

# Municipal Boards of Canvassers - Suggested Procedures

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## Chief Inspector Delivers Election Materials to Municipal Clerk

*The inspectors shall immediately deliver all ballots, statements, tally sheets, lists and envelopes to the municipal clerk. Wis. Stat. § 7.51(5)(a)4.*

- A chain of custody document should be checked and signed by the municipal or deputy clerk (or other staff) and by the person delivering the materials.
  - See accompanying “Polling Place Returns Checklist” for materials to be received from each polling place. This is a sample—modify as needed.
- Election night reminders:
  - On Election night, post the number of provisional ballots, by reporting unit, on the Internet. Wis. Stat. § 7.515(5),
  - On election Night, transmit the EL-123r to the clerks of any other affected level of government by reporting unit. Wis. Stats. §§ 6.97(3)(b) and 7.515(6)(a).
  - On Election Night, enter provisional ballot information {which has been recorded on the Provisional Ballot Reporting Form (GAB-123r)} into the Provisional Ballot Tracking System. (If the municipality does not have web access, the WisVote provider enters this information.) 42 U.S.C. § 15482(a)(5)(B).

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## Municipal Clerk Responsibility for Reporting Municipal Election-Night Unofficial Results

*The chief inspector, or one of the inspectors appointed by him or her, immediately after the votes are tabulated or counted at each election, shall report the returns of the election to the municipal clerk or to the school district clerk for school district elections, except in 1<sup>st</sup> class cities. The clerk shall then make the returns public. Wis. Stat. § 7.51(4)(b).*

- Document procedures for publicizing results.
- Proof results before publicizing.
  - Before results are made public, more than one person from your staff should proof the information to ensure publicized returns, though unofficial, accurately and completely reflect the returns as received from the polling places.
- Results by *reporting unit* must be made public as soon as practicable. (Posted at your office, on your website, in a media area...) Suggestions for making results public:
  - Post tally sheets and machine tapes for each reporting unit,
  - Enter results into an Excel or Word document, and post at your office or on your website.

- Enter the results in the EL-106 or a spreadsheet. Another option is to upload or enter election night results into the Canvass Reporting System (CRS), and print the “Canvass Report-EL-106,” which can be posted at your office or on your website.

*The municipal clerk ensures that election materials are delivered to the county clerk and school district clerk no later than 4:00 p.m. on the day following the election. Where absentee ballots are canvassed at a central location, the municipal clerk delivers the election materials no later than 4:00 p.m. on the 2<sup>nd</sup> day following the election. Wis. Stat. § 7.51(4)(b).*

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### **When Does Canvassing Occur?**

- If there were no provisional ballots issued, the MBOC may conduct the canvass on election night, provided proper notice has been given.
  - Where the election inspectors constitute the MBOC, an initial canvass *must* be conducted on election night whether or not there are pending provisional ballots. Wis. Stat. § 7.53(1)(a).
- The MBOC must convene after 4 p.m. on the Friday after the election, but no later than 9 a.m. on the Monday after the election to process rehabilitated provisional ballots, and complete the Municipal Canvass Statement. Wis. Stat. §§ 7.53(1)(a), 7.53(2)(d).
  - An MBOC that canvassed on election night must amend the canvass to reflect the addition of any rehabilitated provisional ballots.
  - If no provisional ballots have been rehabilitated by 4 p.m. on the Friday after the election, the municipal clerk may sign the statement on the EL-106p that the election-night results are official. Wis. Stat. §§ 7.53(1)(a). (2015 Wisconsin Act 37.)

*Municipal Boards of Canvassers must complete the processing of provisional ballots and submit results to the county clerk and school district clerk no later than 4 pm on the Monday following the election. Wis. Stat. § 7.51(5)(b).*

Note: Any meeting of the MBOC must be noticed as an open meeting.

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### **Clerk’s Preparation for the Meeting of the Municipal Board of Canvassers**

- Organize the materials for each reporting unit.
  - Prepare a canvass statement to be reviewed and verified by the MBOC members.
    - This is usually done electronically, so that errors can be corrected as they are found.
  - Include forms and instructions for processing provisional ballots, if necessary. (See the *Election Administration Manual* for instructions and forms.)
  - Arrange for accurate and detailed minutes to be taken.
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## Conducting the Canvass

If there are provisional ballots to process, follow the instructions in the Election Administration Manual.

### Review the Materials From Each Reporting Unit.

#### 1. Make sure that the required materials for each reporting unit have been gathered.

- Use the “Municipal Returns Checklist” for this verification.

