

State of Wisconsin  
Before the Elections Commission

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James Sewell, Complainant,

against

Complaint No. EL-21-08

Poll Workers Supervised by Racine Clerk, Respondent.

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RESPONSE OF TARA COOLIDGE,  
CITY CLERK, CITY OF RACINE

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Complainant James Sewell's Complaint simply states that "In the Spring 2020 General election numerous poll workers in several wards did not properly keep, mark, and separate original and duplicated ballots. See the attached sheet." There is no further detail in the body of the Complaint. The "attached sheet" alleges that "81 violations were found during the Racine Unified Referendum recount." Mr. Sewell's Complaint does not allege any improper action was taken by any person under the direction of the City of Racine City Clerk and, therefore, is not properly brought against the City of Racine City Clerk. The Complaint should be dismissed as against the City of Racine.

The Complaint makes non-specific allegations regarding the actions of poll workers during the "Spring 2020 General election." However, no detail as to the alleged violations is provided. All specific allegations regard "the Racine Unified Referendum recount." Based upon a reasonable reading of the Complaint, Respondent understands the Complaint to allege violations of Wisconsin Statutes section 5.85(2), (3), (4), and (5), specifically as to actions taken

during the recount of the referendum that was placed on the April 7, 2020, ballot by the Racine Unified School District Board of Canvassers.<sup>1</sup>

“[A]ny elector who voted upon any referendum question at any election may petition for a recount.” Wis. Stat. § 9.01(1)(a)1. The elector seeking a recount is required to “file a verified petition or petitions with the proper clerk or body under” Wisconsin Statutes section 9.01(1)(ar), which relevant board of canvassers shall be responsible for the recount demanded. *Id.* “In the event of a recount for a referendum, the petition shall be filed with the clerk of the jurisdiction in which the referendum is called, and, in the case of the state, with the commission.” Wis. Stat. § 9.01(1)(ar)2.

Where a referendum election is held with regard to a school district, the school district clerk is responsible for processing such proposed referendum. Wis. Stat. § 8.37. The filing officer for a school board office or referendum is the school district clerk. Wis. Stat. §§ 8.10(6)(d), 9.01(1)(ar). A relevant board of canvassers is responsible for counting ballots, and the board of canvassers that determined the original election result conducts the recount. *Generally*, Wis. Stat. ch. 7. The board of canvassers for a unified school district is not the municipal board of canvassers. “In a common, union high or unified school district,” the school district has its own board of canvassers. Wis. Stat. § 7.53(3)(a).

As the City of Racine City Clerk, I know that a full recount of the April 7, 2020, referendum election was held by the Racine Unified School District. Further, I know that Racine Unified School District and the County of Racine County Clerk’s Office used a hand count in

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<sup>1</sup> Pursuant to Wisconsin Statutes section 5.06(3), “[a] complaint under this section shall be filed promptly so as not to prejudice the rights of any other party.” The Complaint relates to the April 7, 2020, election, and the recount followed shortly thereafter. I am aware that the final decision of the Racine County Circuit Court in favor of the Racine Unified School District board of canvassers was issued on July 10, 2020. The Complaint is dated January 14, 2021. Were there not substantive reasons to dismiss the Complaint, it could reasonably be dismissed as untimely. Wis. Admin. Code EL 20.04(1).

order to verify the results of the referendum election. While City of Racine City Clerk's Office personnel did attend the recount as a professional courtesy, the Racine City Clerk's Office did not conduct the recount and does not hold the minutes for each ward.


Read reasonably, and as a whole, the Complaint does not allege any violation by any person under the authority or direction of the City of Racine City Clerk. The Complaint alleges violations only with regarding to the recount of the referendum that was placed on the April 7, 2020, ballot by the Racine Unified School District, and which recount was conducted by the Racine Unified School District Board of Canvassers.

Dated at Racine, Wisconsin, this 3rd day of February, 2021.

  
Tara Coolidge  
City of Racine City Clerk

State of Wisconsin )  
                                  ) ss  
County of Racine     )

Subscribed and sworn to before me  
this 3rd day of February, 2021.

  
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Notary Public, State of Wisconsin  
My commission expires: 2/1/25

