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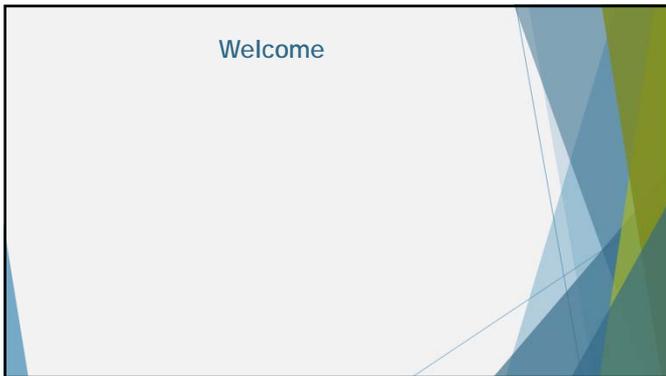
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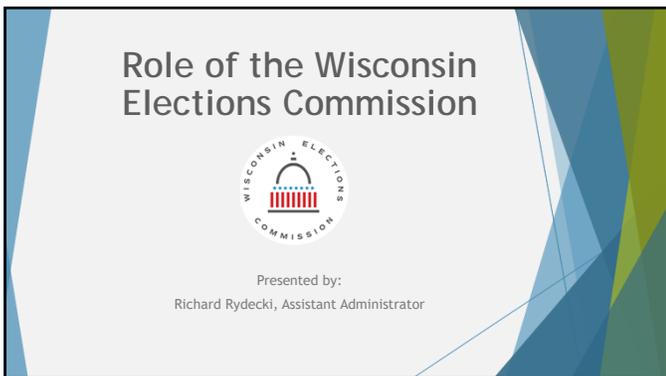
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## Recount Preparations

Role of the filing officer:

- ▶ Determine if a contest is eligible for recount
- ▶ Determine who is responsible for paying for the recount
- ▶ Collect or determine costs estimates and provide that information to the aggrieved candidate (if applicable)
- ▶ Review timeline for conducting the recount
- ▶ Issue the recount order

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## Recount Eligibility

- ▶ State law defines an “aggrieved candidate” as:
  - ▶ In contests with more than 4,000 ballots cast, the second-place finisher must be within 1% of the presumed ‘winner.’
  - ▶ In contests with less than 4,000 ballots cast, the second-place finisher must be within 40 votes of the presumed ‘winner.’
 Wis. Stat. § 9.01(1)(a)5
- ▶ Only an aggrieved candidate can request a recount. Wis. Stat. § 9.01(1)(a)1
- ▶ For referenda, any voter who voted in that election can request a recount. Wis. Stat. § 9.01(1)(a)1

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## Recount Costs and Who Pays

- ▶ If the margin between the presumed first and second place finishers is less than .25%, that contest is eligible for a ‘free’ recount.
- ▶ If the margin is greater than .25%, the aggrieved candidate who is requesting the recount is responsible for the recount costs.
- ▶ The estimated costs are due by the deadline to file the recount petition.

Wis. Stat. § 9.01(1)(ag)

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## Determining Cost Estimates

- ▶ Once a contest has been determined to be eligible for recount, the filing officer may have to determine cost estimates for conducting the recount and provide that information to the aggrieved candidate. [Wis. Stat. § 9.01\(1\)\(ad\)](#)
- ▶ Potential cost categories:
  - ▶ Space rental
  - ▶ Wages for tabulators and Board of Canvassers
  - ▶ Clerical materials and supplies
  - ▶ Voting equipment programming and/or rental costs
  - ▶ Legal counsel
  - ▶ Travel costs and meals
- ▶ Improper cost categories:
  - ▶ When in doubt, consider public records law and state/local reimbursement policies
    - ▶ Location/clerical fees, allowable; Redaction fees, not allowable
    - ▶ Alcohol, travel (to headquartered location, for family members), lost/stolen personal property, traffic citations/fines, and childcare are non-reimbursable costs.

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## Recount Timeline and Recount Order

- ▶ Timeline to file: for most offices, the deadline to file a recount petition is 3 days after the final canvass for that office is received by the filing officer. [Wis. Stat. § 9.01\(1\)\(a\)1](#)
- ▶ For Office of the President the deadline to file is one day after the final canvass is received from the counties.
- ▶ After the recount petition is received and payment has been confirmed, the filing officer shall issue the recount order.
- ▶ The recount must be completed no later than 13 days from the date of the order directing the recount. [Wis. Stat. § 9.01\(1\)\(ar\)3](#)
- ▶ The recount must convene no later than 9 a.m. on the 3rd day after receipt of an order and may adjourn for not more than one day at a time until the recount is completed (in each county).

