

# Wisconsin Elections Commission - 2016 Vote Recount - Presidential Election

Transcript of Proceedings

**December 5, 2016**



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3 2016 PRESIDENTIAL ELECTION RECOUNT

4 STATE OF WISCONSIN

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9 RECOUNT HELD BEFORE MILWAUKEE COUNTY  
ELECTION COMMISSION

10 Tuesday, December 5th, 2016

11

12 8:00 a.m.

13 at

14 City of Milwaukee Warehouse  
15 1901 South Kinnickinnic Avenue  
Milwaukee, Wisconsin

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24 Reported by Carla J. Van Roo, RPR, CRR

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## A P P E A R A N C E S:

## COMMISSION MEMBERS:

Mr. Rick Baas, Election Commissioner  
Mr. Tim Posnanski, Election Commissioner  
Mr. George Christensen, Election Commissioner

## ALSO PRESENT:

Mr. Joseph Czarnezki, County Clerk  
Ms. Julietta Henry, Elections Director  
Mr. Timothy R. Karaskiewicz, Interim Corporation Counsel

## TRANSCRIPT OF PROCEEDINGS

MR. CZARNEZKI: Okay. Welcome everybody.

We appreciate your service. I'm just going to give you a quick rundown of how we're going to get started this morning.

Up at the front table here is the Milwaukee County Election Commissioners. They're going to go on the record and reopen the recount process. After that we are going to administer the oath of office to the election inspectors. And then Juliette is going to give you a brief training session, and then you're going to start recounting.

We have our -- the board of the Election Commission here this morning. Two of our Commissioners, Commissioner Baas and Commissioner Posnanski. And Commissioner Posnanski, the vice chair of the Commission, will open the meeting and the Commission will go on the record.

MR. POSNANSKI: Good morning. I would call day four of the recount and open today's session. Call for order at 8:18 a.m.

Can you call the roll call of the commission?

MR. CZARNEZKI: Commissioner Baas.

1 MR. BAAS: Present.

2 MR. CZARNEZKI: Commissioner Posnanski?

3 MR. POSNANSKI: Present.

4 MR. CZARNEZKI: Chairman Penn.

5 MR. POSNANSKI: Excused.

6 MR. CZARNEZKI: Mr. Chairman, a quorum of  
7 the Commission is present.

8 The next order of business is going to be  
9 to administer the oath of office to the election  
10 inspectors. I'm going to ask all the election  
11 inspection, recount workers, if you would please  
12 stand at this time. Then if you would raise your  
13 right hand and repeat after me:

14 I, please state your name, do solemnly  
15 swear that I will support the Constitution of the  
16 United States and the Constitution of the State of  
17 Wisconsin, and I will perform the duties of the  
18 election inspector according to law and will  
19 faithfully and studiously endeavor to prevent all  
20 fraud, deceit, or abuse, in conducting the same,  
21 according to the best of my ability.

22 Thank you and congratulations. I will turn  
23 it over to Milwaukee County Elections Director  
24 Julietta Henry who will provide you with some  
25 instructions.

1 (Off the record 8:20-8:56)

2 MR. POSNANSKI: We are back on the record.  
3 I will hand it over to the clerk.

4 MR. CZARNEZKI: Mr. Chairman, as the  
5 members of the Boards of Election Commissioners are  
6 aware, Commissioner Penn has been excused today for  
7 medical reasons, so at this time I would like to --  
8 Section 7.60(2) of the Wisconsin Statutes provides  
9 that -- and I'm paraphrasing -- that if a member of  
10 the Board of Canvassers cannot perform his or her  
11 duties, the clerk shall appoint another member to  
12 serve.

13 At this time, pursuant to Section 7.60(2)  
14 of the Wisconsin statutes, I, Joseph J. Czarnezki,  
15 County Clerk for the County of Milwaukee, do hereby  
16 appoint Mr. George Christensen to serve as a member  
17 of the Board of Canvassers.

18 Mr. Christensen, do you accept the  
19 appointment?

20 MR. CHRISTESEN: Yes, I do.

21 MR. CZARNEZKI: Continuing our duties here,  
22 Mr. Albrecht, I think there is another issue we need  
23 the Board of Canvassers to weigh in on.

24 MR. ALBRECHT: Mr. Albrecht with the City  
25 of Milwaukee Election Commission. We have a ballot

1 bag for Ward 145 that we believe popped open during  
2 transport. The seal number is consistent with the  
3 ballot bag issued for this ward by Milwaukee County,  
4 and the ballot bag is signed by the poll workers, but  
5 the ballot bag is open.

6 MR. CZARNEZKI: Is there any witnesses that  
7 observed the bag opening?

8 MR. ALBRECHT: It wasn't brought to my  
9 attention -- it was brought to my attention by  
10 Milwaukee County staff. I believe it was opened at  
11 the time they unfolded it.

12 MR. CZARNEZKI: Has there been any effort  
13 to reconcile the number of ballots in the bag with  
14 the count from election night?

15 MR. ALBRECHT: Not at this time.

16 MR. POSNANSKI: I think there is a motion  
17 that the staff workers reconcile the number of  
18 ballots in the ballot bag with the records from  
19 election night, and then bring the results back  
20 before the board.

21 MR. ALBRECHT: Okay.

22 MR. POSNANSKI: Can we have a vote on the  
23 motion?

24 MR. CZARNESKI: On the motion, Commissioner  
25 Baas?

1 MR. BAAS: Aye.

2 MR. CZARNEZKI: Commissioner Christensen?

3 MR. CHRISTESEN: Aye.

4 MR. CZARNEZKI: Chairman Pozanski?

5 MR. POSNANSKI: Aye.

6 MR. CZARNEZKI: Mr. Chairman, there are  
7 three ayes, zero nos. The motion to have the City of  
8 Milwaukee count the ballots and reconcile that with  
9 the last voter number from election day prevails.

10 (Off the record, 8:59-9:21)

11 MR. POSNANSKI: We are back on the record.  
12 Please let us know what the issue is.

13 MS. LEDESMA: I'm Carla Ledesma,  
14 L-e-d-e-s-m-a, City Clerk for the City of Wauwatosa.  
15 We have a ballot bag here for Ward 20 in Wauwatosa.  
16 It is sealed; however, there's no signatures on it.  
17 The bag number is 00053812.

18 There is, however, a ballot bag sealed  
19 within this bag. The bag number is 00053813. It  
20 does have two signatures on it of people who work for  
21 the poles.

22 The chief inspector said she did not seal  
23 an empty ballot bag inside of the another ballot bag  
24 at the poles on election night.

25 MR. POSNANSKI: Which ward is this?



1 MS. LEDESMA: This is Ward 20. District 7,  
2 Ward 20.

3 MR. POSNANSKI: And how many bags for all  
4 the ballots in Ward 20 were there?

5 MS. LEDESMA: There were two bags for the  
6 ballots at the poles.

7 MR. POSNANSKI: Well, I think my  
8 recommendation then would be to go back and reconcile  
9 all of the ballots contained within the two ballot  
10 bags for Ward 20 and let us know if there is any  
11 discrepancy with the reconciliation of the ballots  
12 from election night.

13 MR. BAAS: I would concur. Motion to go  
14 back and reconcile the two bags and report back to  
15 the Committee.

16 MR. POSNANSKI: Clerk, can I have a roll  
17 call vote?

18 MR. CZARNESKI: On the motion, Commissioner  
19 Baas?

20 MR. BAAS: Aye.

21 MR. CZARNEZKI: Commissioner Christensen?

22 MR. CHRISTESEN: Aye.

23 MR. CZARNEZKI: Chairman Pozanski?

24 MR. POSNANSKI: Aye.

25 MR. CZARNEZKI: Mr. Chairman, there are

1 three ayes, zero nos. The motion prevails.

2 MR. POSNANSKI: I understand there is  
3 another issue from Wauwatosa.

4 MS. LEDESMA: Carla Ledesma, City Clerk for  
5 the City of Wauwatosa. L-e-d-e-s-m-a.

6 I have a ballot bag here for District 5,  
7 Ward 15. Bag number 00053844.

8 It does have the proper signatures on it  
9 from the polling location. It's partially opened.  
10 It appears that when they were sealing the ballots on  
11 election night, it could be that the blue seal didn't  
12 get folded over. It got folded over onto itself on  
13 part of it, so part of the bag was open. It's also  
14 possible that in transit, because it wasn't sealed by  
15 very much of the blue seal, that the bag came open in  
16 transit.

17 MR. CHRISTENSEN: It would be my  
18 recommendation and motion to accept this as-is.  
19 There's -- the hole is clearly too small to fit any  
20 ballots through it, and I believe it's just simply a  
21 situation where it may have popped open in transit.

22 MR. BAAS: While I can agree with it, I  
23 would offer a friendly amendment that we reconcile  
24 the number of ballots. And if the number of ballots  
25 matches, we go ahead and allow those.

1 MR. CHRISTENSEN: That's fine, I will amend  
2 my motion to reconcile. If there is any  
3 discrepancies, to bring it back to the Commission.

4 MR. BAAS: I make that motion.

5 MR. POSNANSKI: Clerk, if we could poll the  
6 vote on the motion.

7 MR. CZARNEKI: On the motion to count the  
8 ballots and reconcile the number of ballots with the  
9 last voter number. Commissioner Christensen?

10 MR. CHRISTENSEN: Aye.

11 MR. CZARNEZKI: Commissioner Baas?

12 MR. BAAS: Aye.

13 MR. CZARNEZKI: Chairman Pozanski?

14 MR. POSNANSKI: Aye.

15 MR. CZARNEZKI: Mr. Chairman, there are  
16 three ayes, zero nos. The motion prevails.

17 MR. POSNANSKI: I think we have another  
18 issue. This is also from Wauwatosa.

19 MS. LEDESMA: It is. I'm Carla Ledesma,  
20 Wauwatosa City Clerk. L-e-s-e-s-m-a. We have a  
21 ballot bag here for District 6, Ward 18. Bag number  
22 00053823. It is signed by two of the people that  
23 worked at the poles. However, Ward 19 ballots are in  
24 the Ward 18 ballot bag. Wards 18 and 19 are at the  
25 same voting location.

1 MR. BAAS: I move that you go ahead and  
2 reconcile those two wards and report back the numbers  
3 and we will go from there.

4 MR. POSNANSKI: Mr. Clerk, if we could have  
5 a vote on the pending motion.

6 MR. CZARNEKI: On the motion to count the  
7 ballots and reconcile the number of the ballots with  
8 the last voter number. Commissioner Baas?

9 MR. BAAS: Aye.

10 MR. CZARNEZKI: Commissioner Christensen?

11 MR. CHRISTESEN: Aye.

12 MR. CZARNEZKI: Chairman Posnanski?

13 MR. POSNANSKI: Aye.

14 MR. CZARNEZKI: Mr. Chairman, there are  
15 three ayes, zero nos. The motion prevails.

16 MR. POSNANSKI: We're going to go back on  
17 the record with the City of Milwaukee.

18 MR. ALBRECHT: The City of Milwaukee,  
19 Election Commission. I brought up an earlier ballot  
20 bag for Ward 145 that was opened. We counted the  
21 ballots in the bag, there were 212 ballots, which is  
22 equal to the count that were processed in the voting  
23 machine on election day.

24 MR. BAAS: I move that we allow those  
25 ballots to be counted.

1 MR. POSNANSKI: Would any of the political  
2 party representatives like to be heard on this issue?

3 Please step forward and identify yourself.

4 MS. PENYA: My name is Amanda Penya, I'm a  
5 volunteer with the Green party. I would object to  
6 that. I would like to see that the ballots within  
7 that bag are actually tallied by candidate to make  
8 sure that the tally by candidate is counted and  
9 accurate with the ballot -- with the count on the bag  
10 tallied.

11 UNIDENTIFIED SPEAKER: I'm (inaudible) with  
12 the Trump campaign. I concur with that objection and  
13 we join.

14 MR. POSNANSKI: Any comment on the  
15 observation made by the political party?

16 MR. ALBRECHT: I'm happy to run it through  
17 the tabulator. I just wanted to check in prior to  
18 doing that.

19 MR. POSNANSKI: I think at this point,  
20 hearing the positions of the political parties,  
21 that's my recommendation, is that it makes sense to  
22 run them through the tabulator to see if there is any  
23 discrepancy in the results from election night and  
24 the tally done today.

25 MR. BAAS: I concur.

1 MR. CHRISTESEN: I concur and I will make  
2 that motion.

3 MR. POSNANSKI: Call the vote.

4 MR. CZARNESKI: Commissioner Christensen?

5 MR. CHRISTESEN: Aye.

6 MR. CZARNEZKI: Commissioner Baas?

7 MR. BAAS: Aye.

8 MR. CZARNEZKI: Chairman Posnanski?

9 MR. POSNANSKI: Aye.

10 (Off the record briefly)

11 MR. POSNANSKI: Can we go back on the  
12 record.

13 MS. LEDESMA: Carla Ledesma, Wauwatosa City  
14 Clerk, L-e-d-e-s-m-a.

15 We have a ballot bag here from District 8,  
16 Ward 24. Bag number 00060112. And it has Ward 23  
17 ballots in it. Ward 23 and 24 are at the same voting  
18 location.

19 MR. POSNANSKI: How many ballot bags are  
20 there for the ward?

21 MS. LEDESMA: For Ward 24, there should be  
22 two. I would have to check how many there are for  
23 Ward 23.

24 MR. BAAS: I move that we have those wards  
25 separated and confirm the actual number of votes cast

1 and report back as previously.

