

State of Wisconsin\Government Accountability Board

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JUDGE THOMAS H. BARLAND
Chair

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Director and General Counsel

DATE: For the September 12, 2011 Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel
Wisconsin Government Accountability Board

via

Nathaniel E. Robinson
Elections Division Administrator

Prepared and Presented by:
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SUBJECT: UPDATED: Report on Waukesha County April 5, 2011 Election Results

Background

Following the April 5, 2011 Spring Election, Waukesha County Clerk Kathy Nickolaus reported the unofficial election results for Waukesha County. With all counties in Wisconsin reporting unofficial election results, the Supreme Court race appeared to be decided by a 230-vote total out of approximately 1.5 million votes cast, with Candidate JoAnne Kloppenburg holding a slim lead over Justice David Prosser.

On Thursday, April 7, 2011 at a press conference in Waukesha County, Clerk Nickolaus announced that she had misreported her unofficial election night results, inadvertently excluding the entirety of the City of Brookfield from the county totals. The addition of the City of Brookfield results added 14,315 votes to the totals reported on election night, resulting in a 7,316 vote lead for David Prosser statewide. Clerk Nickolaus stated in her press conference that after uploading the election results from the City of Brookfield into her election Access database, she forgot to save the results, resulting in the error.

The misreporting of election night totals to the media and the alleged discovery of 14,315 votes in Waukesha County caused significant concern from the public and media outlets. The concern was fueled in part by Clerk Nickolaus' ties to the Republican Party and her alleged past association with Candidate Prosser. The Board received roughly 2,000 inquiries and complaints demanding an investigation into the actions of Clerk Nickolaus on Election Night and leading up to the announcement of the official canvass results in Waukesha County.

G.A.B. Staff Investigation

The Government Accountability Board (G.A.B.), by order of its Director and General Counsel, sent staff member Diane Lowe to Waukesha County on Friday, April 8, 2011 to review the election returns from the City of Brookfield and discuss Clerk Nickolaus' election night process with her. Diane Lowe was able to verify that the vote totals sent from the City of Brookfield matched the vote totals entered into the G.A.B.'s Canvass Reporting System and matched the total number of votes added to the unofficial election night results Clerk Nickolaus reported on Election Night.

Following Diane Lowe's report and initial review of the City of Brookfield's election returns, another team of G.A.B. staff members were dispatched to Waukesha County to review the election documentation of all reporting units in Waukesha County, interview Clerk Nickolaus, and examine the Access database used in Waukesha's election night reporting. This in-depth review of Waukesha County's election results and processes began Thursday, April 14, 2011, and was concluded Tuesday, April 19, 2011. Five staff members were involved in the review -- Ross Hein, Katie Mueller, Adam Harvell, David Buerger, and Sarah Whitt -- with four members present each day.

A. Review of Documentation

The second review team arrived in Waukesha County and discussed the organization of the election materials with Clerk Nickolaus. Ballot bags were secured in large garbage and recycle bins with locked lids in the County Clerk's general office space and were organized by municipality. The bins were not stored in a specific room but stored around the County Clerk's general office space in hallways and in the area around the County Clerk's staff. While the review team was present, the keys to the bins were either in the possession of the County Clerk and her staff or in a cabinet in the back of the County Clerk's office. Only the County Clerk and her staff had access to the cabinet.

The other election materials from each reporting unit were stored in a locked conference room off of the County Clerk's general office space. The room had an entry and exit log for people to sign in and out of the room. While the review team was present, the keys to the conference room were either in the possession of the County Clerk and her staff or in a cabinet in the back of the County Clerk's office. Only the County Clerk and her staff had access to the cabinet.

The election materials were placed in boxes and plastic bins around the conference room. Poll lists and voting equipment results reports were bound together with rubber bands, and other election materials were in large manila envelopes organized by towns, villages, and cities. The poll lists and large manila envelopes were stored in separate locations. Some manila envelopes, used certificate envelopes and some memory device "Blue" security bags were stored in the garbage and recycle bins with the ballot bags while others were in boxes or bins in the conference room.

The G.A.B. team reviewed the following information from each municipality:

➤ GAB-101 - Ballot Container Certificate

This certificate is affixed to the ballot bag with municipal and ward information as well as the serial number of the tamper evident seal and the signatures of the election inspectors.

