

Wisconsin Elections Commission -  
2016 Vote Recount - Presidential Election

**Transcript of Proceedings**

**December 6, 2016**



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2016 PRESIDENTIAL ELECTION RECOUNT

STATE OF WISCONSIN

RECOUNT HELD BEFORE THE  
MILWAUKEE COUNTY ELECTION COMMISSION

Tuesday, December 6, 2016

8:05 a.m.

at

CITY OF MILWAUKEE WAREHOUSE  
1901 South Kinnickinnic Avenue  
Milwaukee, Wisconsin

Reported by Julie A. Poenitsch, RPR/RDR/CRR

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

## BOARD OF ELECTION COMMISSIONERS:

Mr. Tim Posnanski, Chairman (morning)  
Ms. Nancy Penn, Chairwoman (afternoon)  
Mr. Rick Baas, Election Commissioner  
Mr. George Christenson, Election Commissioner

## ALSO PRESENT:

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

## 1 TRANSCRIPT OF PROCEEDINGS

2 COMMISSIONER POSNANSKI: Good morning. I  
3 reconvene the Wisconsin Election Presidential  
4 Recount, Day 5, Milwaukee County. Call the meeting  
5 to order at 8:05.

6 Mr. Clerk, will you call the roll.

7 CLERK CZARNEZKI: Commissioner Baas?

8 COMMISSIONER BAAS: Present.

9 CLERK CZARNEZKI: Commissioner Posnanski?

10 COMMISSIONER POSNANSKI: Present.

11 CLERK CZARNEZKI: Commissioner Penn?

12 COMMISSIONER POSNANSKI: Excused.

13 CLERK CZARNEZKI: Commissioner Penn is  
14 excused for medical reasons.

15 We have a quorum of the commission  
16 present, and at this time --

17 Can you hear me? Can you hear me now?

18 Okay. We have a quorum of the Milwaukee  
19 County Election Commission present. At this time,  
20 I would like to administer the oath of office to  
21 the election inspectors, so I'd ask all of our  
22 election inspectors to please stand. If you'd  
23 please raise your right hand and repeat after me.

24 (Oath of office given to election  
25 inspectors.)

1 CLERK CZARNEZKI: Thank you and  
2 congratulations.

3 I now will turn the meeting over to  
4 Milwaukee County Elections Director, Julietta  
5 Henry, who will provide you with some brief  
6 training, and then we'll get started recounting.  
7 Thank you very much.

8 (Recount training provided by Ms. Henry.)

9 COMMISSIONER POSNANSKI: We'll go back on  
10 the record. Mr. Clerk?

11 CLERK CZARNEZKI: Mr. Chairman, I would  
12 note for the record that pursuant to Section 760(2)  
13 of the Wisconsin statutes, which provides that if a  
14 member of the Board of Canvassers cannot provide  
15 his or her duties, the clerk shall appoint another  
16 member to serve.

17 As noted earlier, Commissioner Penn is  
18 excused for medical reasons; and, therefore,  
19 yesterday I appointed Mr. George Christenson to  
20 serve as a member of the Board of Canvassers and do  
21 so again today.

22 MS. LEDESMA: Carla Ledesma,  
23 L-E-D-E-S-M-A, Wauwatosa City Clerk. I have two  
24 ballots here from District 8, Ward 24 and request  
25 permission to reconstruct them. They're -- in one

1 instance, there's additional markings next to each  
2 name. The ovals are then completed, except in the  
3 office of president, there's just an oval to the  
4 right of the name, but the oval that should be  
5 completed is not, but I believe voter intent is  
6 clear. And the second is just outside of the oval  
7 area. And we request permission to just make these  
8 clean copies.

9 COMMISSIONER POSNANSKI: Do either of the  
10 political parties wish to inspect these ballots?

11 MR. QUINN: I'm good.

12 COMMISSIONER BAAS: Move to authorize  
13 reconstruction and inclusion.

14 CLERK CZARNEZKI: On the motion to  
15 reconstruct the ballots and include them in the  
16 count, Commissioner Christenson?

17 COMMISSIONER CHRISTENSON: Aye.

18 CLERK CZARNEZKI: Commissioner Baas?

19 COMMISSIONER BAAS: Aye.

20 CLERK CZARNEZKI: Chairman Posnanski?

21 COMMISSIONER POSNANSKI: Aye.

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

24 MS. LEDESMA: The second issue is from  
25 yesterday. This is the absentee voter from

1 District 7, Ward 20, No. 288A. This was a  
2 situation where her signature and the witness  
3 signature and address are on one envelope, and the  
4 second envelope that was attached to it had a blank  
5 ballot.

6 We did go through all of the ballots for  
7 District 7, Ward 20. We did find this voter's  
8 absentee ballot, No. 288A. And I would just  
9 request guidance from the board if we can count it.  
10 And I believe it was already counted on election  
11 day, yes.

12 CLERK CZARNEZKI: So is it your  
13 recommendation that we count the ballot marked 288A  
14 that was counted on election day and not count the  
15 blank ballot?

16 MS. LEDESMA: Yes, that's my  
17 recommendation.

18 COMMISSIONER BAAS: So moved.

19 CLERK CZARNEZKI: Okay. On the motion to  
20 count the ballot that was counted on election day  
21 and not count the blank ballot, Mr. Christenson?

22 COMMISSIONER CHRISTENSON: Aye.

23 CLERK CZARNEZKI: Commissioner Baas?

24 COMMISSIONER BAAS: Aye.

25 CLERK CZARNEZKI: Chairman Posnanski?

1 COMMISSIONER POSNANSKI: Aye.

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

4 (Pause in proceedings.)

5 COMMISSIONER POSNANSKI: We're going back  
6 on the record.

7 MS. LEDESMA: Carla Ledesma,  
8 L-E-D-E-S-M-A, Wauwatosa City Clerk.

9 We are processing District 7, Ward 19's  
10 absentee ballots. We discovered that one of the  
11 voters in Ward 19, who is in Ward 19, had received  
12 a Ward 20 ballot in error by my office. We request  
13 permission to reconstruct this ballot, No. 392A,  
14 onto a Ward 19 ballot.

15 COMMISSIONER BAAS: So moved.

16 CLERK CZARNEZKI: On the motion to  
17 reconstruct, Commissioner Christenson?

18 COMMISSIONER CHRISTENSON: Aye.

19 CLERK CZARNEZKI: Commissioner Baas?

20 COMMISSIONER BAAS: Aye.

21 CLERK CZARNEZKI: Commissioner Posnanski?

22 COMMISSIONER POSNANSKI: Aye.

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

25 (Pause in proceedings.)



1 COMMISSIONER POSNANSKI: Back on the  
2 record.

3 MS. LEDESMA: Carla Ledesma, Wauwatosa  
4 City Clerk. We are processing the ballots for  
5 District 1, Ward 3, and we request permission to  
6 remake an election day ballot because it's damaged,  
7 torn in two places.

8 COMMISSIONER BAAS: So moved.

9 CLERK CZARNEZKI: On the motion to  
10 reconstruct, Commissioner Christenson?

11 COMMISSIONER CHRISTENSON: Aye.

12 CLERK CZARNEZKI: Commissioner Baas?

13 COMMISSIONER BAAS: Aye.

14 CLERK CZARNEZKI: Commissioner Posnanski?

15 COMMISSIONER POSNANSKI: Aye.

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

18 (Pause in proceedings.)

19 COMMISSIONER POSNANSKI: Back on the  
20 record.

21 MR. ALBRECHT: Neil Albrecht with the  
22 City of Milwaukee Election Commission. We have a  
23 challenge to a voter's intent on their ballot.  
24 It's a -- well, a completed oval for Hillary  
25 Clinton and a partial mark for Jill Stein. The

1 question is what we believe to be the voter's  
2 intent. It was tabulated as an overvote, a vote  
3 for more than one candidate.

4 COMMISSIONER POSNANSKI: Okay. Do any of  
5 the party representatives wish to be heard on this  
6 ballot?

7 MR. QUINN: I want to agree with the  
8 initial interpretation coming from the election day  
9 operation that this is an overvote.

10 And just for the record, I'm Brendan  
11 Quinn from the Trump campaign. I agree with the  
12 initial election day ruling that this is an  
13 overvote. Thank you.

14 COMMISSIONER POSNANSKI: With respect to  
15 the election day determination, was there an  
16 interpretation made by election staff, or was this  
17 just determined to be an overvote by running this  
18 ballot through the machine?

19 MR. ALBRECHT: It was tabulated as an  
20 overvote on election day, based on the markings in  
21 both the ovals.

22 MR. PERZAN: Jeff Perzan, representing  
23 the Green Party. I believe that, if I'm not  
24 mistaken about the statute, it does indicate that  
25 if there's more in addition, a stray mark, that the

1 voter intent ought to be reflected based on that.

2 COMMISSIONER BAAS: What's your opinion  
3 on that?

4 MR. PERZAN: It could be a stray mark. I  
5 don't know the voter's intent, but because all the  
6 ovals on the face of the ballot are filled in  
7 completely, for that race it may be a stray mark.  
8 I do not know.

9 CLERK CZARNEZKI: Do we have a motion? A  
10 review of the statutes?

11 COMMISSIONER CHRISTENSON: Yeah, based on  
12 the fact that the oval for Candidate Clinton is  
13 completely filled in, and that's consistent with  
14 every other oval, there are no other stray marks,  
15 except for this small dot, I believe that's a stray  
16 mark, and I believe it looks as though this would  
17 be -- the voter intent is clear, in terms of the  
18 consistency of the completion of all the other  
19 ovals. So, therefore, I'd move to accept this as a  
20 ballot for Clinton and Kaine.

21 COMMISSIONER POSNANSKI: Mr. Clerk, will  
22 you call the vote.

23 CLERK CZARNEZKI: On the motion to count  
24 this as a ballot for Clinton-Kaine, Commissioner  
25 Christenson?

1 COMMISSIONER CHRISTENSON: Aye.

2 CLERK CZARNEZKI: Commissioner Baas?

3 COMMISSIONER BAAS: Aye.

4 CLERK CZARNEZKI: Commissioner Posnanski?

5 COMMISSIONER POSNANSKI: Aye.

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

8 MS. AMERELL: Jennifer Amerell, Whitefish  
9 Bay, J-E-N-N-I-F-E-R, last name A-M-E-R-E-L-L.

10 Absentee voter AB405 was missing a  
11 witness signature. You need the address? 4850  
12 North Shoreland Avenue. This is a mail-in.

13 This is another mail-in ballot, AB454.  
14 The address is 4740 North Idlewild. And it is  
15 missing a witness signature, mail-in.

16 This is Ballot 543. This is an  
17 in-person.

18 (There was discussion off the record.)

19 COMMISSIONER POSNANSKI: Will you clarify  
20 the issue? It appears both of these ballots were  
21 both mail-in and missing the witness's address.

22 MS. AMERELL: Correct.

23 COMMISSIONER BAAS: Does anyone wish to  
24 inspect these documents or be heard on it?

25 (Inspection performed.)

1 (There was discussion off the record.)

2 COMMISSIONER POSNANSKI: Can we compare  
3 these two ballots with the poll book to determine  
4 if the witness lives at the same address as the  
5 voter?

6 MS. AMERELL: You want the poll book?

7 COMMISSIONER POSNANSKI: Ward 9 on this  
8 one. That one does not appear there is a ward.

9 While we're waiting additional  
10 information on those two ballots, we can wait to  
11 decide that issue, and you can move on to the next  
12 issue.

