

# ELECTION RECOUNT PROCEDURES

November 2024



**Wisconsin Elections Commission**  
P.O. Box 7984  
Madison, WI 53707-7984

Phone: (608) 261-2028  
FAX: (608) 267-0500  
Email: [elections@wi.gov](mailto:elections@wi.gov)  
Web: <https://elections.wi.gov/>

# Table of Contents

<b>Definitions for Use in This Manual</b>	<b>3</b>
<b>Procedures for Requesting a Recount</b>	<b>4-7</b>
Who May Request a Recount?	4
How is a Recount Requested?	4
What is a Recount Petition?	4-5
When is a Filing Fee Required?	5-6
Campaign Finance Note	6
Where Does the Petitioner File a Recount Petition?	6
When Must the Petition Be Filed?	6-7
What Happens When the Petition is Properly Filed?	7
<b>Procedures for Conducting the Recount</b>	<b>7-17</b>
When Does the Recount Begin?	7-8
Who Conducts the Recount?	8
Who May Attend the Recount?	8-9
Recount Preparations	9
Recount Methods	9-10
What Does the BOC Do?	10
How Does the BOC Conduct the Recount?	10-17
<b>After the Recount</b>	<b>17-18</b>
What Does the BOC Do After the Recount?	17
How Does a Candidate or Petitioner Challenge the Results?	17
<hr/>	
<b>Appendix</b>	
<b>Sample Forms</b>	<b>1-6</b>
Recount Petition	1
Recount Petition for Referendum	2
Order for Recount	3
Public Notice of Recount	4
Acceptance of Service	5
Recount Minutes	6
<b>Recount Fee Scenarios</b>	<b>7</b>
<b>Recount Checklists</b>	<b>8-11</b>
Supplies and Materials	8
Paper Ballot	9
Optical Scan	10
Direct Recording Electronic (DRE)/Touch Screen Voting	11

## Definitions for Use in this Manual

“**Aggrieved Candidate**” means a candidate who (1) in an election with 4,000 votes or fewer, trails the Leading Candidate by no more than 40 votes, or (2) in an election with more than 4,000 votes, trails the Leading Candidate by no more than one percent of the total votes cast for the office sought. [Wis. Stat. § 9.01\(1\)\(a\)5](#).

Note: If more than one office of the same type is to be filled in an election from the same Territory, the number and percentage of votes cast under this definition shall be determined by first dividing the total number of votes cast for the office by the number of offices being filled at the election from the same Territory.

“**BOC**” means the recount board of canvassers overseeing the applicable recount process referred to throughout specific sections of this manual. Any board of canvassers other than the recount board of canvassers will be referred to by its full title, such as the municipal, county, or state board of canvassers.

“**Determining**” or “**Determination**” relates to the time at which a recount petition may be filed, and means the point after the candidate or referendum vote totals have been tallied by the last board of canvassers. This stage occurs not earlier than the canvass of all valid provisional votes for the election, and not later than 5:00 p.m. on the third business day after the last meeting day of the last board of canvassers following canvassing of all valid provisional ballots for the election or referendum results.

“**Filing Officer**” means the Wisconsin Elections Commission for any federal or state office (including U.S. president) or referendum, the county clerk for any county office or referendum, the municipal clerk or the board of election commissioners for a municipal office or referendum, and the school district clerk for a school board office or referendum.

“**Leading Candidate**” means every individual whose vote total at the time of the filing of the recount petition would entitle the individual to election or nomination to office.

“**Original Election Materials**” means those materials itemized in the applicable Recount Checklist attached to this manual as an appendix.

“**Probable Absentee Ballot**” means a ballot initialed only by the municipal clerk, executive director of the board of election commissioners, deputy clerk, or secretary.

“**Territory**” means the geographic area served by the office subject to recount (ward, district, municipality, county, state, etc.).

# Procedures for Requesting a Recount

## **Who May Request a Recount?**

Any Aggrieved Candidate may petition for a recount of the election. [Wis. Stat. § 9.01\(1\)\(a\)1.](#)

Any individual who voted at a referendum election may petition for a recount of the referendum results. [Wis. Stat. § 9.01\(1\)\(a\)1.](#)

There is no automatic recount in Wisconsin, even if the unofficial results are extremely close.

## **How is a Recount Requested?**

A recount of an election is requested by filing a verified petition with the Filing Officer along with any applicable fee. A recount of a referendum is requested by the filing of a verified petition with the clerk of the jurisdiction in which the referendum is called, along with any applicable fee.

Recounts of statewide referenda questions are filed with the Commission. [Wis. Stat. § 9.01\(1\)\(a\)1. & 9.01\(1\)\(ar\)1. & 2.](#)

## **What is a Recount Petition?**

A recount petition is a sworn statement requesting that the votes at an election be counted again, or the votes of a referendum be counted again. The petitioner shall set out the reasons why the ballots should be recounted.

The recount petition must state the following information:

1. That the petitioner is either an Aggrieved Candidate for the office in question or a voter who voted on the referendum in question. [Wis. Stat. § 9.01\(1\)\(a\)2.a & c.](#)
2. The basis for requesting the recount. This shall consist of a statement that the petitioner is informed and believes that a mistake or fraud was committed in a specified ward or municipality in the counting and return of the votes cast for the office or upon the referendum or the petitioner may state that another specified defect, irregularity, or illegality occurred in the conduct of the election. The petitioner shall state if this information is based on personal knowledge of the petitioner or if the petitioner believes the information to be true based on information received from other sources. [Wis. Stat. § 9.01\(1\)\(a\)2.b.](#)
3. The ward or wards to be recounted. If a municipality consists of only one ward, the petition need only list the municipality in which the recount is desired. If all wards in a municipality, county or district are to be recounted, the petition may list the municipality, county or district without specifying each ward to be recounted. The petitioner may also state “all wards” if the petitioner wants the entire election recounted. If no ward specifications are indicated, the Filing Officer will assume that all wards are included. [Wis. Stat. § 9.01\(1\)\(a\)3.](#)

The petition must be verified, meaning that it is signed under oath before a person authorized to administer oaths, or is declared pursuant to Wis. Stat. § 887.015. The verification must state that the matters contained in the petition are known to the petitioner to be true except for allegations stated on information and belief, which the individual believes to be true. See Sample Recount Petition ([EL-186 or EL-186R](#)).

If a recount petition is not filed in the proper form, or not accompanied by the filing fee (if required) by the filing deadline, the petitioner loses his or her right to a recount of the election. See Wis. Stats. §§ [9.01\(1\)\(a\)](#) & [\(1\)\(ag\)](#). A sample recount petition ([EL-186](#) or [EL-186R](#)) is available in the Appendix.

After filing the recount petition, the petitioner may amend the petition. This may be done to include information discovered as a result of facts gathered and determined by the BOC during the recount. If the petitioner wants to amend his or her petition, the petitioner must file a motion to amend the petition with the BOC as soon as possible after the petitioner discovers, or should have reasonably discovered, the new information, and show that the petitioner was unable to include the information in the original petition. [Wis. Stat. § 9.01\(1\)\(a\)4](#).