➤ GAB-104 – Inspectors' Statement

This document is completed by election inspectors on Election Day with municipal and ward information, memory device security information, election statistics including the number of electors, and election inspectors' signatures. The municipal clerk is to record the serial number of the tamper evident seals secured on the Optical Scan voting equipment and the Direct Recording

Electronic (DRE) voting equipment after the public test on the GAB-104 (this information is recorded on the Seal Document Record). The election inspectors are to then check that the serial numbers the clerk recorded match the numbers on the tamper evident seals when polls open and again when polls close, and initial the verification section of the GAB-104.

➤ GAB-104 – Incident Log

As part of the Inspectors' Statement, the election inspectors are to document activity at the polling place including rejection of absentee ballots, remade ballots, challenged ballots, and other polling place activities on the Incident Log.

➤ GAB-105 – Tally Sheet/Write-In Form

The Tally Sheet is the document used to hand count votes. In municipalities with electronic tabulators, the Tally Sheet is mainly used to record and count write-in votes. In Waukesha County, the municipalities were not using the GAB-105 but had a "Write-In Form" created by Clerk Nickolaus instead. Use of an alternative form is an acceptable practice.

➤ Seal Document Record

This is a separate form provided by Waukesha County to its municipalities for recording the serial numbers of tamper evident seals from voting equipment, ballot bags, and security bags for memory devices.

➤ "Blue" Security Bag

Waukesha County municipalities are given a blue canvass security bag for securing the memory devices used with the voting equipment. The "Blue" bag has a security seal at the opening and a chain of custody log that is only accessible by opening the bag, which will break the seal.

➤ Voting Equipment Results Report

The voting equipment results report is the tabulation of the number of votes cast for each office from each electronic voting device. At the close of polls, election inspectors print and sign a results report from the voting equipment.

➤ Certification Page of the Poll List

The last page of the poll list contains an election certification as well as the last voter number used, the page number of the last voter number and the number of absentee electors. The certification is signed by all of the election inspectors.

➤ Ballot Bag Tamper Evident Seals

Each ballot bag must be closed and secured with a tamper evident seal that contains a serial number. The serial number is to be recorded on the GAB-101 and the GAB-104. Instead of recording this information on the GAB-104, some Waukesha County reporting units recorded serial numbers on the Seal Document Record. Use of this alternative form is an acceptable practice.

B. Process

Once the election materials were located, G.A.B. staff began to scan, photograph, record, and verify the information provided on the documents and the ballot bags from all reporting units in Waukesha County, one reporting unit at a time. The review team examined the election materials in order of the Hindi number, a unique identifying number assigned to each municipality, using the following steps for each reporting unit.

1. Examined ballot bags:
 - A. Removed all ballot bags from container.
 - B. Recorded the serial number from the tamper evident seal secured on the ballot bag.
 - C. Verified that the serial number recorded on GAB-101 matched the serial number on the tamper evident seal on that ballot bag, and recorded verification.
 - D. Verified that the serial number recorded on the GAB-104 or Seal Record Document matched the serial number on the tamper evident seal on the ballot bag, and recorded verification.
 - E. Noted any tears, openings or problems with the ballot bags.
 - F. Photographed tamper evident seal on ballot bags.
 - G. Photographed GAB-101 on ballot bags.
2. Recorded data from the Optical Scan equipment from the polling place and from the Absentee Central Count location (if applicable):
 - A. Photographed the results report.
 - B. Verified that a zero report was produced by the election inspectors.
 - C. Recorded the total number of votes cast, the number of votes cast for Candidate Prosser and for Candidate Kloppenburg, the number of undervotes and overvotes, and the number of write-in votes.
3. Recorded data from the DRE:
 - A. Photographed the results report.
 - B. Verified that a zero report was produced by the election inspectors.
 - C. Recorded the total number of votes cast, the number of votes cast for Candidate Prosser and for Candidate Kloppenburg, the number of undervotes and overvotes, and the number of write-in votes.
4. Recorded the last voter number issued as documented on the GAB-104. If the last voter number was not documented on the GAB-104, it was recorded from the Certification page of the Poll List:
5. Scanned and Reviewed:
 - A. The Certification Page of the Poll List.
 - B. The GAB-104 – Inspector’s Statement.
 - C. The GAB-104 – Incident Log.
 - D. The Write-In Form.
 - E. Any documentation regarding wards with zero voters.
 - F. Any additional documentation found in the election materials that the team determined to be relevant.
6. Examined “Blue” security bags:
 - A. Documented the serial number on the “Blue” bag used to secure the memory devices from the voting equipment.