#### 2. Review Poll List (Number of Voters vs. Number of Votes).

- Verify that the poll list certification has been completed.
  - Is the last voter number listed?
  - Is the page on which the last voter number appears indicated?
  - Is the number of absentee voters indicated?
  - Has the number of voters whose provisional ballots were counted been added?
- Compare the number of ballots cast to the number of voters. If the number of voters is more than the number of ballots cast--
  - This is not necessarily problematic if the discrepancy is not large. However, every effort should be made to discover the reason for the discrepancy.
  - Consult the Inspectors’ Statement for an explanation.
  - Regardless of the explanation (or lack thereof), record discrepancy in minutes.
- If the number of ballots cast is more than the number of voters, THIS IS A PROBLEM!
  - Check the Inspectors’ Statement for an explanation.
  - If no explanation, check voter list for erroneously assigned voter numbers.
  - If discrepancy cannot be determined, contact chief inspector.
  - If chief inspector has no explanation or explanation is not sufficient, the inspectors must be called in to either find the error or explain the discrepancy.
    - This may require hand counting the ballots, whether Optical Scan or Paper Hand Count ballots, to verify the error is not in the number of ballots.
  - If inspectors cannot find an error and the discrepancy cannot be explained, the draw down procedure (see Election Day Manual) is conducted by the inspectors. Conducting a draw down is always a last resort, and should not be done if the discrepancy can be logically explained.

**NOTE:** If polling place had more than one reporting unit, and the overall total of ballots cast at the polling place is not more than the overall number of voters at the polling place, note this in minutes but do not draw down. (This likely indicates a number of voters were given the wrong ballot.)

### **3. Troubleshoot Potential Problems.**

- Compare the number of voters to the number of votes cast for the office that would have garnered the largest number of votes, to ensure there is not a large discrepancy.
  - A large difference could signal a problem with voting equipment.
  - Also examine the voter statistics section of the Inspector's Statement for any numbers that seem skewed.

### **4. Review tally sheets and electronic vote records.**

- Review tally sheets (or write-in tally sheets) for accuracy and verify math.
- Where electronic equipment is used, review the tapes for any adjustments made on the tapes and verify the math.
- If inspectors have added electronic votes and hand-count votes together, check the addition.
- Be sure any provisional ballot votes have been attributed.

### **5. Review Inspectors' Statement.**

- Verify that the tamper-evident serial numbers from the voting equipment have been recorded and initialed by the Chief Election Inspector.
  - Serial numbers must be verified on at least 5 Inspectors' Statements or on 10% of Inspectors' Statements, whichever is greater. (All Inspectors' Statements shall be verified in a recount.)
  - Examine Inspectors' Statement for any notations which impact the poll list numbers or number of votes.

### **6. Compare the Vote Totals to the Tabular Statement Prepared by the Clerk.**

- Read the candidate's name and number of votes cast from the tapes and/or tally sheets, comparing each total to the tabular statement prepared by the clerk.,
  - the number of votes cast for each candidate in each office
  - If partisan primary, the number of votes cast for each candidate in each office in each party.
- Correct errors as needed.
  - If corrections are made, the other canvassers verify the correction.
- Record errors and corrections in minutes.

### **7. Write-in Votes.**

- From the tally sheets, read the names of write-in candidates and the number of votes cast for each.
- Verify accuracy of inspectors' hash marks and math.

- Compare the results to the tabular statement prepared by the clerk and make any necessary corrections.
    - If corrections are made, the other canvassers verify the correction.
  - Record any errors/corrections in minutes.
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### **Complete the Canvass Statement (After all Reporting Units have been Reviewed)**

- When all corrections have been made, print a new tabular statement, summary statement and certification.
  - The board of canvassers proofs the report to verify its accuracy.
  - If any tie votes occur in municipal offices, the canvassers break the tie by drawing lots.
    - Record in minutes.
  - When the canvassers are certain the results are correct as recorded, the canvass board members sign the certification.
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### **Period for Petitioning for a Recount**

*Any candidate voted for at any election or any elector who voted upon any referendum question at any election may petition for a recount. The petitioner shall file a verified petition...with the proper clerk or body...not earlier than the time of completion of the canvass and...not later than 5 pm on the 3<sup>rd</sup> business day following the last meeting day of the municipal...board of canvassers determining the election for that office or referendum question... Wis. Stat. § 9.01(1)(a)1.*

- The clerk must wait for the period for recount to pass before issuing certificates of election.
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### **Canvass Retention**

The canvass statement must be kept for 10 years after the election for which it was prepared. Wis. Stat. § 7.23(1)(i)

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