

# State of Wisconsin \ Government Accountability Board

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**DATE:** April 26, 2011

**TO:** Wisconsin County Clerks  
Milwaukee County Election Commission

**FROM:** Nathaniel E Robinson  
Elections Division Administrator  
Government Accountability Board

**SUBJECT: UPDATE #8:** Follow Up to April 25, 2011 Teleconference and Recount Directives

Thank you for your attendance and participation in yesterday's telephone conference. We are providing the following additional and updated information based regarding the topics we discussed.

**Recount Plan Modifications:** We have included three new items in the Recount Plan. Most significantly, based upon your feedback, we are modifying the Plan's directive regarding review of ballots cast on Direct Record Electronic (DRE) voting equipment on Election Day. Page 5 of the revised plan now permits the Boards of Canvassers to retain the voter verified paper record in its original format, in lieu of cutting the paper record, provided that sufficient measures are taken to protect the privacy of the ballot.

Page 8 of the revised Plan also includes new sections regarding the requirement to submit a daily email report, and the use of the Canvas Reporting System. The revised Recount Plan is attached, and the new sections are marked with an asterisk.

**Ballot Bins and Red Pens:** During the teleconference, some clerks expressed concern that some ballot bins used with electronic voting equipment tended to jam. We are revising our guidance to provide that although the G.A.B. recommends following the same processes used at the polling place on Election Day for electronic voting equipment, ballot bins are not required to be used.

Also, we may not have stressed strongly enough that members of the Board of Canvassers should use only red pens during the recount.

**Board Minutes:** Please keep in mind the importance of keeping accurate and detailed minutes which capture objections and arguments of the campaign representatives, and decisions of the Board. The minutes should cite any exhibits related to the issue described. The minutes document the transparency of the process and also serve as the basis for any court review of the recount process and results. All exhibits should be secured separately from any

ballot containers or envelopes used on Election Day. This will ensure easier access to the exhibits if there is a court review.

**Nightly Email:** The Recount Plan requires a nightly email from each county identifying the wards completed, the total ballots cast, and the ballots for each candidate and scattering votes, as completed on that day. Please use “Daily Update” in the subject line of the email and use the following format for each completed reporting unit so that we can compile the information in an efficient manner:

Date  
County  
Name of Reporting Unit i.e. Town of Madison, Wards 1-7  
Total Ballots Cast  
Votes for Prosser  
Votes for Kloppenburg  
Scattering Votes

Please send the nightly email to [gabrecount@wi.gov](mailto:gabrecount@wi.gov).

**Campaign contact email addresses:** Following are email addresses for attorneys representing the two campaigns, in the event that it is necessary to contact the campaigns at the state level. Distribute any communications initiated by the County Clerk or Board of Canvassers intended for the statewide campaigns to both organizations using the following email addresses.

Prosser Campaign

Jim Troupis

Daniel Kelly

[jtroupis@trouplawoffice.com](mailto:jtroupis@trouplawoffice.com) [dkelly@reinhartlaw.com](mailto:dkelly@reinhartlaw.com)

Kloppenburg Campaign

Susan Crawford

David Anstaett

[crawford@cwpb.com](mailto:crawford@cwpb.com) [danstaett@perkinscoie.com](mailto:danstaett@perkinscoie.com)

**Multiple reporting units:** The possibility of recounting more than one reporting unit at a time was discussed during the teleconference. If your Board intends to do so, please immediately notify our office by sending an email to [gabrecount@wi.gov](mailto:gabrecount@wi.gov). Also, copy the email to all four of the attorneys representing the campaigns as listed above.

**Clerk Q&A email:** We have established a web page where we will post answers to questions which have been directed to the G.A.B., so that all clerks will have access to timely and uniform guidance regarding issues that arise. The Q&A page can be found on our website at <http://gab.wi.gov/elections-voting/recount>. Please submit your recount questions to the dedicated email address at [gabrecount@wi.gov](mailto:gabrecount@wi.gov), so that it may be routed to the correct staff member for a timely response.

**Staff contacts:** Your primary contacts during this recount process are Elections Specialist Ross Hein and Staff Attorney Michael Haas. Ross can be reached at 608-267-3666, and after hours at 608-228-7078. Mike can be reached at 608-266-0136 and after hours at 608-228-7075. Emails sent to [gabrecount@wi.gov](mailto:gabrecount@wi.gov) will also reach Ross and Mike.

Finally, all counties have notified us of their canvassing board locations and we appreciate your timely cooperation with that task. We hope your recount proceeds smoothly, and do not hesitate to contact us with any questions.