

State of Wisconsin \ Government Accountability Board

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JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

DATE: April 19, 2011

TO: Wisconsin County Clerks
Milwaukee County Election Commission

FROM: Nathaniel E Robinson
Elections Division Administrator
Government Accountability Board

SUBJECT: UPDATE #3: Status of the Statewide Supreme Court Race Recount Process

A hearty thanks for your 100% response by last Friday as we requested. Once again, we appreciate your patience. I regret to inform you that we still do not know for certain whether there will be a recount of the Supreme Court race.

In my previous correspondence I said, "We expect to know definitively one way or the other on Tuesday, April 19 whether there actually will be a recount." That day should have read "Wednesday" rather than Tuesday. As such, we expect to know definitively one way or the other on tomorrow (**Wednesday**, April 20, by 5:00 p.m.) whether there will be a recount. Until we know one way or the other by 5:00 p.m. on Wednesday, we continue to proceed with the planning process as though there will be a recount.

Important Updates:

1. There will be no teleconference call scheduled for Thursday, April 21, 2011.
2. A teleconference call will be held on **Monday, April 25, 2011**, from **1:30 to 3:30 p.m.** During this teleconference, updates on any litigation will be provided and we will review the recount process.
3. If there is to be a recount, we still anticipate that process to begin sometime during the week of April 25, 2011, barring a court order otherwise.
4. If there is to be a recount, our office will issue an Order that will include uniform standards and procedures for conducting the recount. A Statewide recount conducted by County Canvass Boards will occur at the same time. There will be no staggering of the process.
5. We are preparing to file an action in Circuit Court (represented by the Wisconsin Department of Justice) this Thursday, April 21 to seek court relief in some fashion to obtain permission to clear memory devices for reuse during the recount or to conduct a Statewide hand count of all ballots in the recount.

Update on Waukesha County's April 5, 2011 Spring Election Returns:

This afternoon, Director Kennedy issued a Statement on the status of the Government Accountability Board's review of this matter. The Statement is posted on our website under the "Latest News" section. A complete report will be issued within the next sixty days. Thank you!