Expanding the recount through subsequent petitions. If an Aggrieved Candidate petitions for a recount in some, but not all, of the wards or municipalities within a jurisdiction or district, the opposing candidate may file a petition for a recount, meeting the requirements above, in any or all of the remaining wards or municipalities. The opposing candidate filing a subsequent petition need not be an Aggrieved Candidate, and need only be running in the same race on the same ballot as the Aggrieved Candidate. The subsequent petition must be filed not later than 5:00 p.m. two days after the BOC completes the first recount. The BOC convenes at 9:00 a.m. on the next business day to count the remaining wards or municipalities.

In a recount of a referendum where the petitioner has sought a recount of some but not all wards or municipalities within a district, any voter who voted at the election or a municipality may petition to recount the remaining wards or municipalities in a referendum election. Wis. Stat. § 9.01(4).

### **When is a Filing Fee Required?**

Filing fees for an election depend on the total votes cast for the office, the difference between the total votes cast for the Leading Candidate(s), and the total votes cast for the recount petitioner. Filing fees for a referendum depend on the total votes cast in the affirmative and negative, and the difference between the two totals.

- If 4,000 or fewer votes are cast:
  - If the difference between the Leading Candidate and Aggrieved Candidate is less than 10, or the difference between the “yes” votes and “no” votes in a referendum is less than 10, no fee is required.
  - If the difference between the Leading Candidate and Aggrieved Candidate is 10 or more votes, or the difference between the “yes” votes and “no” votes in a referendum is 10 or more, a filing fee is required.
- If more than 4,000 votes are cast:
  - If the difference in the total votes cast in an election between the Leading Candidate and the Aggrieved Candidate, or the difference between the “yes” votes and “no” votes in a referendum is 0.25% or less, no fee is required.
  - If the difference in the total votes cast in an election between the Leading Candidate and the Aggrieved Candidate, or the difference between the “yes” votes and “no” votes in a referendum is greater than 0.25%, a filing fee is required.
- Calculating Fees If more than one candidate can petition for recount:
  - In an election where more than one candidate is elected to the same office, or in a

primary election when two or more candidates are nominated, the Leading Candidate is any person who received sufficient votes that would still entitle the candidate to election or nomination to office; not necessarily the candidate with the most votes. When more than one candidate is elected or nominated from the same Territory, the number and percentage of votes cast to determine filing fees is calculated by first dividing the total votes cast for the office by the number of offices being filled at the election from the same Territory. [Wis. Stat. § 9.01\(1\)\(ag\)5](#). Please see “Recount Fee Scenarios” in the Appendix for an example of how to determine if a filing fee is required under these circumstances.

**Amount of Filing Fees:** When a filing fee is required, the cost of the recount should be estimated by the Filing Officer, including the actual cost incurred by the Wisconsin Elections Commission (“WEC”) to provide services for performing the recount. The filing fee must be pre-paid by the petitioner in cash or in another form of payment acceptable to the Filing Officer at the time of filing. [Wis. Stat. § 9.01\(1\)\(ag\)2. & 3.](#)

Examples of allowable recount costs include, but are not limited to, personnel costs related to recount services provided, mileage reimbursement for travel, room rental fees, and equipment rental fees. Examples of non-allowable recount costs include, but are not limited to, alcohol reimbursement, childcare reimbursement, travel costs to a worker’s headquarter city where they would otherwise work, spouse or family reimbursements, lost or stolen property, and traffic or parking citations.

**Refunds of Filing Fees:** If the recount results in the petitioner becoming a Leading Candidate or a reversal of the outcome of a referendum the filing fee shall be refunded to the petitioner within 45 days after the BOC makes its determination in the recount. If the results of the recount do not change the outcome of the election, or the recount results in a difference in the votes cast that is below the threshold for paying the fee, the petitioner shall pay any balance owing toward the actual cost of the recount within 45 days after the Filing Officer provides the petitioner with a written statement of the amount due. [Wis. Stat. § 9.01\(1\)\(ag\)3m.](#)

### **Where Does the Petitioner File the Recount Petition?**

The petitioner files the recount petition with the Filing Officer with whom nomination papers or a declaration of candidacy are filed for that office. [Wis. Stats. §§ 8.10\(6\)\(d\) & 9.01\(1\)\(ar\)1.](#)

- The Filing Officer for any federal or state office or referendum is the WEC.
- The Filing Officer for any county office or referendum is the county clerk.
- The Filing Officer for a municipal office or referendum is the municipal clerk or the board of election commissioners.
- The Filing Officer for a school board office or referendum is the school district clerk.

### **When Must the Petition be Filed?**

If a municipal or county board of canvassers determines the election results, the deadline for filing is not earlier than the completion of the canvass of all valid provisional votes for the election and not later than 5:00 p.m. on the third business day after the last meeting day of the last board of canvassers which makes a Determination following canvassing of all valid provisional ballots for the election or referendum results. [Wis. Stat. § 9.01\(1\)\(a\)1.](#)

If the WEC Chairperson or designee determines the election or referendum result, the petition must

be filed no earlier than the last meeting day of the last county board of canvassers to make a statement (*i.e.* complete all canvass processes outlined in Wis. Stat. Chapter 7) in the election or referendum and no later than 5:00 p.m. on the third business day after the WEC receives the last statement from the county board of canvassers. [Wis. Stat. § 9.01\(1\)\(a\)1](#).

For an election for President of the United States, the recount petition must be filed no later than 5:00 p.m. on the first business day after the WEC receives the last statement from a county board of canvassers for the election. After a presidential election, if the candidates for that office are within the recount margin, the WEC will notify the candidates and their parties when it receives the last county canvass statement.

Questions regarding the use of campaign finance funds for a recount should be directed to the Wisconsin Ethics Commission.

### **What Happens When the Petition is Properly Filed?**

**Public Notice:** Upon receipt of a verified recount petition, and once any required fee has been paid, the Filing Officer shall prepare a public notice of the recount (see Appendix for an example) pursuant to [Wis. Stat. § 19.84](#) describing when and where the recount will be held. The Filing Officer shall provide a copy of that notice to the BOC and a copy of the petition and public notice to all candidates whose names were listed on the ballot for the same office.

Note: While not required, the WEC recommends that the Filing Officer also deliver the notice to any registered write-in candidates.

**Service of the Petition:** In a partisan primary, candidates from all parties for the same office, including independent candidates with ballot access, must be provided with a copy of the petition by the Filing Officer. A candidate or agent designated by the candidate may personally accept delivery of the copy of the petition. If consented to by the candidate, electronic delivery is permitted. Upon delivery, the candidate or agent shall be required to sign a receipt or provide acknowledgement by electronic media (see Appendix). If a candidate or agent does not personally accept delivery, the copies shall be given promptly to the sheriff. The sheriff shall promptly serve the copies on the candidates without fee. [Wis. Stat. § 9.01\(2\)](#).

