

NOTICE OF OPEN AND CLOSED MEETING

Wisconsin Elections Commission

Meeting of the Commission
Wednesday, November 28, 2016
9:30 A.M.

Agenda
Open Session

Wisconsin Elections Commission Offices
212 E. Washington Avenue, Third Floor
Madison, Wisconsin

- A. Call to Order**
- B. Administrator's Report of Appropriate Meeting Notice**
- C. Presidential Election Recount Timeline and Procedural Issues**
- D. Closed Session**
 - 1. Litigation Update**

19.85 (1) (g) The Commission may confer with legal counsel concerning litigation strategy.

WISCONSIN ELECTIONS COMMISSION

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MEMORANDUM

DATE: For the November 28, 2016 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Michael Haas
Commission Interim Administrator

Ross Hein
Elections Supervisor

SUBJECT: Timeline for Likely Statewide Recount for President of the United States

This memorandum provides a recommended timeline for Wisconsin election officials to conduct a statewide recount for the office of President of the United States. WEC staff received a recount petition from both the Jill Stein and Roque De La Fuente campaigns the afternoon of Friday, November 25. Under federal law, there is a “safe harbor” provision which requires any election dispute involving a presidential election to be settled within 35 days of Election Day, which is December 13, 2016 in this case. The federally prescribed Electoral College procedures put a premium on states resolving post-election disputes by the safe harbor date, in this case by December 13.

It will be a significant challenge to complete a statewide recount of nearly 3 million votes in less than two weeks. County canvass boards and WEC staff will need to put in a substantial amount of extended hours throughout the next few weeks. Open lines of communication between state and county election officials and candidate representatives which provide clear and consistent guidelines will help ensure a successful statewide recount.

WEC staff is requesting the Commission to approve the proposed recount timeline:

- **Friday, November 25:** Both petitions received.
- **Monday, November 28:** Cost estimates and vote tabulation method provided by county clerk to WEC by noon. WEC provides estimated statewide costs to both the Stein and De La Fuente campaigns by close of business.
- **Tuesday, November 29:** Stein and/or De La Fuente campaign submits payment to WEC. Once full payment is received by either campaign, the WEC will issue a recount order to all presidential candidates.

- **Wednesday, November 30:** WEC staff will hold a teleconference for all county clerks and canvass members to go over the recount rules and processes. The teleconference is tentatively scheduled for 10 a.m. and will be held via webinar. Invitation instructions will be sent out next week to all county clerks. A 24-hour public meeting notice is required for the recount and therefore each county should post its notice by this date.
- **Thursday, December 1:** Recount begins in all Wisconsin Counties. A 24-hour public meeting notice is required.
- **Tuesday, December 13:** Recounts must be completed under federal law. County canvass boards need to be completed by noon. WEC staff will prepare the official recount canvass certification by 3 p.m.

Recommended Motion: The Commission approves the above timeline for the likely statewide recount for the office of President of the United States.