13 MS. AMERELL: Okay. This was Voter  
14 No. 543, address 5068 North Woodburn. It's  
15 in-person, and it is missing a witness signature.

16 COMMISSIONER POSNANSKI: You don't have  
17 to identify the address, just the ballot number.

18 MS. AMERELL: Okay. 479, missing a  
19 witness signature; voter 372, missing a witness  
20 signature; voter 786, missing a witness signature;  
21 voter 248 missing a witness signature; voter 164  
22 missing a witness signature; 475 missing a witness  
23 signature; 494 missing a witness signature; 524  
24 missing a witness signature; 18 missing a witness  
25 address.

1 COMMISSIONER POSNANSKI: All of these are  
2 missing the address, right?

3 MS. AMERELL: Address, yes, sorry. 274  
4 missing an address, 405 missing a witness address,  
5 and 459 missing a witness address.

6 COMMISSIONER POSNANSKI: And the  
7 address -- or these were all in-person absentee  
8 votes, such that the address should have been  
9 completed by the election office by the clerk?

10 MS. AMERELL: Correct.

11 COMMISSIONER BAAS: Excuse me. Are you  
12 the clerk?

13 MS. AMERELL: I am.

14 COMMISSIONER BAAS: Can you come down  
15 here? Are these signatures consistent with those  
16 people who work in your office?

17 MS. AMERELL: Yes, these signatures are  
18 either election inspectors or people who work in  
19 the clerk's office.

20 COMMISSIONER BAAS: And you're personally  
21 familiar with them?

22 MS. AMERELL: Yes.

23 COMMISSIONER BAAS: Thank you.

24 Does anybody want to inspect this?

25 (Inspection declined.)

1 COMMISSIONER CHRISTENSON: So keeping in  
2 consistent past practice with the past actions of  
3 the election commission, I would move to allow the  
4 ballots mentioned. I believe all the numbers were  
5 listed already.

6 And just for information purposes for the  
7 city clerk, our practice has been not to disallow  
8 ballots based on clerk error. We err on the side  
9 of making sure the vote is counted if the election  
10 staff makes an error such as that, okay?

11 So I move that they be allowed.

12 CLERK CZARNEZKI: On the motion to accept  
13 and count these ballots, Commissioner Christenson?

14 COMMISSIONER CHRISTENSON: Aye.

15 CLERK CZARNEZKI: Commissioner Baas?

16 COMMISSIONER BAAS: Aye.

17 CLERK CZARNEZKI: Commissioner Posnanski?

18 COMMISSIONER POSNANSKI: Aye.

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

21 MS. AMERELL: On the ballot absentee  
22 voter No. 405, the witness is not registered at the  
23 same address as the voter.

24 COMMISSIONER BAAS: I'm going to move to  
25 disallow.

1 CLERK CZARNEZKI: On the motion,  
2 Commissioner Christenson?

3 COMMISSIONER CHRISTENSON: Aye.

4 CLERK CZARNEZKI: Commissioner Baas?

5 COMMISSIONER BAAS: Aye.

6 CLERK CZARNEZKI: Commissioner Posnanski?

7 COMMISSIONER POSNANSKI: Aye.

8 CLERK CZARNEZKI: There are three ayes,  
9 zero nos. The motion prevails.

10 MS. AMERELL: And then mail-in No. 454,  
11 the witness is registered at the address as the  
12 voter.

13 COMMISSIONER POSNANSKI: And that was  
14 verified by you in the poll book?

15 MS. AMERELL: Correct.

16 COMMISSIONER BAAS: And you have a  
17 number, so on that dis --

18 COMMISSIONER POSNANSKI: Let's take this  
19 one first.

20 COMMISSIONER BAAS: Move to accept.

21 COMMISSIONER POSNANSKI: Motion to accept  
22 ballot envelope AB454.

23 CLERK CZARNEZKI: On the motion to accept  
24 and count the ballot, Commissioner Christenson?

25 COMMISSIONER CHRISTENSON: Aye.



1 CLERK CZARNEZKI: Commissioner Baas?

2 COMMISSIONER BAAS: Aye.

3 CLERK CZARNEZKI: Commissioner Posnanski?

4 COMMISSIONER POSNANSKI: Aye.

5 CLERK CZARNEZKI: Mr. Chairman, there are  
6 three ayes, zero nos. Motion prevails.

7 COMMISSIONER POSNANSKI: With respect to  
8 that previous ballot, is there a ballot that is  
9 marked consistent with that envelope, such that you  
10 know the exact ballot to remove?

11 MS. AMERELL: No.

12 COMMISSIONER POSNANSKI: So we will need  
13 to draw down one absentee.

14 MS. AMERELL: Okay.

15 MS. LEDESMA: Carla Ledesma, Wauwatosa  
16 City Clerk. We're processing District 2, Ward 6  
17 absentees. I have four envelopes from voters 20A,  
18 130A, 169A, 272A. The voter signed it, the witness  
19 signed it, but they are all lacking witness  
20 signatures. These are all temporary election  
21 workers who worked -- I'm sorry, witness address.  
22 And the witnesses who did sign are all temporary  
23 election workers that worked in the city clerk's  
24 office.

25 COMMISSIONER POSNANSKI: These were

1 in-person absentee?

2 MS. LEDESMA: Yes, they were.

3 COMMISSIONER BAAS: And you're familiar  
4 with the signatures?

5 MS. LEDESMA: Yes, I am.

6 COMMISSIONER BAAS: Move to accept.

7 CLERK CZARNEZKI: On the motion to accept  
8 and count the ballots, Commissioner Christenson?

9 COMMISSIONER CHRISTENSON: Aye.

10 CLERK CZARNEZKI: Commissioner Baas?

11 COMMISSIONER BAAS: Aye.

12 CLERK CZARNEZKI: Commissioner Posnanski?

13 COMMISSIONER POSNANSKI: Aye.

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

16 (Pause in proceedings.)

17 COMMISSIONER POSNANSKI: All right. We  
18 are going back on the record.

19 MR. WESCOTT-BARTEN: Andrew  
20 Wescott-Barten, W-E-S-C-O-T-T hyphen B-A-R-T-E-N,  
21 City of Glendale. I'm the deputy clerk/treasurer.

22 Okay. So for the first one, it is  
23 Ward 8, District 2. We have a couple of envelopes  
24 here that have our -- one of our staff's initial on  
25 it, verifying the ID. We also have our stamp

1           that's only issued by our office stamped on the  
2           envelopes, but we do not have a staff signature.

3                   COMMISSIONER POSNANSKI: These were  
4           in-person absentee votes?

5                   MR. WESCOTT-BARTEN: Yes, Voter Nos. A624  
6           and A644.

7                   COMMISSIONER POSNANSKI: Do either of the  
8           party representatives wish to inspect these  
9           envelopes?

10                   (Inspction performed.)

11                   COMMISSIONER BAAS: Move to accept.

12                   CLERK CZARNEZKI: On the motion to  
13           accept, Commissioner Christenson?

14                   COMMISSIONER CHRISTENSON: Aye.

15                   CLERK CZARNEZKI: Commissioner Baas?

16                   COMMISSIONER BAAS: Aye.

17                   CLERK CZARNEZKI: Commissioner Posnanski?

18                   COMMISSIONER POSNANSKI: Aye.

19                   CLERK CZARNEZKI: Mr. Chairman, there are  
20           three ayes, zero nos. The motion to accept  
21           prevails.

22                   MR. WESCOTT-BARTEN: So the next issue  
23           that we have for this incident is Ward T8S,  
24           District 2. There's two different voter numbers,  
25           but they're issued on the same ballot because

1           they're with the same district, you know, senate  
2           and assembly seats. Our first one we have here is  
3           a signature by a witness, but there's no address,  
4           absentee vote A372.

5                   COMMISSIONER POSNANSKI: This is a  
6           mail-in ballot?

7                   MR. WESCOTT-BARTEN: This is a mail-in,  
8           yes. An attempt was made to contact this voter to  
9           correct this issue, and they did not contact us  
10          before the election was over.

11                   (Inspction performed.)

12                   COMMISSIONER POSNANSKI: With respect to  
13          this envelope, there is no way to track down this  
14          specific ballot, correct?

15                   MR. WESCOTT-BARTEN: Correct.

16                   COMMISSIONER BAAS: Move to disallow,  
17          which would be a drawdown.

18                   CLERK CZARNEZKI: On the motion to  
19          disallow and draw down one absentee ballot,  
20          Commissioner Christenson?

21                   COMMISSIONER CHRISTENSON: Aye.

22                   CLERK CZARNEZKI: Commissioner Baas?

23                   COMMISSIONER BAAS: Aye.

24                   CLERK CZARNEZKI: Commissioner Posnanski?

25                   COMMISSIONER POSNANSKI: Aye.

1 CLERK CZARNEZKI: Mr. Chairman, there are  
2 three ayes, zero nos. The motion to disallow  
3 prevails.

4 MR. WESCOTT-BARTEN: We also do have  
5 another absentee ballot here. It's A374.  
6 Everything is filled out properly, except there's  
7 no stamp of the address of the witness, but it is a  
8 city staff signature. It just does not have our  
9 stamp on it. It's from a nursing home. However,  
10 the ballot is still in the envelope. It was never  
11 tabulated on election day.

12 COMMISSIONER POSNANSKI: Do you know why  
13 it was not tabulated on election day?

14 MR. WESCOTT-BARTEN: They must have  
15 opened them, and during the process of putting them  
16 through the machine, it was just never fed through.

17 COMMISSIONER POSNANSKI: Did you say you  
18 recognize the signature of city staff on this?

19 MR. WESCOTT-BARTEN: The signature is  
20 from our city clerk, Karen Couillard, and special  
21 voting deputy, I think it's Kay Buelow.

22 THE REPORTER: Can you tell me those  
23 names again?

24 MR. WESCOTT-BARTEN: Karen Couillard,  
25 city clerk, C-O-U-I-L-L-A-R-D; and Kay Buelow is

1 B-U-E-L-O-W.

2 COMMISSIONER POSNANSKI: Was this an  
3 in-person absentee vote?

4 MR. WESCOTT-BARTEN: This was a ballot  
5 that was at a nursing home.

6 COMMISSIONER POSNANSKI: In the presence  
7 of a special deputy?

8 MR. WESCOTT-BARTEN: An SVD and the city  
9 clerk, because we had an SVD that couldn't make it.

10 On the record too, an SVD is special  
11 voting deputy.

12 COMMISSIONER POSNANSKI: Do any of the  
13 party representatives wish to inspect this  
14 envelope?

15 (Inspection performed.)

16 COMMISSIONER BAAS: Do you have a  
17 comment?

18 UNIDENTIFIED MAN: No.

19 COMMISSIONER BAAS: Move to accept and  
20 add to the tally.

21 CLERK CZARNEZKI: On the motion,  
22 Commissioner Christenson?

23 COMMISSIONER CHRISTENSON: Aye.

24 CLERK CZARNEZKI: Commissioner Baas?

25 COMMISSIONER BAAS: Aye.

1 CLERK CZARNEZKI: Commissioner Posnanski?

2 COMMISSIONER POSNANSKI: Aye.

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

5 COMMISSIONER POSNANSKI: So these -- I  
6 think I understand the issue, but why don't you  
7 summarize it. These will all present us with the  
8 same issue. If you could identify the issue and  
9 then just identify the numbers at the top of each  
10 envelope so that we know which envelopes we're  
11 dealing with.

