

Town of New Haven, Dunn County, WI
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MINUTES – Amended* ** ***

**TOWN OF NEW HAVEN BOARD OF CANVASS
RECOUNT CANVASS FOR TREASURER POSITION**

Date of Recount: Saturday, April 6, 2019
Time: 9:00 AM

The Board of Canvass (BOC) was called to order at 9:00 AM by Town Clerk/Filing Officer (Clerk), Diane Duerst. The Clerk welcomed observers and gave a summary of the recount process. Observers were asked to sign the Observer Log and take a copy of the Observer Rules-at-a-Glance if they hadn't already done so. Duerst introduced the BOC and Tabulators.

BOC Members: Corrine Rafferty (Chief Election Inspector), Laura Shepard (Election Inspector) and Irene Schmidt (Election Inspector). Decisions made at the recount will be made by the three BOC members.

Tabulators: Mary Prestrud (Election Inspector) and Steve Duerst (Election Inspector)
All Tabulators and BOC members have previously taken the official Oath of Office as election inspectors during the current two year election term.

Others Present: Diane Duerst, Clerk

Members of the Public Present: Laura Ulrich, Ted Ulrich, Marv Prestrud, Renee Bartz, Mark Bartz and Allen Hoff.

Original Results: Mark Bartz 79
 Laura Ulrich 78

The number of voters from the registration/poll list as assigned from the inspector's number tally sheet is 163. The total number of ballots cast was also 163 (34 on the Insight and 129 on the Edge). There were 4 absentee ballots.

Notification: Public Notice was posted on the town shop bulletin board, the town hall bulletin board, the Connorsville Cheese Store bulletin board and on the town's website at townofnewhavenwi.com on 4/5/19 at about 2:45 PM. Notice was also sent electronically to the Dunn County Clerk's office, the WI Elections Commission, Attorney Paul Mahler (the town's attorney) and both candidates who each signed an Acceptance of Service. All parties, including Mark Bartz, Laura Ulrich, the election inspectors and the clerk were agreeable to meeting on 4/6/19 at 9:00 AM. Due to the fact that one of the election inspectors was going to be out of town at the beginning of the week and due to the probable upcoming Supreme Court Justice recount it was in the best interests to hold the recount on Saturday when all parties could be present and the materials could be returned to the Dunn County Clerk's office on Monday, 4/8/19.

“Insight” is the name of the Optech-Scan voting equipment, and “Edge” is the name of the Touch-Screen voting equipment that is required in every polling place. The electronic voting equipment was publicly noticed and tested on Sunday, 3/31/19 at 6:00 PM. The results of the public test of both the Insight and the Edge matched the test deck and edit listing.

Petitioner Ulrich had requested a copy of the signed poll list just before the BOC was convened which Duerst had made for her. While copies were being made the copier ran out of paper and then had a paper jam. Ulrich informed Duerst she was missing copies of pages 17, 18, 19 and 20 which Duerst then re-copied for her. Before the Tabulators began reconciling the poll lists, Ulrich had a question about how the voter numbers were assigned at the polling place on election day. BOC member and chief inspector Corinne Rafferty explained the process which involves two inspectors assigning numbers, from a number tally sheet, as voters signed in to vote. The numbers are “X’d” out as they are assigned and periodically cross-checked with the actual number of votes cast throughout the day to ensure the total number of voters equals the number of ballots cast. Ulrich also questioned how the election inspectors could know for sure that a person who is completing a new voter registration form has actually lived in the municipality for the 10 days prior to the election. It was explained that the all new registrations have to provide proof of residence as well as photo ID. The voter registration form EL-131 also contains a statement that the person signing it is confirming they have resided at the address for at least 10 days prior to the election with no present intent to move. Duerst said in the training provided to the inspectors and the clerk it is clear that it is not the job of the inspector to “prove” the person has actually lived there for 10 days except other than to verify the voter’s proof of residence and photo ID. If the voter has lied on the voter registration they can be prosecuted. Ulrich said she did not know all of the 4 people who registered on election day and wondered if there was proof that they had lived in the town for the 10 days. Duerst asked Ulrich if she thought that one of the persons had not been truthful on the application and if so, it would be referred to the District Attorney’s office if appropriate. Ulrich said no she didn’t know whether someone had been untruthful or not.