The BOC should also make arrangements to obtain legal advice as needed during the recount proceedings. The Commission staff may also be made available via phone during the recount upon request but cannot render legal advice.

The WEC shall be notified of all recounts. In the event of a recount for state or federal office involving more than one county, the boards of canvassers shall consult with the Commission staff to ensure that uniform procedures are used to the extent practicable. [Wis. Stat. § 9.01\(10\)](#). The Commission staff will make arrangements for a teleconference with the affected county clerks prior to beginning the recount. Candidates will be invited to participate and the teleconference will be open to the public.

---

## **Procedures for Conducting the Recount**

### **When Does the Recount Begin?**

The recount begins no earlier than 9 a.m. on the day following delivery of notice to all candidates and no later than 9 a.m. on the day following the last day for filing the recount petition. [Wis. Stat. § 9.01\(1\)\(b\)](#). Note: This requires delivery of a verified petition to all candidates the day the petition is filed if it is filed on the last allowable day.

In a recount ordered by the WEC, the BOC shall convene no later than 9 a.m. on the third day following receipt of the order by the county clerk. [Wis. Stat. § 9.01\(1\)\(ar\)3](#). If the following morning is a Saturday, Sunday, or holiday, the WEC recommends that the BOC begin the recount on that Saturday, Sunday, or holiday.

### **Who Conducts the Recount?**

The board of canvassers that determined the original election result conducts the recount, except for state and federal elections.

For state and federal elections, the county boards of canvassers for the counties in which the contested votes are cast conduct the recount.

The WEC recommends that the BOC be composed of the same people who initially canvassed the election results. However, in the event one of the original members is unavailable when the recount is scheduled to begin, other qualified individuals may be appointed to fill the temporary vacancy. [Wis. Stats. §§ 7.53\(1\)\(b\)](#), [\(2\)\(a\)](#), [7.60\(2\)](#). If a member of the original board of canvassers is unavailable for the recount, the clerk should be notified immediately, and a list of qualified replacements composed before the recount begins. The minutes of the recount should reflect any change in canvass board members and the reason for the substitution.

The BOC may hire tabulators who work at their direction and who assist in administering the recount. Tabulators may assist the BOC in conducting the recount, but only members of the BOC are competent to make any determination as to the validity of any vote tabulated. [Wis. Stat. § 9.01\(5\)\(b\)](#). The WEC recommends that, when possible, the election inspectors who worked the polls on Election Day serve as tabulators.

### **Who May Attend the Recount?**

The petitioner, all opposing candidates, and all interested persons are entitled to be present in person and by counsel to observe the proceedings. [Wis. Stat. § 9.01\(3\)](#). If there are multiple representatives from a single campaign, the Commission recommends that a single representative be identified as the designated primary representative to the BOC. The designated primary representative to the BOC can change or defer to others, as long as one person at a time is speaking for the campaign. The Commission recommends that the petitioner, candidates, and their authorized representatives and counsel wear a badge or nametag that clearly identifies them as a person who can object to the counting of a ballot.

Members of the BOC and the tabulators are the only persons who may handle and touch the ballots and other election materials. The BOC must, however, allow the candidates and their representatives and/or legal counsel to view and identify the election materials, as well as object to the counting of any ballot. [Wis. Stat. § 9.01\(1\)\(b\)11](#). Public health guidance should be considered by the BOC when setting up the recount location and observation areas. Any challenges to the procedure established by the BOC regarding observation should be decided by the BOC and documented in the minutes. The optional use of a live video feed to provide greater transparency and minimize the number of individuals observing in person should also be considered.

The BOC may establish marked observer areas and ask that observers remain within those areas



unless otherwise permitted by the BOC. Unlike observation areas in the polling place, recount observation areas are not required to be placed at any specific distance, provided the candidates and their representatives can view and identify the election materials and the observers are not disruptive to the recount process. Compare Wis. Stat. § [7.41\(2\)](#) with § [9.01\(3\)](#). If there is not sufficient room for all observers to view the election materials, preference shall be given to candidates, their representatives or counsel. The use of video or still cameras inside the recount room is permitted unless it is disruptive or interferes with the recount. The BOC may enforce reasonable restrictions on items brought into the recount room, such as marking devices, food, or drink.

If any observer engages in disruptive behavior that in the opinion of the BOC threatens the orderly conduct of the recount, the BOC shall issue a warning and if the observer does not cease the offending conduct, order the observer's removal. See Wis. Stat. § [12.13\(3\)\(x\)](#) ("No person may...interrupt or disturb the voting or canvassing proceedings.")

### **Recount Preparations**

The Filing Officer administering the recount should ensure that all the supplies and materials needed for the recount have been acquired prior to the start of the recount. The Filing Officer should also acquire the necessary Original Election Materials for each reporting unit to be recounted. A sample checklist of materials and supplies is available in the Appendix. The Filing Officer must properly notice the recount as a public meeting under [Wis. Stat. § 19.84](#).

If the necessary materials are not on hand when the recount is scheduled to begin, the WEC recommends that the BOC convene by the deadline set by statute, document what materials are missing, what steps have been taken to procure them for the record, and adjourn until the materials are available. In the event that the BOC has the Original Election Materials for some but not all the wards to be recounted at the time they are scheduled to begin the recount, the BOC may begin the recount with those wards for which it has the Original Election Materials while the missing materials are being obtained.

Note: The BOC may not adjourn for more than one day at a time. Wis. Stat. § 9.01(1)(ar)3.

The WEC recommends that the BOC note in the minutes if proper notice of the recount was given to all candidates. Further, the BOC should note if the recount was properly noticed as a public meeting under [Wis. Stat. § 19.84](#).

### **Recount Methods**

Unless a court orders otherwise, the BOC may decide to either hand-count or use voting equipment to tabulate the ballots. The BOC may also choose to hand-count certain wards, while using voting equipment to tabulate other wards. [Wis. Stats. § 5.90\(1\) & \(2\)](#).

If voting equipment is used, it should be programmed to read and tally only the results for the contest to be recounted. Filing officers should be prepared for a BOC to select either machine counting or hand counting of votes. The formal decision on the tabulation method to be used should be made publicly when the recount begins so as to provide an opportunity for candidates or their representatives to object.

## **What Does the BOC Do?**

The duty of the BOC is to recount the votes cast for the office in question and to correct the errors, if any, that were made at the original determination of the election results. [Wis. Stat. § 9.01\(1\)\(b\)11](#).

If necessary, the BOC may also issue subpoenas to compel witnesses or documents for the recount. [Wis. Stat. § 9.01\(5\)\(a\)](#).