12 MR. WESCOTT-BARTEN: So the incident that  
13 we have here is that we sent out special voting  
14 deputies to our nursing homes in the City of  
15 Glendale. With the envelopes that they have, they  
16 do not have a stamp that is put on there that is  
17 City of Glendale for our address, but they are  
18 signed by two special voting deputies, and in some  
19 cases the city clerk, but everything else is  
20 properly filled out.

21 COMMISSIONER POSNANSKI: And you  
22 recognize the signatures on each of these  
23 envelopes?

24 MR. WESCOTT-BARTEN: Yes.

25 COMMISSIONER POSNANSKI: If you could

1 just identify by number each envelope, and then you  
2 can, as you do so, you can set them down.

3 MR. WESCOTT-BARTEN: It's A373, A306,  
4 A342, A343, A433, A312, A148, A64, A179, A182, A82,  
5 A92, A101, A108, A55, A420, A157, A165, A246, A173,  
6 A185, A67, A68, A70, A691, A692, A693, A694, A85,  
7 A89, A696, A91, A697, A93, A94, A698, A699, A98,  
8 A700, A701, A106, A702, A703, A704, A111, A706,  
9 A708, A707, A709, A710, A232, A241, A245, A256,  
10 A265, A268, A715, A716, A717, A720, A718, A719,  
11 A721, A52, A51, A695, A168, A705, A58, A127, A128,  
12 A130, A132, A121, A135, A711, A712, A713, A714,  
13 A137, A140, A141, A143, A145, A150, A319, A410,  
14 A412, A311, A327, A369, A411, A190, A200, A208,  
15 A211, A214, A220, A222, A223.

16 COMMISSIONER BAAS: What is the total  
17 number?

18 COMMISSIONER POSNANSKI: Do you know what  
19 the number of total ballot envelopes here is?

20 MR. WESCOTT-BARTEN: We did not get a  
21 count yet.

22 COMMISSIONER POSNANSKI: All of these  
23 were counted on election night?

24 MR. WESCOTT-BARTEN: Yes.

25 COMMISSIONER POSNANSKI: Do any of the



1 party representatives wish to inspect these  
2 envelopes?

3 (Inspection performed.)

4 COMMISSIONER CHRISTENSON: All right.  
5 Keeping in past practice of the commission for  
6 allowing votes to be counted that are missing a  
7 stamp, in this case as a result of election staff  
8 error, I would move that these -- I would move that  
9 these 100 -- approximately 100 ballots that were  
10 mentioned and counted into the record be approved  
11 and counted.

12 COMMISSIONER BAAS: In discussion, I want  
13 it noted on the record that I personally compared  
14 each signature with each name on the ballot, and  
15 they appear to be accurate, and that I'm just  
16 absolutely shocked that a hundred of these things  
17 weren't taken care of properly by people who are  
18 supposed to be trained in how to take care of it.

19 CLERK CZARNEZKI: On the motion to accept  
20 and count the ballots, Commissioner Christenson?

21 COMMISSIONER CHRISTENSON: Aye.

22 CLERK CZARNEZKI: Commissioner Baas?

23 COMMISSIONER BAAS: Aye.

24 CLERK CZARNEZKI: Commissioner Posnanski?

25 COMMISSIONER POSNANSKI: Aye.

1 CLERK CZARNEZKI: Mr. Chairman, there are  
2 three ayes, zero nos. The motion to count the  
3 ballots prevails.

4 MR. WESCOTT-BARTEN: This is for Ward 11S  
5 in District 5.

6 MR. PERZAN: I apologize. This is Jeff  
7 Perzan for the Green Party. We have been informed  
8 that we're not allowed to observe the portion of  
9 what the county is doing in this back hallway, and  
10 that in order to do so, we needed to come out here.  
11 I don't know what they're doing because we're not  
12 allowed to observe.

13 CLERK CZARNEZKI: For the record, what  
14 the staff is doing there is they are entering the  
15 vote totals that have been tallied and emailing  
16 them to Wisconsin Election Commission, as we are  
17 directed to do on a daily basis.

18 Those tally sheets have been and will be  
19 posted for the public, to observe those tally  
20 sheets on a daily basis. If you want to stand in  
21 the hallway and observe, I will check to see why  
22 you haven't been allowed to observe. I don't see,  
23 if you're not interfering, why you cannot observe  
24 that.

25 MR. PERZAN: Thank you.

1 MR. WESCOTT-BARTEN: So we have Ward 11S,  
2 District 5. We have three envelopes, A391, A342,  
3 and A538. They do have an ID verification of  
4 initials from city staff, we do have a witness  
5 signature from city staff, but we do not have our  
6 city stamp of our address. No address. In person,  
7 yes.

8 COMMISSIONER POSNANSKI: These were  
9 counted on election night?

10 MR. WESCOTT-BARTEN: Yes.

11 COMMISSIONER BAAS: I thought he said  
12 undervote. Can you clarify? We believe we heard  
13 you say undervote, that's what we believe we heard.

14 MR. WESCOTT-BARTEN: No, no undervote,  
15 no. These were voted on election night.

16 COMMISSIONER POSNANSKI: The issue is  
17 that there's no city stamp indicating the address,  
18 but these are all, again, workers that signed for  
19 these in-person absentee votes.

20 COMMISSIONER BAAS: Move to accept.

21 COMMISSIONER CHRISTENSON: Just identify  
22 the numbers.

23 COMMISSIONER POSNANSKI: They did.

24 CLERK CZARNEZKI: On the motion to  
25 accept, Commissioner Christenson?

1 COMMISSIONER CHRISTENSON: Aye.

2 CLERK CZARNEZKI: Commissioner Baas?

3 COMMISSIONER BAAS: Aye.

4 CLERK CZARNEZKI: Commissioner Posnanski?

5 COMMISSIONER POSNANSKI: Aye.

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

8 MR. WESCOTT-BARTEN: Then we also have  
9 five absentee ballots voted in person that do have  
10 an initial verifying the ID. They have the city  
11 stamp, but they do not have the city staff  
12 signature. The stamp is only derived from our  
13 office. And they were tabulated on election day.  
14 So they were initialed by city staff, and they were  
15 voted in person. It's A192, A398, A110, A56, and  
16 A55.

17 COMMISSIONER POSNANSKI: Do either of the  
18 party representatives wish to observe these  
19 envelopes?

20 (Inspection declined.)

21 COMMISSIONER BAAS: Move to accept.

22 CLERK CZARNEZKI: On the motion to  
23 accept, Commissioner Christenson?

24 COMMISSIONER CHRISTENSON: Aye.

25 CLERK CZARNEZKI: Commissioner Baas?

1 COMMISSIONER BAAS: Aye.

2 CLERK CZARNEZKI: Commissioner Posnanski?

3 COMMISSIONER POSNANSKI: Aye.

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

6 MR. WESCOTT-BARTEN: We have one from  
7 Ward 612, District 6. We have initials by city  
8 staff verifying photo ID, A186. It was tabulated  
9 on election day, voted in person -- in-person  
10 absentee, I apologize. It has a city stamp of the  
11 address, but no city staff signature.

12 COMMISSIONER BAAS: Move to accept.

13 CLERK CZARNEZKI: On the motion to  
14 accept, Commissioner Christenson?

15 COMMISSIONER CHRISTENSON: Aye.

16 CLERK CZARNEZKI: Commissioner Baas?

17 COMMISSIONER BAAS: Aye.

18 CLERK CZARNEZKI: Commissioner Posnanski?

19 COMMISSIONER POSNANSKI: Aye.

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

22 We appreciate that the City of Glendale  
23 brought all of their absentee ballots to us at one  
24 time, and we understand that there's only two of  
25 you to conduct this election, and we do appreciate

1 your efforts.

2 (There was discussion off the record.)

3 MR. WESCOTT-BARTEN: This is from  
4 Ward 39, District 3. We have a mailed-in absentee  
5 ballot, A103. We have a signature from the  
6 witness. They have a city and state and zip code  
7 listed, but they do not have their physical address  
8 stated or written. Yes, A103.

9 COMMISSIONER POSNANSKI: Note that this  
10 envelope, the witness appears to have the same last  
11 name as the voter. Is there a way to compare your  
12 poll book with the signature of the witness to  
13 determine whether this witness lives at the same  
14 address as the voter?

15 MS. COUILLARD: We can attempt that, yes.

16 COMMISSIONER POSNANSKI: We instruct you  
17 to do that and then bring it back to our attention.

18 MR. WESCOTT-BARTEN: There is one that I  
19 also missed here as well. It's a mailed ballot,  
20 A313, and it has a voter signa -- or witness  
21 signature, but no address.

22 COMMISSIONER POSNANSKI: Do either of the  
23 party representatives wish to inspect this  
24 envelope?

25 (Inspection performed.)

1 COMMISSIONER BAAS: I move to disallow  
2 and draw down.

3 CLERK CZARNEZKI: On the motion,  
4 Commissioner Christenson?

5 COMMISSIONER CHRISTENSON: Aye.

6 CLERK CZARNEZKI: Commissioner Baas?

7 COMMISSIONER BAAS: Aye.

8 CLERK CZARNEZKI: Commissioner Posnanski?

9 COMMISSIONER POSNANSKI: Aye.

10 CLERK CZARNEZKI: Mr. Chairman, there are  
11 three ayes, zero nos. The motion to disallow  
12 prevails.

13 MR. WESCOTT-BARTEN: This is also from  
14 Ward 39, District 3, Ballot No. A274. ID was  
15 verified and has city staff initials. We also do  
16 have a staff signature, but it does not have the  
17 city's address on it.

18 COMMISSIONER POSNANSKI: Are there  
19 different ballots that have the exact same issue,  
20 but from different wards?

21 MR. WESCOTT-BARTEN: Yes.

22 COMMISSIONER POSNANSKI: We can take all  
23 of those at once.

24 MR. WESCOTT-BARTEN: All at once?

25 COMMISSIONER POSNANSKI: If they're the

1 same issue, we can take them all at once.

2 MR. WESCOTT-BARTEN: Otherwise, we do  
3 have some that have the reverse issue as well, to  
4 where they have the city stamp address, but not a  
5 signature.

6 COMMISSIONER POSNANSKI: We'll take those  
7 at the same time as well.

8 MR. WESCOTT-BARTEN: Okay. And there  
9 were discrepancies in all of our wards, so you have  
10 Ward 10, District 4; Ward 17, District 1.

11 So we had 274, and I stated that before,  
12 there was the initials, signature, but no city  
13 address.

14 Okay. Same issue as the one there. It's  
15 District 1, A243. Has the signature, but not a  
16 city address stamp.

17 COMMISSIONER BAAS: Excuse me. Is this  
18 signature known to you to be one of your --

19 MR. WESCOTT-BARTEN: That was my sloppy  
20 signature, yes.

21 We also have a signature here, A243, but  
22 no city address stamp. Also, A73 from the same  
23 ward. A73 is from myself, and A243 is from Karen  
24 Couillard.

25 So we also have the opposite issue with



1       these, where the ID was verified by city staff  
2       initials, they do not have city staff signatures,  
3       but do have our city address stamp at the bottom.  
4       And I do -- I do recognize the initials on every  
5       single one of these envelopes. It's A307, A248,  
6       A324, A107, A563, A669, A173, A334, A493.

7               COMMISSIONER POSNANSKI: Do either of the  
8       party representatives wish to inspect these  
9       envelopes?

10              (Inspection declined.)