2 MR. POSNANSKI: Clerk, will you call the  
3 vote on the pending motion?

4 MR. CZARNEKI: On the motion, Commissioner  
5 Baas?

6 MR. BAAS: Aye.

7 MR. CZARNEZKI: Commissioner Christensen?

8 MR. CHRISTESEN: Aye.

9 MR. CZARNEZKI: Chairwoman Posnanski?

10 MR. POSNANSKI: Can you revise my gender,  
11 please?

12 MR. CZARNEKI: Chairman Posnanski.

13 MR. POSNANSKI: Aye.

14 MR. CZARNEKI: I apologize, sir. Three  
15 ayes and zero nos. The motion prevails.

16 (Off the record 9:42-9:48)

17 MR. POSNANSKI: Back on the record with the  
18 City of Milwaukee.

19 MR. ALBRECHT: Neil Albrecht, City of  
20 Milwaukee Election Commission. These are the  
21 election results tabulated for Ward 145 where we had  
22 the open ballot bag. The tabulated results matched  
23 or were identical to the polling place results from  
24 election day with no variances in the votes.

25 MR. BAAS: Anybody want to inspect these

1 documents?

2 While the inspection of documents goes on,  
3 I move to accept the bag and have it counted.

4 MR. ALBRECHT: The one with the large print  
5 on the top, from the precinct report, that's from the  
6 tabulator from today.

7 UNIDENTIFIED SPEAKER: And this is the  
8 official results from election day?

9 MR. ALBRECHT: Yes.

10 UNIDENTIFIED SPEAKER: And what's this?

11 MR. ALBRECHT: That's our tally sheet,  
12 where we record and compare.

13 MR. POSNANSKI: Clerk, can you call the  
14 vote on the pending motion to accept the ballot for  
15 the open ballot?

16 MR. CZARNESKI: On the motion, Commissioner  
17 Baas?

18 MR. BAAS: Aye.

19 MR. CZARNEZKI: Commissioner Christensen?

20 MR. CHRISTESEN: Aye.

21 MR. CZARNEZKI: Chair Posnanski?

22 MR. POSNANSKI: Aye.

23 MR. CZARNEZKI: Mr. Chairman, there are  
24 three ayes, zero nos. The motion prevails.

25 (Off the record 9:51-10:55)



1 MR. POSNANSKI: We are back on the record.

2 MS. LEDESMA: I'm Carla Ledesma, Wauwatosa  
3 City Clerk, L-e-d-e-s-m-a.

4 There was a question in District 7, Ward 20  
5 about the bag of ballots that we had that had no  
6 signatures on the ballot bag, but there was an empty  
7 bag with signatures in that particular ballot bag.

8 The workers went back. They counted the  
9 number of ballots in the ballot bag that had no  
10 signatures, and there was 829 ballots. They counted  
11 the ballots that were in the second ballot bag for  
12 that ward, and the total came up to -- of the two  
13 numbers, came up to 1035, which is the same as the  
14 last voter number for that ward.

15 MR. POSNANSKI: Thank you. And for the  
16 record, the one ballot bag was not signed -- was  
17 sealed; correct?

18 MS. LEDESMA: (Nods.)

19 MR. BAAS: Given the fact that the numbers  
20 are correct with the last vote from election night, I  
21 move that we count those ballots.

22 MR. POSNANSKI: Mr. Clerk, if you call a  
23 vote.

24 MR. CZARNEKI: On the motion to count the  
25 ballots, Commissioner Baas?

1 MR. BAAS: Aye.

2 MR. CZARNEZKI: Commissioner Christensen?

3 MR. CHRISTESEN: Aye.

4 MR. CZARNEZKI: Chair Posnanski?

5 MR. POSNANSKI: Aye.

6 MR. CZARNEZKI: Mr. Chair, there are three  
7 ayes, zero nos. The motion prevails.

8 (Off the record 10:57-11:37)

9 MR. POSNANSKI: We are back on the record.

10 Please identify yourself and let us know what the  
11 issue is.

12 MR. SHELENSKE: Sure. My name is James  
13 Shelenske, City Clerk for the City of South  
14 Milwaukee, spelling is S-h-e-l-e-n-s-k-e, in  
15 Aldermanic District 4, which is Wards 13, 14, 15, 16.

16 What we found was 15 blank ballots and we  
17 believe they were picked up by mistake. If you take  
18 those 15 out, the tape totals match the number of  
19 ballots counted.

20 MR. BAAS: Given the procedure would have  
21 us remove those blank ballots anyway to get to the  
22 correct tally, I move that those blank ballots be  
23 removed and we accept the numbers as they're  
24 reported.

25 MR. POSNANSKI: Any of the political

1 parties wish to be heard on this issue?

2 Mr. Clerk, can you call the vote?

3 MR. CZARNEKI: On the motion to remove the  
4 blank ballots and not count them, Commissioner Baas?

5 MR. BAAS: Aye.

6 MR. CZARNEZKI: Commissioner Christensen?

7 MR. CHRISTESEN: Aye.

8 MR. CZARNEZKI: Chairman Posnanski?

9 MR. POSNANSKI: Aye.

10 MR. CZARNEZKI: Mr. Chairman, there are  
11 three ayes, zero nos. The motion prevails.

12 (Off the record briefly)

13 MR. POSNANSKI: We're going back on the  
14 record. You want to explain the present issue?

15 MR. SHELENSKE: Chairman Shelenske, City of  
16 South Milwaukee. Our central count, we had 14  
17 envelopes that one of the coworkers did not witness.  
18 I have one envelope here that the voter did not sign.  
19 14 of them, and there is one that the person filling  
20 out their ballot did not appropriately sign.

21 MS. HENRY: On record, let them know, these  
22 were in-person absentee.

23 MR. SHELENSKE: These are in-person  
24 absentee in the City of Milwaukee.

25 MR. POSNANSKI: Let's take the two issues

1           separately. We will go over the envelopes that  
2           were -- we can take the first one, since there is  
3           only one of them.

4                   MR. SHELENSKE: I have one here that the  
5           voter did not sign it.

6                   MR. CHRISTENSEN: Okay. So Clerk  
7           Shelenske, looking at this, it wasn't signed by the  
8           voter and there is no signature that it was witnessed  
9           by anyone in the office; correct?

10                  MR. SHELENSKE: Yes.

11                  MS. HENRY: Commissioners, for center count  
12           absentee ballots -- I'm sorry, Juliette Henry.

13                       For center count absentee ballots, the  
14           instructions from Wisconsin statutes, it states that  
15           the clerk shall place the number -- the voter number  
16           on the envelope and that same voter shall match on  
17           the back of the ballot so they can indeed go to the  
18           absentee ballots and remove that ballot for that  
19           individual.

20                  MR. BAAS: After consulting with corporate  
21           counsel and using our brains, I'm going to go ahead  
22           and move that this ballot, 522, be removed from the  
23           absentee ballots and not counted.

24                  MR. POSNANSKI: I will call the vote. Any  
25           comment from political parties? All right.

1 UNIDENTIFIED SPEAKER: (Inaudible) from the  
2 Donald Trump campaign. I'm going to object by virtue  
3 of the fact that Wisconsin law dictates that the  
4 intent of the voter is what matters. I think if you  
5 can identify that the vote was -- the ballot was  
6 properly cast, it's obvious that we have a ballot,  
7 and I think it would disenfranchise the voter.

8 MR. POSAN: Jeff Posan (phonetic)  
9 representing the Greens.

10 Because the electorate did not certify that  
11 the information in there was correct, I believe the  
12 ballot consistent with acts of the Commission should  
13 be excluded as per the motion.

14 MR. POSNANSKI: Comments are noted. I will  
15 call the vote: Commissioner Baas?

16 MR. BAAS: Aye.

17 MR. POSNANSKI: Commissioner Christensen?

18 MR. CHRISTENSEN: Aye.

19 MR. POSNANSKI: I vote aye as well. The  
20 motion carries by a vote of three to zero, and this  
21 ballot shall be removed. 522 should be removed.

22 (Off the record briefly)

23 MR. SHELENSKE: Jim Shelenske, City of  
24 South Milwaukee. I have 14 ballots here in hopes  
25 that the coworkers or within the clerk's office did

1 not sign it, but they did stamp it.

2 MR. POSNANSKI: We have Envelope No. 304  
3 from Ward 6, Envelope No. 125 from Ward 1, Envelope  
4 No. 91 from Ward 1, Envelope No. 67 from Ward 1,  
5 Envelope No. 825 from Ward 12, Envelope 426 from Ward  
6 10, Envelope 442 from Ward 10, Envelope 856 from Ward  
7 12, Envelope No. 202 from Ward 9, Envelope No. 26  
8 from Ward 9, Envelope No. 695 from Ward 11, Envelope  
9 635 from Ward 11, envelope 602 from Ward 11, and  
10 Envelope 262 from Ward 10, and Envelope No. 262 from  
11 Ward 10.

12 MR. BAAS: Does anyone wish to look at  
13 these?

14 Based on the past practice of the  
15 Commission during this recount, we well move to  
16 accept all of these ballots.

17 MR. CZARNESKI: On the motion, Commissioner  
18 Baas?

19 MR. BAAS: Aye.

20 MR. CZARNEZKI: Commissioner Christensen?

21 MR. CHRISTESEN: Aye.

22 MR. CZARNEZKI: Chairman Posnanski?

23 MR. POSNANSKI: Aye.

24 MR. CZARNEZKI: Mr. Chairman, there are  
25 three ayes, zero nos. The motion prevails.

1 (Off the record briefly)

2 MR. POSNANSKI: Okay. We're going back on  
3 the record. Will you please identify yourself and  
4 address the issue.

5 MS. SCHUPP: I'm Susan Schupp, the Clerk  
6 for the Village of West Milwaukee. We had an  
7 overseas voter ballot returned to us, and we counted  
8 it at the end of the night. We did not re-make the  
9 ballot, but we need to re-make it at this time to run  
10 it through the machine.

11 MR. BAAS: Move to re-make the ballot and  
12 submit it for tally.

13 MR. POSNANSKI: Any of the political  
14 parties wish to observe the ballot?

15 MR. CZARNEKI: On the motion to re-make the  
16 ballot. Commissioner Baas?

17 MR. BAAS: Aye.

18 MR. CZARNEZKI: Commissioner Christensen?

19 MR. CHRISTESEN: Aye.

20 MR. CZARNEZKI: Chairman Posnanski?

21 MR. POSNANSKI: Aye.

22 MR. CZARNEZKI: Mr. Chairman, there are  
23 three ayes, zero nos. The motion prevails. The  
24 clerk is directed to re-make the ballot.

25 (Off the record 1:46-1:58)

1 MR. POSNANSKI: We are back on the record.  
2 Identify yourself and let us know the issue.

3 MR. ALBRECHT: Neil Albrecht with the City  
4 of Milwaukee Election Commission.

5 For -- so it's our understanding from the  
6 previous municipalities that we have gone through,  
7 that if a person was early voting or in-person  
8 absentee voting and an error was made by the clerk's  
9 office in signing the absentee as a witness, that  
10 those are not acceptable.

11 MR. POSNANSKI: That accurately states the  
12 ruling the Board has made today. Do you have  
13 envelopes that meet that criteria?

14 MR. ALBRECHT: We have -- so we have one  
15 that is missing a witness signature. This is an  
16 in-person absentee voter. You can tell because of  
17 the witness address.

18 And we have two that were either not sealed  
19 or were not sealed completely. Both also in-person  
20 absentee voters.

21 MR. BAAS: You said they weren't sealed?  
22 Why do you point that out?

23 MR. ALBRECHT: Because they have to reject  
24 an absentee ballot if it's not sealed or if it  
25 appears that it was revealed.



1 MR. BAAS: Thank you.

2 MR. ALBRECHT: So they applied those rules  
3 to these ballots on election day. So I don't know.  
4 I guess I'm here seeking clarification if that same  
5 rule applies to unsealed ballots.

6 MR. POSNANSKI: Let's deal with the ballot  
7 that simply lacks the witness certification for the  
8 in-person absentee ballot.

9 MR. BAAS: Does anyone want to look at it?  
10 I move to accept.

11 MR. POSNANSKI: Would you call the vote.

12 MR. CZARNEKI: On the motion to accept the  
13 ballot. Commissioner Christensen?

14 MR. CHRISTESEN: Aye.

15 MR. CZARNEZKI: Commissioner Baas?

16 MR. BAAS: Aye.

17 MR. CZARNEZKI: Chairman Posnanski?

18 MR. POSNANSKI: Aye.

19 MR. CZARNEZKI: Mr. Chairman, there are  
20 three ayes, zero nos. The motion prevails.

21 MR. POSNANSKI: Neil, what's the number on  
22 the ballot we just ruled on?

23 MR. ALBRECHT: It's RAB No. 1.  
24 Reconstructed ballot No. 1 for Ward 1.

25 MR. POSNANSKI: Okay. Let's move on to the

1 next issue. Is it the same issue with both ballots  
2 or do these present different issues as well?

3 MR. ALBRECHT: These are all the same  
4 issue. Three of them, two from Ward 1 and one from  
5 Ward 11. These all voted in-person absentee. They  
6 were all rejected because the envelopes were not  
7 sealed.

8 MR. CZARNEKI: Mr. Albrecht, who is  
9 responsible for sealing the envelope? The voter is  
10 responsible for sealing the envelopes?

