

# WISCONSIN ELECTIONS COMMISSION

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## MEMORANDUM

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

**FROM:** Meagan Wolfe Interim Administrator

**DATE:** November 16, 2108

**SUBJECT:** Presidential Preference Cost Data and Unofficial Attorney General Recount Margin

We have received reports from several county and municipal clerks that the media and Legislature has been asking for information about the cost of a presidential preference election as well as the recount margin in the Attorney General race. Below please find more information on both topics.

### **Cost Data for Presidential Preference**

Many counties and municipalities have been asked by the media or Legislature to provide cost data on holding a Presidential Preference Primary in March of 2020, separate from the Spring Election in April, when it is normally held. The requests, at this point, seem to be based on comments made by members of the Legislature and the Governor. We have not seen any draft legislation, nor have we been asked to provide feedback. I wanted to pass along the link to the 2016 EL-191 report data as it includes cost figures for the 2016 Presidential Preference <https://elections.wi.gov/publications/statistics/gab-190/2016-spring-election-presidential-primary>. Keep in mind that the costs outlined in this report include costs for the presidential preference contest as well as the other non-partisan contests on the spring ballot. It may also be useful to compare the data from the 2016 Presidential Preference/spring election in comparison to the 2017 spring election which did not include the Presidential Preference contest <https://elections.wi.gov/publications/statistics/gab-190/2017-spring-election>.

Please note that the data in the report is displayed by county and municipality, and does not include a statewide total. This is because the data was calculated using a variety of methods across the state. Some municipalities provided cost data associated with all elections and peripheral duties, others provided more limited figures. Some municipalities did not report their cost data. Therefore, the report is a snapshot of reported local costs for a combined Spring Election and Presidential Preference vote in each municipality. These figures have not been audited by our staff. At best, it is a very general estimate of the statewide cost to conduct such an election. The WEC has not required local election officials to report election costs since the 2017 Spring Election.

### Attorney General Race

As of this morning, all canvass statements are in from the counties. The WEC is still in the process of conducting our analysis on the data to check for any errors and correct any transmission issues. The results will not be official until the certification is signed by the Commission on December 3.

In determining the margin for a race in which more than 4,000 votes are cast, statutes specify that the calculations of whether a losing candidate qualifies as an “aggrieved party” or is required to pay a fee are based on “the total votes cast for that office...” A candidate may request a recount if the margin is no more than one percent, and is required to pay for the costs of a recount if the margin is more than 0.25%.

To calculate the margin, the WEC adds together all votes cast in that contest, including any registered write-in candidates and “scattering” votes for unregistered write-ins. Each candidate’s percentage is calculated by dividing his or her votes by the total number of votes cast for that office.

<http://docs.legis.wisconsin.gov/statutes/statutes/9/01/1/a/5>

Preliminarily, the aggregated, unofficial statewide canvass report shows the following results for the Attorney General contest:

Candidate	Votes	Percentage
Schimel	1,288,712	48.76%
Kaul	1,305,902	49.41%
Larson	47,038	1.78%
Scattering	1,199	0.05%
Total	2,642,851	100.00%
<b>Difference btw top 2</b>	<b>17,190</b>	<b>0.65%</b>

The following calculations are used to determine the percentage of the margin between candidates Kaul and Schimel:

1,305,902 (Kaul) minus 1,288,712 (Schimel) = 17,190 (difference)

17,190 (difference) divided by 2,642,851 (total votes) equals .0065

This means that the Attorney General contest is within the statutory margin to request a recount, but that the aggrieved candidate would be required to pay for the recount. The statutory deadline for an eligible, aggrieved candidate to file a recount petition is 5 p.m. on the third business day after we received the last county canvass. We received the final canvass statement today, therefore, the deadline is Wednesday, November 21, 2018. We have not heard anything additional from the candidates in this contest regarding their intentions.

Completing the municipal and county board of canvass processes is one of the most critical steps in the election process. Thank you again for your hard work and diligence in ensuring fair, transparent, and accurate elections in Wisconsin.