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## Reporting Results and Resources

- ▶ Recount results required to be reported to WEC on a nightly basis. Transparency is essential.
- ▶ Any vote swings of 10 or more in any direction need to be accompanied by written explanation.
- ▶ Chapter 9 of the WI statutes provides the guidelines for this process.
- ▶ Recount manual outlines the statutes and administrative procedures used for the recount.
- ▶ Memo included in the manual that outlines 2 key points: BOC discretion and voter error v. election official error.

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# Role of Milwaukee County Election Commission



Presented by:  
 George L. Christenson, Clerk  
 Julietta Henry, Elections Director  
 Michelle R. Hawley, Deputy Elections Director

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## Milwaukee County Election Commission (MCEC)

**MISSION STATEMENT**  
 The mission of the Milwaukee County Election Commission is to administer federal, state, and local elections in a manner that fosters public trust in the accuracy, efficiency and fairness of elections and develops public confidence in the democratic process.

The Milwaukee County Election Commission is the only county with a commission (County department) dedicated to elections in the State of Wisconsin.

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The MCEC is responsible for overseeing the election process throughout all 19 municipalities within Milwaukee County. The municipalities in Milwaukee County include:

Bayside	Brown Deer	Cudahy
Fox Point	Franklin	Glendale
Greendale	Greenfield	Hales Corners
Milwaukee	Oak Creek	River Hills
St. Francis	Shorewood	South Milwaukee
Wauwatosa	West Allis	West Milwaukee
Whitefish Bay		

## Overview of Milwaukee County Election Commission (MCEC)

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## Responsibilities of MCEC

- ▶ Code all electronic media used for the DS200 Voting Machines, AutoMark devices, and ExpressVote machines
- ▶ Order and disseminate ballots and election supplies to each municipality
- ▶ Work collaboratively with municipalities to conduct and validate pre-election testing of voting equipment
- ▶ Collect election results from municipalities on Election Night
- ▶ Publicly post and disseminate countywide Unofficial Election Results
- ▶ Verify and tally Election Results (County Canvass)
- ▶ Coordinate logistics and activities for Countywide Recount

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## Other Responsibilities of MCEC

- ▶ Store and maintain all ballots, absentee envelopes, and other election related materials (post-election)
- ▶ Receive, audit, and maintain Campaign Finance Statements for all registered county candidates
- ▶ Provide documentation and guidance to potential candidates for county offices (candidate packets)
- ▶ Review and verify Nomination Papers (Signatures)
- ▶ Fulfill open records requests
- ▶ Answer constituents' election related questions, concerns, complaints, etc.

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## What is a Recount Petition?

- ▶ A Recount Petition is a sworn statement requesting the votes at an election be counted again and outlining the reasons why the ballots should be recounted
- ▶ The Recount Petition must state the following:
  - ✓ The petitioner must specifically request a recount
  - ✓ The petitioner was a candidate for the office in question
  - ✓ The basis for requesting the recount
  - ✓ The ward or wards to be recounted
  - ✓ A Verification Statement signed under oath

## More about the recount process

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## Recount Petition for 2020 Presidential Election

- Donald L. Trump, Republican Candidate for President of the United States, successfully submitted a petition for a recount of the ballots in the state of Wisconsin for Milwaukee County (and Dane County).
- On November 19, 2020, the Wisconsin Elections Commission issued a Recount Order. The Order required Dane County and Milwaukee County Board of Canvassers to recount the ballots cast for the Office of President of the United States. The Order set the recount to begin no later than at 9:00 a.m. on Saturday, November 21, 2020. *Wis. Stat. § 9.01 (1)(ar)3*

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## Who Conducts a Recount?

- ▶ The Board of Canvassers that determined the election results will conduct a recount, except for state and federal elections
- ▶ For state and federal elections, the County Board of Canvassers for the county in which the contested votes were cast conduct the recount
- ▶ The Board of Canvassers may hire tabulators who work at the Board's direction and who assist in administering the recount
- ▶ When and where possible, the election inspectors who worked the polls on Election Day will serve as tabulators

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**Tim Posnanski**  
Commissioner-  
Chair



**Rick Baas**  
Commissioner  
Vice-Chair



**Dawn Martin**  
Commissioner

### Who are the Milwaukee County Board of Commissioners?

- In Milwaukee County, the Board is referred to as Commissioners rather than Canvassers
- The Milwaukee County Board of Election Commissioners always consist of 3 persons
- Three qualified electors of the County are appointed by the County Executive
- Two Commissioners represents the party of the current governor and the other one represents the opposing party
- Primary role is certification of election results; act in the capacity of the governing body during a recount

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## Who May Attend a Recount?