- B. Verified the serial number from the "Blue" bag matched the serial number documented on the chain of custody log, and recorded verification.
7. Confirmed that the Chief Election Inspector completed the pre-election and post-election verification of the tamper evident seals secured to the voting equipment by initialing the GAB-104, and recorded verification.

The review team DID NOT:

- Open Ballot Bags.
- Open any container secured with a tamper evident seal.
- Open any sealed envelopes.
- Review poll lists.
- Request missing documentation from Clerk Nickolaus or municipal clerks.

The review team brought a scanner and digital camera from the G.A.B. Documentation was scanned and photographed and immediately uploaded onto one of the team member's computers and then backed up onto a flash drive. Files were organized by reporting unit and then by municipality. The recorded information was entered into a spreadsheet on a different computer and then backed up on the same flash drive as the scanned and photographed documents. Once back in the G.A.B. office, all documents and the spread sheet were uploaded onto the agency's shared drive.

The review team compared security seals and noted when serial numbers did not match. The total votes cast for Candidate Prosser, Candidate Kloppenburg and write-in votes as recorded by the voting equipment were compared to the total votes cast as reported by Clerk Nickolaus to the Government Accountability Board in the Canvass Reporting System after the county canvass. Any differences in vote totals were noted and reported to the Elections Division Administrator and the Director and General Counsel.

C. Findings from Documentation

The G.A.B. staff's review of the documentation revealed the following issues:

Write-In Votes

The comparison of votes tallied by the voting equipment to the number of write-in votes recorded by Clerk Nickolaus in the Canvass Reporting System (CRS) resulted in some issues that were not explained by the documentation provided to G.A.B. staff. There were several reporting units with write-in votes tallied by the optical scan equipment that were not reported in the CRS.

If the oval or arrow on a ballot is filled in for a write-in selection, the voting equipment will tally a vote for a write-in. The election inspectors must then record the name of the write-in on the Tally Sheet (GAB-105), but in Waukesha County, election inspectors record and tally write-ins on the Write-In Form provided by the County. The G.A.B. recommends that election inspectors record any name written in unless the name is vulgar. The G.A.B. also recommends that any write-in that is a name, even a fictional name such as Mickey Mouse, be tallied in the canvass results. If the oval or arrow is filled in for the write-in selection but no name is written in, then no write-in is tallied on the canvass and the election inspectors note either on the GAB-104 – Incident Log or on the Write-In Form that no name was written in.

The issues that were discovered between the results tallied by the voting equipment and the results reported in CRS varied. Some of the issues were explained by reviewing the Write-In Form and determining that the write-in vote(s) tallied by the voting equipment was left blank by the elector and thus

were correctly absent from the results reported in the CRS. Some anomalies involved write-in votes tallied by the voting equipment but no names or information about the write-in vote was provided on the Write-In Form or the Write-In Form was not provided in the election materials.

Other write-in issues where the voting equipment tallied write-in votes that were not reported in the CRS included some reporting units where names were tallied on the Write-In Form but the vote was not reported in the CRS. The most notable of these anomalies were two write-in votes for Candidate Kloppenburg. Two reporting units had a write-in vote for Candidate Kloppenburg recorded on the Write-In Form and the voting equipment tallied write-in votes but the additional votes for Kloppenburg were not reported in the CRS.

Ballot Bags

The ballot bags that were examined from all reporting units were sealed with tamper evident seals, however there were some discrepancies with the serial numbers recorded in some reporting units. Some of the serial numbers on the tamper evident seals did not match what was recorded on the GAB-101 or did not match what was recorded on the Seal Document Record or GAB-104. One municipality's Seal Document Records were secured in the "Blue" security bags and G.A.B. staff was not able to verify several of the ballot bags' tamper evident seals.

There were various ballot bags found with holes in the bags and several bags were not completely closed at the top. These ballot bags had the tamper evident seal fastened in the center of the top of the bag leaving the sides open with enough space to potentially remove some of the narrower ballots or tamper with the ballots without leaving visible interference. One bag had a tamper evident seal attached but was held closed with a rubber band. Another bag's tamper evident seal was improperly closed when originally attached and opened when the bag was removed from the bin; G.A.B. staff reclosed the seal.

A few bags were mislabeled with two bags labeled as 2 of 4, for example, or missing ward information made the reporting unit hard to identify. Other bag numbers did not match the bag numbers recorded on the Seal Document Record or the GAB-104.