11              COMMISSIONER BAAS: Move to accept.

12              CLERK CZARNEZKI: On the motion to  
13       accept, Commissioner Christenson?

14              COMMISSIONER CHRISTENSON: Aye.

15              CLERK CZARNEZKI: Commissioner Baas?

16              COMMISSIONER BAAS: Aye.

17              CLERK CZARNEZKI: Commissioner Posnanski?

18              COMMISSIONER POSNANSKI: Aye.

19              CLERK CZARNEZKI: Mr. Chairman, there are  
20       three ayes, zero nos. Motion to accept prevails.

21              MS. LEDESMA: Carla Ledesma, Wauwatosa  
22       City Clerk. We are processing the absentee ballots  
23       for District 1, Ward 3. We have three ballot  
24       envelopes, No. 313A, 485A, and 499A. These voters  
25       all voted in the city clerk's office. We have

1 voter signatures, we have witness signatures;  
2 however, we are lacking the address for the witness  
3 portion. And these signatures are of the temporary  
4 election workers that were working in the clerk's  
5 office.

6 COMMISSIONER POSNANSKI: So the address  
7 should have been listed as the clerk's office.

8 MS. LEDESMA: Should have been, yes.

9 COMMISSIONER BAAS: Move to accept.

10 CLERK CZARNEZKI: On the motion to  
11 accept, Commissioner Christenson?

12 COMMISSIONER CHRISTENSON: Aye.

13 CLERK CZARNEZKI: Commissioner Baas?

14 COMMISSIONER BAAS: Aye.

15 CLERK CZARNEZKI: Commissioner Posnanski?

16 COMMISSIONER POSNANSKI: Aye.

17 CLERK CZARNEZKI: Mr. Chairman, there are  
18 three ayes, zero nos. The motion to accept  
19 prevails.

20 MS. LEDESMA: We are also processing the  
21 election day ballots for District 2, Ward 6. When  
22 they were being run through the tabulator, we  
23 discovered that there were six ballots for  
24 District 3, Ward 7 that had been included in that  
25 pack.

1 I should mention that District 2, Ward 6  
2 and District 3, Ward 7 do share one tabulator on  
3 election day, so the ballots would not have been  
4 kicked out on election day, and they were processed  
5 on election day.

6 COMMISSIONER POSNANSKI: So what's the  
7 request or the issue?

8 MS. LEDESMA: So the request is to  
9 reconstruct them onto District 2, Ward 6 ballots.

10 COMMISSIONER POSNANSKI: These were  
11 included in the tally, correct?

12 MS. LEDESMA: Yes.

13 COMMISSIONER POSNANSKI: Do either of the  
14 party representatives wish to inspect these  
15 ballots?

16 (Inspection declined.)

17 MR. PERZAN: Jeff Perzan, representing  
18 the Green Party. Will the appropriate ward counts  
19 be adjusted, and did the converse happen as well?

20 MS. LEDESMA: It will be adjusted once  
21 the ballots are reconstructed, yes.

22 MR. PERZAN: Thank you.

23 COMMISSIONER POSNANSKI: So that would  
24 result in six less votes for Ward 7, six more votes  
25 for Ward 6?

1 MS. LEDESMA: Yes, that's correct.

2 COMMISSIONER BAAS: Move to reconstruct  
3 and reassign.

4 CLERK CZARNEZKI: On the motion,  
5 Commissioner Christenson?

6 COMMISSIONER CHRISTENSON: Aye.

7 CLERK CZARNEZKI: Commissioner Baas?

8 COMMISSIONER BAAS: Aye.

9 CLERK CZARNEZKI: Commissioner Posnanski?

10 COMMISSIONER POSNANSKI: Aye.

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

13 (Pause in proceedings.)

14 MR. WESCOTT-BARTEN: Andrew  
15 Wescott-Barten, W-E-S-C-O-T-T hyphen B-A-R-T-E-N,  
16 Deputy Clerk/Treasurer, City of Glendale.

17 This is just a previous incident that we  
18 reported before. Ward 39, District 3, absentee  
19 ballot A103. This is the one that we had that was  
20 a mailed-in absentee ballot where there was a voter  
21 signature, but the witness only put down their  
22 city, state, and zip code.

23 Going back to our poll book, this  
24 individual who signed is a registered voter in the  
25 City of Glendale, resides at the same address. We

1 could not verify his signature because they also  
2 did vote absentee.

3 COMMISSIONER BAAS: Move to accept.

4 CLERK CZARNEZKI: On the motion to  
5 accept, Commissioner Christenson?

6 COMMISSIONER CHRISTENSON: Aye.

7 CLERK CZARNEZKI: Commissioner Baas?

8 COMMISSIONER BAAS: Aye.

9 CLERK CZARNEZKI: Commissioner Posnanski?

10 COMMISSIONER POSNANSKI: Aye.

11 CLERK CZARNEZKI: Mr. Chairman, there are  
12 three ayes, zero nos. The motion to accept  
13 prevails.

14 (Pause in proceedings.)

15 MR. ALBRECHT: Neil Albrecht with the  
16 City of Milwaukee Election Commission. Starting  
17 with one absentee ballot that was rejected on  
18 election day because of a missing witness  
19 signature. This is the ballot of an in-person  
20 absentee voter, and all other requirements are met.

21 COMMISSIONER POSNANSKI: So this is  
22 missing the signature of election staff or clerical  
23 staff?

24 MR. ALBRECHT: Correct.

25 COMMISSIONER POSNANSKI: Do any of the

1 party representatives wish to observe this  
2 envelope?

3 (Inspection declined.)

4 COMMISSIONER BAAS: Move to accept.

5 CLERK CZARNEZKI: On the motion to  
6 accept, Commissioner Christenson?

7 COMMISSIONER CHRISTENSON: Aye.

8 CLERK CZARNEZKI: Commissioner Baas?

9 COMMISSIONER BAAS: Aye.

10 CLERK CZARNEZKI: Commissioner Posnanski?

11 COMMISSIONER POSNANSKI: Aye.

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

14 MR. ALBRECHT: We have a ballot that was  
15 reconstructed on election day. The original ballot  
16 was considered an overvote. However, there's  
17 discussion as to whether or not we are able to  
18 determine the voter's intent based on the quality  
19 of the oval that was completed.

20 COMMISSIONER POSNANSKI: On election  
21 night this was considered an overvote, correct?

22 MR. ALBRECHT: It was, correct.

23 The second ballot is just the  
24 reconstructed ballot.

25 COMMISSIONER POSNANSKI: Do any of the

1 party representatives wish to inspect these ballots  
2 and/or be heard on this issue?

3 (Inspection performed.)

4 COMMISSIONER POSNANSKI: Neil, there's a  
5 request to reconstruct this ballot as what?

6 MR. ALBRECHT: If it's determined that  
7 there's a voter intent for one of the candidates,  
8 we would reconstruct the ballot to reflect a vote  
9 for that candidate.

10 MR. PERZAN: Jeff Perzan, representing  
11 the Greens. It's my visual examination of it, one  
12 bubble is completely filled in for one of the  
13 candidates. A second oval that's mostly filled in  
14 has an X through it, presumably because the elector  
15 did not want that. And there's a number of other  
16 stray marks, which the commission has dealt with  
17 before.

18 So on that basis, I believe that the  
19 ballot should be reconstructed in accordance with  
20 the elector's intent.

21 COMMISSIONER POSNANSKI: What do you  
22 believe the elector intent was?

23 MR. PERZAN: The elector intent, from my  
24 visual, is for Clinton-Kaine.

25 MR. SEYMER: Orville Seymer. It's very,

1 very difficult here to determine voter's intent on  
2 this. It appears that they changed their mind  
3 three times.

4 I would go along with the recommendation  
5 that this be not counted at all would be my  
6 recommendation.

7 CLERK CZARNEZKI: Say who you represent.

8 MR. SEYMER: GOP.

9 COMMISSIONER BAAS: I move that this be  
10 considered an overvote and the ballot not be  
11 reconstructed.

12 COMMISSIONER CHRISTENSON: In reviewing  
13 that ballot, it's not possible to determine voter  
14 intent, so I agree.

15 CLERK CZARNEZKI: What was the motion?

16 COMMISSIONER POSNANSKI: To count it as  
17 an overvote.

18 CLERK CZARNEZKI: On the motion to count  
19 the ballot as an overvote, Commissioner  
20 Christenson?

21 COMMISSIONER CHRISTENSON: Aye.

22 CLERK CZARNEZKI: Commissioner Baas?

23 COMMISSIONER BAAS: Aye.

24 CLERK CZARNEZKI: Commissioner Posnanski?

25 COMMISSIONER POSNANSKI: Aye.



1 CLERK CZARNEZKI: There are three ayes,  
2 zero nos. The motion prevails.

3 (There was discussion off the record.)

4 CLERK CZARNEZKI: I'd like the record to  
5 show that Commissioner Nancy Penn is now present  
6 and will be, hopefully, for the remaining of the  
7 proceedings.

8 So at this point, we'll take a roll call  
9 to establish a quorum in the commission.

10 Commissioner Baas?

11 COMMISSIONER BAAS: Present.

12 CLERK CZARNEZKI: Commissioner Posnanski?

13 COMMISSIONER POSNANSKI: Present.

14 CLERK CZARNEZKI: Chairwoman Penn?

15 COMMISSIONER PENN: Present.

16 CLERK CZARNEZKI: Madam Chairwoman, a  
17 quorum of the commission is present, and all  
18 commissioners are present and on the record.

19 COMMISSIONER PENN: Thank you.

20 Okay. If you'd like to tell us your  
21 name, city, state, and your issue.

22 MS. LEDESMA: Carla Ledesma, Wauwatosa  
23 City Clerk. I have three absentee ballots here  
24 from district -- two are from District 1, Ward 3,  
25 Nos. 73A and 215A, and one absentee ballot from

1 District 2, Ward 6, No. 320A. All three of them  
2 are damaged. I'm requesting permission to  
3 reconstruct them. They all have tears in them.

4 COMMISSIONER PENN: Okay. We ruled on  
5 Friday -- we ruled on Friday that ballots that were  
6 torn can be reproduced without coming to the board,  
7 unless you have a strong objection from an  
8 observer.

9 So you can go ahead and reconstruct  
10 these. You'll want to make a note on your  
11 inspector's tally sheet of what voter number, ward,  
12 and why.

13 MS. LEDESMA: Okay.

14 COMMISSIONER POSNANSKI: I will make a  
15 motion consistent with the chair's comment.

16 CLERK CZARNEZKI: The motion would be  
17 then to allow city clerks to reconstruct damaged  
18 ballots without bringing them to the Board of  
19 Election Commissioners, unless there is an  
20 objection to doing so by one of the political  
21 parties.

22 On the motion, Commissioner Baas?

23 COMMISSIONER BAAS: Nay.

24 CLERK CZARNEZKI: Commissioner Posnanski?

25 COMMISSIONER POSNANSKI: Aye.

1 CLERK CZARNEZKI: Chairwoman Penn?

2 COMMISSIONER PENN: Aye.

3 CLERK CZARNEZKI: Madam Chairman, there  
4 are two ayes, one no. The motion prevails.

5 MS. LEDESMA: Thank you.

6 In processing the absentee ballots for  
7 District 2, Ward 6, in comparing the remade  
8 ballots, we have an original ballot, No. 9, for  
9 absentee voter 341A. They had been issued a ballot  
10 for the wrong ward. However, we cannot find  
11 evidence that it was actually remade. We've gone  
12 through all the absentee ballots. We could not  
13 find a duplicate 341A, so labeled.