The poll lists were reconciled by a team of Tabulators. It was discovered that the original poll list had voter #153 listed for Tina Talmage on page 43. The second copy of the poll list had voter #15 listed. It was determined after reviewing who voter #15 actually was and that they matched in both poll lists, that Tina Talmage should be #153 in the second poll list as well. Ulrich challenged the number of voters listed in the poll lists. She said she had put together a spreadsheet and discovered that voter #139 was not listed in the list. The Tabulators re-counted just the number of voters in the poll list who voted and the total was 162. The number of voter numbers assigned by the inspectors equaled the number of ballots voted, yet #139 was not listed in the poll list. Duerst said that at this time she would contact Wisconsin Elections Commission (WEC) Staff Counsel Michael Haas who was on call to assist the town if needed during the recount. Duerst put Attorney Haas on speaker phone so all present could hear both sides of the conversation. Duerst explained to Haas that the poll list was missing #139 even though it had been assigned by the inspectors pursuant to their number tally sheet. Haas said it would be the BOC’s decision about whether they felt reasonably confident that they had indeed passed out a ballot to voter #139 and if it was their error it was generally not advisable to take away the voter’s vote. Ulrich had some questions which Haas explained which basically repeated that due to election inspector error, the voter should not be penalized, but it would be the BOC’s decision, but the fact that the total voter numbers matched the total ballots cast would be a reason for not

automatically drawing down a ballot. After the phone call Duerst shared a short email she had received from WEC Elections Specialist, William Wirkus the day before. Duerst had emailed the WEC asking for their guidance on a couple items noted on the Incident Log. Specifically, it was noted that the inspectors forgot to have one of the new registrants sign the poll list, and they realized they forgot to initial some of the ballots they handed out during the afternoon after the shift change. Specifically, her email asked **“Are they accepted because the number of voters matched the number of ballots, the Chief noted it on the Incident Log, and all the original inspectors will be present at the canvass to confirm/verify that only they handed out the ballots? Or are they rejected?”** Duerst read his reply to those present at the caucus. The reply stated **“Missing initials is not a basis for rejection of the ballot. It is relatively common and it is usually because the clerk or inspectors forgot to initial, rather than fraud. The fact that voters = ballots likely confirms that fact. Missing signature on the poll list is also not a basis for rejection or drawdown of any ballots.”** Ulrich questioned what time Duerst had received the email from Mr. Wirkus and why she had asked the question. Duerst said she had received it around 7:30 pm the night before and the reason she had questioned it was because the inspectors had told her about it on election night and the chief noted it on the Incident Log. Duerst offered to make copies of the Inspector Statement to Ulrich if she desired, but she declined. The BOC discussed the situation. They said they felt confident that, especially due to the fact that ballots were not issued unless they had identified the school district the person was in, that no one was given a ballot without seeing their name in the poll list and that they were registered. They said they had complete control of the ballots the whole day and did not issue two ballots at once, nor did anyone vote twice on the Edge. Upon a review of their number tally sheet, it was discovered that at 6:20 pm, with voter #138, the inspectors had done a crosscheck of numbers and ballots and all was in order. Ulrich questioned it because the inspectors couldn't remember who voter #139 was. The BOC explained that they cannot remember every voter's name and number. They said they don't even know who all the voters are. When a voter arrives at the polling place, they state their name and address to the two inspectors manning the poll lists. They produce their photo ID and are assigned a voter number which then has an “X” placed through it and is written in the poll lists next to the voter's name. The inspectors look to see which school district the voter is in, they do not ask because they want to make sure someone doesn't vote in a neighboring school district. They then give the voter a slip of paper with the school district name on it which is given to the 3rd inspector who either issues a paper ballot for the appropriate school district or presses the appropriate school district on the Edge before activating the ballot. The BOC said they do not believe that anyone obtained one of the secured ballots to vote fraudulently, or that anyone voted twice, and because they had to look in the poll list to see the school district number, they felt it was their error in not writing the #139 in the poll list ~~and having the voter sign it ***.~~ **There were 163 signatures in the poll list, voter Bethany Loida, on page 28, had signed but no number was assigned to her. It was determined that Bethany was voter #139 per a memorandum dated 4/11/19 from the Dunn County Clerk.** Motion by Corinne Rafferty to approve the total voter count as 163 which is the same as the results on election night. Second by Laura Shepard. Motion carried unanimously.

Absentee: The 4 used absentee certificate envelopes were reviewed by the BOC and found to be in order with all required signatures and other information. Because all 4 were voted in-person with the clerk they did not have applications. The Clerk provided an Indefinitely Confined Absentee Voter request from Heather Eileen Seburn dated 10/6/18 and showed the BOC the Absentee Ballot Log which showed that Ms. Seburn did not return the absentee ballot mailed to her on 3/15/19. Neither was it returned undeliverable. The BOC found all used absentee

certificate envelopes to be in order and since the total voter numbers matched the total ballots cast on election night there was no need to draw down any ballots.