The BOC is required to keep complete minutes of all proceedings before the BOC, including a record of any objection, offer of evidence, exhibit, and finding of fact. [Wis. Stat. § 9.01\(5\)\(a\)](#). An audio recorder or court reporter is recommended to ensure detailed minutes are kept, as may be determined necessary or beneficial by the BOC or election officials. A sample format for the recount minutes can be found in the Appendix.

Each party to a recount must be given an opportunity to object and provide offers of evidence on:

- all objections to the recount itself,
- the composition of the BOC,
- the procedures followed,
- any ballot cast at the election, and
- any other issues presented to the BOC during the recount.

## **How Does the BOC Conduct the Recount?**

The BOC conducts the recount by following the procedures in Wis. Stats. §§ [5.90](#); [7.50](#); [7.51](#); & [9.01\(1\)\(b\)](#). These procedures are conducted separately for each municipality and reporting unit within the municipality. The BOC shall announce each reporting unit before beginning the recount process for that reporting unit.

Note: Please see the Appendix for checklists specific to the use of each type of tabulation method as well as the WEC staff memorandum on the construction of Wisconsin's election statutes and the discretion a BOC may exercise when making decisions during the recount.

### **Recount Step One**

Reconcile Poll Lists and Voter Data – [Wis. Stat. § 9.01\(1\)\(b\)1](#).

The BOC reconciles the two poll lists and any supplemental lists to confirm the lists record the same voters, the same total number of electors who voted in the ward or municipality, and that the same supplemental information is noted. The BOC determines from the poll lists the total number of voters, the number of absentee votes recorded, and identifies any irregularities appearing on these lists. The BOC notes in the minutes the total number of persons who voted, how many absentee votes were recorded, and any irregularities found on the poll lists.

### **Recount Step Two**

Review Absentee Ballots and Materials – [Wis. Stat. § 9.01\(1\)\(b\)2](#).

- a) *Determine Number of Absentee Voters*

The WEC recommends that the BOC determine the number of absentee voters by reviewing the poll lists as described in Step One, before then comparing that information to the relevant ballots and materials (e.g. the absentee ballot certificate envelopes, the Inspectors' Statement (EL-104), and the absentee ballot log (EL-124)).

*b) Review Rejected Absentee Ballots*

The BOC will then specifically examine only the rejected absentee ballot certificate envelopes contained in the carrier envelope (EL-102) for the purpose of ensuring the BOC agrees with the prior decisions on absentee ballot rejection. Rejected absentee ballot certificate envelopes are identified by the election inspectors on Election Night and marked "rejected." The reason for the rejection should be noted on the Inspectors' Statement (EL-104).

For recount purposes, an absentee ballot certificate envelope is defective "only if it is not witnessed or if it is not signed by the voter, or if the certificate accompanying an absentee ballot that the voter received by facsimile transmission or electronic mail is missing." Wis. Stat. § 9.01(1)(b)2. The BOC should make its own determination for each rejected absentee ballot certificate envelope. Any improperly rejected ballots should be marked and placed into the pool of ballots to be counted. If the number of voters is increased under this procedure the change should be recorded in the minutes. Any errors by election inspectors in rejecting absentee ballots should be documented in the minutes, along with the corrective action taken.

*c) Examine Written Absentee Applications*

Review of absentee ballot applications is not within the purview of the BOC under the recount provisions of Wis. Stat. Chapter 9. Absentee ballot application records may be available for review under the access to records provisions of Wis. Stat. Chapter 19.

*d) Examine Absentee Ballot Envelopes*

The BOC examines the used absentee ballot certificate envelopes (EL-122, EL-122M, EL-122SVD, EL-122S) contained in the white carrier envelope (EL-103). If the BOC finds any defective absentee ballot certificate envelope not identified on Election Night, it should be marked as defective, assigned a serial number, set aside, and properly preserved. A notation, including a description of the defect, should be made in the minutes.

The number of voters determined at the beginning of the recount is reduced by the total number of absentee ballots set aside under this procedure. This adjusted number is noted in the minutes and used whenever the number of voters is referred to during the recount. Do not remove ballots from the pool at this stage. See Step 4, below.

### **Recount Step 3**

Examine Ballot Bag or Container – [Wis. Stat. § 9.01\(1\)\(b\)3.](#)

The BOC examines the ballot bag or ballot container to determine that it has not been tampered with, opened, or opened and resealed. The BOC should verify that the tamper-evident seal matches the serial number on the ballot Container Certificate (EL-101) and the Inspectors’ Statement (EL-104). The WEC recommends the BOC investigate any irregularities or possible tampering with the ballots and note its findings in the minutes.

**Recount Step 4**

Reconcile Ballot Count – [Wis. Stat. § 9.01\(1\)\(b\)4.](#)

a) *Ballot Count* – [Wis. Stat. § 9.01\(1\)\(b\)4.a.](#)

The BOC opens the ballot bag or ballot container and removes the contents. The BOC members or tabulators count the number of ballots in the ballot bag, excluding any ballots that were set aside and not counted by the election inspectors on Election Night under the provisions of [Wis. Stat. § 7.51\(2\)](#). These “set aside” ballots should have been marked and bundled by the election inspectors on Election Night.

The BOC reviews all ballots marked rejected, defective, and objected to, in order to decide whether such ballots were correctly categorized when the ballots were first examined after the election. The BOC should also examine all remade ballots to ensure that such ballots were correctly remade and that voter intent was correctly determined. If any duplicate ballots were remade incorrectly, the BOC should set aside the incorrectly remade duplicate ballot, mark it with the reason for its removal, create a new duplicate ballot, and mark it as such. See [Wis. Stat. § 5.90\(1\)](#).

b) *Separate and Compare the Count of Probable Absentee Ballots* – [Wis. Stat. § 9.01\(1\)\(b\)4.b.](#)

The BOC separates all Probable Absentee Ballots from the other ballots (see definition, above). The BOC shall presume that a ballot initialed only by the municipal clerk, executive director of the board of election commissioners, deputy clerk, or secretary is an absentee ballot. [Wis. Stat. § 9.01\(1\)\(b\)4.b.](#) The number of Probable Absentee Ballots should equal the number of properly completed certificate envelopes (as determined by the BOC in Step 2 above), the number of absentee ballots recorded on the registration list on Election Night, and the number of written applications. Any discrepancies should be recorded in the minutes.

c) *Reconciling the Number of Ballots with the Number of Voters* – [Wis. Stat. § 9.01\(1\)\(b\)4.b.](#)

If the number of voters is greater than or equal to the number of ballots, record that information, but skip this step. Only engage in the following procedure if the number of ballots exceeds the number of voters.