14 We request permission to reconstruct this  
15 ballot so it can be counted for District 2, Ward 6.

16 COMMISSIONER PENN: Were you able to  
17 determine by count that you were short one ballot?

18 MS. LEDESMA: No. What we had done, we  
19 had gone through our pile of absentee ballots  
20 looking for the corresponding 341A, and we did not  
21 find the 341A.

22 COMMISSIONER PENN: Okay. I have to ask  
23 you to recount your ballots to make sure that it's  
24 just not an oversight.

25 MS. LEDESMA: Okay. We can do that.

1 COMMISSIONER PENN: And then come back.

2 MS. LEDESMA: Okay. We can do that.

3 COMMISSIONER PENN: Thank you.

4 (There was discussion off the record.)

5 COMMISSIONER PENN: If you could make a  
6 note that we are going to go to Glendale to proceed  
7 with the drawdown process, and then we have to pull  
8 a ballot out of the stack, and we'll talk about it  
9 on the record.

10 (Pause in proceedings.)

11 CLERK CZARNEZKI: On the record, please.

12 MR. WESCOTT-BARTEN: For Ward 9,  
13 District 3 for the City of Glendale, an A313 voter  
14 number. It was a mail-in ballot that has a  
15 signature of a witness, but the address is not  
16 stated. For that reason, we are doing a drawdown.

17 We were advised to have a drawdown  
18 process on the absentee ballot 313 for District 3.  
19 There is a signature present, but not an address of  
20 the witness.

21 We also have the same situation for  
22 Ward 2, District 2, absentee ballot 372, where  
23 there is a signature, but there is not an address  
24 of the witness.

25 CLERK CZARNEZKI: Commissioner Baas is

1 drawing one ballot from among the absentee ballots  
2 of that ward. Ward 2, drawdown from the absentee  
3 ballots from Ward 2.

4 And we're not ready to do that one yet.  
5 We will do it when the absentee ballots are ready.

6 (A lunch recess was taken.)

7 COMMISSIONER PENN: We are back at  
8 Glendale. So we're back in Glendale to do the  
9 drawdown that was unsigned. The witness did not  
10 sign it, and there is no address.

11 (Drawdown performed.)

12 COMMISSIONER PENN: That process is  
13 completed. Thank you.

14 (Pause in proceedings.)

15 COMMISSIONER PENN: Okay. We're going  
16 back on the record.

17 MS. ROESKE: Kathryn Roeske, R-O-E-S-K-E.  
18 I'm the city clerk for the City of Oak Creek.  
19 Address is 9025 South Nicholson Road, Oak Creek,  
20 Wisconsin, 53154.

21 I have from my District 6 location one  
22 ballot bag that has a finger poke at the end, so  
23 technically, the bag has been opened. No ballots  
24 appear to be altered in any way.

25 COMMISSIONER PENN: What we'd ask you to

1 do is to confirm the number of ballots in the bag  
2 is the number of ballots outside of the bag, and  
3 after you do that, then you come back up here, and  
4 we'll make a ruling.

5 MS. ROESKE: Okay. So thank you.

6 COMMISSIONER PENN: Thank you.

7 MS. ROESKE: Should I go ahead with my  
8 other ones?

9 Okay. So my next request --

10 (There was discussion off the record.)

11 MS. ROESKE: Okay. So of our 6700,  
12 approximately, absentee ballot application  
13 envelopes, I have a total of 61 that are missing  
14 witness addresses. All these addresses are from  
15 in-person early voting in the clerk's office, so  
16 they were missing the city hall address.

17 COMMISSIONER PENN: And so let me ask you  
18 this question. Is the witness the city clerk or an  
19 employee of the city clerk?

20 MS. ROESKE: Yes, it is.

21 COMMISSIONER PENN: Thank you.

22 CLERK CZARNEZKI: Mr. Christenson to the  
23 front table, please.

24 MS. ROESKE: Okay. So District 1, voter  
25 No. 169, 980, 1038, 772, 814, 1051, 696, 670, and

1 990 are all missing -- pardon me, and voter  
2 No. 1000 are all missing in-person clerk office  
3 city hall address witness employee address.

4 COMMISSIONER PENN: Okay. Can you pass  
5 those down so we can review them before we move  
6 forward?

7 Okay. If they have the same issue, you  
8 can just pass them down after reading the voter  
9 numbers.

10 MS. ROESKE: Okay. Voter No. 542, 218,  
11 642, 660, 1114, 192, 196, 375, 181, 1230, 351, 145,  
12 325, 397, 319, 942, 466, 933, 1115, 1116, 227, 200,  
13 994, 787, 758, 616, 876, 834, 507, 464, 502, 1057,  
14 758, 200, 889, 906, 803, 814, 653, 652, 587, 667,  
15 680, 687, 515, 583, 828, 607, 422, 455.

16 I have one envelope, it's the same issue.  
17 It's early, in-person voting at the clerk's office,  
18 and the voter number is torn off the envelope as we  
19 were reconciling. So if needed, I can look up this  
20 person in my poll book, if we need to find in the  
21 poll book the voter number.

22 COMMISSIONER POSNANSKI: These are all  
23 signed, but there's no address included; is that  
24 right, the issues of these?

25 MS. ROESKE: I'm sorry, can you repeat

1           that?

2                   COMMISSIONER POSNANSKI: All of these  
3 envelopes have the signature from clerk personnel,  
4 but they do not have the address?

5                   MS. ROESKE: Correct.

6                   COMMISSIONER POSNANSKI: In reviewing  
7 this, I do note envelope 464 is not signed, but  
8 does have the clerk's office address stamp on  
9 there.

10                  Do you have other similar envelopes?

11                  MS. ROESKE: Yes, I do. I have three of  
12 those.

13                  COMMISSIONER POSNANSKI: Then let's hear  
14 those separately.

15                  MS. ROESKE: I apologize.

16                  And I just want to note one thing to the  
17 board. If you were listening to my voter numbers,  
18 you'll see repeated voter numbers. That's because  
19 this is the central count absentee ballots, so we  
20 number those by districts, in which we have six  
21 districts. That's our reporting units. So if you  
22 see duplicate voting numbers, it's because they're  
23 voted one through per district.

24                  COMMISSIONER PENN: Would you make a  
25 note, Julie, would you make a note for three



1           twenty -- voter No. 325 should not be included  
2           because there is an address and a signature from  
3           the clerk's office. No, from the --

4                   COMMISSIONER POSNANSKI: 325 is a mail-in  
5           absentee envelope that apparently has a separate  
6           issue that is not related to the issue currently  
7           under consideration.

8                   MS. ROESKE: Thank you.

9                   COMMISSIONER PENN: Was there anyone who  
10          wanted to look at these or had comments, questions,  
11          or concerns?

12                   COMMISSIONER POSNANSKI: Move that each  
13          of these envelopes be accepted.

14                   CLERK CZARNEZKI: On the motion,  
15          Commissioner Baas?

16                   COMMISSIONER BAAS: Aye.

17                   CLERK CZARNEZKI: Commissioner Posnanski?

18                   COMMISSIONER POSNANSKI: Aye.

19                   CLERK CZARNEZKI: Chairwoman Penn?

20                   COMMISSIONER PENN: Aye.

21                   CLERK CZARNEZKI: Madam Chairwoman, there  
22          are three ayes, zero nos. The motion prevails.

23                   MS. ROESKE: Okay. I have three absentee  
24          ballot certification envelopes that are missing a  
25          signature of a witness. All three of these

1 envelopes were voted in-person early voting at the  
2 clerk's office and are stamped with the City of  
3 Oak Creek return address or witness address. So  
4 we're missing a signature of either a clerk or an  
5 election inspector during early voting. Voter  
6 numbers are 464, 206, and 716.

7 COMMISSIONER POSNANSKI: Move to accept  
8 these three.

9 CLERK CZARNEZKI: On the motion to  
10 accept, Commissioner Baas?

11 COMMISSIONER BAAS: Aye.

12 CLERK CZARNEZKI: Commissioner Posnanski?

13 COMMISSIONER POSNANSKI: Aye.

14 CLERK CZARNEZKI: Commissioner Penn?

15 COMMISSIONER PENN: Aye.

16 CLERK CZARNEZKI: There are three ayes,  
17 zero nos. The motion prevails.

18 MS. ROESKE: The three that I have are  
19 absentee ballot application certifications. These  
20 are mailed-in absentee ballots. All three of these  
21 have the necessary signatures. What's missing on  
22 these is the city of the witness address. So they  
23 signed and they put in their address, but they  
24 didn't list the city. Voter Nos. 325, 928, 707.

25 Okay. Correction. So we have -- okay.

1           So the two mailed in, there's two mailed-in  
2           absentee ballot certificate applications. They  
3           both have signatures -- voter signatures, they both  
4           have witness signatures, they both have addresses,  
5           but they did not put in the city of their address,  
6           voter No. 325, 707.

7                   COMMISSIONER POSNANSKI: So the issue  
8           with these two envelopes is they do not include the  
9           city or state of the witness?

10                   MS. ROESKE: Correct.

11                   COMMISSIONER POSNANSKI: Have you  
12           reviewed these addresses to determine if they are  
13           addresses within the City of Oak Creek?

14                   MS. ROESKE: No, we had not.

15                   COMMISSIONER POSNANSKI: Could you do so?

16                   MS. ROESKE: Sure. I will return with  
17           those two, and I have one more.

18                   So the one other that was discovered  
19           during canvassing is we have a mailed-in absentee  
20           ballot application certification. The outside of  
21           the envelope is acceptable. It's got the voter  
22           signature, witness signature, and witness address.  
23           What we did find was that the ballot was not  
24           counted. So our numbers in that district would  
25           have been off by one ballot.

1                   So we assigned a voter number, 928, but  
2                   the ballot wasn't removed from the envelope. So  
3                   the ballot could be processed today, and our  
4                   numbers would match our voter numbers versus  
5                   ballots cast.

6                   And for the board's information, so that  
7                   was important during this canvass that we were able  
8                   to locate that, because all of our accountable  
9                   documents go down to county the morning following  
10                  the election. This isn't a typical item that we  
11                  would canvass on our own within our municipality.

12                  So when that accountable document goes  
13                  down to the county, the Milwaukee Election  
14                  Commission, that would be part of their  
15                  reconciliation in the Board of Canvass. We  
16                  wouldn't have these documents to reconcile.  
17                  They're out of our possession as of the next  
18                  morning. So, obviously, with the federal, with  
19                  this being the Board of Election Canvass, it was  
20                  found here.

21                  COMMISSIONER POSNANSKI: This envelope  
22                  and the ballot included therein should have been  
23                  counted, and there's no basis for not including it,  
24                  correct?

25                  MS. ROESKE: That's correct. It's not a

1 rejected ballot, and it's not noted as a rejected  
2 ballot. The ballot inside the envelope was an  
3 oversight during processing.

4 COMMISSIONER POSNANSKI: I move to accept  
5 this envelope and count the ballot included therein  
6 and add it to the count.

7 COMMISSIONER PENN: Did anyone want to  
8 observe this or ask questions?

9 Seeing no further discussion, Joe, would  
10 you call the vote.

11 CLERK CZARNEZKI: On the motion,  
12 Commissioner Baas?

13 COMMISSIONER BAAS: Aye.

14 CLERK CZARNEZKI: Commissioner Posnanski?

15 COMMISSIONER POSNANSKI: Aye.

16 CLERK CZARNEZKI: Chairwoman Penn?

17 COMMISSIONER PENN: Aye.

18 CLERK CZARNEZKI: Madam Chairwoman, there  
19 are three ayes, zero nos. The motion prevails.  
20 The ballot will be counted.

