



Town Municipal Building
8348 County Road T
Larsen, WI 54947

TOWN OF CLAYTON

Recount
Board of Canvassers
Minutes

April 12, 2010
10:00 a.m. – 12:08 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
Town Attorney Present: Richard Carlson of Siltan, Seifert, & Carlson
Candidate Present: Ann Schmidt
Others Present: Winnebago County Clerk Sue Ertmer

III. Recount Protocol

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

Don DeLapp received 313 votes.
Ann Schmidt received 314 votes.
2 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, March 30, 2010.

Original test deck results are as follows:

Unvoted ballots = quantity of four (4) (one of each ballot style)

Fully-voted ballots = quantity of four (4) (one of each ballot style)

Candidates on Ballot:

Don DeLapp received 41 votes.

Ann Schmidt received 34 votes.

Write-ins:

Total of 16 write-in votes.

Total Ballots Cast = 91 (Unvoted and Fully-voted ballots are not included in test count total)

Canvassers and Clerk verified the Memory Bag Security Seal (sealed by Winnebago County Clerk) number as #3089370. Opened (broke the seal on the memory card bag) to retrieve memory card to be used for the recount.

Printed Zero (0) Totals Report (long report).

Note: Chief Inspector Sticka accidentally hit YES to RECIRCULATE (do not need to recirculate) ballots so she turned the voting machine OFF. After turning the voting machine ON, she then accidentally hit NO for SHORT REPORT (recount does need short report) so she turned the voting machine OFF, then back ON.

Chief Inspector Sticka printed ZERO REPORT (all numbers indicated "0").

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 ballots –

Quantity = four (4) ballots (1 for each ballot style); each ballot inserted all four (4) orientations
Result: okay for each of the four (4) orientations for each of the four (4) ballot styles

Fully-voted ballots –

Quantity = four (4) ballots (1 for each ballot style); each ballot inserted all four (4) orientations
Result: okay for each of the four (4) orientations for each of the four (4) ballot styles

Test ballots –

Results are as follows:

Candidates on Ballot:

Don DeLapp received 41 votes.

Ann Schmidt received 34 votes.

Write-ins:

Total of 16 write-in votes.

Total Ballots Cast = 91 (Unvoted and Fully-voted ballots not included in test count total)

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. They also reviewed the Supplemental Poll List, Confidential Voters (no confidential voters), and final page of the Poll List.

Final Page of Poll List:

Total Number of Voters on poll list = 2637

Last Voter Number = 669

Page Number of Last Voter = 181

Total Number of Absentee Ballots counted = 39

RESULT – Review/Comparison of Poll Lists: The two (2) Poll Lists MATCH each other; total of 669 voters includes the 39 absentee voters.

Note: Clerk stated for the record that the Recount Petition, Notice to Candidates, Notice to Board of Canvass Members, and Notices/Postings were properly completed.

VII. Absentee Ballot Review

Board of Canvassers reviewed the following:

Total Absentee Ballots Issued = 54 (including in-person)

Absentee Ballots Issued In-person = 19

Absentee Ballots Returned undeliverable = 5

Absentee Ballots Returned to be counted 39

Absentee Ballots Rejected or Late = 5

Number of Absentee Ballots Counted – Chief Inspector Pat Sticka and Election Inspector Pat Thompson compared the used absentee ballot envelopes (those absentee ballots that were counted) against the final count of absentee ballots on the poll list.

RESULT: 39 Absentee Ballot Envelopes Counted, 39 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; there were three that were requested prior to 1/1/2009 that could not be located; no one requested to review individual absentee applications; **MATCH**

Rejected Absentee Ballots – Chief Inspector Pat Sticka and Election Inspector Pat Thompson reviewed the five (5) rejected absentee ballots (those not counted) and the reason for each ballot rejection against the absentee ballot log (GAB-124); all five (5) were undeliverable; **MATCH**

Defective Absentee Ballots – No defective absentee ballots; *MATCH*

RESULTS –

- **Number of Absentee Ballots – 39 Absentee Ballots is the correct number of Absentee Ballots**
- **Absentee Ballot Applications – 39 Absentee Ballots counted; 36 had an accompanying request for absentee ballot; 3 absentee ballot requests could not be located (received prior to 1/1/2009)**
- **Rejected Absentee Ballots – 5 rejected Absentee Ballots were rejected for valid reasons**
- **Defective Absentee Ballots – Zero (0) defective absentee ballots**

VIII. Verification of Ballot Container Security Seals

Board of Canvass verified that the Tamper-Evident Security Serial Number (#10084401) on ballot container matches Security Seal Number (#10084401) written on both the Inspectors’ Statement (EB-104) and the Ballot Container Certification (EB-101) (Security Seal #10084401). *MATCH*

RESULT – Tamper Evident Serial Number (#10084401) 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 and those ballots that contained write-in votes.