If the BOC previously determined that any open absentee ballot certificate envelopes were defective, the BOC must draw at random, without inspection, from the pool of Probable Absentee Ballots the number of ballots equal to the number of envelopes that have been determined defective. If the BOC finds more defective absentee ballot envelopes than Probable Absentee Ballots, the BOC shall set aside all Probable Absentee Ballots. The Probable Absentee Ballots shall not be counted but shall be marked as to the reason for their removal, set aside and properly preserved. The BOC

notes in the minutes the steps taken under this procedure and the results determined. [Wis. Stat. § 9.01\(1\)\(b\)4.b.](#)

1. If the number of ballots still exceeds the number of voters, the BOC or the tabulators shall place all the ballots face up to check for blank ballots. Any blank ballots (ballots which have not been marked for any office) shall be marked as to the reason for their removal, set aside and properly preserved. The BOC should record this action in the minutes. [Wis. Stat. § 9.01\(1\)\(b\)4.c.](#)
2. If the number of ballots still exceeds the number of voters after removing all blank ballots, the BOC shall place all ballots face down to check for initials. Any ballots not properly initialed by two inspectors or any Probable Absentee Ballots not properly initialed by the municipal clerk, deputy clerk, or other statutorily authorized official are set aside. The BOC must, without inspection, randomly draw from the improperly initialed ballots as many ballots as are necessary to reduce the number of ballots to equal the number of voters determined to have voted on Election Day, less any defective absentee ballot certificate envelopes. Any ballots removed for lack of proper initials shall not be counted but shall be marked as to the reason for their removal, set aside and properly preserved. The BOC should record this action in the minutes. [Wis. Stat. § 9.01\(1\)\(b\)4.d.](#)
3. If the number of ballots still exceeds the number of voters, the BOC places the remaining ballots in the ballot bag and randomly draws, without inspection, the number of ballots equal to the number of excess ballots. These ballots shall not be counted but shall be marked as to the reason for their removal, set aside and properly preserved. The actions taken under this procedure are recorded in the minutes. [Wis. Stat. § 9.01\(1\)\(b\)4.e.](#)

When the number of ballots equals the number of voters or if the number of voters exceeds the total number of ballots, the BOC returns the ballots to the ballot bag or container and thoroughly mixes the ballots. [Wis. Stat. § 9.01\(1\)\(b\)5.](#)

## **Recount Step 5**

### Count the Votes

The exact steps for tabulating the votes will vary depending on the method or combination of methods of tabulation selected by the BOC. Unless a court orders a recount to be conducted by another method, the BOC may determine to conduct the recount of a specific election by hand and may determine to conduct the recount by hand for only certain wards or election districts. If electronic voting machines are used, the BOC shall perform the recount using the permanent paper record of the votes cast by each elector, as generated by the machines. [Wis. Stat. § 5.90\(1\).](#)

When counting paper or optical scan ballots, questions often arise concerning the intent of the elector. Election officials have a duty to attempt to determine voter intent and give effect to that intent if it can be determined. Election officials are expected to use common sense to determine the will of an elector based on the marks made by the elector on the ballot. The decisions of the election inspectors may be reviewed by the BOC. Wis. Stats. §§ [7.50](#), [7.51](#), [7.60](#). Even if an elector has not fully complied with the provisions of the election law, votes should be counted as intended

by the elector to the extent that the elector's intent can be determined. Wis. Stat. §§ [5.01\(1\)](#), [7.50\(2\)](#). The WEC has manuals titled "Counting Votes," which are designed to assist election officials in determining voter intent. A copy of the "[Counting Votes](#)" manuals are available on the agency website and should be reviewed by the BOC prior to the recount.

Recount considerations for each form of counting are as follows:

### **Tabulating Votes by Hand Count**

The WEC recommends that hand counts be conducted using teams of at least two human tabulators. These tabulators will double-check each other's work throughout the process to ensure that an accurate count is maintained.

#### *a) Sort Ballots by Candidate*

Each tabulation team should begin by sorting the ballots into stacks: One stack for each candidate (ballots that clearly indicate a vote for a ballot candidate or a valid write-in candidate) and one stack for ballots where no vote may be counted (defective ballots, votes for invalid write-in candidates, etc.). Candidate representatives should be given the opportunity to review each ballot as it is sorted and may request that the tabulators set aside questionable ballots for closer examination and determination of voter intent by the BOC. The BOC may consult with its legal counsel or WEC staff regarding any questionable ballots. The WEC recommends that any such consultation be recorded in the minutes.

#### *b) Create Stacks of a Fixed Number*

Set aside the stack of ballots for which no vote can be counted. For each stack of ballots marked for a candidate, each tabulator should create sub-stacks of a fixed number (e.g., 25 ballots) with a remainder stack for any number left over from creating the full-size stacks. Each stack should be double-checked by a second tabulator to ensure the stack contains exactly the number expected.

#### *c) Tally Stacks to Determine the Total Vote*

The BOC then carefully counts the number of stacks for each candidate. The counts should be recorded separately by two individuals on two clearly-labeled tally sheets (EL- 105). After all of the counts have been recorded, the two tally sheets should be compared against each other to ensure an accurate count is determined. The recount vote totals are recorded in the minutes.

#### *d) Reconcile Ballots with No Vote*

A reconciliation of the ballots for which no vote could be counted should be recorded in the minutes. This documentation should list the reasons the ballots could not be counted, and the number of ballots not counted for each reason.

### **Optical Scan Tabulator**

If an optical scan tabulator is used, the WEC recommends that where possible the tabulator should be programmed to only tally the results for the contest to be recounted. If the tabulator is not reprogrammed to tally only the contest to be recounted, the WEC recommends that the counts

for other contests be separated, set aside and preserved. The recounted results for the other contests should not be included in the BOC report of recount results but may need to be preserved for public records or other purposes.

Note: The original memory device for the voting equipment from Election Day cannot be cleared and reprogrammed for use at the recount, so an alternative memory device must be acquired for use at the recount. [Wis. Stats. §§ 7.23\(1\)\(g\) & \(2\)](#).

*a) Examine the optical scan tabulator*

The BOC shall make a record of the number of the tamper evident seal, protective counter, or other device, if any, before opening any of the voting equipment. The BOC examines the optical scan tabulator to determine that any other tamper evident seals are intact and match the log maintained by the election inspectors and the municipal clerk. The BOC notes in the minutes any irregularities or possible tampering with the device. Wis. Stats. §§ [5.90\(1\)](#) & [9.01\(1\)\(b\)6](#).

*b) Test the optical scan tabulator*

The BOC tests the automatic tabulating equipment to ensure it is programmed correctly for the recount using a pre-audited group of ballots marked to record a predetermined number of valid votes for each candidate or contest choice (test deck). The test deck should include at least one ballot with more selections than permitted (overvote) and for recounts in a partisan primary, at least one ballot with votes in more than one party primary (crossover) in order to test the ability of the tabulator to reject such ballots. The results of the test deck tabulation should be compared to the pre-audited results to ensure accuracy and a record of the test results should be noted in the minutes. Wis. Stats. §§ [5.84\(1\)](#) & [5.90\(1\)](#). The procedures for the test and the results of the test should be recorded in the minutes.