11 MR. ALBRECHT: The election board is.

12 MR. CZARNEKI: The election worker is  
13 responsible for sealing the envelope and not the  
14 voter?

15 MR. ALBRECHT: Correct.

16 MR. POSNANSKI: Do any of the party  
17 representatives wish to observe or be heard on this  
18 issue.

19 UNIDENTIFIED SPEAKER: The only question is  
20 whether or not other provisions on the ballots were  
21 met.

22 MR. ALBRECHT: They were.

23 MR. DRAGODA: For the record, Ken Dragoda,  
24 GOP representative. The question is whether or not  
25 of the unsealed certification envelopes, whether or

1 not the other provisions were met. They were. We  
2 will not challenge.

3 MR. CHRISTENSEN: Mr. Chairman, following  
4 past practice to allow ballots that were -- had an  
5 issue regarding election for error, I would move to  
6 accept all three of these ballots.

7 MR. BAAS: I just want to put on the  
8 record, given that all the other provisions were met  
9 and there is only one election worker error, I'm  
10 going to be able to move forward with this as well.

11 MR. POSNANSKI: Mr. Clerk, call the vote.

12 MR. CZARNEKI: Commissioner Christensen?

13 MR. CHRISTENSEN: Aye.

14 MR. CZARNEZKI: Commissioner Baas?

15 MR. BAAS: Aye.

16 MR. CZARNEZKI: Chairman Posnanski?

17 MR. POSNANSKI: Aye.

18 MR. CZARNEZKI: Mr. Chairman, there are  
19 three ayes, zero nos. The motion prevails.

20 MR. ALBRECHT: Of these three; correct? So  
21 the two from Ward 1, one is RAB2 and one is RAB3.  
22 And the one from Ward 11 is ROP1.

23 So this last one, in my hand, is also from  
24 Ward 11. It is ROB No. 2? We're not able to  
25 identify by the ballot, it was not processed on

1 election day. We have a certificate that would have  
2 come with the return envelope, and we have a ballot.  
3 The certificate appears to comply with having the  
4 voter's signature and having the witness signature  
5 and address.

6 Unfortunately there is no documentation as  
7 to why the ballot was rejected other than the ROB  
8 number.

9 MR. POSNANSKI: Neil, this ballot was  
10 rejected on election night but there is no  
11 explanation as to why. Is that --

12 MR. ALBRECHT: Correct.

13 MR. BAAS: And it was recreated?

14 MR. ALBRECHT: It was not. It was  
15 rejected, so it would not have been reconstructed.  
16 Had they accepted it, they would have reconstructed  
17 it. We do not have a reconstructed ballot.

18 MR. BAAS: Anybody want to look at it?

19 MR. CHRISTENSEN: Neil, is it -- so you  
20 have no idea why it may have been --

21 MR. ALBRECHT: Correct.

22 MR. CHRISTENSEN: You don't see any issues  
23 why it would have been?

24 MR. ALBRECHT: No. We do think it's  
25 possible that they set it aside thinking that they

1           were going to be reconstructing it, but then it ended  
2           up being treated as a rejected ballot.

3                   MR. BAAS: Finding no reason not to,  
4           believing everything else to be in order, I move that  
5           we accept.

6                   MR. POSNANSKI: Mr. Clerk, can you call the  
7           vote?

8                   MR. CZARNEKI: On the motion to accept and  
9           count the ballot. Commissioner Christensen?

10                  MR. CHRISTESEN: Aye.

11                  MR. CZARNEZKI: Commissioner Baas?

12                  MR. BAAS: Aye.

13                  MR. CZARNEZKI: Chairman Posnanski?

14                  MR. POSNANSKI: Aye.

15                  MR. CZARNEZKI: Mr. Chairman, there are  
16           three ayes, zero nos. The motion prevails.

17                   (Off the record briefly)

18                  MR. POSNANSKI: Back on the record.

19                   MS. STRITCHKO: Karen Stritchko,  
20           S-t-r-i-t-c-h-k-o, the deputy clerk for the City of  
21           South Milwaukee.

22                  MR. POSNANSKI: And you were able to  
23           provide or go back and find the ballot and get some  
24           additional details regarding the envelope in  
25           question?

1 MS. STRITCHKO: Yes.

2 MR. POSNANSKI: What did you find out?

3 MS. STRITCHKO: I found this ballot that  
4 matches the number on this envelope was reconstructed  
5 by our poll workers and initialed by two of them and  
6 that it appears to be a primary only voter. The only  
7 race that was marked on the ballot was presidential.

8 MR. POSNANSKI: What is the envelope  
9 number?

10 MS. STRITCHKO: 624.

11 MR. POSNANSKI: And that corresponds to the  
12 ballot number as well?

13 MS. STRITCHKO: Correct.

14 MR. POSNANSKI: In order to recreate that  
15 ballot, would the certification had to have been  
16 provided to the poll workers such that they would  
17 then proceed to recreate the ballot?

18 MS. STRITCHKO: Yes, the certification  
19 would have had to have been with their paper ballot  
20 when it was mailed back.

21 MR. BAAS: Anyone wish to be heard on that?

22 Then I move to accept and have it added to  
23 the count.

24 MR. POSNANSKI: For purposes of  
25 clarification, it would be included in the tally

1           rather than added to the tally; right?

2                   MR. BAAS:   Included, not added.

3                   MR. POSNANSKI:   Mr. Clerk, can you call the  
4           vote?

5                   MR. CZARNEZKI:   On the motion to accept and  
6           count the ballot, Commissioner Christensen?

7                   MR. CHRISTESEN:   Aye.

8                   MR. CZARNEZKI:   Commissioner Baas?

9                   MR. BAAS:   To include, aye.

10                  MR. CZARNEZKI:   Chairman Posnanski?

11                  MR. POSNANSKI:   Aye.

12                  MR. CZARNEZKI:   Mr. Chairman, there are  
13       three ayes, zero nos.   The motion prevails.

14                   (Off the record briefly)

15                  MS. LEDESMA:   Carla Ledesma, Wauwatosa City  
16       Clerk.   L-e-d-e-s-m-a.

17                   I have a ballot here for Ward 20, District  
18       7, Ward 20 that was just rejected by the tabulator.  
19       The voter made an "X" next to the selections rather  
20       than filling in the oval, and I am requesting  
21       permission to duplicate the ballot so it can be  
22       properly counted.

23                  MR. POSNANSKI:   Do any of the political  
24       parties wish to observe this ballot?

25                  MR. BAAS:   I move that the ballot be

1 reconstructed.

2 MR. POSNANSKI: Mr. Clerk, will you call  
3 the vote?

4 MR. CZARNEKI: On the motion to reconstruct  
5 the ballot, Commissioner Christensen?

6 MR. CHRISTESEN: Aye.

7 MR. CZARNEZKI: Commissioner Baas?

8 MR. BAAS: Aye.

9 MR. CZARNEZKI: Chairman Posnanski?

10 MR. POSNANSKI: Aye.

11 MR. CZARNEZKI: There are three ayes, zero  
12 nos. The motion prevails.

13 MS. LEDESMA: Carla Ledesma, Wauwatosa City  
14 Clerk, L-e-d-s-m-a.

15 I have four absentee ballot envelopes that  
16 were apparently stored in the wrong large carrier  
17 envelope. These are used absentee ballot envelopes.  
18 They were found in the Ward 2 carrier envelopes.  
19 However, they belong -- one belongs in Ward 1, three  
20 belong in Ward 6.

21 The names do not appear on the absentee  
22 ballot log for Ward 2. It would appear when these  
23 were put away they were simply placed into the wrong  
24 carrier envelope, but they were correctly counted in  
25 their wards.



1 MR. POSNANSKI: Do the names appear in the  
2 correct wards? You said Ward 6. What was the other  
3 ward?

4 MS. LEDESMA: And Ward 1.

5 MR. POSNANSKI: And do those names appear  
6 in Ward 1 and Ward 6?

7 MS. LEDESMA: I would need to go back to  
8 check that. I do not know.

9 MR. POSNANSKI: Could you do that, please?

10 MS. LEDESMA: Sure.

11 MS. HENRY: Commissioners, Juliette Henry  
12 on the record. The ballots in Ward 2, the count  
13 matches the list without those three envelopes, so I  
14 need to make sure you're aware of that on the record.

15 So if you remove the three total, four,  
16 then Ward 2 absentee ballot envelope, it's a match.  
17 They have a total match.

18 MR. POSNANSKI: Then are the Ward 6 or Ward  
19 1 envelopes underreported by the corresponding number  
20 of ballots there?

21 MS. HENRY: We will double check, but  
22 apparently, yes.

23 MR. POSNANSKI: Let's verify.

24 (Off the record 2:16-2:38)

25 MR. POSNANSKI: Go back on the record.

1 MR. ALBRECHT: Neil Albrecht with the City  
2 of Milwaukee Election Commission.

3 We located an absentee ballot for Ward 14  
4 in with their rejected absentee ballots. We're not  
5 sure as to the reason that it was rejected. It was  
6 not even a rejected absentee ballot number on it, so  
7 I have no RAD or ROB number. We believe the ballot  
8 should have been counted.

9 MR. POSNANSKI: Can I have the party  
10 representative that observed this envelope?

11 MR. CZARNEKI: Paging Suzette Emmer Mared.

12 MR. CHRISTENSEN: Neil, I have a question  
13 for you. So on this, the from says last name  
14 Calloway, and it was addressed to someone, last name  
15 (inaudible). Do you want to look and see -- give us  
16 the possibilities for that?

17 MR. ALBRECHT: So the ballot was sent to a  
18 Nicole Ward. There -- oh, it's not required, but  
19 that's the witnesses. That's their witnesses, that's  
20 why I recognize the address. And I don't know why  
21 the witness filled that out, but as long as the  
22 voter's name and address appears on the certificate  
23 on the vote, maybe that's why they rejected it?  
24 Yeah.

25 MR. CHRISTENSEN: So essentially the

1 witness has the return --

2 MR. ALBRECHT: Filled out the return  
3 address on the envelope, but the voter's name and  
4 address still appears on the ballot.

5 MR. POSNANSKI: Any further discussion  
6 and/or do either of the parties wish to be heard on  
7 this ballot? Clerk, do we have a vote?

8 MR. BAAS: Move to accept?

9 MR. CZARNEKI: On the motion to accept,  
10 Commissioner Christensen?

11 MR. CHRISTESEN: Aye.

12 MR. CZARNEZKI: Commissioner Baas?

13 MR. BAAS: Aye.

14 MR. CZARNEZKI: Chairman Posnanski?

15 MR. POSNANSKI: Aye.

16 MR. CZARNEZKI: Mr. Chairman, there are  
17 three ayes, zero nos. The motion prevails.

18 (Off the record 2:43-2:49)

19 MR. POSNANSKI: Back on the record.

20 MR. ALBRECHT: Neil Albrecht with the City  
21 of Milwaukee, with a ballot from Ward 20 that was not  
22 reconstructed properly. When it was reconstructed,  
23 the votes were not recorded properly on the new  
24 ballot. We suspect that because the voter received  
25 two ballots that were stuck together, they voted on

1 the front side only of one, that it may have caused  
2 some confusion with the central count workers as to  
3 whether any of the votes counted.

4 MR. BAAS: Central count means it was an  
5 absentee ballot; correct?

6 MR. ALBRECHT: Correct.

7 MR. BAAS: And you're saying they had two  
8 ballots at some point?

9 MR. ALBRECHT: It was two ballots that were  
10 stuck together, so the voter --

11 MR. BAAS: During that process?

12 MR. ALBRECHT: The voter actually received  
13 two ballots stuck together. And during processing,  
14 when the ballot was reconstructed, they did not give  
15 the voter any votes on their reconstructed ballot.  
16 They noticed it when they were reconstructing it, but  
17 the voter -- see, there is no initials, they would  
18 have been stuck together, and the voter would have  
19 received it like this, as one ballot. This is the  
20 reconstructed ballot.

21 MR. POSNANSKI: So if you look at the  
22 original ballot, there were two stuck together  
23 that --

24 MR. ALBRECHT: That's what we're assuming,  
25 that these two were stuck together. We have had that

1           happen, where two ballots -- because they're coming  
2           right off the print press. Two ballots were stuck  
3           together. The voter voted both sides. One side of  
4           two different ballots.

5                   MR. POSNANSKI: But did not vote twice on  
6           the same side?

7                   MR. ALBRECHT: Right, and then should have  
8           reconstructed it into a correctly voted ballot.

9                   MR. CZARNEKI: Do the party representatives  
10          wish to observe these ballots?

11                   (Complies.)

12                   MR. POSNANSKI: I move that we instruct  
13          that this ballot will be recreated and counted as  
14          clearly evident by the voter's intent between these  
15          two ballots.

16                   MR. CZARNEKI: On the motion, Commissioner  
17          Christensen.

18                   MR. CHRISTESEN: Aye.

19                   MR. CZARNEZKI: Commissioner Baas?

20                   MR. BAAS: Aye.

21                   MR. CZARNEZKI: Chairman Posnanski?

22                   MR. POSNANSKI: Aye.

23                   MR. CZARNEZKI: Mr. Chairman, there are  
24          three ayes, zero nos. The motion prevails.

25                   (Off the record briefly)

1 MS. LEDESMA: Reporting back on the four  
2 absentee certificates that were found in the Ward 2  
3 carrier envelope: One was from Ward 1, three were  
4 from Ward 6. All four of these are on their proper  
5 absentee ballot log, so I presume what happens after  
6 the ballots were voted on, on the 8th, counted on the  
7 8th, these envelopes were simply placed in the wrong  
8 carrier absentee ballot envelopes, but they do appear  
9 on the proper logs. I believe that situation has  
10 been taken care of.

