



Town Municipal Building  
8348 County Road T  
Larsen, WI 54947

## TOWN OF CLAYTON

### Recount Board of Canvassers Minutes

February 22, 2010  
10:00 a.m. – 11:48 a.m.

#### I. **Call to Order / Reconvene**

Called to order / Reconvened at 10:00 a.m. by Susan Nester-Huebner, Clerk  
Recount properly noticed and posted in three locations in the Town.

#### II. **Roll Call / Attendance**

Canvass Board Members Present: Chief Inspector Pat Sticka, Inspectors Pat Thompson, Carolyn Zuehls  
Personnel Present: Clerk Susan Nester-Huebner, Deputy Clerk Kim Weichart  
Town Attorney Present: Ryan Thompson of Siltan, Seifert, & Carlson  
Candidates Present: James D. Valence  
Others Present: Winnebago County Clerk Sue Ertmer, Mark Luebke

#### III. **Recount Protocol**

Original Spring Primary Election Results for Town of Clayton Supervisor #3 Seat:

Don DeLapp received 73 votes.  
James D. Valence received 71 votes.  
Ann Schmidt received 78 votes.  
No write-in votes.  
No provisional votes.

Clerk Susan Nester-Huebner covered the following protocol for the recount:

- Anyone can ask questions throughout the recount.
- Only the Board of Canvassers, which consists of the Chief Inspector and Election Inspectors, and the Clerk may touch the Original Election materials – everyone else may only observe them.
- We will follow the agenda which will lead us through the recount process.

#### IV. **Questions**

No questions.

#### V. **Test of Voting Machine (OS)**

Clerk supplied the test deck (test ballots) from the original test of voting equipment which occurred on Tuesday, February 9, 2010.

Original test deck results are as follows:

Unvoted ballot = quantity of one (1)  
Fully-voted ballot = quantity of one (1)

Candidates on Ballot:

Don DeLapp received 6 votes.  
James D. Valence received 6 votes.  
Ann Schmidt received 6 votes.

Write-ins:

EDU received 1 vote.  
TIM received 1 vote.  
VIC received 1 vote.  
MAC received 1 vote.  
TOM received 1 vote.

Total Write-In votes = 5

Total Votes Cast = 23 (Unvoted and Fully-voted ballots not included in test count total)

Chief Inspector Pat Sticka performed the pre-test functions on the voting machine and then ran the voting machine test using the original test deck (test ballots) in the following order:

Unvoted ballot –

Quantity = one (1) ballot; inserted all four (4) orientations

Result: okay for each of the four (4) orientations

Fully-voted ballot –

Quantity = one (1) ballot; inserted all four (4) orientations

Result: okay for each of the four (4) orientations

Test ballots –

Results are as follows:

Candidates on Ballot:

Don DeLapp received 6 votes.

James D. Valence received 6 votes.

Ann Schmidt received 6 votes.

Write-ins:

Total Write-In votes = 5

Total Votes Cast = 23 (Unvoted and Fully-voted ballots not in total test count)

**RESULT – Test of Voting Machine (OS): Recount test results MATCH Original test results**

**VI. Poll Lists**

Two (2) members of the Board of Canvassers, Chief Inspector Pat Sticka and Election Inspector Pat Thompson, compared the Poll Lists – Pat Thompson reviewed the County Copy and Pat Sticka reviewed the Town Copy. They compared one poll list against the other, reviewing each page for the number of Absentee Voters and the number of Election Day Voters indicated on each page.

**RESULT – Review/Comparison of Poll Lists: Poll Lists MATCH each other; total of 231 voters includes the 14 absentee voters.**

**VII. Absentee Ballot Review**

Board of Canvassers reviewed the following:

Number of Absentee Ballots Counted – Chief Inspector Pat Sticka and Election Inspector Pat Thompson compared the used absentee ballot envelopes (those that were counted) against the final count of absentee ballots on the poll list; 14 Absentee Ballot Envelopes Counted, 14 Absentee Electors on Poll List; MATCH

Absentee Ballot Applications – Chief Inspector Pat Sticka and Election Inspector Pat Thompson reviewed the absentee ballot envelopes that were counted against the absentee ballot list of applications (absentee ballot log form GAB-124); clerk verified that for each of the absentee ballots counted there was a completed application; no one requested to review individual absentee applications; MATCH

Rejected Absentee Ballots – Chief Inspector Pat Sticka and Election Inspector Pat Thompson reviewed the six (6) rejected absentee ballots (those not counted) and the reason for each ballot rejection against the absentee ballot log (GAB-124); reasons for rejections included one (1) with no witness signature, one (1) unable to forward, one (1) returned to sender, two (2) individual no longer lives in the Town of Clayton, one (1) voter passed away prior to the election (wife had returned unvoted ballot to Clerk prior to Election Day); MATCH

Defective Absentee Ballots – The only defective absentee ballot envelope was the one (1) that was returned with no witness signature.

**RESULTS –**

- **Number of Absentee Ballots – 14 Absentee Ballots is the correct number of Absentee Ballots**
- **Absentee Ballot Applications – 14 Absentee Ballots counted; each had an accompanying request for absentee ballot**
- **Rejected Absentee Ballots – 6 rejected Absentee Ballots were rejected for valid reasons**
- **Defective Absentee Ballots – The one (1) defective absentee ballot was the absentee ballot returned with no witness signature and was rejected**

**VIII. Verification of Ballot Container Security Seals**

Board of Canvass verified that the Tamper-Evident Serial Number (#10084400) on ballot container matches Seal Number (#10084400) written on Inspectors’ Statement (EB-104) and Ballot Container Certification (EB-101) (Seal #10084400). MATCH

**RESULT – Tamper Evident Serial Number (#10084400) on Ballot Container, on Inspectors’ Statement, and on Ballot Container Certification ALL MATCH**

**IX. Ballots – Count**

Board of Canvassers opened the ballot container after completing the previous step, removed the ballots, and segregated the absentee ballots; for a total of 14 Absentee Ballots. MATCH poll book

Board of Canvassers counted the total number of ballots; Pat Sticka counted 75 ballots, Pat Thompson counted 76 ballots, and Carolyn Zuehls counted 66 ballots, for a total of 217 Election Day Ballots.