Board of Canvassers counted the total number of ballots; total count of 679 Ballots.

Board of Canvassers again counted the total number of ballots; total count of 679 Ballots.

Town Clerk, County Clerk, and Town Attorney counted the total number of ballots; total count of 669 Ballots. Board of Canvass determined it was an addition error (some absentee ballots remained in with Election Day Ballots and some absentee ballots were segregated with those that contained write-ins) – there were the correct total number of ballots. Number of Ballots *MATCH* poll book (Total Ballots = 669).

Board of Canvassers reviewed the ballots and placed them into the Optical Scan voting machine as candidate Ann Schmidt reviewed the process. No questions.

Note: Sue Ertmer excused herself from the recount and left at 11:25 a.m.

Note: Town Supervisor Russell Geise arrived at 11:45 a.m. and left at 11:55 a.m.

Note: Town Chairperson Mark Luebke arrived at 11:48 a.m. and left at 11:55 a.m.

RESULT – 39 Absentee Ballots plus 630 Election Day Ballots equal 669 Total Ballots, which equal total ballots counted on poll list; MATCH.

X. Ballots – Recreated / Defective / Objected to

Board of Canvassers reviewed Recreated / Defective / Objected to ballots with the following results:

RESULTS –

- **There were no recreated ballots to review.**
- **There were no defective ballots to review.**
- **There were no “objected to” ballots to review.**
- **There was only one (1) ballot where the Election Inspector initialed the ballot in the wrong place and election inspectors voided the ballot prior to voter receiving the ballot to vote; therefore, voter never received the improperly-initialed ballot. This incident was documented on the Inspector Statement.**

XI. Separate Absentee Ballots

Not applicable – number of absentee ballots (39) counted equal number of absentee envelopes (39).

XII. Reconciliation – number of ballots with number of voters

Board of Canvassers’ count (see section IX for details) of ballots (total of 669 ballots) equal the last voter number in the poll book (voter number 669).

RESULT – Total number of ballots (669) equal total number of voters (669). MATCH.

XIII. Excess Ballots

Not applicable – total number of voters (669) equal total number of ballots (669).

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 security number seal numbers written on Inspectors’ Statement (EB-104) and Supplemental Seal Sheet contain Chief Inspectors’ initials for pre-election and post-election tamper-evident security seal verification.

RESULT – Chief Inspectors’ initials for pre- and post-election tamper-evident seals 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 the other canvassers and Candidate Ann Schmidt observed. Zero (0) ballots were set aside to hand count. No question on any ballot.

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

XIX. Tabulate Ballots

Section IX contains physical ballot count details.

Chief Inspector Pat Sticka inserted each ballot into the tabulator and Election Inspectors Pat Thompson and Carolyn Zuehls compiled the ballots once they had passed through the tabulator. Zero (0) ballots were set aside to hand count. There were 669 total ballots tabulated.

Chief inspector Pat Sticka printed the long report.

Tabulator Recount Result Totals:

Don DeLapp received 313 votes.

Ann Schmidt received 314 votes.

Two (2) write-in votes (neither of which was for a candidate printed on the ballot for this office).

Election Recount Result Totals:

Don DeLapp received 313 votes.

Ann Schmidt received 314 votes.

Two (2) write-in votes (neither of which was for a candidate printed on the ballot for this office).

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 Supervisor 3 candidates), to the Public through required postings, and to the Government Accountability Board (GAB) through email notification/details.

XXII. Objections

There were no objections throughout the recount process.

XXIII. Security Documentation – Election Results for Recount

Town of Clayton Clerk received the following items for the recount from the County Clerk on April 12, 2010:

- Memory Cards – Security Seal #3089370 (matches seal # listed on the log inside memory card bag).
- Ballot Bag – Security Seal #10084401 (matches seal # listed on ballot bag certification and on Inspectors’ Statement).
- Original Memory Cards – Security Seal #18273007 (matches seal # listed on the log inside memory card bag and on Inspectors’ Statement).

- Received all Election Materials from the Winnebago County Clerk that the Town of Clayton Clerk had submitted to the Winnebago County Clerk following the election.

Other Security Information:

- All election materials submitted to the County Clerk were stored in the County's safe until brought to the recount today by the County Clerk.
- Following Recount, ballots were re-sealed in original ballot bag with new security seal #10084461.
- All election materials and ballots were sent back to the Winnebago County with the County Clerk.
- Memory Card (# CTY2) used for recount – Memory Card Bag Security Seal #1827491 (sealed by Town Clerk Susan Nester-Huebner). Sealed memory card bag placed in the April 6, 2010, Spring Election Materials Envelope (returned to Winnebago County Clerk).

XXIV. Adjourn – 12:08 p.m.

Respectfully Submitted, Susan Nester-Huebner, *Clerk*