11 I have --

12 MR. POSNANSKI: Let's take that in --

13 MR. BAAS: Any comments? Would the parties  
14 like to examine these documents?

15 MR. POSNANSKI: Again, where were these  
16 four envelopes found?

17 MS. LEDESMA: They were found in the white  
18 carrier absentee ballot envelope for the used  
19 certificate envelopes for Ward 2, and three belong in  
20 Ward 6 and one belongs in Ward 1.

21 MR. POSNANSKI: And in reconciling the  
22 counts, were the envelopes for Ward 1 and Ward 6  
23 underreported by the same --

24 MS. LEDESMA: We haven't finished those two  
25 wards yet.

1 MR. BAAS: Just to be absolutely technical  
2 for the record, one of the envelopes was loose. I  
3 attached it with a stapler.

4 MR. POSNANSKI: Do any of the party  
5 representatives wish to be heard on this issue?

6 MS. LEDESMA: Ward 6 has not been done yet  
7 and neither has Ward 1, I don't believe.

8 MR. BAAS: I move that these were included  
9 in the ballot -- they were counted.

10 MR. POSNANSKI: In their respective wards.

11 MR. BAAS: Yes, thank you.

12 MR. CZARNEKI: On the motion, Commissioner  
13 Christensen?

14 MR. CHRISTESEN: Aye.

15 MR. CZARNEZKI: Commissioner Baas?

16 MR. BAAS: Aye.

17 MR. CZARNEZKI: Chairman Posnanski?

18 MR. POSNANSKI: Aye.

19 MR. CZARNEZKI: Mr. Chairman, there are  
20 three ayes, zero nos. The motion prevails.

21 MS. LEDESMA: I have one an absentee  
22 ballot. It was apparently damaged in the ballot  
23 envelope or in the ballot bag. This is the way that  
24 it came out of the ballot bag. Request permission to  
25 duplicate it.

1 MR. POSNANSKI: Do any of the party  
2 representatives wish to examine this ballot?

3 MR. POSAN: I am Jeff Posan. I assume when  
4 you say "duplicate" you mean "reconstruct"?

5 MR. POSNANSKI: That a yes.

6 MR. BAAS: I move to reconstruct and also  
7 for the record that the interested party be able to  
8 observe while that reconstruction takes place.

9 MR. CZARNEKI: On the motion to  
10 reconstruct, Commissioner Christensen?

11 MR. CHRISTESEN: Aye.

12 MR. CZARNEZKI: Commissioner Baas?

13 MR. BAAS: Aye.

14 MR. CZARNEZKI: Chairman Posnanski?

15 MR. POSNANSKI: Aye.

16 MR. CZARNEZKI: Mr. Chairman, there are  
17 three ayes, zero nos, the motion prevails.

18 MS. LEDESMA: I have an absentee ballot for  
19 District 5, Ward 13. In the presidential race, the  
20 voter selected Donald Trump and also wrote in the  
21 name of Donald Trump. I presume what happened when  
22 the ballot was processed was that the override button  
23 was used so no vote was cast for the race of  
24 president. I request permission to duplicate it as a  
25 write-in vote so the proper vote can be captured for



1           that race on the ballot.

2                   MR. CHRISTESEN: It appears that the voter  
3 marked the oval for president and also marked the  
4 oval for a write-in, but cast a ballot for the same  
5 candidate in each instance.

6                   MR. POSNANSKI: And it is written -- the  
7 write-in is in the exact ballot name for Donald J.  
8 Trump and my Mike R. Pence.

9                   MR. BAAS: I move that this ballot be  
10 reconstructed and Donald Trump and Michael Pence be  
11 cast as the -- in accordance with the voter's intent.

12                   MR. CZARNEKI: On the motion, Commissioner  
13 Christensen?

14                   MR. CHRISTESEN: Aye.

15                   MR. CZARNEZKI: Commissioner Baas?

16                   MR. BAAS: Aye.

17                   MR. CZARNEZKI: Chair Posnanski?

18                   MR. POSNANSKI: Aye.

19                   MR. CZARNEZKI: Mr. Chairman, there are  
20 three ayes, zero nos. The motion prevails.

21                   MS. LEDESMA: I have two absentee ballots  
22 from District 6, Ward 16. Number 139A, 140A. Both  
23 of the ballots are still in the envelopes. It would  
24 appear that neither of these were processed on  
25 election day.

1                   They both have the signatures of the  
2 voters. They both have the signatures and addresses  
3 of witnesses, and I request permission to count these  
4 today.

5                   MR. POSNANSKI: Do you have any idea as to  
6 why they were not counted originally?

7                   MS. LEDESMA: I do not, no.

8                   MR. POSNANSKI: Were both of these cast in  
9 person?

10                  MS. LEDESMA: These were both voted at the  
11 city clerk's office.

12                  MR. POSNANSKI: Do any of the political  
13 parties wish to observe these envelopes?

14                  MR. DRAGOTTA: Ken Dragotta,  
15 D-r-a-g-o-t-t-a, for the Republican party. The  
16 question is whether or not the absentee ballots are  
17 counted in the central count or are they distributed  
18 to the wards for verification?

19                  MS. LEDESMA: They're counted in central  
20 count for Wauwatosa.

21                  MR. BAAS: I move that these ballots be  
22 counted and included in the tally.

23                  MR. CZARNEKI: On the motion to count the  
24 ballots, Commissioner Christensen?

25                  MR. CHRISTESEN: Aye.

1 MR. CZARNEZKI: Commissioner Baas?

2 MR. BAAS: Aye.

3 MR. CZARNEZKI: Chairman Posnanski?

4 MR. POSNANSKI: Aye.

5 MR. CZARNEZKI: Mr. Chairman, there are  
6 three ayes, zero nos. The motion prevails.

7 MS. LEDESMA: I have five absentee ballot  
8 envelopes from District 6, Ward 17 in Wauwatosa.

9 They were all voted in the city clerk's  
10 office; however, the address is missing from the  
11 witness area on all five of these.

12 MR. POSNANSKI: These are envelopes Nos.  
13 186A, 187A, 369A, 160A, and 103A.

14 Do any of the party representatives wish to  
15 examine these envelopes?

16 Were each of these votes cast at the  
17 clerk's office?

18 MS. LEDESMA: Yes, they were.

19 MR. BAAS: Move to accept.

20 MR. CZARNEKI: On the motion to accept,  
21 Commissioner Christensen?

22 MR. CHRISTESEN: Aye.

23 MR. CZARNEZKI: Commissioner Baas?

24 MR. BAAS: Aye.

25 MR. CZARNEZKI: Chairman Posnanski?

1 MR. POSNANSKI: Aye.

2 MR. CZARNEZKI: Mr. Chairman, there are  
3 three ayes, zero nos. The motion prevails.

4 MS. LEDESMA: I have four absentee ballots  
5 from District 1, Ward 2, the same situation, where  
6 they voted in the clerk's office and the address is  
7 missing from the witness area. They are otherwise  
8 properly executed. Their numbers: 412A, 396A, 397A,  
9 368A.

10 MR. POSNANSKI: Again, these are envelopes  
11 that should have been witnessed and should have been  
12 written by the clerk's office personnel?

13 MS. LEDESMA: Yes.

14 MR. POSNANSKI: Other than these four, do  
15 you have any other envelopes that present this exact  
16 situation?

17 MS. LEDESMA: I have three from District 8,  
18 Ward 24 that are the same situation. They are  
19 absentee ballots: 369A, 392A, 157A.

20 I have one more from District 8, Ward 24,  
21 that is missing both the -- that is missing the  
22 witness signature, but does have the address that was  
23 voted at the clerk's office, so it's the reverse of  
24 the others. That is 151A.

25 MR. POSNANSKI: Do any of the parties wish

1 to examine these envelopes?

2 MS. LEDESMA: I have three ballots from  
3 District 7, Ward 19. They were all voted at the City  
4 Clerk's office: 165A, 164A, 160A. They are all  
5 missing the witness address. They are otherwise  
6 properly signed.

7 MR. POSNANSKI: And these three were voted  
8 in person at the clerk's office?

9 MS. LEDESMA: That's correct.

10 Finally I have one from District 7, Ward  
11 19, that was voted at the clerk's office, where the  
12 witness signature is missing, but the address is  
13 there. It is No. 158A. And, again, that was also  
14 voted at the clerk's office.

15 MR. POSNANSKI: Do any of the party  
16 representatives wish to examine these ballots or be  
17 heard on this issue?

18 MR. BAAS: Move to accept.

19 MR. CZARNEKI: On the motion to accept,  
20 Commissioner Christensen?

21 MR. CHRISTESEN: Aye.

22 MR. CZARNEZKI: Commissioner Baas?

23 MR. BAAS: Aye.

24 MR. CZARNEZKI: Chairman Posnanski?

25 MR. POSNANSKI: Aye.

1 MR. CZARNEZKI: Mr. Chairman, there are  
2 three ayes, zero nos, the motion prevails.

3 MS. LEDESMA: Finally I have one absentee  
4 ballot envelope from District 6, Ward 17, No. 429A,  
5 where the witness signature and address are both  
6 missing and it was counted. This was a mailed  
7 ballot.

8 MR. POSNANSKI: Does anyone wish to be  
9 heard on this?

10 MR. DRAGODA: Ken Dragotta with the  
11 Republican party. We would move that this be removed  
12 and cataloged.

13 MR. BAAS: Anyone else?

14 Ma'am, I notice that we have this as 429A.  
15 Do you number the ballot as well?

16 MS. LEDESMA: Yes, at central count, the  
17 absentee ballots are labeled with the voter number.

18 MR. BAAS: So I move that that ballot,  
19 429A, be removed from the count and -- just removed  
20 from the count.

21 MR. POSNANSKI: Mr. Clerk, if you can call  
22 the vote.

23 MR. CZARNEKI: On the motion, Commissioner  
24 Christensen?

25 MR. CHRISTESEN: Aye.

1 MR. CZARNEZKI: Commissioner Baas?

2 MR. BAAS: Aye.

3 MR. CZARNEZKI: Chairman Posnanski?

4 MR. POSNANSKI: Aye.

5 MR. CZARNEZKI: Mr. Chairman, there are  
6 three ayes, zero nos. The motion prevails.

7 (Off the record.)

8 MS. GABRIEL: Good afternoon, my name is  
9 Teresa Gabriel with the City of Milwaukee Election  
10 Commission. I'm here with challenges to three  
11 ballots. The first one concerns ward -- City of  
12 Milwaukee, Ward 6. The issue is we had the  
13 absentee -- excuse me, yeah -- an absentee ballot  
14 from overseas, the ballot was accepted. However, on  
15 the certification, it lacked the address of the  
16 witness. It was counted and with this ballot the  
17 numbers matched the final count.

18 MR. POSNANSKI: This vote was included  
19 initially?

20 MS. GABRIEL: It was included.

21 MR. POSNANSKI: And the challenge is that  
22 there is no address on the witness certification? Is  
23 that --

24 MS. GABRIEL: That's correct.

25 MR. BAAS: Do you guys want to inspect it?

1 MS. GABRIEL: I do not have the envelope.  
2 It was from overseas.

3 MR. POSNANSKI: Do the other party  
4 representatives wish to be heard on this?

5 MR. POSAN: Jeff Posan, representing the  
6 Green party. I just wanted to note, for the record,  
7 that it appears for the signature of the elector as  
8 well as the witness, that they are of the same last  
9 name. And my question was about whether the address  
10 appears either on the envelope or on the application,  
11 which I actually -- which it does, so I just note  
12 that for the record.

13 MR. CHRISTENSEN: Okay. So I'm interested  
14 in knowing, to maintain consistency, I will touch  
15 base with the corporation counsel to recount what the  
16 Commission has done in the past when there was an  
17 absentee ballot, signed by the voter, signed by the  
18 witness, but the witness forgot to put the address.  
19 If you can just give us some guidance on how we have  
20 acted on this in previous days.

21 MR. KARASKIEWICZ: Previously they have  
22 been allowed, for domestic voter.

23 MR. BAAS: This isn't domestic. This is  
24 overseas.

25 MR. KARASKIEWICZ: So domestically, if



1 someone mailed it in, we have allowed it, and this is  
2 an overseas one. But other than that, there is no  
3 difference. Okay. Thank you.

4 MR. POSNANSKI: Thank you, counsel, for  
5 that explanation. Again, do any of the parties wish  
6 to be heard on this issue?

7 MR. BAAS: Looking back in our notes, in an  
8 attempt to be consistent, with a slight reluctance  
9 given that it's overseas, but in the past we have  
10 rejected this ballot.

11 MR. CHRISTENSEN: Okay. So apparently the  
12 Chairwoman Penn had made some notes, and her notes it  
13 was indicated that in the past these were been  
14 rejected. Our corporation counsel seems to think  
15 that in the past we have been accepting it. I think  
16 it's important to maintain some consistency, so I  
17 would like to set this aside for a moment and have  
18 our court reporter help us check the minutes and see  
19 how we acted on these in the past.

20 (Off the record briefly)

21 MR. POSNANSKI: We will set this aside and  
22 move on to the next issue.

23 MS. GABRIEL: The next issue involves Ward  
24 8. This is a ballot that was mailed to the voter and  
25 returned. The voter signed in the witness signature

1 box, but then properly signed on the proper line.

2 The witness signed and placed her -- I believe it's  
3 her -- her address in a different line. It was  
4 rejected, and perhaps should have been.