Security Documentation

Several reporting units were missing verification of the pre- and post-election check of the tamper evident seals secured on the voting equipment.

Missing Documentation

A number of reporting units were missing various forms. The GAB-104, Seal Document Record and the Write-In Form were the most commonly missing documents. A few reporting units were missing the "Blue" security bag.

The results report from the DRE in most municipalities did not include a zero scan report. The zero report may have been in a ballot bag for that reporting unit. If the paper was changed on the DRE, the full roll would have included the zero report as well as the ballots that print after an elector votes on the DRE.

Prosser Anomaly

One reporting unit had a discrepancy between the vote totals tallied by the voting equipment and what was reported in the CRS. The CRS had one additional vote for Candidate Prosser than what was tallied by the voting equipment on Election Day. After being notified of the discrepancy by the Director and General Counsel, Clerk Nickolaus reported that this vote was a provisional ballot counted by the County Board of Canvassers after Election Day. One provisional ballot was recorded on the GAB-104 –

Inspectors' Statement. However, the minutes from the Board of Canvassers did not provide a descriptive breakdown of how the provisional ballot was tallied and a tally sheet was not provided.

D. Reviewing Documentation Conclusion

The complete review of documentation from all reporting units in Waukesha County revealed several areas that need improvement and identified topics that need additional emphasis in training with election inspectors. There were security issues with the proper sealing of ballot bags that need to be addressed. Although there were several issues identified, the G.A.B. finds no major discrepancies between Waukesha County's official canvass report and the documentation provided by the municipalities. A summary of the security issues noted by the review team is attached.

E. Interview with Clerk Kathy Nickolaus

On Thursday, April 14th, G.A.B. Staff members Ross Hein and Adam Harvell and Waukesha County Internal Audit Manager Lori Schubert conducted an oral interview with Kathy Nickolaus. Topics included physical ballot security, open records requests, and a review of the different types of voting machines and the various methods Waukesha County municipalities use to report their results to the county on Election Night. This discussion will focus on the system Kathy Nickolaus uses to combine and report those results, why the results for the City of Brookfield were missing from the unofficial results she reported on Election Night, and suggestions for future improvement.

Overview of Results Reporting in Waukesha County

Municipalities in Waukesha County report their Election Night results in a variety of ways. First, most municipalities with optical scan machines transmit by modem their optical scan results to the County. These optical scan machines produce a computer file called a List File or LST file. The LST file from the municipalities' voting equipment is upload and stored in the Access database before it is transferred into the Canvass Reporting System (CRS). Municipalities that have optical scan machines may also have DRE machines to provide accessibility to voters with disabilities. The additional DRE results are not reported with the LST file, and must be called in to the county clerk's office. Clerk Nickolaus manually enters those additional results directly into the Access Database.

Municipalities with multiple types of voting equipment or central count absentees, like the City of Brookfield, do not modem in their results through an LST file or call in results to be hand-entered. Instead, the county provides them with an Excel spreadsheet template, and municipalities add totals from their optical scan machines in each reporting unit to the DRE results for each reporting unit. Absentee ballot totals from the central count facility are also added to the total for each reporting unit. Those municipalities enter the grand total of votes into the Excel spreadsheet and email that to the County Clerk.

Clerk Nickolaus uses an Access database built by State technical staff, in collaboration with the Government Accountability Board, to combine the results reported through the different methods described above. She uploads the LST file into this database, then hand-enters additional results from DRE machines into a separate column. The Access database adds the results together to produce reporting unit totals. Clerk Nickolaus also uploads data from the Excel spreadsheets sent in by municipalities that use absentee central count. There is no manual adjustment of these totals in the Access database, because the municipality has already provided combined totals for each reporting unit.

When reporting unofficial results on Election Night, Clerk Nickolaus uses the Access database to produce a report for countywide totals. This report does not break down totals by municipality or reporting unit, it only provides a total of all votes cast for each candidate countywide. The report does not indicate if any municipalities or reporting units have zero votes cast; it merely gives a total number of votes based on results that have been entered so far.

The Access database contains election results by reporting unit that could be viewed for all reporting units in the county via a form in the database, by running a query, or by viewing the data in the table. Access 2007 includes standard features that would allow these results by reporting unit to be exported to Excel or printed from the form, query, or table where they were viewed. Using one of these features could have enabled Clerk Nickolaus to see that Brookfield's votes were not included, however Clerk Nickolaus did not elect to use these features on election night. Instead, Clerk Nickolaus simply generated the report that provided countywide totals for the Supreme Court race, which she posted to her website.