**RESULT – 14 Absentee Ballots plus 217 Election Day Ballots equals 231 Total Ballots, which equals total ballots counted on poll list; MATCH**

**X. Ballots – Recreated / Defective / Objected to**

Chief Inspector Pat Sticka opened the “Recreated Ballot Bag” (Bag/security seal #10084493 – applied and sealed by the County Board of Canvass when the Board of Canvass found the “Recreated Ballot” envelope in the paperwork submitted to them) and reviewed the three (3) ballots inside. All three (3) ballots were actually voter mistake ballots (each had made a mistake and requested a new ballot from the Election Officials), not recreated ballots. These ballots should have remained in the Town of Clayton’s Spring Primary Election file and should not have been submitted to the County.

**RESULTS –**

- **Canvass found zero (0) true recreated ballots.**
- **There were no defective ballots to review.**
- **There were no “objected to” ballots to review.**

**XI. Separate Absentee Ballots**

Not applicable – number of absentee ballots (14) counted equals number of absentee envelopes (14).

**XII. Reconciliation – number of ballots with number of voters**

Board of Canvassers’ count (see section IX for details) of ballots (total of 231 ballots) equals the last voter number in the poll book (voter number 231).

**RESULT – Total number of ballots (231) equals total number of voters (231).**

**XIII. Excess Ballots**

Not applicable – total number of voters equals total number of ballots.

**XIV. Provisional Ballots**

Not applicable – there were no provisional ballots issued on Election Day.

**XV. Late Arriving Military Ballots**

Not applicable – there were no late arriving military ballots.

**XVI. Verification – Voting Equipment tamper-evident seals**

Board of Canvass verified that the voting equipment tamper-evident serial number seal numbers written on Inspectors’ Statement (EB-104) contains Chief Inspectors’ initials for pre-election and post-election verification.

**RESULT – Chief Inspectors’ initials for pre-election and post-election verified.**

**XVII. Test of the Automatic Tabulator**

Test already performed (see section V for details). No one requested to repeat test.

**XVIII. Manual Screening of Ballots**

Chief Inspector Pat Sticka reviewed each ballot for marks that may not be recorded correctly by the tabulator, while others watched. Zero (0) ballots were set aside to hand count.

**RESULT – Zero (0) ballots set aside to hand count.**

**XIX. Tabulate Ballots**

Chief Inspector Pat Sticka set the tabulator up for the election and printed the Zero Report.

Chief Inspector Pat Sticka inserted each ballot into the tabulator and Election Inspector Pat Thompson compiled the ballots once they had passed through the tabulator. Three (3) ballots were set aside to hand count. There were 228 total ballots tabulated.

Chief inspector Pat Sticka printed the long report.

Tabulator Recount Result Totals:

- Don DeLapp received 71 votes.
- James D. Valence received 70 votes.
- Ann Schmidt received 78 votes.
- No write-in votes.

Hand-Count Recount Result Totals:

- Don DeLapp received 2 votes.
- James D. Valence received 1 vote.
- Ann Schmidt received 0 votes.
- No write-in votes.

Election Recount Result Totals:

- Don DeLapp received 73 votes.
- James D. Valence received 71 votes.
- Ann Schmidt received 78 votes.
- No write-in votes.

**RESULT – Final Recount Results equal Original Election Results; MATCH.**

**XX. Touch Screen Voting Equipment (TSX)**

Not applicable – there were no votes cast on the touch screen voting equipment on Election Day so no TSX-specific review was requested during the recount.

**XXI. Petition / Notice**

Petitioner properly submitted and signed the Recount Petition within the required time-frame.

Proper notice was given to each candidate (with signed receipt from each of the three candidates), to the Public through required postings, and to the Government Accountability Board (GAB) through both phone conversations and email notification/details.

**XXII. Objections**

There were no objections.

**XXIII. Security Documentation – Election Results for Recount**

Town of Clayton Clerk received the following items for the recount from the County Clerk on February 22, 2010:

- Memory Cards – Security Seal #3096085 (matches seal # listed on the log inside memory card bag).
- Ballot Bag – Security Seal #10084400 (matches seal # listed on ballot bag certification and on Inspectors’ Statement).
- Original Memory Cards – Security Seal #1827297 (matches seal # listed on the log inside memory card bag and on Inspectors’ Statement).
- Recreated Ballots in Ballot Bag – Security Seal #10084493 (applied by County Board of Canvass). Note: “Recreated Ballots” were originally placed in a sealed envelope in with the materials submitted to the County – County Board of Canvass found envelope and placed the sealed envelope in sealed ballot bag).
- All Election Materials Town of Clayton Clerk had submitted to Winnebago County Clerk.

Other Security Information:

- All election materials submitted to the County Clerk were stored in the County’s safe until brought to the recount today.
- Ballots were re-sealed in the original ballot bag with new security seal #10084399.
- All election materials and ballots were sent back to the County with the County Clerk.
- Memory Card used for recount – Security Seal #3096084 (sealed by Chief Inspector Pat Sticka); placed in the Town of Clayton safe by Town of Clayton Clerk.

**XXIV. Adjourn – 11:48 a.m.**

Respectfully Submitted, Susan Nester-Huebner, Clerk