5 MR. BAAS: What are the X's on here?

6 MR. ALBRECHT: Neil Albrecht with the City  
7 of Milwaukee Election Commission. Sometimes what the  
8 post office will do is they will return the ballot to  
9 the voter because their scanning equipment picks up  
10 our bar code and our -- and the voter's name and  
11 address. So instead of us receiving the ballot, they  
12 actually return the ballot to the voter. We tell the  
13 voter to "X" out their return label so that the  
14 ballot actually gets delivered to us.

15 MR. BAAS: Thank you. Would anyone like to  
16 inspect?

17 MR. POSNANSKI: Are there any party  
18 representatives that wish to be heard on this  
19 envelope, this issue?

20 MR. BAAS: Move to include in the count.

21 MR. CZARNEKI: On the motion, Commissioner  
22 Christensen?

23 MR. CHRISTESEN: Aye.

24 MR. CZARNEZKI: Commissioner Baas?

25 MR. BAAS: Aye.

1 MR. CZARNEZKI: Chairman Posnanski?

2 MR. POSNANSKI: Aye.

3 MR. CZARNEZKI: Mr. Chairman, there are  
4 three ayes, zero nos. The motion prevails.

5 MS. GABRIEL: And the final issue involves  
6 Ward No. 17. It was a ballot -- an absentee ballot  
7 that was mailed to a voter and returned by the voter.  
8 It was included in the count. However, there are  
9 stray marks on the original ballot that was later  
10 reconstructed and it was also missing a witness  
11 signature and address.

12 MR. POSNANSKI: This was a mail-in?

13 MS. GABRIEL: Yes.

14 MR. ALBRECHT: So to be clear, the issue is  
15 not that the ballot was reconstructed or how the  
16 ballot was reconstructed, but that the ballot should  
17 not have been counted in the first place since it is  
18 missing both the witness signature and address.

19 MR. POSNANSKI: This is Envelope No. and  
20 Vote No. 147.

21 Do any of the party representatives wish to  
22 inspect the envelope and ballot?

23 I would note for the record that our past  
24 practice has been to reject absentee mail-in  
25 envelopes enclosing ballots where the witness

1 signature and address were both missing.

2 MR. QUINN: Brendon Quinn on behalf of the  
3 Trump campaign. We feel it should be opposed because  
4 the envelope has not been filled out properly. Thank  
5 you.

6 MR. POSNANSKI: Neil, is this an envelope  
7 with central count where we can identify the exact  
8 ballot with the envelope?

9 MR. ALBRECHT: Those are ballots, correct.  
10 That's both the reconstructed original ballot and the  
11 duplicate ballot and the envelope, correct.

12 MR. POSNANSKI: So we know if we reject  
13 this envelope because it lacked signature and we know  
14 the specific ballot order.

15 MR. ALBRECHT: Correct.

16 MR. BAAS: Move to reject ballot 147.

17 MR. CZARNEKI: On the motion, Commissioner  
18 Christensen?

19 MR. CHRISTESEN: Aye.

20 MR. CZARNEZKI: Commissioner Baas?

21 MR. BAAS: Aye.

22 MR. CZARNEZKI: Chairman Posnanski?

23 MR. POSNANSKI: Aye.

24 MR. CZARNEZKI: Mr. Chairman, there are  
25 three ayes, zero nos. The motion prevails.

1 MR. POSNANSKI: We will return to the  
2 matter that we had set aside. The question was based  
3 on the ballot that had been mailed in, the overseas  
4 ballot that had been mailed in where the witness  
5 signature was lacking and had originally been  
6 included.

7 There were some discussions regarding what  
8 the Board's position had been regarding mailed-in  
9 absentee ballots lacking signatures in the past, and  
10 I think corporate counsel has had additional time to  
11 look into this issue.

12 MR. KARASKIEWICZ: I did, and misspoke  
13 earlier, it was a previously rejected.

14 MR. BAAS: I will continue with my motion  
15 to reject.

16 MR. CZARNEKI: On the motion, Commissioner  
17 Christensen?

18 MR. CHRISTESEN: Aye.

19 MR. CZARNEZKI: Commissioner Baas?

20 MR. BAAS: Aye.

21 MR. CZARNEZKI: Chairman Posnanski?

22 MR. POSNANSKI: Aye.

23 MR. CZARNEZKI: Mr. Chairman, there are  
24 three ayes, zero nos. The motion prevails.

25 MR. ALBRECHT: Neil Albrecht with the City

1 of Milwaukee Election Commission. Just seeking some  
2 clarification on when to and when not to tally  
3 write-in candidates. We have two separate ballots,  
4 both ballots are overvoted in the office of president  
5 and vice president, but both ballots include write-in  
6 votes for candidates whose name appear on the ballot.

7 One, the oval is completed -- I don't know  
8 if this is relevant or not -- one the oval is not  
9 completed.

10 So our question is: Does the candidate  
11 whose name is written as the write-in receive the  
12 write-in vote on the write-in tally sheet?

13 MR. POSNANSKI: I note for both write-ins,  
14 they do write in the name of the candidates as they  
15 appear on the ballot; is that right?

16 MR. ALBRECHT: That's correct. I would  
17 note on both of these that multiple ovals were filled  
18 in for both the -- the write in candidate and  
19 multiple candidates that appear in the presidential  
20 race.

21 MR. CZARNEKI: Mr. Chairman, you may want  
22 to ask corporation counsel for guidance on this, but  
23 I believe that the write-in takes precedence over the  
24 oval.

25 MR. POSNANSKI: I would ask for that

1 guidance, and I would ask in addition to that  
2 question whether it then matters that there are  
3 multiple selections for the candidates that actually  
4 do appear on the ballot.

5 While we're considering the issue, do  
6 either of the parties wish to be heard on either of  
7 these ballots?

8 MR. POSAN: Jeff Posan, representing the  
9 Green party. The Commission has previously decided  
10 where one candidate is both marked on the ballot as  
11 well as the write-in, that the write-in takes  
12 precedence. The main difference here is that  
13 multiple circles have been filled in, but I believe  
14 that the Commission's original ruling as far as  
15 write-ins take precedence here.

16 MR. QUINN: Brendon Quinn on behalf of the  
17 Trump campaign. I'm going to respectfully disagree  
18 with my colleague from the Green party because the  
19 circumstance that he is citing is when you have a  
20 vote in the initial written in printed category for a  
21 candidate and the exact same candidate written in in  
22 the lower portion for the write-in, in this case, we  
23 clearly have multiple candidates that are on the  
24 ballot officially.

25 MR. KARASKIEWICZ: Mr. Chairman, under

1           7.50(2)(b), the clerk is correct, the write-in takes  
2           precedence over any other mark, even if the mark is  
3           for a named candidate.

4                   MR. CHRISTENSEN: Does that include  
5           multiple markings?

6                   MR. KARASKIEWICZ: Yes, it does.

7                   MR. QUINN: Do the statutes specify  
8           candidate or, plural, candidates?

9                   MR. KARASKIEWICZ: In response to the  
10          question, the statute's not written that way to  
11          interpret it as multiple candidates. It's written in  
12          the single.

13                  MR. QUINN: Thank you. Therefore, I go  
14          back to my initial position, that these ballots are  
15          overvotes because the statute does not specifically  
16          identify them as being overruled and identified as a  
17          vote based upon the written write-in candidate, and  
18          you have multiple votes circled, filled in for  
19          official candidates, and therefore it is an overvote.

20                  MR. POSNANSKI: Commissioner, I'm reviewing  
21          Wisconsin Statute 7.50(2)(d), the section dealing  
22          with ascertainment of voter intent, where it writes  
23          if an elector writes a person's name in the proper  
24          space for write-in candidates for an office, it is a  
25          vote for the person written in for the office



1 indicated, regardless of whether the electorate  
2 strikes the names appearing in the same column, for  
3 the same offices, or places a mark by the same or any  
4 other name for the same office or omits placing a  
5 mark to the right of the name written in.

6 Under that section, it would be my  
7 recommendation that we accept both of these ballots  
8 under the written -- write-in votes because they are  
9 write-in votes for the candidates that appear on the  
10 ballots, in the exact manner they appear on the  
11 ballot.

12 MR. KARASKIEWICZ: What I was about to  
13 respond to, it doesn't matter that the statute is  
14 written in the singular and two names are written in.  
15 That's what I was alluding to.

16 MR. CHRISTENSEN: Okay. Citing the state  
17 statutes, that -- I'm going to, first of all, move  
18 that we take these separately and individually.

19 MR. POSNANSKI: That's fine with me.

20 MR. CZARNEKI: Okay. Yeah. Which ballot  
21 are we voting on then? They are numbered, I believe.

22 MR. CHRISTENSEN: I move that we take 228  
23 first.

24 MR. CZARNEKI: Okay. So make a motion on  
25 meetings ballot 228.

1 MR. CHRISTENSEN: Citing the statute, which  
2 has been already entered into the record, I will move  
3 that we accept that ballot, 228.

4 MR. CZARNEKI: As a vote for which  
5 candidate?

6 MR. CHRISTENSEN: As a vote for the  
7 write-in, Hillary Clinton, Tim Kaine.

8 MR. POSNANSKI: Neil, does this ballot need  
9 to be reconstructed?

10 MR. ALBRECHT: It could be reconstructed or  
11 it could be recorded on the write-in tally sheet.  
12 Either way, when the County does the canvas, it will  
13 count as a vote for Hillary Clinton.

14 MR. CHRISTENSEN: Is there any -- Neil, is  
15 there any preference or does it matter, you know,  
16 whether you reconstruct or write it as a write-in?

17 MR. ALBRECHT: I think because it's a  
18 write-in vote, she is receiving the vote as a  
19 write-in, it's clear to not reconstruct it but just  
20 to include it.

21 MR. CHRISTENSEN: So I would agree with  
22 that. So just for the sake of the audience here,  
23 yeah, I would move that we accept that as a write-in  
24 vote for Hillary Clinton and Tim Kaine.

25 MR. QUINN: Brendon Quinn on behalf of the

1 Trump campaign. Once again, I'm going to reiterate  
2 our position that this should be considered as an  
3 overvote because you are voting for multiple  
4 candidates and the statute you keep referring to is  
5 for the situation where you have someone writing in  
6 for the same candidate, their official candidate and  
7 a write-in. Thank you.

8 MR. CZARNEKI: On the motion, are you  
9 prepared to vote, Commissioners?

10 Commissioner Christensen?

11 MR. CHRISTESEN: Aye.

12 MR. CZARNEZKI: Commissioner Baas?

13 MR. BAAS: Present.

14 MR. CZARNEZKI: Chairman Posnanski?

15 MR. POSNANSKI: Aye.

16 MR. CZARNEZKI: Mr. Chairman, there are two  
17 ayes, one Commissioner voting present. The motion  
18 prevails.

19 MR. CHRISTENSEN: On the second ballot,  
20 which is ballot No. 76, this is extremely similar.  
21 The only difference is that the oval is not filled  
22 in, but Hillary Clinton and Tim Kaine are written in.  
23 Again, citing the statutes, which I'm paraphrasing,  
24 says that votes for or places marked by the same or  
25 any other name for the same office or admits placing

1 a mark to the right of the name written in.

2 So again, based on our state statutes, I  
3 will move that we accept this as a write-in vote for  
4 Hillary Clinton and Tim Kaine.

5 MR. CZARNEKI: Commissioner, what is the  
6 ballot number?

7 MR. CHRISTENSEN: That was 76.

8 MR. QUINN: Brendon Quinn from the Trump  
9 campaign. Once again, I want to state our position  
10 that this ballot should be considered as an overvote.  
11 Thank you.

12 MR. CZARNEKI: Anyone else wish to be  
13 heard? On the motion, Commissioner Christensen?

14 MR. CHRISTENSEN: Aye.

15 MR. CZARNEZKI: Commissioner Baas?

16 MR. BAAS: Nay.

17 MR. CZARNEZKI: Chairman Posnanski?

18 MR. POSNANSKI: Aye.

19 MR. CZARNEZKI: Mr. Chairman, there are two  
20 ayes, one no. The motion prevails.

21 (Off the record 3:54-4:08)

22 MR. POSNANSKI: We are back on the record.

23 MS. STRITCHKO: Karen Stritchko,  
24 S-t-r-i-t-c-h-k-o. I'm a deputy clerk for the City  
25 of South Milwaukee.

1                   Last week when I was recording my votes, in  
2                   my copy of the poll book, I found that a vote had  
3                   been reported for two different gentlemen in District  
4                   3 where it said on the poll book absentee ballot  
5                   returned, meaning they had voted absentee. I was not  
6                   able to confirm that with the county's records until  
7                   today, because when I called them, the books were  
8                   already down here, so I double checked. Both  
9                   individuals did, in fact, go to polling places, voted  
10                  in person, signed the poll book, as well as voted  
11                  absentee. We have the signed affidavit envelopes as  
12                  well as the ballots that they voted absentee.

13                  So I guess one of the ballots needs to come  
14                  out of here. I don't know what we're supposed to do  
15                  next.

16                  MR. POSNANSKI: What are the numbers on the  
17                  respective envelopes and ballots?

18                  MS. STRITCHKO: 915 and 705.

19                  MR. POSNANSKI: Can you pass them down?

20                  Counsel, are we given any direction in  
21                  terms of if a voter votes twice, which one you're  
22                  supposed to count, if any?

23                  MR. KARASKIEWICZ: In the previous case, if  
24                  you remember -- in the previous case, if you  
25                  remember, the Board decided that the actual ballot

1 was the most recent intent of the voter to cast a  
2 vote.

3 MR. POSNANSKI: Does -- I'm looking at  
4 Section 7.50 (1)(c) of the Wisconsin Statutes, which  
5 reads: If an electorate casts more than one vote for  
6 the same candidate for the same office, the first  
7 vote is valid, and the remaining votes are invalid.