- ▶ Any person may attend the recount
- ▶ Candidates, their representatives, or legal counsel, media representatives, and any other interested persons [Wis. Stat. § 9.01 \(3\)](#)
- ▶ The Board of Commissioners and the Tabulators are the only persons who may handle and touch the ballots and other election materials
- ▶ The Board of Commissioners **MUST** allow the candidates and their representatives and/or legal counsel to view and identify the election materials [Wis. Stat. § 9.01 \(1\)\(b\)11](#)

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## Who attended the recount in Milwaukee County?

2020 Presidential Recount Participation\*

Municipality	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7
	Friday, 11/27/20	Saturday, 11/28/20	Sunday, 11/29/20	Monday, 11/30/20	Tuesday, 12/1/20	Wednesday, 12/2/20	Friday, 12/4/20
Wauwatosa	4	4					
Brookfield	12	12					
Greendale	27	29					
Franklin		23	7	5			
Glendale				13	9		
Greenfield	20	13					
Kenosha					26	19	
Madison	7	7					
Menomonee Falls	47	71	89	66	67	68	11
Oak Creek	23	2					
Shelford						4	
St. Francis							
Waukesha		12	12				
Wauwatosa				26	7		
Wauwatosa	51	46	27	25			
West Allis			12	20	9		
West Milwaukee			3				
Whitefish Bay					7		
Milwaukee County	20	23	29	26	29	28	11
<b>Total Staffing</b>	<b>248</b>	<b>244</b>	<b>212</b>	<b>279</b>	<b>234</b>	<b>209</b>	<b>34</b>
Media	42	18	20	11	27	12	27
Campaign Staff				13	45	40	10
Public Observers	100	104	148	127	127	100	47
<b>Total</b>	<b>412</b>	<b>324</b>	<b>368</b>	<b>341</b>	<b>319</b>	<b>262</b>	<b>84</b>
<b>Total All Signs Inc.</b>	<b>448</b>	<b>334</b>	<b>390</b>	<b>344</b>	<b>312</b>	<b>269</b>	<b>98</b>

\*All municipal staff, poll workers, and all observers were instructed to sign in each morning with Milwaukee County Election Commission (MCEC) Staff during check-in (this reflects a count of those who signed in). Some campaign staffers and all security personnel did not sign in during the seven days.

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## Recount Preparations

- ▶ Unless a court orders otherwise, the Board of Commissioners (Canvassers) may decide to either hand-count or use voting equipment to tabulate the ballots
- ▶ The Board of Commissioners (Canvassers) may also choose to hand-count certain wards, while using voting equipment to tabulate other wards [Wis. Stat. § 5.90\(1\)](#)
- ▶ If voting equipment is used, it should be programmed to read and tally only the results for the contest to be recounted
- ▶ The filing officer administering the recount should ensure that all the supplies and materials needed for the recount have been acquired prior to the start of the recount (including ballots)

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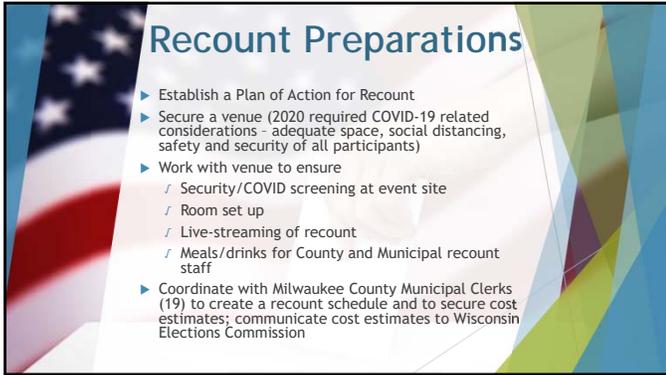
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## Recount Preparations

- ▶ Establish a Plan of Action for Recount
- ▶ Secure a venue (2020 required COVID-19 related considerations - adequate space, social distancing, safety and security of all participants)
- ▶ Work with venue to ensure
  - Security/COVID screening at event site
  - Room set up
  - Live-streaming of recount
  - Meals/drinks for County and Municipal recount staff
- ▶ Coordinate with Milwaukee County Municipal Clerks (19) to create a recount schedule and to secure cost estimates; communicate cost estimates to Wisconsin Elections Commission