*c) Insert Ballots into the Optical Scan Tabulator*

Each ballot shall be reviewed by the BOC and may be inspected by the candidates or their representatives before being inserted into the tabulator. If it appears the ballot may not be recorded correctly by the tabulator, or if the ballot is objected to, the ballot is set aside to be examined by the BOC for voter intent and counted separately by hand.

*d) Generate Results*

The BOC places the optical scan tabulator into post-election mode and generates a results tape for the reporting unit. The BOC adds in any votes counted separately by hand using new tally sheets and records the total results as part of the revised canvass statement. See Step 7.

If the equipment needs to be used for another reporting unit, the BOC shall ensure that all ballots have been removed from the tabulator and re-secured in ballot bags or containers before proceeding to reset the equipment for use with the next reporting unit.

## **Direct Record Electronic (DRE)**

In many polling places across the state, direct record electronic (DRE) voting equipment is used in conjunction with hand count ballots or optical scan ballots to enable individuals with disabilities to

vote privately and independently. As a result, the hand count ballots and optical scan ballots should be counted first by following the steps described above, if applicable.

*a) Separate the Paper Tape into Individual Ballots*

DRE equipment records votes two separate ways: electronically and on a paper tape that the voter can view to verify the equipment is recording their votes correctly before casting their ballot. In a recount, the BOC is required to use the paper record. [Wis. Stat. § 5.90\(1\)](#). The paper tape consists of a pre-election readiness report, a zero-report showing that no votes are currently in the memory of the machine, individual ballot records, and a closing results report.

To facilitate counting of the individual ballot records and to preserve the confidentiality of an individual's vote, the BOC shall cut the paper record to separate the individual voter records and then further cut the paper tape into the individual ballots, which would then be randomized.

Note: When cutting the paper tape be careful that only the section of the tape covering Election Day is used. When separating the tape into individual ballots, watch for "voided" ballots, which appear the same as other ballot entries except they will be followed by a "void" entry on the tape. The "void" entry may appear far below the record of votes cast on the tape. These "voided" ballots should not be counted as they were not cast.

If due to a paper jam or misprint some individual ballot records are not available, the BOC may consult with the voting equipment vendor to determine if the missing records can be recreated. The BOC may be able to obtain records from the vendor, such as cast ballot records, that will allow them to tally votes from the missing ballot records. Any such tallying should be documented in the recount minutes.

*b) Tally Individual Ballots to Determine the Total Vote*

The BOC carefully counts each individual ballot record as recorded on the tape. The counts should be recorded by two individuals on clearly labeled tally sheets (EL-105). After all of the counts have been recorded, the two tally sheets should be compared against each other to ensure an accurate count is determined. The recount vote totals should be compared against the original results as generated by the DRE and any discrepancies shall be recorded in the minutes.

**Recount Step 6**

Secure Original Materials

After concluding the recount for a particular reporting unit, the BOC shall gather and account for all Original Election Materials. All ballots shall be placed into a ballot bag or container and resealed. The BOC shall document in the minutes the serial number of any new security seals or tags used.

All election materials should be accounted for before proceeding to the next reporting unit to prevent the accidental mixing of materials from different reporting units.

**Recount Step 7**

Prepare New Canvass Statement



If any corrections were made to the results, the BOC shall prepare a statement of revised election results using the canvass reporting form (EL-106). [Wis. Stat. § 9.01\(1\)\(b\)9.](#)

---

## After the Recount

### **What does the BOC do after completing the recount?**

#### Transmit the Results

- If the recount is for a municipal election, the BOC promptly forwards the results and minutes to the municipal clerk.
- If the recount is for a school board election, the BOC promptly forwards the results and minutes to the school board clerk.
- If the recount is for a county election, the BOC promptly forwards the results and minutes to the county clerk.
- If the recount is for a state or federal election, the results and minutes of the recount are to be forwarded immediately to the WEC and should be received no later than 13 days after the recount is ordered. [Wis. Stat. § 9.01\(1\)\(ar\)3.](#)

#### Send the Minutes

A copy of the minutes of any recount should be sent to the WEC. For federal, state, and county elections, the BOC should also send copies of the minutes to the chief officers of the state or county committee for any registered political party who had candidates for that office. [Wis. Stat. § 9.01\(5\)\(bm\).](#)

#### Issue the Certificate of Election (Determination)

The certificate of election (certificate of determination) may be issued by the Filing Officer when the deadline for filing a recount petition, or for filing all appeals, has passed and the election results are final. The election results are final when all such deadlines have passed, and all statements of canvass have been completed.

### **How Does a Candidate or Petitioner Challenge the Recount Results?**

The candidate or petitioner has a right to appeal the recount determination in circuit court. The appeal must be filed with the circuit court within five (5) business days of the completion of the recount in all counties concerned. Written notice of appeal must also be served in person or by certified mail on all other candidates and persons who filed a written notice of appearance before the BOC. If the recount affects a state or federal office or referendum, notice of the appeal must be served on the WEC. See Wis. Stats. §§ [9.01\(6\)](#), [\(7\)](#), [\(8\)](#), & [\(9\)](#).

The recount process and the subsequent judicial appeals is the exclusive remedy for testing the right to hold an elective office as the result of an alleged irregularity, defect, or mistake committed

during the voting or canvassing process. [Wis. Stat. § 9.01\(11\)](#).

**Conclusion**

This information is prepared pursuant to [Wis. Stat. § 9.01\(10\)](#). Petitioners, candidates, and Filing Officers should seek legal counsel when they are involved in a recount. If you have any questions, concerns, suggestions or recommendations about the recount process, please contact the:

**Wisconsin Elections Commission**

**P.O. Box 7984**

**Madison, WI 53707-7984**

**Phone: 608-261-2028 Fax: 608-267-0500**

**Email: [elections@wi.gov](mailto:elections@wi.gov)**

**Website:**

**<https://elections.wi.gov/>**

# Appendix

<b>Sample Forms</b>	<b>1-6</b>
Recount Petition	1
Recount Petition for Referendum	2
Order for Recount	3
Public Notice of Recount	4
Acceptance of Service	5
Recount Minutes	6
<b>Recount Fee Scenarios</b>	<b>7</b>
<b>Recount Checklists</b>	<b>8-11</b>
Supplies and Materials	8
Paper Ballot	9
Optical Scan	10
Direct Recording Electronic (DRE)/Touch Screen Voting	11

# SAMPLE RECOUNT PETITION

---

In Re: The Election for  
(specify office)

Verified Petition  
for Recount

---

Petitioner (name of petitioner) alleges and shows to (specify the clerk or body with whom nomination papers are filed for that office):

1. That Petitioner was a candidate for the office of (specify office) in an election held on (specify date of election);
2. The Petitioner is an aggrieved party as defined in [Wis. Stat. § 9.01\(1\)\(a\)5](#).
3. That Petitioner is informed and believes that a (mistake or fraud) has been committed in (specify each ward or municipality) in the counting and return of votes cast for the office of (specify office); and/or
4. That Petitioner (is informed and believes) or (knows of his/her own knowledge) that:

(Specify other defects, irregularities or illegalities in the conduct of the election).