8 Does that apply to this situation or does  
9 it apply to where somehow there is two votes on the  
10 same ballot?

11 MR. KARASKIEWICZ: That sounds like it's  
12 referring to the same ballot.

13 MR. BAAS: So which, second or first?

14 MR. KARASKIEWICZ: The second or first  
15 ballot?

16 MR. POSNANSKI: Correct me if I'm wrong, I  
17 think you said that that section doesn't really apply  
18 to this situation.

19 MR. KARASKIEWICZ: Correct, where there are  
20 two ballots.

21 MR. BAAS: The corporate counsel advised me  
22 that what the statute says about voting twice, is  
23 that a felony?

24 MR. KARASKIEWICZ: I believe it is. I  
25 would have to check the statute. I believe that was

1 the discussion we had last time when the district  
2 attorney refused to bring charges against the person  
3 who voted twice, because he found no intent to  
4 defraud.

5 MR. BAAS: If I remember that situation  
6 accurately, that person was given erroneous  
7 information by the clerk. We have no evidence that  
8 this person was given erroneous information by a  
9 clerk or anyone else.

10 MR. KARASKIEWICZ: That's correct, I  
11 haven't heard any evidence that is similar.

12 MR. BAAS: Thank you.

13 MR. POSNANSKI: Do either of the party  
14 representatives wish to inspect the ballots and  
15 envelopes or be heard on this issue?

16 UNIDENTIFIED SPEAKER: Lawrence (inaudible)  
17 for the Donald Trump campaign. It's our position  
18 that the in-person vote should count. It was the  
19 last vote of the individual. The best evidence is  
20 there.

21 UNIDENTIFIED SPEAKER: Jeff (inaudible)  
22 representing the Green party. Because the only  
23 ballot that we can identify were voted by the  
24 elector, as well as at the poll would be the  
25 absentee, we would request that the absentee ballots

1 be pulled as well as any authorities being alerted to  
2 this situation for whatever investigation steps it  
3 might take.

4 MR. BAAS: Thank you. Anyone else? I'm  
5 going to move that both of these ballots be  
6 disallowed and removed from the count. The ones in  
7 front of me. I move that we have the absentee  
8 ballots that we have here, absentee ballot 705,  
9 absentee ballot 915, be removed from the count.

10 MR. CZARNEKI: There's no further  
11 discussion on the motion. Commissioner Christensen?

12 MR. CHRISTESEN: Aye.

13 MR. CZARNEZKI: Commissioner Baas?

14 MR. BAAS: Aye.

15 MR. CZARNEZKI: Chairman Posnanski?

16 MR. POSNANSKI: Aye.

17 MR. CZARNEZKI: Mr. Chairman, there are  
18 three ayes, zero nos. The motion prevails.

19 MR. BAAS: I also would move that this  
20 information be turned over to the DA for  
21 investigation of voter fraud.

22 MR. CZARNEKI: On the motion, Commissioner  
23 Christensen?

24 MR. CHRISTESEN: Aye.

25 MR. CZARNEZKI: Commissioner Baas?



1 MR. BAAS: Aye.

2 MR. CZARNEZKI: Chairman Posnanski?

3 MR. POSNANSKI: Aye.

4 MR. CZARNEZKI: Mr. Chairman, there are  
5 three ayes, zero nos. The motion prevails.

6 MS. LEDESMA: Carla Ledesma, Wauwatosa City  
7 Clerk. I have two ballots here from District 5, Ward  
8 15, No. 291A and 403A. Both voted in-person absentee  
9 at the city clerk's office, and the voters both  
10 signed, but in one case we are missing the witness  
11 address and the other case we are missing the witness  
12 signature.

13 MR. BAAS: Ma'am, are you familiar with  
14 this individual's signature as being someone who  
15 works in your office?

16 MS. LEDESMA: That was one of our temporary  
17 election workers.

18 MR. BAAS: And that's for Ballot 219A.  
19 Move to accept. Do you guys want to be heard on this  
20 one?

21 Move to accept.

22 MR. CZARNEKI: On the motion to accept,  
23 Commissioner Christensen?

24 MR. CHRISTESEN: Aye.

25 MR. CZARNEZKI: Commissioner Baas?

1 MR. BAAS: Aye.

2 MR. CZARNEZKI: Chairman Posnanski?

3 MR. POSNANSKI: Aye.

4 MR. CZARNEZKI: Mr. Chairman, there are  
5 three ayes, zero nos. The motion prevails.

6 MS. LEDESMA: Then I have one absentee  
7 ballot from District 8, Ward 24 in Wauwatosa. The  
8 voter's POA signed rather than the voter. There is a  
9 witness signature and address. I'm looking for  
10 guidance from the board.

11 MR. POSNANSKI: This is Envelope No. 266A,  
12 and the signature under the certification of the  
13 voter does include a signature and indicates POA, or  
14 power of attorney, on the certification. And this  
15 was mailed?

16 MS. LEDESMA: This was a mailed ballot,  
17 yes.

18 MR. BAAS: Counsel, do you have any  
19 guidance on POA's?

20 MR. KARASKIEWICZ: Not yet.

21 MR. BAAS: Thank you.

22 MR. POSNANSKI: It further appears that  
23 there is a certification of an assistant and that  
24 signature appears to be the exact same as the POA.

25 In reviewing some guidance from the

1 Wisconsin Election Commission's under what they have  
2 dubbed "Frequently Asked Questions, absentee voting,"  
3 it appears that a power of attorney can request an  
4 absentee ballot for an elector, but that no person,  
5 not even the power of attorney, may vote a ballot for  
6 another elector.

7 But it goes on to state that if the elector  
8 requires assistance in completing the ballot, the  
9 elector may designate another person to assist the  
10 elector in marking the ballot. In the presence of  
11 the elector, the ballot is marked according to the  
12 elector's direction. The assisting elector must sign  
13 their name on the ballot under the section entitled  
14 "Signature of assisting individual," which is what  
15 occurred here.

16 MR. KARASKIEWICZ: Yeah. You don't know if  
17 the individual cannot sign for himself or herself,  
18 but you do have evidence that the assistant signed as  
19 assisting the voter?

20 MR. POSNANSKI: That is correct. They  
21 signed in the appropriate box for assisting the  
22 elector to vote, presumably with that voter's intent.

23 MR. KARASKIEWICZ: If there are no other  
24 defects, this would fall within the exception in  
25 6.82(2)(a).

1 MR. POSNANSKI: So I think the comment  
2 would be that that would fall within the inception of  
3 6.28(2)(a) of the Wisconsin statutes?

4 MR. KARASKIEWICZ: Correct.

5 MR. POSNANSKI: And that section provides  
6 that if an electorate declares to the presiding  
7 election official that he or she cannot read or write  
8 or has difficulty in reading, writing, or  
9 understanding English; or that due to disabilities  
10 unable to mark the ballot or press a button or lever  
11 on a voting machine, the elector shall be informed by  
12 the officials that he or she may have assistance.  
13 When assistance is requested, the elector may select  
14 any individual to assist in casting his or her vote.  
15 The selected individual rendering assistance may not  
16 be the elector's employer or an agent of that  
17 employer or an officer or agent of a labor  
18 organization which represents the elector. The  
19 selected individual shall certify the back of the  
20 ballot that was marked with his or her assistance.  
21 When voting machines are used, certification shall be  
22 made under registration.

23 MR. KARASKIEWICZ: That is the statutory  
24 section that the fact -- that you read, that cites  
25 the support.

1 MR. POSNANSKI: Do either of the party  
2 representatives wish to inspect this envelope or be  
3 heard on this issue?

4 MR. POSAN: Jeff Posan representing the  
5 Greens. It appears that the assistant in this  
6 instance attempted to comply with the provisions, and  
7 based on that, I think that there is sufficient --  
8 unless there is other reasons where the ballot should  
9 be disallowed, the ballot should be allowed.

10 MR. CZARNEKI: Anyone else? Any further  
11 discussion?

12 MR. BAAS: Given that that was clear as  
13 mud, I move to accept.

14 MR. POSNANSKI: Mr. Clerk, call the vote.

15 MR. CZARNEKI: On the motion to accept,  
16 Commissioner Christensen?

17 MR. CHRISTESEN: Aye.

18 MR. CZARNEZKI: Commissioner Baas?

19 MR. BAAS: Aye.

20 MR. CZARNEZKI: Chairman Posnanski?

21 MR. POSNANSKI: Aye.

22 MR. CZARNEZKI: Mr. Chairman, there are  
23 three ayes, zero nos. The motion prevails.

24 (Off the record briefly)

25 MR. ALBRECHT: We can start with the

1       easiest three absent -- well, a group of them. One  
2       absentee ballot from in-person absentee voting for  
3       Ward 51 that was not sealed and was rejected on  
4       election day as RAB No. 1.

5               MR. POSNANSKI: The grounds of the  
6       rejection were that the envelope was not sealed?

7               MR. ALBRECHT: Correct, but this was a  
8       ballot that was issued during early voting. It's an  
9       in-person absentee voted ballot.

10              MR. BAAS: I would like to note for the  
11       record that the electorate did sign, it has been  
12       witnessed, and there is an address.

13              Does anyone wish to inspect or be heard on  
14       this?

15              I move that we accept.

16              MR. CZARNEZKI: On the motion to accept,  
17       Commissioner Christensen?

18              MR. CHRISTESEN: Aye.

19              MR. CZARNEZKI: Commissioner Baas?

20              MR. BAAS: Aye.

21              MR. CZARNEZKI: Chairman Posnanski?

22              MR. POSNANSKI: Aye.

23              MR. CZARNEZKI: Mr. Chairman, there are  
24       three ayes, zero nos. The motion prevails.

25              MR. ALBRECHT: Two ballots for Ward 42 that

1           were rejected on election day, one RAB1 and the other  
2           RAB2, missing witness signatures. These were both  
3           in-person absentee voted ballots. Do any of the  
4           parties wish to inspect?

5                   MR. BAAS: Move to accept.

6                   MR. CZARNEZKI: On the motion to accept,  
7           Commissioner Christensen?

8                   MR. CHRISTESEN: Aye.

9                   MR. CZARNEZKI: Commissioner Baas?

10                  MR. BAAS: Aye.

11                  MR. CZARNEZKI: Chairman Posnanski?

12                  MR. POSNANSKI: Aye.

13                  MR. CZARNEZKI: Mr. Chairman, there are  
14           three ayes, zero nos. The motion prevails.

15                  MR. ALBRECHT: And now one slightly more  
16           complicated. This is Ward 51. It was a voter who  
17           appeared for in-person absentee voting. At the time  
18           they appeared they must have provided their new last  
19           name, so it would have been a name change. Their  
20           voter record was identified -- I'm sorry, they must  
21           have provided their previous name which allowed them  
22           to locate their voter registration records. But then  
23           when completing their certificate envelope, they  
24           wrote it under a new last name.

25                   We made -- which would require a new

1 registration, any time there is a name change or an  
2 address change.

3 We made numerous attempts to contact the  
4 voter to have them come in and complete a new  
5 registration form. There was no response to those  
6 attempts, so the absentee ballot was rejected on  
7 election day. I do not have a record of what the  
8 voter's name is in the voter registration database  
9 without being able to access the database.

10 MR. POSNANSKI: So this was rejected  
11 because the name printed here is not included in the  
12 registered voters for the City of Milwaukee?

13 MR. ALBRECHT: That's correct.

14 MR. POSNANSKI: Do any of the party  
15 representatives wish to inspect or be heard on this  
16 issue?

17 MR. BAAS: Move to reject.

18 MR. CZARNEKI: If there is no discussion on  
19 the motion, the motion is to reject. Commissioner  
20 Christensen?

21 MR. CHRISTESEN: Aye.

22 MR. CZARNEZKI: Commissioner Baas?

23 MR. BAAS: Aye.

24 MR. CZARNEZKI: Chairman Posnanski?

25 MR. POSNANSKI: Aye.



1 MR. CZARNEZKI: Mr. Chairman, there are  
2 three ayes, zero nos. The motion prevails.

3 MR. ALBRECHT: I was brought one more  
4 certificate envelope. Again, this is a voter from  
5 in-person absentee voting. You can tell an attempt  
6 was made to seal the ballot, but at the time it was  
7 presented at central count it was not sealed and the  
8 ballot was rejected. This is for Ward 33, RAB1.

9 MR. CZARNEKI: This envelope is signed and  
10 dated by both a witness and a voter?

11 MR. ALBRECHT: Correct. It met all other  
12 requirements.

13 MR. CZARNEKI: Do any of the party  
14 representatives wish to inspect this envelope or be  
15 heard on this issue?

16 MR. BAAS: In keeping with what we have  
17 done previously, I move to accept.

18 MR. CZARNEKI: On the motion to accept,  
19 Commissioner Christensen?

20 MR. CHRISTESEN: Aye.

21 MR. CZARNEZKI: Commissioner Baas?

22 MR. BAAS: Aye.

23 MR. CZARNEZKI: Chairman Posnanski?

24 MR. POSNANSKI: Aye.

25 MR. CZARNEZKI: Mr. Chairman, there are

1 three ayes, zero nos. The motion prevails.

2 MR. ALBRECHT: So one final item, during  
3 the central count processing of absentee ballots, if  
4 a voter had been issued a wrong ballot while  
5 in-person absentee voting, they reconstructed that  
6 ballot on to a correct ballot, but they placed the  
7 original ballot in the ward ballot bag for the  
8 incorrect ward that the voter had been issued. Does  
9 that make any sense?

