

WISCONSIN ELECTIONS COMMISSION

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DATE: November 29, 2016

TO: Wisconsin County Clerks
Milwaukee County Election Commission

FROM: Michael Haas
Administrator

Richard Rydecki
Elections Specialist

SUBJECT: Statewide Recount for President of the United States Update #3

This communication should serve as an update on the status of the statewide recount for the President of the United States. While one candidate has withdrawn their recount petition, we have been informed that the Jill Stein campaign does intend to pay the required fee today and therefore we expect to issue a recount order this afternoon. The Wisconsin Elections Commission convened a special meeting on November 28, 2016 and approved the staff's proposed timeline and preliminary procedures for the recount with one exception related to the ending date. The details of the plan approved by the Commission are as follows:

- **Timeline for the Recount:** The recount shall begin at 9:00 am on Thursday, December 1, 2016 and all recount efforts on the county level must be completed by 8:00 pm on December 12, 2016. Wisconsin law requires the Board of Canvassers to reconvene no later than 9:00 am on the second day following the WEC issuance of the recount order, which we expect to occur later this afternoon. If the recount cannot begin at 9:00 a.m. on Thursday, the canvassers must meet at the appointed place and time, call the meeting to order and adjourn to a later time.
- **Method for Recount:** The Commission approved procedures that allow for the hand-counting of ballots or the use optical scan equipment to process ballots during the recount. This decision is consistent with [Wis. Stat. §5.90\(1\)](#) which gives the board of canvassers the option of using optical scan equipment or hand-counting. See Pending Court Action item below for information that may impact the recount method.

In addition, WEC staff has been working on the recount plan and we have several updates to share with local election officials who will be participating in the recount. Several of the details regarding this process have yet to be determined and we appreciate your patience as the recount plan is finalized. Feel free to share the details of this communication with any other local election officials who will be assisting with the recount. Please note the following information:

- **Recount Planning Webinar:** The WEC has scheduled a webinar for Wednesday, November 30, 2016 at 10:00 am. The webinar will provide an overview of the process, outline reporting requirements, detail recount procedures and allow for questions from local election officials. Clerks in the Madison area are welcome to join us in person in the North Hearing Room on the second floor of the Capitol. Access information for the webinar can be found below and the agenda for the webinar is attached to this communication.

Register now: <https://attendee.gotowebinar.com/register/5401650317602716932>

- **Pending Court Action:** The campaign for recount petitioner Jill Stein has filed a request with the Circuit Court in Dane County that seeks to require a hand count of all ballots during the recount. A court hearing is scheduled for 4:30 pm today concerning this request and we will keep you updated on any court action that will impact recount methods. It is unclear at this time if a final decision on this matter will be issued by the court in time for the webinar tomorrow. In the meantime you are free to proceed with a hand count or machine count of paper ballots, and the canvass board should make a formal decision regarding the method to be used at the outset of the recount.
- **Public Notice to WEC:** The recount proceedings are a public meeting and must be noticed as such. A sample notice is contained in the recount manual posted on the WEC website here: [Recount Manual](#). The notice should contain the date(s), time(s) and location where the recount will be conducted. Each county is required to provide this notice to the WEC which can be sent to the recounts@wi.gov email address.

Please note that if you are using optical scan equipment you are required to conduct a public test of that equipment before you begin the recount. The public test should be noticed and that information can be contained in the public notice of recount.

- **Nightly Reporting Requirements:** Each county will be required to provide a nightly update to the WEC concerning their progress for that day. The updates will contain the number of reporting units completed and the total votes for each candidate in each reporting unit. A template will be provided to you for this purpose.
- **Cost Tracking:** As you know, the petitioner is required to pay for all costs associated with the recount, and is required to do so by 4:30 p.m. today for a recount order to be issued by the WEC. We have been informed that the funds will be wired this afternoon. Thank you for providing your cost estimates to us in such a timely fashion. Payment from the petitioner will be made directly to the WEC and counties should request reimbursement from our office for actual costs incurred during the process. Please track all costs so that an itemized reimbursement request can be submitted to us for repayment at the end of the recount. Please note that all costs must be actual and reasonable and due directly to the recount. The petitioning candidate is required to pay only those actual and reasonable costs and may seek to review documentation of those costs.

Thank you in advance for your cooperation and patience during this process. The 2016 election cycle has already been challenging for local election officials and an unprecedented statewide recount for President is one last hurdle. For those of you who were involved in the 2011 Supreme Court recount, this recount is developing on a much faster timeline than 2011, and must be completed much more quickly. We are confident that the recount will demonstrate the security of elections in Wisconsin and highlight the work done by local election officials to ensure that elections in the state are administered in a fair and transparent manner.