Wherefore: Petitioner requests a recount of (specify each ward or municipality in which a recount is desired; each ward need not be specified if a recount is requested for all wards within a jurisdiction).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Petitioner

I, (name of petitioner), being first duly sworn, on oath, state that the matters contained in the above petition are known to me to be true except for those allegations stated on information and belief, which I believe to be true.

\_\_\_\_\_  
Petitioner

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public (or other person authorized to administer oaths)

My Commission Expires \_\_\_\_\_  
(specify expiration date)

The information on this form is required by Wis. Stat. § 9.01. This form is prescribed by the Wisconsin Elections Commission, 201 W. Washington Avenue, 2<sup>nd</sup> Floor, P.O. Box 7984, Madison, WI 53707-7984, (608) 261-2028  
**EL-186** (Rev.3/24)

# SAMPLE RECOUNT PETITION FOR REFERENDUM

---

In Re:    The Election for  
          (specify referendum)

Verified Petition  
                  for Recount

---

Petitioner (name of petitioner) alleges and shows to (specify the clerk or body with whom the referendum was filed):

1. That Petitioner was an elector who voted upon the referendum in the election held on (specify date of election);
2. That Petitioner is informed and believes that a (mistake or fraud) has been committed in (specify each ward or municipality) in the counting and return of votes cast for the referendum of (specify referendum); and/or
3. That Petitioner (is informed and believes) or (knows of his/her own knowledge) that:  
  
      (Specify other defects, irregularities or illegalities in the conduct of the election).

Wherefore: Petitioner requests a recount of (specify each ward or municipality in which a recount is desired; each ward need not be specified if a recount is requested for all wards within a jurisdiction).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Petitioner

I, (name of petitioner), being first duly sworn, on oath, state that the matters contained in the above petition are known to me to be true except for those allegations stated on information and belief, which I believe to be true.

\_\_\_\_\_  
Petitioner

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public (or other person authorized to administer oaths)

My Commission Expires \_\_\_\_\_  
(specify expiration date)

The information on this form is required by Wis. Stat. § 9.01. This form is prescribed by the Wisconsin Elections Commission, 201 W. Washington Avenue, 2<sup>nd</sup> Floor, P.O. Box 7984, Madison, WI 53707-7984, (608) 261-2028  
**EL-186R** (Rev.3/24)

# SAMPLE ORDER FOR RECOUNT

STATE OF WISCONSIN – (County)

---

<b>In the matter of:</b>	)	
	)	<b>ORDER FOR RECOUNT</b>
A Recount of the (Election)	)	
for (Title of Office)	)	
for the (District), held	)	
on (Date)	)	

---

On (Date Recount Petition was filed), a recount petition was filed by (Petitioner’s Name), a candidate for the office of (Office Title) for the (District), at the (Election) held on (Date).

The petition requests a recount of (list specific wards or municipalities) for the office of (Office Title).

The filing officer has reviewed the petition. The petition is sufficient. Any applicable fee has been received and accepted.

Pursuant to Wis. Stat. § 9.01:

**IT IS ORDERED THAT:**

1. A recount be conducted of all the votes cast for the office of (Office Title) for the (District) at the (Election) held on (Election Date) in (list of specific wards or municipalities).
2. The board of canvassers convene at (Time) on (Date) at (Location), to begin the recount.
3. The recount be completed by the board of canvassers immediately.
4. The clerk transmits a certified canvass report of the result of the recount and a copy of the minutes of the recount proceedings to the Wisconsin Elections Commission immediately after the completion of the recount.

Dated: \_\_\_\_\_

---

(Clerk’s Name)  
(Clerk’s Title)

# SAMPLE PUBLIC NOTICE

---

## Notice of Recount for the Office of (Office Title) for the (District) in the (Election)

---

TO: All Candidates On The Ballot For The Office of (Office Title) for the (District) and  
Other Interested Persons

FROM: (Clerk)

SUBJECT: Recount of the Votes Cast for the Office of (Office Title) for the (District) in the  
(Election)

DATE: (Date)

A recount of the votes cast at the (Election Date) (Election) for the office of (Office Title) for the  
(District) will begin at the time and location set forth below:

**(Municipality)** – 9:00 a.m. on (Date), at (Location).

A copy of the recount petition is attached. This notice is given pursuant to Wis. Stat. § 9.01(2).

You have the right to be present and to be represented by counsel to observe and challenge the votes  
cast and the board of canvassers' decisions at the election.

Attachment

# Sample Acceptance of Service

## MEMORANDUM

**DATE:** (Date)  
**TO:** (Clerk)  
**FROM:** Candidate for (Office)  
**SUBJECT:** Service of Recount Petition

Pursuant to Wis. Stat. § 9.01(2) on this day, I have personally received delivery of copies of the notice of recount, recount petition, and order for recount for the office of (office) at the (election date) (election name). I agree to waive service and accept delivery.

---

(Signature of Candidate)

---

(Print Name)



## Sample Recount Minutes

Date of Recount:

County:

Office to be Recounted: *(Include District Number)*

Original Result: *(Candidates' Names and Votes for Each Candidate. If there was a tie, explain how it was broken.)*

Canvass Board Members: *(If substitute, give reason for substitution.)*

Other Personnel: *(Tabulators, Corporation Counsel, Clerical Support)*

Others Present:

Notification: *(Were candidates notified and was public notice given?)*

Electronic Voting Equipment Test Results:

*For Each Reporting Unit:*

Name of Municipality:

Reporting Unit:

Original Vote Totals for Reporting Unit:

Number of Voters from Registration List:

Number of Absentee Ballot Applications (If Applicable):

Number of Absentee Ballots:

Notes: *(Include a description of any discrepancies, irregularities, errors, problems, objections raised by observers. Record any decision of the board of canvassers. Identify any exhibits by description and number.)*

Recount Vote Totals for Reporting Unit:

Recount Results:

An electronic or hard copy of the minutes from any recount must be sent to:

Wisconsin Elections Commission  
P.O. Box 7984  
Madison, WI 53707-7984  
elections@wi.gov

## Recount Fee Scenarios

### Scenario #1: Village President

Candidate	Votes
A	4,500
B	4,410

In this scenario, candidate A would currently be elected to office. If a recount was requested, the fee is determined by first calculating the total votes cast for the office ( $4,500+4,410 = 8,910$ ). The difference between the Leading Candidate and the petitioner (90 votes) is divided by the total votes cast (8,910) and then multiplied by 100 to get the percentage difference (1.01%).

Candidate B would be required to pay a filing fee as the percentage difference is greater than .25%. However, the vote difference between the Leading Candidate and the petitioner is more than 1% so the contest is not eligible for a recount.