10 So let's just say a voter appeared, voted  
11 an in-person absentee ballot for the ward. The voter  
12 lives in Ward 2 but they were given a ballot for Ward  
13 20. That error was corrected during the central  
14 count processing of the absentee ballots, and the  
15 ballot was reconstructed on to a ballot for Ward 2.

16 Where the error occurred is the original  
17 reconstructed ballot was placed with the ballots for  
18 Ward 20. So the problem is we had one of the party  
19 representatives ask that we bring this to your  
20 attention.

21 What we have to do is set them aside,  
22 because what it means is that we have reconstructed  
23 ballots where the duplicate ballot is in a different  
24 ward than the original ballot.

25 MR. POSNANSKI: And what happened to the

1 original ballot?

2 MR. ALBRECHT: It was placed -- it was  
3 placed with the ward materials for the wrong ward  
4 that the voter was issued the ballot from.

5 MR. BAAS: So there is two votes for that  
6 person?

7 MR. ALBRECHT: It doesn't affect voting at  
8 all. It just has to do with part of the recount  
9 process is we have to compare the original ballot to  
10 the duplicate ballot. In some cases -- in a  
11 reconstructed ballot, in some cases we're not able to  
12 do that because there were two separate ward  
13 materials.

14 The ballot will have been counted. This  
15 has nothing to do with ballots counted. The ballot  
16 will be counted. The duplicate ballot will be  
17 counted in the correct ward's ballots. It has to do  
18 with where the original ballot is located for  
19 purposes of confirming that the votes were  
20 reconstructed properly during the ballot  
21 reconstruction process.

22 MR. POSNANSKI: It's a question of where  
23 the error is noted?

24 MR. ALBRECHT: It's a question of part of  
25 the recount process is we're supposed to be able to

1 demonstrate that the voter intent was -- we were  
2 supposed to demonstrate the voter intent was met by  
3 showing the original ballot and the reconstructed  
4 ballot. In these cases, we're not able to locate the  
5 original ballots because they were misfiled with the  
6 wrong ward's ballots.

7 MR. BAAS: Is the person who made the  
8 objection here?

9 UNIDENTIFIED SPEAKER: No.

10 MR. CZARNEKI: I would say that whatever is  
11 decided, it should be noted on your tally sheet.

12 MR. ALBRECHT: And that's what we have been  
13 doing. We have been recording it on the ballot  
14 sheet.

15 MR. DRAGODA: Dragoda for the Republican  
16 party. The question is why would it be impossible or  
17 difficult for you to find that ballot so that you can  
18 make a comparison, confirm that the ballots were  
19 re-made correctly, and then reallocate them back?

20 MR. ALBRECHT: So we use this as the  
21 example. This is a ballot. The voter was originally  
22 issue a ballot for Ward 51. They did not live in  
23 Ward 51.

24 We verified that we reconstructed the  
25 ballot on to a new ballot for the correct ward, but

1       these ended up with the ballots for Ward 51. They  
2       have nothing to do with Ward 51, except it happens to  
3       be the ward number that was issued incorrectly. We  
4       have no way from this to tell what actual ward --  
5       what actual ward the voter lived in. We have no way  
6       of knowing from this where the duplicate ballot is  
7       located.

8               MR. CZARNEKI: So in other words, you know  
9       that the voter did not live in Ward 51, but you do  
10      not know what ward the voter actually lived in and  
11      therefore you are not able to reconstruct the ballot?

12             MR. ALBRECHT: Correct.

13             MR. CZARNEZKI: I would ask the question,  
14      has there been an attempt to identify the individual  
15      so that you can potentially find what ward the  
16      individual would have filed that absentee ballot in  
17      so that you can verify the authenticity of the  
18      re-made ballot? Because you have to be able to  
19      verify the authenticity for it to be acceptable.

20             MR. ALBRECHT: Well, there is a voter  
21      number, but that voter number is unique to the  
22      voter's actual correct ward. So, I mean, the way  
23      this is sort of playing out is we're setting these  
24      aside, and at some point we're going to find the  
25      reverse. We're going to find duplicate ballots that

1 don't have original ballots and we would match them  
2 up through that process, so the question here is --

3 MR. BAAS: Is it reasonable to set that  
4 aside until that happens?

5 MR. ALBRECHT: Sure.

6 MR. BAAS: That's going to be the direction  
7 we're looking for. Thank you.

8 (Off the record briefly)

9 MR. POSNANSKI: Back on the record. A  
10 representative of the Green party would like to make  
11 a statement.

12 MS. FENLON: Jessica Fenlon, F-e-n-l-o-n,  
13 for the Green party.

14 This is a statement regarding the  
15 technological capacities of the tabulation machines.

16 On election day, the DS200's modem reports  
17 to the central computer via cellular signal. The  
18 DS200 modem sends a signal across a network, like a  
19 fax machine. Milwaukee County Election Commission  
20 staff stated that this modem functionality was not  
21 enabled for the recount. Additionally, the DS850  
22 machines being used to count the City of Milwaukee do  
23 not connect to the internet or any other network.  
24 That's all.

25 (Discussion held off the record, off open

1 mics.)

2 MR. BAAS: We're back on. Ma'am, before we  
3 go any further, I want to just note that we're not  
4 sure that what that statement was was technically  
5 correct.

6 MS. FENLON: It has become clear, pursuing  
7 further conversation, that the accuracy of that  
8 statement is now in question and will be clarified  
9 over the next couple of days.

10 MR. BAAS: Thank you.

11 MR. ALBRECHT: Neil Albrecht with the City  
12 of Milwaukee Election Commission. We have an  
13 over-voted ballot that we believe the voter's intent  
14 is not clear on, so we're seeking guidance from the  
15 Board of Canvassers. It's the ballot where the voter  
16 voted for multiple candidates. It appears they wrote  
17 "error" next to one of those candidates, but then  
18 whited by WhiteOut to the word "error," so this was  
19 processed as an over-voted ballot on election day.

20 MR. BAAS: Do you want to be heard on this  
21 ballot or do you want to inspect this ballot?

22 I'm moving -- lacking the wisdom of  
23 Solomon, I'm moving that this be considered  
24 scattered. I'm sorry, over-booked. My correct.  
25 There is no vote.

1 MR. CZARNEKI: On the motion to count this  
2 ballot as an over-vote, Commissioner Christensen?

3 MR. CHRISTESEN: Aye.

4 MR. CZARNEZKI: Commissioner Baas?

5 MR. BAAS: Aye.

6 MR. CZARNEZKI: Chairman Posnanski?

7 MR. POSNANSKI: Aye.

8 MR. CZARNEZKI: Mr. Chairman, there are  
9 three ayes, zero nos. The motion prevails.

10 (Off the record briefly.)

11 MS. GABRIEL: Good afternoon, Theresa  
12 Gabriel with the City of Milwaukee Election  
13 Commission. I have a ballot here, absentee ballot,  
14 for Ward 57. The ballot was accepted and included in  
15 the count, however the certificate envelope was  
16 sealed with tape, which it's not -- which we should  
17 not accept typically. This is ballot No. 74, and if  
18 we include this in the count, then it balances  
19 against the tape total, so without this, it would be  
20 reduced by one.

21 MR. CZARNEKI: Because it was included in  
22 the original?

23 MS. GABRIEL: It was included.

24 MR. POSNANSKI: What's the basis for  
25 rejecting it if there is tape?



1 MS. GABRIEL: It could have been tampered  
2 with and resealed.

3 JEFF: Jeff (inaudible) for the Green  
4 party. I will note that the envelope does not appear  
5 to be tampered with as far as reopened and sealed  
6 with tape, and if I'm not mistaken, the statute does  
7 not specify the method of sealing.

8 UNIDENTIFIED SPEAKER: Rich (inaudible)  
9 with the Trump campaign. I believe the tape, it  
10 says, specifically is not to be included, not to be  
11 used, therefore we would ask it be excluded. Thank  
12 you.

13 MR. POSNANSKI: Both of you referenced some  
14 guidance with respect to the use of tape. Can you  
15 point us anywhere in particular so we can review it?

16 UNIDENTIFIED SPEAKER: I don't -- I believe  
17 it says on the envelope actually, do not use tape.

18 MR. KARASKIEWICZ: I have taken a look at  
19 the statute, and nowhere does it say that there's a  
20 particular preferred method of adhesive for the  
21 ballot envelope. The statute in its preamble,  
22 however, focuses on the avoidance of fraud in the  
23 process as an important consideration in the  
24 regulations and instructions under absentee voting.

25 The WEC guidelines also do not identify a

1 particular kind of adhesive that's important for  
2 compliance with the statute; however, as the  
3 Republican party points out, 688.3(b) also identifies  
4 the avoidance of fraud in voting as a consideration  
5 in evaluating the ballot.

6 So the issue here is whether there's any  
7 indication or evidence of fraud in attempting to  
8 vote, I would think. And there being no clear  
9 statutory or policy guideline, your consideration of  
10 the facts should be focused on whether there is or is  
11 not fraud.

12 MR. POSNANSKI: Based upon my review of  
13 this envelope and ballot, I don't see any evidence of  
14 fraud. For instance, I do not see any evidence that  
15 this envelope was opened and then resealed with tape.  
16 From all appearances, it appears it was simply sealed  
17 in the first place with tape. I would also note that  
18 under the Uniform Instructions for Wisconsin Absentee  
19 Voters for the State of Wisconsin, this was published  
20 by the Election Commission on September 16 of 2016,  
21 the instructions given to absentee voters simply  
22 instructs that the voter seal the envelope period.

23 It appears in paragraph 4, the entire  
24 sentence reads, "Seal the envelope."

25 For that reason, my recommendation would be

1           that we accept this ballot.

2                   MR. BAAS: With respect to my colleague,  
3           I'm going to -- I'm not an attorney. It simply says  
4           on the envelope "do not use tape or glue to seal this  
5           envelope." And by affixing the tape, I cannot  
6           determine if this envelope had never been opened  
7           before, so I'm going to move that this be rejected.

8                   MR. CHRISTENSEN: I think quite often when  
9           people do send things through the mail, I think it's  
10          human nature they want their mail to not be tampered  
11          with. They tend to overdo it and tape it, especially  
12          if you're sending your vote, something important,  
13          even though it says on the ballot clearly do not seal  
14          using tape.

15                   But, again, that's not something that is in  
16          the state statutes. And, again, as the other  
17          Commissioner mentioned, there is no evidence of fraud  
18          and showing any intent of voter fraud and the  
19          statutes don't speak to it, so I error on the side of  
20          making sure that the vote is counted.

21                   MR. BAAS: I would note that taking a lunch  
22          break is not in the statute either.

23                   MR. CZARNEKI: On the motion to reject,  
24          Commissioner Christensen?

25                   MR. CHRISTENSEN: No.

1 MR. CZARNEZKI: Commissioner Baas?

2 MR. BAAS: Aye.

3 MR. CZARNEZKI: Chairman Posnanski?

4 MR. POSNANSKI: Nay.

5 MR. CZARNEZKI: Mr. Chairman, there are one  
6 Aye, two nos, the motion to reject fails. Motion to  
7 accept would be in order at this time.

8 MR. CHRISTENSEN: I move to accept.

9 MR. CZARNEKI: On the motion to accept the  
10 ballot. Commissioner Christensen?

11 MR. CHRISTESEN: Aye.

12 MR. CZARNEZKI: Commissioner Baas?

13 MR. BAAS: Nay.

14 MR. CZARNEZKI: Chairman Posnanski?

15 MR. POSNANSKI: Aye.

16 MR. CZARNEZKI: Mr. Chairman, there are two  
17 ayes, one no. The motion to accept the ballot  
18 prevails.

19 MS. LEDESMA: Carla Ledesma, Wauwatosa City  
20 Clerk. I have six absentee ballots here, three from  
21 District 6, Ward 18; three from District 6, Ward 17,  
22 that are damaged, torn, and they need to be  
23 reconstructed. The absentee numbers for Ward 18 are  
24 159A, 319A, 326A; and for Ward 17 it's 248A, 201A,  
25 and 100A.

1 MR. POSNANSKI: Do any of the party  
2 representatives wish to inspect these ballots?

3 MR. BAAS: Move to authorize  
4 reconstruction.

5 MR. CZARNEZKI: On the motion to  
6 reconstruct the ballots. Commissioner Christensen?

7 MR. CHRISTESEN: Aye.

8 MR. CZARNEZKI: Commissioner Baas?

9 MR. BAAS: Aye.

10 MR. CZARNEZKI: Chairman Posnanski?

11 MR. POSNANSKI: Aye.

12 MR. CZARNEZKI: Mr. Chairman, there are  
13 three ayes, zero nos. The motion prevails.

14 MS. LEDESMA: I have one absentee ballot,  
15 No. 429A from District 6, Ward 17. It was originally  
16 counted. We have pulled it out. I request that it  
17 be rejected because there is no witness signature or  
18 address. It's 429A, and it was a mailed ballot.

19 MR. CZARNEKI: Can we check the record? I  
20 think we already rejected this ballot.

21 (Discussion held off the record.)

22 MS. LEDESMA: Thank you. I apologize for  
23 that.

24 I have two absentee ballots from District  
25 6, Ward 18. We have verified that they -- these

1 voters do belong in District 6, Ward 18, however they  
2 both received District 7, Ward 19 ballots, and  
3 there's no indication that they had been re-made on  
4 election day on to the correct ballot. Requesting  
5 permission to re-make them on the correct ballot.