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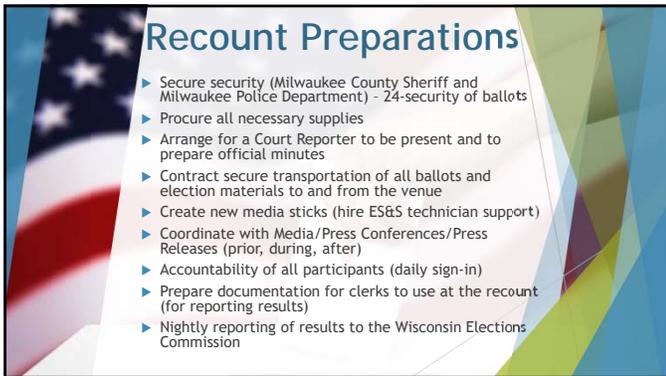
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## Recount Preparations

- ▶ Secure security (Milwaukee County Sheriff and Milwaukee Police Department) - 24-security of ballots
- ▶ Procure all necessary supplies
- ▶ Arrange for a Court Reporter to be present and to prepare official minutes
- ▶ Contract secure transportation of all ballots and election materials to and from the venue
- ▶ Create new media sticks (hire ES&S technician support)
- ▶ Coordinate with Media/Press Conferences/Press Releases (prior, during, after)
- ▶ Accountability of all participants (daily sign-in)
- ▶ Prepare documentation for clerks to use at the recount (for reporting results)
- ▶ Nightly reporting of results to the Wisconsin Elections Commission

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## Discrepancies Found During Recount

- ▶ Absentee ballots identified as not counted on election night (approx. 385 in one municipality)
- ▶ In-person absentee ballot envelopes not marked with municipal addresses
- ▶ Absentee Ballots - Missing Signatures/Initials
- ▶ No Voter #'s indicated in Poll Book
- ▶ Primarily human error - no errors related to voting machines

This recount was a lot of painstaking work, and it really was a gift in disguise! It afforded us the opportunity to evaluate and audit ourselves. Going through the process of counting ballots for a second time, revealed opportunities to evaluate and improve our processes (for county and municipalities). Having this information will allow us to run future elections with even more efficiency.

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## Recount Results

Milwaukee County 2020 Presidential Recount Ballot Access Candidates			
	Official Canvass	Recount	Variance
Biden/Harris	317,279	317,327	257
Trump/Pence	134,357	134,462	125
Blaskovich/Mohr	623	624	1
Jorgensen/Cohen	4,340	4,342	2
Carroll/Patel	751	752	1

These results reflect the official canvass for the ballot access candidates from the 2020 Fall General Election vs. the Recount results

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## Milwaukee County Recount Costs (Estimated v. Actual)

- ▶ \*Estimated Costs: \$2,039,030.57
- ▶ Actual Costs: \$1,719,220.75
- ▶ Variance: \$319,809.82

*\*The estimate was based upon MCEC's work with venue and related partners and input from the 19 Milwaukee County Municipal Clerks*

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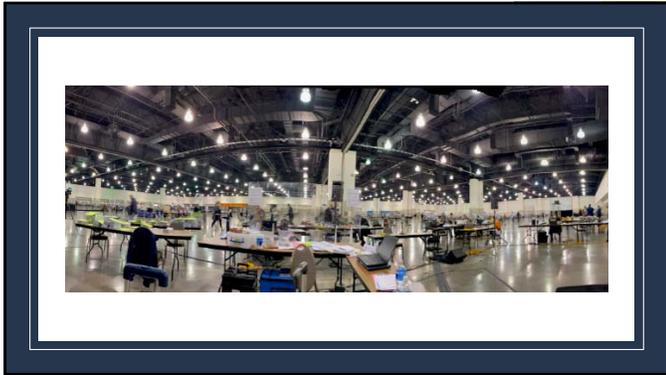
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# Role of Dane/Milwaukee County Municipalities & City of Milwaukee Election Commission

Presented by:

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## Preparing for the recount:

- ▶ Know the Schedule
  - ▶ Tabulator/Staff counts due
  - ▶ Location: start and end times
  - ▶ What is being provided by outside agencies
- ▶ Tabulator (poll worker) scheduling
  - ▶ Total available vs. Total needed to conduct within scheduled time
    - ▶ Communicate pertinent information (meals, parking/transportation, security, etc.)
  - ▶ Should you over schedule?
    - ▶ Ex: schedule tabulators for 2 days when scheduled at recount for 1.
  - ▶ Is transportation needed?
  - ▶ Do you need beverages and/or hard candies (ex: poll workers with blood sugar issues)?
  - ▶ Other supplies may you need?
    - ▶ Ex: PPE
  - ▶ Poll question
    - ▶ Should a uniform recount wage be set for tabulators? Yes or no