Kathy Nickolaus' Narrative of Events

The interview with Clerk Nickolaus began by establishing the overview of results reporting discussed above. Interviewers requested that Clerk Nickolaus create a copy of the Access database used on Election Night to aggregate results, as well as a copy of the Excel spreadsheet that the City of Brookfield emailed to Nickolaus that evening. The Brookfield spreadsheet was imported into the copy of the Access database in order to recreate the steps followed by Nickolaus on Election Night.

Clerk Nickolaus stated that on Election Night, the City of Brookfield emailed her an initial file with Excel results, and that she rejected the initial file because Brookfield changed the format to include additional columns. Brookfield gave her a file in the correct format shortly afterward. When Clerk Nickolaus receives an Excel spreadsheet through email, she saves the file to her computer, then goes into the Access database and uploads that saved file. The file with results is normally saved over the top of the original template she sent out to the municipality, with the same file name, in the same file folder. Then Clerk Nickolaus opens the Access database and imports the Excel file to be included in her countywide results. Normally, Clerk Nickolaus or her staff will review the Access database to make sure results for each reporting unit have been updated. However, if a review was done on Election Night, it missed the fact that all vote totals for each of Brookfield's reporting units were still zeros.

When the last results for the evening, from the Town of Vernon, were uploaded from their LST file, Clerk Nickolaus ran the report in the Access database and gave those vote totals to the media and public.

Clerk Nickolaus stated she did not notice that the vote totals for the City of Brookfield were all zeros until she returned to her office on Wednesday morning. She called G.A.B. staff to help her diagnose a problem with the Access database. She also re-uploaded the Excel spreadsheet for the City of Brookfield to bring in 14,315 votes. By the time technical staff responded, she stated that she no longer believed there was a technical problem with the database, and that she had gotten all results to upload correctly.

By 11:15 a.m. on Wednesday, April 6th, Clerk Nickolaus had uploaded the votes from Brookfield, resulting in a change of 14,315 votes from the unofficial results reported the night before. The Waukesha Board of Canvassers was due to convene at noon that day. Clerk Nickolaus stated that while she was aware of a possible error, she did not contact the media or campaigns to update her unofficial results because she was not sure how the error had occurred, or even if the revised results were now correct. She stated she wanted to continue with the official canvassing process to confirm vote totals before she informed others of the updated results.

The City of Brookfield was canvassed on Thursday morning, April 7th. The rest of the county canvass was complete by approximately 4:15 p.m., and Clerk Nickolaus called a press conference for 5:30 p.m. to announce the official results.

F. Election Night Procedures Conclusions

Upon review of Clerk Nickolaus' Election Night procedures, the most likely explanation seems to be that no City of Brookfield results were uploaded into the Access database. Because Clerk Nickolaus saves a blank template file, and then saves the results file with the exact same name in the same folder, it is very possible that she saved her results file in the wrong folder, or forgot to save it, and then uploaded her blank template instead of the correct results file. If the blank template were uploaded into Access, it would state that the file uploaded successfully, and there would be no way to verify that no results had been uploaded, except by manually examining the Access file and seeing that the City of Brookfield's reporting units all reported zero votes.

It is also possible that Clerk Nickolaus uploaded an incorrect file. Since the upload folder had Excel files from six other municipalities, she might have selected the wrong municipality's file for upload. Again, Access would state that the file had uploaded successfully, and it would replace the other municipality's results with the exact same numbers, making no change to the vote totals. The City of Brookfield results would remain zeros.

The review team believes it is not possible that, as Clerk Nickolaus stated in her press conference on Thursday, April 7th, she uploaded the correct file into the Access database and then forgot to save. Her Access database automatically saves uploaded files, whether or not the user follows another step to save the database. This scenario was reviewed in Clerk Nickolaus' office with a copy of the Access database by uploading the Brookfield file and closing the database immediately. The Brookfield results were saved and present when the database was opened again.

We found no evidence that indicates Clerk Nickolaus intentionally omitted the City of Brookfield results on Election Night.

G. Recommendations:

The G.A.B. review team has developed four primary recommendations for Waukesha County to avoid similar problems in the future.