6 MR. POSNANSKI: So the issue for both of  
7 these is that they were given the ballot for the  
8 wrong ward?

9 MS. LEDESMA: That's correct.

10 MR. POSNANSKI: Were these votes accepted  
11 on election day?

12 MS. LEDESMA: They would have been because  
13 the way the tabulators were programmed, that  
14 particular tabulator was programmed for Ward 18 and  
15 Ward 19 ballots.

16 MR. POSNANSKI: So the request would be,  
17 then, to reconstruct these ballots for Ward 18, which  
18 would result in two additional votes in Ward 18 and  
19 two fewer votes in Ward 19?

20 MS. LEDESMA: Correct, yes.

21 MR. POSNANSKI: These were both in-person  
22 absentee ballots that were signed by the Clerk's  
23 office with the address included?

24 MS. LEDESMA: Yes, that's correct. They're  
25 both at the clerk's office.

1 MR. POSNANSKI: Do any of the party  
2 representatives wish to inspect these envelopes or be  
3 heard on this issues?

4 MR. BAAS: Move to authorize reconstruction  
5 and have them assigned to the appropriate wards.

6 MR. CZARNEKI: On the motion, Commissioner  
7 Christensen?

8 MR. CHRISTESEN: Aye.

9 MR. CZARNEZKI: Commissioner Baas?

10 MR. BAAS: Aye.

11 MR. CZARNEZKI: Chairman Posnanski?

12 MR. POSNANSKI: Aye.

13 MR. CZARNEZKI: Mr. Chairman, there are  
14 three ayes, zero nos. The motion prevails.

15 MS. LEDESMA: I have one emailed ballot  
16 from District 6, Ward 16, No. 255A. The voter did  
17 not sign the absentee ballot certificate information.  
18 The ballot was evidently counted, however. I would  
19 request that it be rejected.

20 MR. POSNANSKI: Do either of the party  
21 representatives wish to inspect the certificate?

22 MR. BAAS: Move to reject.

23 MR. POSNANSKI: Motion to reject absentee  
24 ballot 255A.

25 MR. CZARNEZKI: On the motion, Commissioner

1 Christensen?

2 MR. CHRISTESEN: Aye.

3 MR. CZARNEZKI: Commissioner Baas?

4 MR. BAAS: Aye.

5 MR. CZARNEZKI: Chairman Posnanski?

6 MR. POSNANSKI: Aye.

7 MR. CZARNEZKI: Mr. Chairman, there are  
8 three ayes, zero nos. The motion prevails.

9 MS. LEDESMA: This last situation is  
10 somewhat confusing. It's for District 7, Ward 20,  
11 absentee ballot No. 288A. The absentee ballot itself  
12 is in one envelope. The voter was evidently issued  
13 two envelopes. She was mailed one. We realized that  
14 she should have been receiving it through a special  
15 voting deputy, so a second envelope was issued.  
16 Somehow when the visit occurred, her ballot ended up  
17 going in one envelope, but she signed the other  
18 envelope, and there is a witness.

19 MR. CZARNEKI: Was that ballot counted?

20 MS. LEDESMA: I believe that ballot was  
21 counted. It does have a number. I believe that  
22 ballot was counted.

23 MR. POSNANSKI: Why was this reissued?

24 THE WITNESS: It's a new address that we in  
25 Wauwatosa started serving with a special voting



1 deputy, and apparently the initial mailing was done  
2 whereas it should have been delivered via special  
3 voting deputy at the assistant living facility.

4 We just noticed that the ballot is in that  
5 second envelope without the signatures, so it does  
6 have a voter number. I would need to check the  
7 inspector statement, I guess, to see whether or not  
8 the ballot had been counted. Since it's in the  
9 envelope, I'm not sure if it was pulled out and put  
10 in that envelope.

11 MR. POSNANSKI: How was the envelope that  
12 was signed and witnessed delivered?

13 MS. LEDESMA: I believe that's the one that  
14 was -- that one that you're holding that has the  
15 signatures, I believe it was mailed originally. I  
16 believe the --

17 MR. POSNANSKI: Including the ballot?

18 MS. LEDESMA: Including the ballot, I  
19 believe. The ballot is in that second envelope which  
20 has no signatures.

21 MR. POSNANSKI: Do we have any idea how or  
22 why it was placed in the second envelope?

23 MS. LEDESMA: I'm reading the notes on the  
24 envelope, and she was reissued when the error was  
25 discovered that it should have been an SBD delivery

1           rather than via mail delivery. How it ended up in  
2           the wrong envelope I'm not sure, however.

3                   MR. CZARNEKI: Are there any notations on  
4           the inspector's statement?

5                   MS. LEDESMA: I need to check that again.  
6           I don't know if there is one or not.

7                   MR. POSNANSKI: Why don't we check if there  
8           are any notations on the inspector's statement.

9                   MS. LEDESMA: Okay.

10                   (Off the record 5:28-5:39)

11                   MR. POSNANSKI: Back on the record.

12                   MR. SHELENSKE: Jim Shelenske, City of  
13           South Milwaukee. What I have in front of me is the  
14           central count votes. Inadvertently they were given  
15           the wrong ballots on election for absentee voting and  
16           now we're running through and we realize that they're  
17           the incorrect ballots, so we need to reconstruct  
18           them.

19                   MR. POSNANSKI: How many ballots are there?

20                   MR. SHELENSKE: There is about half a  
21           dozen.

22                   MR. POSNANSKI: And the request is to  
23           reconstruct these half dozen ballots to the correct  
24           ballots?

25                   MR. SHELENSKE: Yes.

1 MR. POSNANSKI: Consistent with the voter  
2 intent identified on the incorrect ballot?

3 MS. HENRY: The clerk's office -- for the  
4 record, the clerk's office issued the wrong absentee  
5 ballot at the clerk's office. These are in-person  
6 absentee electors.

7 MR. POSNANSKI: And there is -- is there  
8 any way to identify specific ballot by ballot number?

9 MR. SHELENSKE: Yes.

10 MR. POSNANSKI: Can you identify the ballot  
11 number, please.

12 MR. SHELENSKE: Like the night of here, we  
13 issued number Ward 9, 10, 11, 12; and it should have  
14 been 13, 14, 15, 16. Ballot No. 81, 66, and 22.

15 MR. POSNANSKI: The same error on all three  
16 of those ballots?

17 MR. SHELENSKE: Yes, and I divided them to  
18 the different envelopes accordingly. Do you want me  
19 to read all the numbers?

20 MR. POSNANSKI: Yes, please.

21 MR. SHELENSKE: Ballot No. 421, it should  
22 have been District 2, and it was District 1. 212, it  
23 should have been -- it's now marked -- it's an  
24 invalid ballot.

25 Ballot No. 716 was issued District 4, it

1           should have been 3. I will put it in a new envelope  
2           because I broke the seal.

3                   And this one was District 2 that was  
4           issued, should have been District 3.

5                   And this is District 2, should have been  
6           District 1. Ballot number 172.

7                   District 2, should have been 3, ballot 455.

8                   District 2, should have been District 1,  
9           314.

10                   MR. POSNANSKI: Any of the political  
11           parties wish to inspect these ballots? There --  
12           there is no issue with respect to the voter intent.  
13           You just want to reconstruct these ballots on the  
14           correct ballot?

15                   MR. SHELENSKE: Correct.

16                   MR. BAAS: Move to reconstruct and assign  
17           to appropriate wards.

18                   MR. CZARNEKI: On the motion, Commissioner  
19           Christensen?

20                   MR. CHRISTESEN: Aye.

21                   MR. CZARNEZKI: Commissioner Baas?

22                   MR. BAAS: Aye.

23                   MR. CZARNEZKI: Chairman Posnanski?

24                   MR. POSNANSKI: Aye.

25                   MR. CZARNEZKI: Mr. Chairman, there are

1 three ayes, zero nos. The motion prevails.

2 (Discussion held off the record 5:48-6:04)

3 MS. LEDESMA: Carla Ledesma, Wauwatosa City  
4 Clerk.

5 Going back to the District 7, Ward 20 voter  
6 who had two ballots where her signatures are on the  
7 one envelope, the witness signature and address is on  
8 one envelope. The ballot is in a second envelope.  
9 They were clipped together.

10 The message on here was processed as good.  
11 What we believe happened was that the voter signed  
12 one envelope. The ballot went into another envelope.  
13 I do note that this is ballot No. 288A in Ward 20.  
14 However, the ballot that's in this envelope that was  
15 attached to the original envelope does not have a  
16 number assigned to it and the ballot itself is blank.

17 I presume that the special voting deputies  
18 delivered this one. She returned the ballot, but it  
19 does not appear that she voted the ballot, and  
20 there's no other information on the inspector  
21 statement.

22 MR. POSNANSKI: These two envelopes were  
23 clipped together?

24 MS. LEDESMA: They were paper-clipped  
25 together.

1 MR. POSNANSKI: Do you know who did that?

2 MS. LEDESMA: The elections clerk in the  
3 City Clerk's office. That's her handwriting. And I  
4 remember talking to her about that, and I'm trying to  
5 reconstruct it as best I can.

6 I believe that's what happened. It was --  
7 the original ballot was mailed out. When we realized  
8 it was supposed to be serviced by a special voting  
9 deputy because it's a new location, just built, so  
10 the special voting deputies went out there,  
11 presumably took a new ballot along for her, that's  
12 why she has two envelopes.

13 MR. POSNANSKI: And you do not have any  
14 evidence that ballot 288A was included in the count?

15 MS. LEDESMA: No indication it was.

16 MR. POSNANSKI: And there is a red Post-it  
17 affixed to this first envelope. Whose writing is  
18 that and where did that come from?

19 MS. LEDESMA: That writing is my  
20 collection's clerk, Joanne Pelczynski,  
21 P-e-l-c-z-y-n-s-k-i.

22 MR. POSNANSKI: And the note reads, was  
23 returned, second visit, returned on 10/31/16, JP. Do  
24 you know what that means?

25 MS. LEDESMA: The -- I'm reconstructing it.

1           It sounds like that the special voting deputies made  
2           a second trip to that facility and made contact with  
3           the voter on the second trip, so this was what was  
4           returned at that point. Some time during this return  
5           it was discovered that the ballot was in one envelope  
6           and she had signed another, and the signature -- the  
7           witness signature that's on that original envelope is  
8           not a special voting deputy, so it must have been a  
9           voter's friend or neighbor or something.

10                   MR. POSNANSKI: And that came from your  
11           office?

12                   MS. LEDESMA: Right. That was a notation  
13           from my election's clerk, but it does not appear that  
14           she voted the ballot either.

15                   MR. POSNANSKI: We removed the ballot, and  
16           the ballot is blank. Do you have a request in terms  
17           of what you would like us to do with this ballot?

18                   MS. LEDESMA: I'm not real comfortable  
19           accepting it just because it's in two different  
20           envelopes, I guess. On the other hand, it's blank so  
21           there is no harm in sending it through.

22                   MR. CHRISTENSEN: From what you have  
23           indicated -- regardless, let's say for the moment,  
24           that even though the ballot is blank, from what you  
25           indicated, it sounds as though, and correct me if I'm

1 wrong, that you feel as though there may have been an  
2 error on the clerk's part in terms of sending one  
3 out.

4 MS. LEDESMA: It was mailed out -- yes, it  
5 was mailed out. It should not have been. We  
6 discovered that. It's a new location.

7 MR. CHRISTENSEN: So the Commission in the  
8 past has not rejected ballots based on any sort of  
9 election worker error, and it's my suggestion that we  
10 follow that part up and run it through.

11 MR. CZARNEKI: Mr. Chairman, I have a  
12 question. Since there are two envelopes, is it  
13 possible there was one ballot mailed to the elector  
14 and another ballot given to the elector by the SRD?

15 MS. LEDESMA: I would think that's a  
16 possibility, and perhaps that's why she returned the  
17 blank one.

18 MR. CZARNEKI: So in that event, if you  
19 counted the ballot, even though it was blank, would  
20 your count be off?

21 MS. LEDESMA: Yes, it would, by one.

22 MR. CHRISTENSEN: Another point of  
23 clarification, was it originally counted?

24 MS. LEDESMA: I don't believe so because  
25 there's no voter number. Since we do a central



1 count, there is no voter number on this particular  
2 ballot.

3 MR. CHRISTENSEN: There is a voter number  
4 on --

5 MS. LEDESMA: On the envelope. But we --  
6 what we haven't done is gone through the ballot bag  
7 to see if there is a 288, I think it is, A in there.

8 MR. CHRISTENSEN: Since this is a two-day  
9 process for the City of Wauwatosa, I suggest we lay  
10 this over until tomorrow to allow you to take a look  
11 and see if you can find that ballot to match up with  
12 that voter number. So I will make a motion to lay  
13 this item over until tomorrow.

14 MR. POSNANSKI: Without objection, so  
15 ordered.

16 (Off the record 6:11-6:50)

17 MR. POSNANSKI: The City of Milwaukee  
18 Election Commission stands in recess. And we will  
19 reconvene tomorrow morning at 8:00 a.m.)

20 (Whereupon, the proceedings concluded at  
21 6:50 p.m.)

STATE OF WISCONSIN )  
 ) SS:  
MILWAUKEE COUNTY )

I, Carla J. Van Roo, Registered Professional Reporter and Notary Public in and for the state of Wisconsin, do hereby certify that I have carefully compared the foregoing pages with my stenographic notes, and that the same is a true and correct transcript.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested directly or indirectly in said action.

Dated at Milwaukee, Wisconsin, on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Carla J. Van Roo  
Registered Professional Reporter  
Certified Realtime Reporter  
Notary Public

My commission expires May 15, 2019

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