County boards of canvassers shall convene no later than 9 a.m. on the 3rd day after receipt of an order and may adjourn for not more than one day at a time until the recount is completed in the county, except that the commission may permit extension of the time for adjournment. Each board of canvassers must follow the recount procedure under Wis. Stats. §§ [9.01\(1\)\(b\)](#) & [9.01\(5\)](#). Returns from a recount shall be transmitted to the WEC as soon as possible, but not later than 13 days from the date the WEC ordered the recount.

If, as a result of the recount, the petitioner becomes the leading candidate, the counties and the WEC must bear their own costs of the recount and refund the full amount paid within 45 days after the last board of canvassers makes its determination in the recount. If the results of the recount do not change the designation of the leading candidate, then prepaid costs are compared to actual costs. Using the same form on which they made their estimate, county clerks must compile and submit to the WEC their actual costs of the recount. Actual costs must be reasonable and necessary, wholly due to the recount process, not otherwise reimbursed, and be properly documented. All documentation relating to submitted costs must be retained. If *actual costs are less* than the estimated, the county must refund the amount overpaid within 45 days after their board of canvassers makes its determination in the recount. If *actual costs are greater* than the estimated, the petitioner must pay to the WEC the overage within 45 days of receipt of balance due, and the WEC will then distribute to the county/counties owed additional reimbursement.

If a recount is requested, the WEC will provide clerks with a designated WEC Recount email address for all related questions and submissions.

Part 3 – Minor Revisions to the Recount Manual

The Wisconsin Elections Commission (“the Commission”) maintains a manual describing the statutory requirements and best practices to use in the event of a recount following an election in Wisconsin. In January 2024, Commission staff worked closely with county clerks across the state to identify possible revisions to this manual, all of which were presented to the Commission in March 2024. The Commission’s discussion and subsequent approval of the staff’s proposed changes were extensively documented in the minutes from the March 20, 2024, meeting.¹

¹ Available at: <https://elections.wi.gov/event/special-meeting-3202024>.

At the October 4, 2024, meeting, the Wisconsin Elections Commission (“the Commission”) received public comment from an experienced election inspector regarding a couple of thoughtful clarification changes to the Recount Manual. Legal staff agreed that those clarification changes to the Recount Manual were warranted. Commission legal staff also took the opportunity to conduct a full review of the revised Recount Manual to determine whether any other clarifications of ambiguities or helpful statutory citations were necessary.

All but one of the changes proposed by staff to the recount manual do not substantively change the procedures and policies for conducting a recount. All but one of the changes merely add statutory citations, provide additional detail or clarity, or reorganize information to resolve ambiguities.

The sole substantive change removes guidance that clerks can conduct administrative review of recount materials prior to the convening of the Board of Canvassers (“BOC”). Staff recommend this change purely in the interest of total transparency and full statutory compliance, as all work pertaining to recounts should properly be conducted by the BOC in an open meeting where the candidates and their representatives may be present. This change is presented on page 9 of the Recount Manual.

A redlined version of the Recount Manual, along with a detailed chart explaining where and why each change was made, is included in the supplemental materials to this clerk communication.

Part 4 – Commission Staff will Compile Unofficial County Results to Track Recount Margins

The State of Wisconsin’s statutes do not charge the Wisconsin Elections Commission with collecting an aggregate of unofficial election night results. Instead, Wisconsin law requires that each of the municipalities report their unofficial totals to their county clerk, the county clerk then posts all the municipalities’ unofficial results to the county website. The WEC then maintains a list of direct links to each of the 72 county websites where their municipalities unofficial results are posted. Links to the county sites for the November 5, 2024 election will be posted here: <https://elections.wi.gov/wisconsin-county-election-websites>

As it relates to a potential recount, WEC and local clerks often receive questions from candidates, the media, and clerks about where to find official data to determine if a race is within the statutory margin to qualify for a recount. An aggrieved candidate can request a recount if the unofficial results indicate that the difference between the leading candidate and a potential aggrieved candidate is within the 1% threshold to request a recount under [Wis. Stat. § 9.01\(1\)\(a\)5](#). To provide a reliable source for this information, WEC staff will compile a spreadsheet after the election that consolidates unofficial totals for each county for all federal contests on the ballot. Additionally, WEC will monitor state-level contests that appear close to the recount margin to collect this data. However, we do not plan to collect aggregate data for contests that do not appear to be near the recount threshold.

The spreadsheet will be posted to the same webpage as the links to the [72 county websites](#) in the days following the election. The spreadsheet will include the aggregate totals, based on the unofficial results on the counties’ websites, and a calculation of the margin between the top two candidates, using the calculation presented in the WEC recount manual. The spreadsheet will also include a disclaimer that says, “The information presented here is based on the unofficial results posted on each of Wisconsin’s 72 counties’ websites. These calculations are also unofficial, and meant to serve as a resource to understand if a contest may qualify for a recount under [Wis. Stat. § 9.01\(1\)\(a\)5](#).”

Please contact the WEC Help Desk at elections@wi.gov or (608) 261-2028 with any questions you may have.