21 COMMISSIONER PENN: Okay. Continuing on  
22 the record.

23 MS. LEDESMA: Carla Ledesma, Wauwatosa  
24 City Clerk. This is a continuation of an item from  
25 this morning, when we were processing the absentee

1 ballots from District 2, Ward 6, and they were  
2 comparing the reconstructed ballots for that ward.

3 We found this ballot. It's the original.  
4 The voter had been issued the wrong one, No. 341A.  
5 We were unable to find where the ballot had  
6 actually been reconstructed. We went through all  
7 the absentees. There was no No. 341A as a  
8 reconstructed ballot. And if we do reconstruct  
9 this ballot and add it to their pile, their numbers  
10 will balance. So we believe that this one had not  
11 been reconstructed on election day. We request  
12 permission to do so.

13 COMMISSIONER POSNANSKI: So if we were  
14 not to reconstruct this ballot and include it in  
15 the count, the numbers would not match.

16 MS. LEDESMA: Correct. They would be off  
17 by one if we don't do anything with this ballot.

18 COMMISSIONER POSNANSKI: I move that we  
19 reconstruct and include this ballot in the count.

20 (Inspection performed.)

21 CLERK CZARNEZKI: On the motion to  
22 reconstruct the ballot, Commissioner Baas?

23 COMMISSIONER BAAS: Aye.

24 CLERK CZARNEZKI: Commissioner Posnanski?

25 COMMISSIONER POSNANSKI: Aye.

1 CLERK CZARNEZKI: Chairwoman Penn?

2 COMMISSIONER PENN: Aye.

3 CLERK CZARNEZKI: Madam Chairwoman, there  
4 are three ayes, zero nos. The motion to  
5 reconstruct the ballot prevails.

6 (There was discussion off the record.)

7 COMMISSIONER PENN: Earlier we had an  
8 issue with Whitefish Bay, and we needed to perform  
9 a drawdown of the ballots. We're going to proceed  
10 with that right now.

11 (Drawdown performed.)

12 COMMISSIONER PENN: Okay. So we  
13 completed that drawdown. We removed one ballot on  
14 a random basis, so that's complete.

15 (There was discussion off the record.)

16 MR. ALBRECHT: Neil Albrecht with the  
17 City of Milwaukee Election Commission. We have an  
18 absentee voter by mail that met all of the other  
19 requirements, in terms of certification, voter  
20 signature, witness signature, witness address, but  
21 the ballot was returned to us opened, and rejected  
22 on election day. I would not know how to determine  
23 if the ballot had been tampered with.

24 MR. KARASKIEWICZ: Is there a number?

25 COMMISSIONER PENN: This is Ward -- a

1 vote from Ward 132.

2 MR. ALBRECHT: They did record an RAB  
3 number on the envelope.

4 COMMISSIONER PENN: And they wouldn't  
5 normally have done that, would they?

6 MR. ALBRECHT: No, they should. They  
7 should assign a number, directed absentee ballot  
8 number.

9 (Inspection performed.)

10 COMMISSIONER PENN: Okay. So any  
11 comments, questions, concerns?

12 MR. PERZAN: Jeff Perzan, representing  
13 the Green Party. I don't know when this was  
14 discovered, whether it's possible that because it's  
15 scored, or other reasons, that the adhesive might  
16 have become loose, but I do not see any evidence of  
17 any sort of reopening. But then I understand that  
18 it is unsealed when received. Thank you.

19 COMMISSIONER POSNANSKI: Based upon the  
20 stamp, this was received unsealed when it was  
21 received by the City of Milwaukee and  
22 Mr. Albrecht's statement that there's no way to  
23 determine whether or not the ballot included  
24 therein had been tampered with, I move to reject  
25 this envelope and the ballot included therein.



1 CLERK CZARNEZKI: On the motion to  
2 reject, Commissioner Baas?

3 COMMISSIONER BAAS: Aye.

4 CLERK CZARNEZKI: Commissioner Posnanski?

5 COMMISSIONER POSNANSKI: Aye.

6 CLERK CZARNEZKI: Commissioner Penn?

7 COMMISSIONER PENN: Aye.

8 CLERK CZARNEZKI: Madam Chairwoman, there  
9 are three ayes, zero nos. The motion to reject  
10 prevails.

11 We have Oak Creek.

12 MS. ROESKE: So one of the absentee  
13 ballot application certifications that was read  
14 into the record for the board was missing the  
15 address of the in-person clerk's office. Voter  
16 number had been torn off the side of the envelope.  
17 So we looked that up in our poll books and  
18 reconciled it as voter No. 813.

19 COMMISSIONER PENN: And was that  
20 reconciliation done at the clerk's office, at your  
21 office, or was that done here?

22 MS. ROESKE: Right here. So when they  
23 were counting the certificate envelopes, the number  
24 had been torn off, but the number was listed in the  
25 poll book and had been marked on the envelope. I

1           just couldn't read it into the record for you  
2           because it was off the envelope. So we pulled it  
3           up in the poll book, and that's the voter number.

4                   COMMISSIONER PENN: Anyone have any  
5           comments, questions, concerns?

6                   COMMISSIONER POSNANSKI: I move to accept  
7           this ballot and the envelope.

8                   COMMISSIONER PENN: Any discussion?

9                   Joe, would you please be so kind as to  
10          call the vote.

11                   CLERK CZARNEZKI: On the motion to  
12          accept, Commissioner Baas?

13                   COMMISSIONER BAAS: Aye.

14                   CLERK CZARNEZKI: Commissioner Posnanski?

15                   COMMISSIONER POSNANSKI: Aye.

16                   CLERK CZARNEZKI: Commissioner Penn?

17                   COMMISSIONER PENN: Aye.

18                   CLERK CZARNEZKI: Madam chairwoman, there  
19          are three ayes, zero nos. The motion to accept  
20          prevails.

21                   MS. ROESKE: I have brought before the  
22          board two absentee certification envelopes. They  
23          have the voter signature and address and the  
24          witness signature, but an incomplete address, where  
25          the city and state was not listed.

1                   We did determine what city and state the  
2                   witness was located in. We pulled up the  
3                   addresses, and we have printed that in. So that  
4                   would be the only thing that had been missing on  
5                   those envelopes was the city and state of the  
6                   witness.

7                   COMMISSIONER POSNANSKI: I'll note those  
8                   had been written in in red. These are envelope 325  
9                   and 707.

10                  Had we been unable to verify the  
11                  addresses for these two witnesses and would  
12                  therefore be considering rejecting these two  
13                  envelopes, would it be possible to identify the  
14                  ballot 707 and 325 that correspond to these  
15                  envelopes?

16                  MS. ROESKE: Within our envelopes, if you  
17                  were to reject those two, not for that district.  
18                  They did not record the voter. They didn't  
19                  recognize the voter on these ballots.

20                  COMMISSIONER POSNANSKI: Oak Creek, by my  
21                  understanding, is a simple count for absentees; is  
22                  that right.

23                  MS. ROESKE: We have been central count  
24                  for a year now.

25                  COMMISSIONER POSNANSKI: And I believe,

1 by the central count, it is required to mark the  
2 ballots consistent with each envelope; is that  
3 correct, my understanding correct?

4 MS. ROESKE: So we did review the central  
5 count, per guidelines given for it by the election  
6 commission and also by the state. The state  
7 requires that we identify the voter, which we have  
8 not done. It was an oversight. It is something  
9 that we do not do. We will do it in the future for  
10 central count. We don't identify the voter. It  
11 was not intentional. This is something that has  
12 been a practice long before I was city clerk. It  
13 was brought to our attention by the election  
14 commission for this election.

15 Unfortunately, for this canvass, if those  
16 two were rejected for missing city and state, we  
17 would not be able to pull those. It would have to  
18 be a drawdown.

19 COMMISSIONER POSNANSKI: And I appreciate  
20 those comments, and I think from the commission's  
21 perspective, we would instruct you consistent with  
22 those guidelines to do so going forward.

23 From our perspective, when we've had to  
24 address these issues, one of the issues just comes  
25 down to fairness, where a voter complies with all

1 the requirements to vote, and their absentee ballot  
2 could be set aside because of some other formality  
3 by another voter wasn't followed.

4 And so some voter who does comply with  
5 everything that is done would have their vote  
6 discounted by virtue of the fact that we couldn't  
7 reconcile the ballots with the envelopes.

8 But after verifying these two witnesses  
9 were in -- I think one is in Milwaukee and one is  
10 in Oak Creek, I would move to accept these two  
11 envelopes and their ballots.

12 COMMISSIONER BAAS: I just wanted to note  
13 for the record -- and I can understand and I am  
14 grateful that it was done in red, but I don't  
15 believe that we asked you to write on these. We  
16 just asked you to ascertain.

17 So I would seek counsel before I started  
18 adding things to the outside of the envelopes.  
19 Thank you.

20 COMMISSIONER PENN: In my review of this,  
21 I don't know that when this was created, it was  
22 really --

23 Well, on this ballot, there are -- there  
24 is a line for the person's signature and two lines  
25 for an address. And on this envelope, there is --

1           there are two lines for a signature and one line  
2           for address. So I don't know that -- it leaves me  
3           questioning whether city, state, and zip code  
4           disqualifies it. I think it does not.

5                     So any further discussion?

6                     Joe, would you be so kind as to --

7                     CLERK CZARNEZKI: On the motion to  
8           accept, commissioner Baas?

9                     COMMISSIONER BAAS: Aye.

10                    CLERK CZARNEZKI: Commissioner Posnanski?

11                    COMMISSIONER POSNANSKI: Aye.

12                    CLERK CZARNEZKI: Commissioner Penn?

13                    COMMISSIONER PENN: Aye.

14                    CLERK CZARNEZKI: Madam Chairwoman, there  
15           are three ayes, zero nos. The motion to accept  
16           prevails.

17                    (Pause in proceedings.)

18                    COMMISSIONER PENN: Okay. We're going  
19           back on the record.

20                    MR. ALBRECHT: Neil Albrecht with the  
21           City of Milwaukee Election Commission. We have an  
22           absentee ballot for Ward 132 where -- and we've  
23           actually seen one of these once before -- where the  
24           voter filled in the D, in Donald, but not the oval  
25           that's the name of the candidate.

1                   So we believe the voter intent to be a  
2                   vote for Donald Trump, but wanted to bring that  
3                   before the board.

4                   COMMISSIONER POSNANSKI: Do we know how  
5                   this ballot was counted?

6                   MR. ALBRECHT: The ballot was counted as  
7                   a blank -- an undervote for the office of  
8                   president.

9                   COMMISSIONER PENN: Anyone want to look  
10                  at this? Questions, comments, concerns?

11                  COMMISSIONER POSNANSKI: Neil, do you  
12                  need this to be reconstructed in order to count it?

13                  MR. ALBRECHT: That's correct, we would  
14                  need to reconstruct it onto a new ballot.

15                  COMMISSIONER POSNANSKI: I move to  
16                  reconstruct this ballot to reflect what I believe  
17                  the voter's intent is, and that's a vote for Donald  
18                  Trump and Mike Pence.

19                  DEPUTY CLERK CHRISTENSON: On the motion,  
20                  Commissioner Baas?

21                  COMMISSIONER BAAS: Aye.

22                  DEPUTY CLERK CHRISTENSON: Commissioner  
23                  Posnanski?

24                  COMMISSIONER POSNANSKI: Aye.

25                  DEPUTY CLERK CHRISTENSON: Chairwoman

1 Penn?

2 COMMISSIONER PENN: Aye.

3 DEPUTY CLERK CHRISTENSON: Three ayes,  
4 zero nos. Motion prevails.

5 (Pause in proceedings.)

