

Recount Committee Feedback

Suggestions/Clarifications for the Recount Manual

1. Introduction – Add language to the effect that the board of canvassers has the inherent discretion to run the recount as they see fit and should not feel compelled to get a consensus of the observers.
2. Page 1, FN2 – Check statutory text, should be no later than 9:00 am.
3. Page 3 – § 7.60 canvass rules should be mentioned as the county canvass deadlines are important to determine when the recount clock starts in a recount spanning multiple counties.
4. Page 3 & 5 – Add that the recommended best practice if anticipating a recount is to have the canvass done by early in the week, so the 3-day recount petition deadline would be on a Friday and the recount would not need to start until Monday. That way the clerks have the weekend to prepare, if needed.
5. Page 3 – Note in recount manual (and Election Administration manual) that clerks are advised to ask for contact information for the candidate for the days following the election so a candidate can be contacted in the event of a recount.
6. Page 3 – Clarify the open meeting `publication requirements under § 19.84. Newspaper publication is not required, just delivery of the notice to the newspaper. Posting in 3 places is sufficient; however a website does not count as one of the 3 places.
7. Page 5 – Add blank memory cards/PROM packs (if required) to checklist of materials. Originals from election must be kept at least 21 days.
8. Page 5 – Add exhibit stickers to checklist of materials.
9. Page 5-6 – Add that reconciling the poll book in advance of the recount is an option, but whoever does the reconciliation must prepare a detailed report of what was done for the board of canvass to approve.
10. Page 7 – Clarify that tabulators may continue to work as long as there is at least one member of the board of canvass present to supervise. Must still have full board approve actions while absent.
11. Page 7-8 – If absentee applications continue to be required at the recount (see Suggested Policy Changes #4), clarify why they are checked. If still required, indicate that copies are acceptable as long as original is available.
12. Page 8, FN8 – Citation should be reworded to correctly indicate that statute supports Paulson, not the staff attorney memo.

13. Page 9 – Clarify what a probable absentee ballot is and also add a reminder that a remade absentee ballot needs to be put in the probable absentee pile as well even though it will have no folds and two sets of initials now.
14. Page 9 – Restructure the draw down procedure to correctly indicate that draw down is required for rejected absentee certificate envelopes regardless of voter-ballot count.
15. Page 9 – Clarify that a ballot is only a blank ballot if there are no votes on it at all.
16. Page 9 – State under ballot count section that the ballots should not be separated into piles by how it was voted. Piles are too hard to randomize again.
17. Page 9 – Add a clarification that ALL ballots eligible to be counted (late arriving military, provisional, etc.) are to be included if draw down of blanks and improperly initialed is not enough.
18. Page 12 – Clarify that the worker feeding ballots into the tabulator should be watching for ballots that will be read as an undervote and set those aside in addition to those that may not be read correctly.
19. Page 12 – Clarify that an objection must have a reasonable basis, cannot object just to get the board to decide.
20. Page 12 – Emphasize that once a ballot is assessed for voter intent by the board of canvass, you cannot go back and ask for the machine to count it instead.
21. Page 14 – Add a section about retention of recount records.

Suggested Policy Changes

1. Reduce the level of detail required for poll book reconciliation.
 - Wide disparity among clerks as to how much they check during poll list reconciliation. Some check total voter numbers, some check a random sample of voter numbers and some follow the currently recommended procedure to check everything.
 - Committee also expressed 3 different practices for the reconciliation process:
 - Before the recount begins, clerk's office staff reconcile the poll lists and prepare a report of any discrepancies found and likely explanations for the board of canvass to review and approve.
 - At the recount, the poll lists are reconciled.

- At the recount, the board of canvass checks the total voter count on each poll list to make sure they match, if they match, no further checks are conducted. If they do not match, the poll lists are reconciled.
2. Allow recount procedure to be abbreviated if parties stipulate agreement on procedure.
 3. Use pre-recount teleconference to advise candidates if procedure will differ from manual and get any difference in procedure addressed (if not resolved) before the recount begins.
 4. Remove any reference to absentee applications from recount procedures.
 - If there is no consequence to finding a problem with absentee applications, there is no need to have them examined at the recount. See page 7-8.
 5. Decide if it is okay to remove an absentee ballot if a problem is identified with its application if the ballot can be readily identified. Supports Paulson/Town of Walworth memo distinction. Consensus that we should NOT add to manual, should be a case-by-case determination by the board of canvass.
 6. Recommend running multiple reporting units at once if resources are available.
 - Potential harm of cross-contamination of reporting units must be weighed against the cost savings.
 7. Recommend best practice of getting neighboring clerks/elections inspectors to serve as tabulators. Add to page 7 if approved.

Suggested Legislative Action

1. Change the filing deadline for a recount petition to be earlier in the afternoon (3:30pm), so that clerks have a better opportunity to prepare before the recount commences.
 - Typically recount petitions are filed right at the deadline, which means the clerks must begin by 9:00am the next day. See § 9.01(1)(ar)3.
2. Changes to draw down procedure in § 9.01(1)(b)4:
 - Allow draw down for valid absentee certificates that lack a valid absentee application. See §§ 6.84(2), 6.86, 6.87(3)-(7), mandatory provisions.
 - Blank ballots should not be drawn down, some voters may intend to vote for none of the above. Also not consistent that we draw down total blanks, but not blanks for the office being recounted.

- Allow ballots with no initials to be drawn down first, then those only missing a single set of initials if draw down is still needed.