



Election Commission

Commissioners
Stephanie Findley
Carmen Cabrera
Jess Ripp

Executive Director
Neil V. Albrecht

May 25, 2020

Mr. Nathan Judnic, Attorney / Senior Elections Specialist
Wisconsin Elections Commission

Sent via Email to nathan.judnic@wi.gov

RE: Complained Filed by Milwaukee Resident Nicholas McVey

This letter is in response to the May 14, 2020, complaint filed by Nicholas McVey, a Milwaukee resident that alleges that the Milwaukee Election Commission engaged in the following actions:

1. "Knowingly attempting to destroy official election material."
2. "Ballots were taken from ballot boxes and stored away from the polling location."

With regard to the first item, Mr. McVey alleges that a report tape produced by one of the city's DS200 voting machines on Election Day was a results tape (in violation of WEC guidelines for the April 7 election) and thereby official election material. The image of the report tape produced by Mr. McVey is timestamped at 7:32 a.m. and includes the report title as a *Hardware Configuration Report*. This report is unique to the DS200 and produces whenever the machine is opened and runs prior to a zero count tape. It is not the zero count or results tape which have both been maintained as official material. Further, the Election Commission did not produce any results tapes after the close of the polls on April 7, nor does Mr. McVey present any evidence of such.

With regard to the second item, Mr. McVey alleges, "ballot boxes were emptied and ballots were not stored correctly and are not supposed to leave the voting site." For the April 7 election, the City of Milwaukee used five voting centers. Just under 4,000 people voted at the site where Mr. McVey was present. Given this unprecedented turnout at a single site, efforts were made to prevent ballot jams in voting equipment by removing ballots when the Chief Inspector thought it prudent. When this occurred, the following steps were taken:

- (1) The removal of the ballots was publicly announced,
- (2) The incident was documented on the EL-104,
- (3) Ballots were removed by two Election Inspectors and placed inside ballots bags,



- (4) The ballot bags were located in a secure space *inside the voting site* (a school lunch room),
- (5) The space was supervised until the polls were closed and all ballots were consolidated.

These steps are consistent with ballot removal guidelines provided to municipalities by the Wisconsin Elections Commission.

Please let me know if any additional information would be helpful.

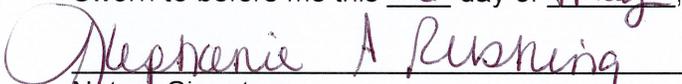
Sincerely,



Neil Albrecht, Executive Director

STATE OF WISCONSIN
County of Milwaukee

Sworn to before me this 26 day of May, 2020


Notary Signature

My commission expires July 22, 2022, or is permanent