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## Preparing for the recount:

continued

- ▶ Materials
  - ▶ Reconcile as much as possible before recount, if not complete
  - ▶ Review Inspectors Statements
    - ▶ Know the issues that occurred at your polling locations
  - ▶ Review Rejected Absentees
    - ▶ Were rejections proper, were any absentees missed?
  - ▶ Poll Question
    - ▶ How do you track your noteworthy incidents and reconciliation notes?
  - ▶ Review current WEC Election Recount Procedures Manual [Microsoft Word - Recount Manual Final \(11-2020\) \(wec.gov\)](#)
    - ▶ Review Provided Recount Materials
      - ▶ Gather required recount materials per manual
        - ▶ Poll Books, Absentee Ballot Logs, End of Night Tally Sheets, Absentee Applications
      - ▶ Prepare the check list of procedures for tabulators to follow (hand count, optical scan, DRE)
      - ▶ Prepare secure transportation of materials
    - ▶ Review Election Laws
      - ▶ Be able to address questions/issues.

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**Conducting the recount:**

- ▶ Board of Canvass meeting
  - ▶ Swearing-In
- ▶ Begin the recount
  - ▶ Refer to page 7 of the WEC Election Recount Procedure Manual (November 2020)
    - ▶ [Microsoft Word - Recount Manual Final \(11-2020\) \(wec.gov\)](#)
    - ▶ Reconcile Poll Lists
    - ▶ Review Absentee Ballots and Materials
    - ▶ Verify Tamper Evident Seals on Ballot Bags/Containers
    - ▶ Reconcile Ballot Count
    - ▶ Review Provisional Ballots
    - ▶ Verify Tamper Evident Seals number on Inspector Statement is initialed pre & post election
    - ▶ Compare duplicate (remade) ballots to original ballots
    - ▶ Count Votes (hand count, optical scan or DRE)
    - ▶ Generate Results
    - ▶ Account for any votes tabulated separately
    - ▶ Secure Original Materials
    - ▶ Prepare New Canvass Statement
    - ▶ Prepare minutes

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**Conducting the recount:**  
continued

▶ Challenge Reasons

- ▶ Absentee Certificates
  - ▶ Voter signed as own witness (resulted in draw-down)
  - ▶ IPAW certificates without witness/ED signature
  - ▶ Signatures in Pencil
  - ▶ Voter and Witness signed with different ink
  - ▶ Signatures not Legible
  - ▶ "Cured" Envelopes
  - ▶ IPAW Certificates with pre-printed witness addresses
  - ▶ Certificates with blank backs (IPAW envelopes - no mailing label)
  - ▶ "messy" certification
  - ▶ Notes on ripped envelopes (voter verification not tampered)
  - ▶ Voter signed with different first name
  - ▶ Voter signed with X

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**Conducting the recount:**  
continued

▶ Challenge Reasons

- ▶ Ballots
  - ▶ Same clerk initials on every absentee ballot (MLW)
  - ▶ Missing Clerk initials
  - ▶ Missing Ward number
  - ▶ Missing Absentee Stamp
  - ▶ Absentee stamp sideways
  - ▶ Clerk initials in wrong section (Assistant)
  - ▶ Wrong clerk initials
  - ▶ Ballots with color stripes (and general questions about ballot coding)
  - ▶ Second set of initials missing on at-polls ballot
  - ▶ Original email ballots
  - ▶ Original braille ballots
  - ▶ All LUDCAVA variants: FWABS/Federal-Only/Presidential-Only
  - ▶ Duplicated "good" ballots missing both sets of signatures
  - ▶ Ballots appearing to be an Overvote (looking for voter intent)
  - ▶ Ballots appearing to be an Undervote (looking for voter intent)

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Looking Back:

- ▶ Poll Question:
  - ▶ What worked well, what could be improved?
    - ▶ Ex:
      - ▶ How did the county Board communicate to the Municipal level determinations of procedure?
      - ▶ Did tabulators understand their roll?
      - ▶ Handling observer disturbances and interruptions?
      - ▶ Were challenge procedures communicated well?
- ▶ Opportunity for Training
  - ▶ Tabulator (poll worker) training
    - ▶ Areas of improvement needed
  - ▶ Recount training
    - ▶ Collaboration county, municipal and tabulators

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Looking Back:

In the midst of great adversity, the 2020 Election year highlighted many of our accomplishments that are now a part of our nations history.

Take pride in your role.

Thank you

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