### Scenario #2: School Board (vote for up to 3)

Candidates	Votes
A	3,500
B	3,000
C	2,920
D	2,910
E	2,900
F	2,800

In this scenario, candidates A-C would currently be elected to office. If a recount was requested, the fee is determined by adding up all the votes cast for the office (18,030 total) and dividing it by the number of offices to be filled (3 in this scenario) to get a total of 6,010. The difference between the Leading Candidate (C, as he or she is the candidate with the lowest number of votes still being elected to office) and the petitioner is divided by 6,010 and multiplied by 100 to get the percentage difference.

So in this case:

- If Candidate D requested a recount, there would be no fee required as the difference is .17%, which is not greater than .25%
- If Candidate E requested a recount, a filing fee would be required as the difference is .33%, which is greater than .25%
- If Candidate F requested a recount, the difference would be 2% so the contest is not eligible for recount.

### **General Checklist of Supplies and Materials Needed for the Recount:**

- Paper and Pens (To record the minutes of the recount!)
- Tape Recorder (Optional)
- Speaker Phone (for consultation with WEC staff or counsel)
- Test Deck for Electronic Voting Equipment Test
- New *Tally Sheets* (EL-105)
- New *Canvass Reports* (EL-106)
- Copies of any informational memoranda relating to the election and the recount prepared by the Wisconsin Elections Commission staff and sent to county and municipal clerks.
- Recount checklists and the *Elections Recount Procedures Manual* available from the Wisconsin Elections Commission

### **Election Materials from Each Reporting Unit:**

- All ballots to be recounted, contained in the original ballot bag or ballot container (EL-101), including any provisional ballots processed after Election Day;
- All paper audit trails from direct record electronic (DRE) voting devices;
- All logs of security seals for ballot boxes or electronic voting equipment;
- Both copies of the original poll lists, including any supplemental voter lists;
- Any rejected absentee ballots, contained in the original carrier envelope (EL-102);
- Any used absentee ballot certificate envelopes, contained in the white carrier envelope (EL-103);
- The original Inspectors' Statement (EL-104);
- The MBOC Record of Activity (EL-104P) created during the processing of provisional ballots, if any;
- The original tally sheets (EL-105) and any results tapes generated by electronic voting and tabulating devices;
- The original canvass report of the election results (EL-106);
- The amended canvass report of the election results created after any provisional ballots were tabulated (EL-106P);
- Any provisional ballot documentation (EL-108 & EL-123);
- The absentee ballot log (EL-124); and
- The test deck for any electronic voting equipment.

# Recount Checklist

Hand Counted Paper Ballots

Municipality \_\_\_\_\_ Date \_\_\_\_\_  
Reporting unit \_\_\_\_\_ Contest \_\_\_\_\_

**This checklist is designed to facilitate uniform practices and is to be completed simultaneously with the recount process for each reporting unit in the recount.**

- Compare and reconcile poll lists.
- Absentee ballot review: number, rejected, defective envelopes, all certificates.
- Verify tamper evident serial number on ballot container matches seal number written on Inspectors' Statement (EL-104) and Ballot Container Certification (EL-101).
- Ballot count.
  - Review ballots marked "rejected," "defective," or "objected to."
  - Review remade ballots against originals to confirm accuracy Separate absentee ballots and drawdown (*May be skipped if the number of absentee ballots equals the number of proper envelopes*).
  - Reconcile the number of ballots with the number of voters.
  - Treatment of excess ballots (*May be skipped if the number of voters equals or exceeds the number of ballots.*)
- Review provisional ballots.
- Hand count paper ballots.
  - Sort ballots by candidate.
  - Create stacks of a fixed number.
  - Tally the stacks using duplicate original tally sheets (EL-105).
- Add in any votes counted separately by other methods.
- Secure the original election materials.
- Prepare canvass statement.
- Prepare minutes for each reporting unit and attach completed checklist to minutes.

# Recount Checklist

Optical Scan Voting Equipment

Municipality \_\_\_\_\_ Date \_\_\_\_\_  
Reporting unit \_\_\_\_\_ Contest \_\_\_\_\_

**This checklist is designed to facilitate uniform practices and is to be completed simultaneously with the recount process for each reporting unit in the recount.**

- Compare and reconcile poll lists.
- Absentee ballot review: number, rejected, defective envelopes, all certificates.
- Verify tamper evident serial number on ballot container matches seal number written on Inspectors' Statement (EL-104) and Ballot Container Certification (EL-101).
- Ballot count.
  - Review ballots marked "rejected," "defective," or "objected to."
  - Review remade ballots against originals to confirm accuracy
  - Separate absentee ballots and drawdown (*May be skipped if the number of absentee ballots equals the number of proper envelopes*).
  - Reconcile the number of ballots with the number of voters.
  - Treatment of excess ballots (*May be skipped if the number of voters equals or exceeds the number of ballots.*)
- Review provisional ballots.
- Verify voting equipment tamper-evident seal number written on Inspectors' Statement (EL-104) contains Chief Inspector's initials for pre-election and post-election verification.
- Test the automatic tabulator (*The Board of Canvassers may choose to test the tabulator for all reporting units at once and skip this step in subsequent reporting units if using the same memory device for all reporting units.*)
- Feed ballots into the optical scan tabulator.
- Generate results.
- Add in any votes counted separately by other methods.
- Secure the original election materials.
- Prepare canvass statement.
- Prepare minutes for each reporting unit and attach checklist to minutes.

# Recount Checklist

Direct Recording Electronic (DRE)/Touch Screen Voting Equipment

Municipality \_\_\_\_\_ Date \_\_\_\_\_  
Reporting unit \_\_\_\_\_ Contest \_\_\_\_\_

**This checklist is designed to facilitate uniform practices and is to be completed simultaneously with the recount process for each reporting unit in the recount.**

- Compare and reconcile poll lists.
- Absentee ballot review: number, rejected, defective envelopes, all certificates.
- Verify tamper evident serial number on ballot container matches seal number written on Inspectors' Statement (EL-104) and Ballot Container Certification (EL-101).
- Ballot count.
  - Review ballots marked "rejected," "defective," or "objected to."
  - Review remade ballots against originals to confirm accuracy
  - Separate absentee ballots and drawdown (*May be skipped if the number of absentee ballots equals the number of proper envelopes*).
  - Reconcile the number of ballots with the number of voters.
  - Treatment of excess ballots (*May be skipped if the number of voters equals or exceeds the number of ballots.*)
- Review provisional ballots.
- Verify voting equipment tamper evident seal number written on Inspectors' Statement (EL-104) contains Chief Inspector's initials for pre-election and post-election verification.
- Separate voter-verified paper audit trail into individual ballots (may be skipped if canvass board members take appropriate precautions to ensure the confidentiality of individual electors' votes)
- Hand count permanent paper record of votes generated by DRE and record on duplicate tally sheets (EL-105).
- Add in any votes counted by other methods.
- Secure the original election materials.
- Prepare canvass statement.
- Prepare minutes for each reporting unit and attach checklist to minutes.