6 COMMISSIONER PENN: Okay. So we're going  
7 back on the record.

8 MR. ALBRECHT: Neil Albrecht with the  
9 City of Milwaukee Election Commission. Two ballots  
10 to assess whether or not voter intent can be  
11 determined. Both were -- we believe were read as  
12 undervotes in the office of president on election  
13 day.

14 One, we would -- the first, we would  
15 continue to identify as an undervote, the second as  
16 a vote for Donald Trump because there is a mark in  
17 the candidate box, but looking to guidance from the  
18 board. Both ballots would have to be  
19 reconstructed.

20 COMMISSIONER POSNANSKI: Neil, one ballot  
21 doesn't have any vote for president. That would  
22 still be reconstructed and then run through?

23 MR. ALBRECHT: No, it would be fed as is  
24 because the machine would read it as an undervote.

25 COMMISSIONER PENN: Neil, the ballot that



1 has the marking in the box, in the first box, and  
2 it kind of goes in -- a little bit into the second  
3 box and a little bit outside the box, isn't this  
4 going to be -- the voting box, isn't this going to  
5 be -- is the machine going to count it for this  
6 candidate?

7 MR. ALBRECHT: Well, without feeding it  
8 in, I don't know for certain, but because of its  
9 distance from the ovals, which is really what it's  
10 looking for, I don't think it would pick up the  
11 mark for either candidate.

12 COMMISSIONER PENN: Oh. I guess I look  
13 at this ballot, and I think that the intention of  
14 the voter was to vote for this candidate, as  
15 opposed to the one below it. That's what -- that's  
16 how I read it. Do you read it the same?

17 COMMISSIONER BAAS: (Nods head.)

18 MR. ALBRECHT: I would say a majority of  
19 the mark is in the box for the top candidate.

20 COMMISSIONER POSNANSKI: Based on my  
21 review of the ballot, I do not. There appear to be  
22 stray marks all over this ballot, both on the front  
23 and back. So from my perspective, I would count  
24 this as an undervote. Reconstruct it, if necessary  
25 to tabulate it, but to count it as an undervote,

1 with no vote for president. But I certainly  
2 understand the chair's comments.

3 COMMISSIONER BAAS: In our past practice,  
4 and if I'm not mistaken -- counsel will correct  
5 me -- that if it's inside that box, it is to be  
6 considered a vote for them.

7 So I'm moving that the first one be fed  
8 into the machine as an undervote, and the one with  
9 the mark inside the Trump-Pence box be  
10 reconstructed as a vote for Trump-Pence.

11 CLERK CZARNEZKI: Should we vote  
12 separately?

13 COMMISSIONER PENN: Yes.

14 Okay. So we're going to vote separately  
15 on this. So the first motion is to -- first motion  
16 was to --

17 COMMISSIONER BAAS: As far as this  
18 ballot, we treat this one as an undervote, that's  
19 the motion.

20 CLERK CZARNEZKI: On the motion to count  
21 the ballot as an undervote, Commissioner Baas?

22 COMMISSIONER BAAS: Aye.

23 CLERK CZARNEZKI: Commissioner Posnanski?

24 COMMISSIONER POSNANSKI: Aye.

25 CLERK CZARNEZKI: Commissioner Penn?

1 COMMISSIONER PENN: Aye.

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

4 COMMISSIONER BAAS: I move that this  
5 ballot be reconstructed in accordance with what I  
6 believe to be the voter's intent, and that would be  
7 Trump-Pence.

8 COMMISSIONER POSNANSKI: Did you want to  
9 see anything or say something?

10 MS. COURTNEY: My name is Pam Courtney.  
11 I am a GOP representative, and I believe the voter  
12 intent on both of them was the same. This is a  
13 husband-and-wife team. You can see their absentee  
14 ballot. You can see their absentee information.  
15 You can see that they both voted for two  
16 candidates. But they appear to be visually  
17 impaired, because they're having a hard time  
18 marking the correct location on the boxes. So I  
19 feel intent is there on both ballots.

20 CLERK CZARNEZKI: The motion is to  
21 reconstruct the ballot as a vote for Trump-Pence?

22 COMMISSIONER PENN: Yes, yes, that's the  
23 motion.

24 CLERK CZARNEZKI: On the motion to  
25 reconstruct the ballot, Commissioner Baas?

1 COMMISSIONER BAAS: Aye.

2 CLERK CZARNEZKI: Commissioner Posnanski?

3 COMMISSIONER POSNANSKI: Nay.

4 CLERK CZARNEZKI: Commissioner Penn?

5 COMMISSIONER PENN: Aye.

6 CLERK CZARNEZKI: Madam chairwoman, there  
7 are two ayes, zero nos. The motion to  
8 reconstruct -- excuse me. Two ayes, one no. The  
9 motion to reconstruct the ballot for Trump-Pence  
10 prevails.

11 MR. PERZAN: Jeff Perzan for the Green  
12 Party. I would like it noted that just because two  
13 electors reside in the same residence, whether or  
14 not they are married, does not necessarily indicate  
15 voter intent.

16 COMMISSIONER PENN: Point taken.

17 MR. ALBRECHT: My final ballot is an  
18 overseas -- it was an absentee ballot that was  
19 emailed to a voter with a certificate. It was  
20 returned to us. The envelope, which we do not  
21 have, was taped together. This is an envelope  
22 created, we believe, created by the voter, but  
23 because it was taped and we were not aware of the  
24 exceptions related to taped ballots, the ballot had  
25 been rejected.

1 COMMISSIONER PENN: So you're asking for  
2 permission to reconstruct the ballot?

3 MR. ALBRECHT: That's correct. All other  
4 requirements associated with the ballot were met.

5 COMMISSIONER PENN: Thank you.

6 COMMISSIONER POSNANSKI: What's the issue  
7 again with this ballot?

8 MR. ALBRECHT: It was rejected on  
9 election day because the -- if you vote an email  
10 ballot, you have to construct your own return  
11 envelope, and the envelope was taped, so it was  
12 rejected because the envelope had been taped.

13 COMMISSIONER POSNANSKI: Is there any  
14 other evidence of tampering with the envelope at  
15 all?

16 MR. ALBRECHT: None.

17 COMMISSIONER POSNANSKI: Okay. Any of  
18 the political party representatives wish to inspect  
19 or be heard on this issue?

20 (Inspection performed.)

21 COMMISSIONER POSNANSKI: I move that this  
22 ballot be reconstructed and counted.

23 COMMISSIONER PENN: Any discussion?

24 COMMISSIONER BAAS: Sure. As I did with  
25 the other envelope that came back taped, no one has

1 evidence that it was tampered with, nor does anyone  
2 have evidence that it was not tampered with. So  
3 I'll be consistent with my vote.

4 CLERK CZARNEZKI: On the motion to  
5 reconstruct, Commissioner Baas?

6 COMMISSIONER BAAS: Nay.

7 CLERK CZARNEZKI: Commissioner Posnanski?

8 COMMISSIONER POSNANSKI: Aye.

9 CLERK CZARNEZKI: Commissioner Penn?

10 COMMISSIONER PENN: Aye.

11 CLERK CZARNEZKI: Madam chairwoman, there  
12 are two ayes, one no. The motion prevails.

13 MS. LEDESMA: Carla Ledesma, Wauwatosa  
14 City Clerk. We're processing District 2, Ward 4.  
15 Absentee ballots No. 78A, 421A, 541A were all voted  
16 in the city clerk's office. Two of them have  
17 witness signatures, but no address for the witness.  
18 One has the witness address, but no signatures. I  
19 do recognize the two signatures that we do have as  
20 being temporary election workers that worked in the  
21 clerk's office. I request that we be allowed to  
22 count those ballots.

23 COMMISSIONER POSNANSKI: I move that  
24 these three be accepted.

25 CLERK CZARNEZKI: On the motion,

1 Commissioner Baas?

2 COMMISSIONER BAAS: Aye.

3 CLERK CZARNEZKI: Commissioner Posnanski?

4 COMMISSIONER POSNANSKI: Aye.

5 CLERK CZARNEZKI: Commissioner Penn?

6 COMMISSIONER PENN: Aye.

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

9 (Pause in proceedings.)

10 MR. ALBRECHT: Neil Albrecht with the  
11 City of Milwaukee Election Commission. We have an  
12 overvoted ballot with a write-in for a candidate  
13 whose name appears on the ballot, but without the  
14 name of the vice presidential candidate. We just  
15 want to be sure on how to proceed.

16 COMMISSIONER PENN: I just want to make a  
17 note that this voter voted for four presidential  
18 candidates on this ballot, plus a write-in.

19 (Inspection performed.)

20 COMMISSIONER PENN: Any questions,  
21 comments, concerns?

22 CLERK CZARNEZKI: Do we need to consult  
23 the write-in guidelines on that one?

24 MR. PERZAN: Jeff Perzan, representing  
25 the Greens. I believe that the intent of this

1 voter is clear, in that the write-ins take  
2 precedence.

3 I think what's unique about this one that  
4 maybe not has come before the board is that both  
5 candidates were not written in the written-in  
6 portion, but as the candidates can only run as a  
7 ticket, I think the voter intent is clear.

8 MR. QUINN: Brendan Quinn on behalf of  
9 the Trump campaign. It's obvious that it was an  
10 overvote with the write-in. However, the statute  
11 does dictate that you're supposed to fill in the  
12 oval. Without the oval there, in trying to  
13 interpret intent, you don't know what the voter  
14 meant. It shows that this is clearly an overvote.  
15 Thank you.

16 COMMISSIONER BAAS: I believe that also  
17 the guidance is that if you're going to write in  
18 somebody who's already on the ballot, you have to  
19 write in both the presidential and the vice  
20 presidential candidate in order for the write-in to  
21 count.

22 COMMISSIONER POSNANSKI: I'd like some  
23 guidance from counsel on this too with respect to  
24 Wisconsin statute 7.50.

25 It's my understanding that the write-in



1 vote for president should not be invalidated if the  
2 write-in line for vice president is left blank.

3 That comes from the guidance for counting  
4 presidential and vice presidential write-in votes,  
5 as provided by the Wisconsin Election Commission.

6 I'd also believe, from our previous  
7 review of this issue, that where the candidates --  
8 where the voter does write in the name of a  
9 candidate as it appears on the ballot, but does not  
10 fill in the oval, that does not matter. The  
11 write-in of the name satisfies the ascertainment of  
12 the voter's intention under Chapter 7.50 of the  
13 Wisconsin statutes.

14 For that reason, I would move that we  
15 accept this ballot as a write-in vote for Hillary  
16 Clinton, because her name is written as it appears  
17 on the ballot, and the guidance provides that the  
18 failure to list Tim Kaine does not invalidate the  
19 vote for president.

20 So I would move that we accept this  
21 ballot as a vote for Hillary -- a write-in vote for  
22 Hillary Clinton.

23 MR. KARASKIEWICZ: Commissioner  
24 Posnanski, your comments are correct, and they are  
25 rooted in 7.50(2)(i).

1 CLERK CZARNEZKI: Can you repeat that so  
2 everyone can hear?

3 MR. KARASKIEWICZ: Commissioner  
4 Posnanski's comments are correct, and they are  
5 rooted, according to the WEC guidance and Wisconsin  
6 statute in Section 7.50(2)(i).