Seal # 0690162 on the one ballot bag was verified with the Ballot Container Certificate (EL-101) on the ballot bag and on the Inspector's Statement. The seal was broken and both the seal and certificate were added to the used seals bag that will be returned to the Dunn County Clerk's Office.

Insight: The ballots voted on the Insight machine were counted and matched the election night total of 34. They were then separated into three piles. The first pile was the Undervoted pile. The second pile were the votes for Mark Bartz. The third pile were the votes for Laura Ulrich. One of the Tabulators called off the candidate name voted for and two BOC members recorded the votes on a tally sheet, until all ballots were read. Candidate totals from the hand count of the Insight ballots were as follows: Bartz = 18 ; Ulrich = 14. There were 2 undervotes. One ballot was a complete undervote. On that ballot someone had begun to make a black mark next to Bartz's name but did not complete the line. Bartz challenged this ballot and requested that the BOC make a determination of voter intent. The BOC discussed how on the Insight results tape there was one ballot that was popped back out as Undervoted. BOC member Shepard said she remembered the voter and Irene Schmidt said she remembered it as well. Shepard let the voter know that there was nothing voted on his ballot and he said that was how he wanted it, since his son's name wasn't on the ballot. Shepard pressed the 3 button and the completely undervoted ballot was accepted. Because the voter verbally said he didn't want to vote for anyone the BOC determined that the voter intent was indeed to leave it undervoted and they left the vote as originally counted which was an undervote. The totals matched the election night totals and the original canvass results.

Edge: Two BOC members first hand-counted all ballots cast on the roll, and using a pink highlighter, wrote the number of the counted ballot in the margin to help them keep track of their count. BOC member Corinne Rafferty questioned whether a mark should be made but Diane Duerst let her know that when she spoke with Riley at the WEC he had said it was OK. The mark was made near the Treasurer position on the ballot so as not to interfere with the Supreme Court Justice results. They confirmed that the totals matched the results tape. Next, going through Edge ballots again, Laura Shepard called off the candidate name voted for and Irene Schmidt and Mary Prestrud each tallied the votes. Corinne Rafferty sat behind them and visually observed to make sure the correct tallies were being made. Steve Duerst sat next to Laura Shepard to visually observe that she was reading off the correct candidate as well. Diane Duerst assisted with rolling the Edge tape on the rolling machine as the ballots were read. Candidate totals from the Edge were as follows: Bartz = 61 ; Ulrich = **64.*Amended 4/7/19** These totals matched election day tapes and the original canvass results.

Throughout the entire morning everyone who was present was invited to come closer and observe the proceedings, especially of the counting process. The only stipulation was that per the Recount Manual, only the Clerk, the BOC and the Tabulators were allowed to touch the ballots or election material.

Ballots were returned to the ballot bag and re-sealed with tamper-evident Seal # 0690012 and a new Ballot Container Certificate (EL-101).

Town of New Haven Final Recount Totals for Treasurer as follows:

Mark Bartz 79

Laura Ulrich 78

Recount Results: NO CHANGE IN TOTALS

The BOC members and Tabulator Mary Prestrud completed and signed new:

1. Recount Tally Sheet & Certificate of Recount Board of Canvass (EL-105)
2. Recount Certification of the Board of Canvassers (EL-106)

The reason all four signed was because, with the split shift, all four of them worked at the election on 4/2/19.

The Board of Canvass was adjourned at 11:55 **am****.

An electronic copy of the minutes will be sent to the Wisconsin Elections Commission at elections@wi.gov and the Dunn County Clerk at jwathke@co.dunn.wi.us. A copy will also be posted on the town's website.

Respectfully submitted by,

Diane Duerst, New Haven Town Clerk

***Amended on 4/7/19 to correct the total count for Laura Ulrich on the Edge Machine from 54 to 64. This does not result in any change in the Recount results as everything still matches with the election night totals.**

****Amended on 4/8/19 to correct the time the BOC adjourned from 11:55 pm to 11:55 am.**

*****Amended 4/12/19 after the BOC reconvened at 1:00 pm on 4/12/19 for the purpose of reviewing a memorandum dated 4/11/19 from the Dunn County Clerk which confirmed that when the County Clerk entered the voters into the state-wide system on 4/4/19 the number of voters equaled 163. The signature without the number assigned to it was not noted during original reconciliation process by the BOC on 4/6/19. Given that the documentation supports the Board's original conclusion that there should not be drawdown of a ballot, the Board takes no further action except to direct that the poll list does reflect 163 voter signatures, which should be reflected in the minutes along with the correspondence from the County Clerk. All BOC members concurred. See separate minutes for BOC reconvening.**