- 1) The blank template file that Clerk Nickolaus sends to municipalities should not be saved with the same name, or even in the same folder, as the results file that she uploads into the Access database. If the upload folder starts out empty, and is only updated when Clerk Nickolaus saves her results file, she cannot upload a blank template by mistake.
- 2) On Election Night, Waukesha County should not use the report available in its Access database to report unofficial results. Instead, the County should upload its results into the G.A.B. Canvassing System, which has a variety of reports that break down totals by reporting unit. Waukesha County should verify the results by reporting unit, and also release its results to the public in this format. This will make it far easier to catch errors and omissions.
- 3) Review and train municipal clerks on the security processes for securing ballot bags and proper documentation on the security documentation record. Ballot bags must be secured and sealed in such a manner that no ballot may be removed, nor any ballot added, without visible evidence of interference or damage to the ballot container. Several ballot bags reviewed by the G.A.B. review team had notable tears, were not properly sealed, and/or had incomplete tamper-evident seal documentation.
- 4) If a large adjustment is made to the County's unofficial results, Clerk Nickolaus should inform interested parties immediately, including the candidates involved, the media, political parties, Board of Canvass members, and the G.A.B. If necessary, Clerk Nickolaus should delay the county canvass so that the interested parties can observe the canvass process, to ensure the greatest possible transparency and public confidence in the process. Campaigns, members of the

public and media may have wanted to send observers to the Waukesha County Board of Canvassers had they known of the error in the City of Brookfield but because Clerk Nickolaus did not announce her error until after the canvass was completed, the campaigns, members of the public, and media did not have the opportunity to make that determination. Thus, campaign and media observers were not present to verify the returns received from municipalities. While it is not realistic to eliminate all human error from the election process, discovery of significant errors in the unofficial results should be fully identified and interested parties informed as soon as they are noted.

The G.A.B. review team also identified four areas that would benefit from further guidance and direction from the G.A.B. to counties:

- 1) Election results posted on election night by the County Clerk: The County Clerk is required to post the election returns from that county on election night. The formats in which election returns are posted on election night vary by county. Some counties post election returns by municipality, others by reporting unit and others with a countywide total. In the case of Waukesha County on April 5, 2011, the election results were reported as a countywide total. If the election returns were posted by municipality or reporting unit, the missing Brookfield returns would have been noticed immediately. The G.A.B. should provide formal guidance to counties as to how returns are required to be posted in accordance with Wis. Stat. §7.60 (1).
- 2) Handling of election materials after being delivered to the County Clerk's office: Municipal clerks must deliver election materials to the County Clerk's office by 4:00 p.m. the day after the election. The G.A.B. provides guidance on securing the election materials, however, in preparation for the County Board of Canvassers, the County Clerk and his/her staff often organize and prepare materials for the County Board of Canvassers. County Clerks would benefit from some security and procedural guidance on the handling of the election materials and how to properly document the handling of the election materials. Guidance should specify what materials should or should not be handled by members of the County Clerk's staff.
- 3) The role of the County Board of Canvassers: The County Board of Canvassers are required to "open and publicly examine the returns" Wis. Stat. §7.60 (3). No specific procedure for this task is described in the statute or in any G.A.B. publications. The County Board of Canvassers' process, including which documents are reviewed and the detail in the recorded minutes, varies from county to county. A process prescribed by the G.A.B. would create uniformity in the Canvassing process.
- 4) Correcting errors with election night reporting: The reporting of election night returns is required of all county clerks, however there are a number of errors made each election in the reporting of the returns. Often county clerks receive the returns over the phone or via email. The county clerk, as well as the municipal clerk, may transpose digits or report numbers incorrectly as a result of human error. Occasionally, clerks may learn about these errors before the official tally sheets or results tapes from the voting equipment are reviewed in the Canvass process. Guidance to county clerks on updating unofficial results should be created by G.A.B. describing the process of updating the reported returns, and the process for informing interested parties.

Conclusion

The Government Accountability Board's investigation into the misreporting of election night results by the Waukesha County Clerk included three (3) different facets: the initial review of City of Brookfield results by Diane Lowe, the four day review and recording of election materials by G.A.B. staff, and the interview and review of election night processes with Clerk Nickolaus. Each facet of the investigation uncovered areas for

improvement, but did not immediately reveal any intentional misconduct on the part of the Waukesha County Clerk. It is clear the County's canvass process need to be fully documented to ensure complete transparency.