

State of Wisconsin\Government Accountability Board

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Wisconsin Government Accountability Board Statement on the April 5, 2011 Spring Election Waukesha Election Returns

In response to concerns from the public regarding the unofficial election results reported by the Waukesha County Clerk, the Wisconsin Government Accountability Board (G.A.B.) conducted a thorough onsite examination of the documentation submitted from all the reporting units within Waukesha County. The examination was to determine whether the official canvass results certified by the Waukesha County Board of Canvassers matched the returns provided by the municipalities.

As soon as our office was informed of the misreporting of the unofficial election results from Waukesha County for the office of Justice of the Supreme Court, the Director dispatched Elections Division staff to evaluate the situation onsite. On Friday, April 8, 2011, G.A.B. staff met with Waukesha County Clerk Kathy Nickolaus to examine the election returns from the City of Brookfield and discuss the process which Clerk Nickolaus used when reporting her unofficial election results. The following week, our staff conducted a more thorough review of the election materials from all reporting units in Waukesha County and interviewed Clerk Nickolaus.

The review was conducted over four days and focused on auditing the Spring Election materials, including:

- Total Votes Cast Report from Voting Equipment
- Ballot Container Security Seals/Documentation
- Inspectors' Statement- Election Day Log
- Write-In Form
- Security Documentation of Voting Equipment Memory Devices
- Certification Page of Poll List

All documents were photographed or scanned and any relevant data was recorded by G.A.B. staff. The total votes cast record reported by the voting equipment was compared to the official canvass report from Waukesha County. The ballot container security seals were compared to the required documentation record maintained by the appropriate election officials. The total number of voters recorded on the Inspectors' Statement and Certification Page of Poll List were compared to the total number of ballots cast, to ensure there were not more ballots counted than voter numbers issued.

After completing the review of the election materials from Waukesha County, there were some discrepancies found in the G.A.B.'s evaluation of the Waukesha County election returns that could not be explained based upon the documentation reviewed. The official Waukesha County canvass for the reporting unit of City of Delafield Wards 1-7 recorded one additional vote for candidate

David Prosser that was not included in the total votes cast report from the voting equipment. The County Clerk believes this was a provisional ballot. However, we have not yet verified this information. Additionally, two separate reporting units, the Village of Menomonee Falls Wards 20 & 22 and City of Waukesha Ward 36, each recorded a write-in vote for candidate JoAnne Kloppenburg on the Write-In Form. Neither of these write-in votes appear to be included in the official Waukesha County canvass. Finally, there were discrepancies identified with write-in votes and how they were reported in the official canvass. There is no information provided in the materials the G.A.B. reviewed to explain these anomalies.

Although there were some anomalies identified, the G.A.B. found no major discrepancies between Waukesha County's official canvass report and the documentation provided by the municipalities. This does not warrant correction of the canvass absent any post election proceedings. A more thorough discussion of these anomalies will be provided in the agency's complete report.

This statement focuses only on our review of the official returns of the municipalities and the vote totals certified by the Waukesha County Board of Canvassers to the Government Accountability Board. The G.A.B. will continue to review additional documentation and correspondence from the Waukesha County and Municipal Clerks' offices relating to all issues identified for investigation. In light of the potential statewide recount and our review of numerous recall petitions, a detailed report will be completed in the next 60 days.