7 COMMISSIONER BAAS: Which reads what?

8 MR. KARASKIEWICZ: "A write-in vote for  
9 president should not be invalidated if the write-in  
10 line for vice president is left blank."

11 COMMISSIONER PENN: And what about the  
12 four other dots that are filled in?

13 MR. KARASKIEWICZ: We dealt with this  
14 previously, I believe it was yesterday, that the  
15 write-in is the most recent and --

16 COMMISSIONER PENN: Takes precedent?

17 MR. KARASKIEWICZ: Yes.

18 COMMISSIONER PENN: So would it be  
19 reconstructed, Neil?

20 MR. ALBRECHT: No. It'll just be written  
21 as a write-in vote for Hillary Clinton on the  
22 write-in tally sheet and then included in the  
23 county canvass of write-in votes.

24 COMMISSIONER PENN: I guess I was more  
25 curious about what the machine would do with it.

1 MR. ALBRECHT: The machine would have  
2 read it as an undervote. I'm sorry, as an  
3 overvote.

4 COMMISSIONER PENN: So in order to  
5 correct that, we would have to reconstruct it?

6 MR. ALBRECHT: Well, I think our goal  
7 here is to get Hillary Clinton the vote due from  
8 the ballot, so we would simply record it on the  
9 write-in tally sheet as a vote for Hillary Clinton  
10 and process the ballot as is.

11 COMMISSIONER POSNANSKI: As a write-in,  
12 and that was my motion.

13 COMMISSIONER BAAS: So refresh my mind on  
14 the procedure for named candidates without vice  
15 presidents and people who are named on the ballots.  
16 Can you refresh me? We did this one days ago.

17 COMMISSIONER POSNANSKI: Yeah. The  
18 guidance is that if it is a write-in for a  
19 candidate who is on the ballot, so long as the  
20 write-in includes the exact name of that  
21 candidate -- here Hillary Clinton -- it would be  
22 counted. If there was some error in how that name  
23 was written in, then we would not count it.

24 COMMISSIONER BAAS: What about lacking  
25 the vice president?

1 COMMISSIONER POSNANSKI: And that's what  
2 we just went over with counsel, the 7.50(2)(i),  
3 that lacking the vice president does not invalidate  
4 a write-in candidate for president.

5 COMMISSIONER PENN: Joe, would you call  
6 the vote.

7 CLERK CZARNEZKI: On the motion,  
8 Commissioner Baas?

9 COMMISSIONER BAAS: Present.

10 CLERK CZARNEZKI: Commissioner Posnanski?

11 COMMISSIONER POSNANSKI: Aye.

12 CLERK CZARNEZKI: Commissioner Penn?

13 COMMISSIONER PENN: Aye.

14 CLERK CZARNEZKI: Madam Chairman, there  
15 are two ayes, one commissioner voting present. The  
16 motion prevails.

17 (Pause in proceedings.)

18 COMMISSIONER PENN: Okay. We're back on  
19 the record.

20 MS. LEDESMA: I'm Carla Ledesma,  
21 Wauwatosa City Clerk. We're processing the  
22 election day ballots from District 4, Ward 10. We  
23 ask permission to reconstruct one that has a torn  
24 edge.

25 COMMISSIONER PENN: For the record, we do

1 not need to vote on this issue. We ruled on  
2 Friday, after much research, that a torn ballot can  
3 be reconstructed.

4 (Pause in proceedings.)

5 COMMISSIONER PENN: Okay. We're going  
6 back on the record.

7 MR. ALBRECHT: Neil Albrecht, City of  
8 Milwaukee Election Commission. I have a ballot  
9 for -- absentee ballot for Ward 133 that was  
10 processed as an overvoted ballot on election day.  
11 We're looking for any determination on voter's  
12 intent as to whether or not it is a vote for a  
13 candidate or, again, an overvoted ballot.

14 COMMISSIONER PENN: Did you want to step  
15 forward and review this?

16 (Inspection performed.)

17 (There was discussion off the record.)

18 COMMISSIONER POSNANSKI: Neil, does this  
19 ballot need to be reconstructed?

20 MR. ALBRECHT: If we're selecting a  
21 candidate, it would need to be reconstructed.

22 COMMISSIONER POSNANSKI: I move that this  
23 ballot be reconstructed consistent with what I  
24 believe the voter's intent was, which was to cast a  
25 vote for Hillary Clinton and Tim Kaine.

1 DEPUTY CLERK CHRISTENSON: Any

2 discussion?

3 COMMISSIONER PENN: I personally

4 disagree. I don't think we can determine who the

5 vote was for. Any comments?

6 COMMISSIONER BAAS: No.

7 COMMISSIONER PENN: Please call the vote.

8 DEPUTY CLERK CHRISTENSON: Okay. On the

9 motion, Commissioner Baas?

10 COMMISSIONER BAAS: Nay.

11 DEPUTY CLERK CHRISTENSON: Commissioner

12 Posnanski?

13 COMMISSIONER POSNANSKI: Aye.

14 CLERK CZARNEZKI: Commissioner Chairwoman

15 Penn?

16 COMMISSIONER PENN: Nay.

17 DEPUTY CLERK CHRISTENSON: The vote

18 failed by a vote of one to two.

19 (Pause in proceedings.)

20 MR. ALBRECHT: Neil Albrecht with the

21 City of Milwaukee Election Commission. We have a

22 ballot that was reconstructed on election day, with

23 the determination that the voter's intent was to

24 vote for Hillary Clinton, but we do have a

25 challenge to that ballot.

1                   There is, in addition to being a  
2                   completed oval for Hillary Clinton, there is a  
3                   check mark in the box for Jill Stein.

4                   COMMISSIONER POSNANSKI: On my review, it  
5                   looks like there's an X through the circle of the  
6                   Jill Stein oval.

7                   You said this was reconstructed on  
8                   election night and counted as a ballot for Hillary  
9                   Clinton, and there's an objection to that right  
10                  now?

11                  MR. ALBRECHT: That's correct.

12                  (Inspection performed.)

13                  COMMISSIONER POSNANSKI: Either of the  
14                  party representatives wish to be heard on this  
15                  ballot?

16                  MR. QUINN: Brendan Quinn on behalf of  
17                  the Trump campaign. I believe the additional mark  
18                  on that ballot for the presidential race should be  
19                  considered an overvote and that it should not be  
20                  counted. Thank you.

21                  COMMISSIONER POSNANSKI: I would move to  
22                  overrule the objection and to proceed, as was done  
23                  on election night, to reconstruct this ballot and  
24                  count the reconstructed ballot as a vote for  
25                  Hillary Clinton and Tim Kaine.

1 COMMISSIONER PENN: Upon looking at this  
2 ballot a little closer, it seems this individual  
3 put an X through Hillary Clinton and Jill Stein and  
4 then went back and filled in the circle. So  
5 there's room for interpretation.

6 Was there any instructions from the  
7 Wisconsin Election Commission in addressing this  
8 particular issue?

9 MR. ALBRECHT: Not that I'm aware of. I  
10 believe it was simply a matter of trying to  
11 determine the voter's intent, and since all of the  
12 other offices where the voter was marking the  
13 ballot reflected complete ovals, they determined  
14 that the completed oval for Hillary Clinton was the  
15 voter's intent and reconstructed the ballot  
16 accordingly.

17 COMMISSIONER PENN: Yeah, if you look at  
18 the vote for congressional, it has that little X in  
19 there too.

20 So, Tim, we have a ballot with a vote  
21 for -- there's an X in Jill Stein, and the circle  
22 is filled out for Hillary Clinton, but you can see  
23 that there was an X underneath that. There's also  
24 a vote for Russ Feingold, and there's -- the oval  
25 is filled out, but there was an X underneath that.



1           So --

2                   MR. KARASKIEWICZ:   Intent.

3                   COMMISSIONER PENN:   Huh?

4                   MR. KARASKIEWICZ:   Intent.

5                   COMMISSIONER PENN:   Intent?

6                   CLERK CZARNEZKI:   The motion was to count  
7           the reconstructed ballot for Clinton/Kaine.

8                   COMMISSIONER POSNANSKI:   And overrule the  
9           objection.

10                  CLERK CZARNEZKI:   And overrule the  
11           objection.

12                  COMMISSIONER PENN:   Okay.   Would you call  
13           the vote.

14                  CLERK CZARNEZKI:   On the question,  
15           Commissioner Baas?

16                  COMMISSIONER BAAS:   Nay.

17                  CLERK CZARNEZKI:   Commissioner Posnanski?

18                  COMMISSIONER POSNANSKI:   Aye.

19                  CLERK CZARNEZKI:   Commissioner Penn?

20                  COMMISSIONER PENN:   Aye.

21                  CLERK CZARNEZKI:   Madam Chairwoman, there  
22           are two ayes, one no.   The motion prevails.

23                  (Pause in proceedings.)

24                  COMMISSIONER PENN:   We're now in recess.  
25           We'll reconvene at eight o'clock tomorrow morning.

(Adjourned at 5:51 p.m.)

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1 STATE OF WISCONSIN )  
 ) SS  
2 MILWAUKEE COUNTY )

3 I, JULIE A. POENITSCH, RPR/RDR, Certified  
4 Realtime Reporter, and Notary Public in and for the  
5 State of Wisconsin, do hereby certify that the preceding  
6 deposition was recorded by me and reduced to writing  
7 under my personal direction.

8 I further certify that said deposition  
9 was taken before me at the CITY OF MILWAUKEE WAREHOUSE,  
10 1901 South Kinnickinnic Avenue, Milwaukee, Wisconsin, on  
11 the 6th day of December, 2016, commencing at 8:05 a.m.  
12 and concluding at 5:51 p.m.

13 I further certify that I am not a  
14 relative or employee or attorney or counsel of any of  
15 the parties, or a relative or employee of such attorney  
16 or counsel, or financially interested directly or  
17 indirectly in this action.

18 In witness whereof, I have hereunto set  
19 my hand and affixed my seal of office at Milwaukee,  
20 Wisconsin, on this 23rd day of December, 2016.

21  
22  
23 JULIE A. POENITSCH - Notary Public  
In and for the State of Wisconsin

24 My commission expires January 25, 2019.  
25

**WORD INDEX**

<b>&lt; 1 &gt;</b>	<b>325</b> 46:12 48:1, 4 49:24 50:6 58:8, 14	<b>6th</b> 82:11	<b>A165</b> 23:5
<b>1</b> 8:5 31:10, 15 32:23 40:24 45:24	<b>341A</b> 42:9, 13, 20, 21 53:4, 7	<b>&lt; 7 &gt;</b>	<b>A168</b> 23:11
<b>10</b> 31:10 75:22	<b>351</b> 46:11	<b>7</b> 6:1, 7 7:9 33:24 34:2, 24	<b>A173</b> 23:5 32:6
<b>100</b> 24:9, 9	<b>372</b> 12:19 43:22	<b>7.50</b> 71:24 72:12, 25 73:6 75:2	<b>A179</b> 23:4
<b>1000</b> 46:2	<b>375</b> 46:11	<b>707</b> 49:24 50:6 58:9, 14	<b>A182</b> 23:4
<b>1038</b> 45:25	<b>39</b> 29:4 30:14 35:18	<b>716</b> 49:6	<b>A185</b> 23:6
<b>1051</b> 45:25	<b>392A</b> 7:13	<b>73A</b> 40:25	<b>A186</b> 28:8
<b>1057</b> 46:13	<b>397</b> 46:12	<b>758</b> 46:13, 14	<b>A190</b> 23:14
<b>1114</b> 46:11	<b>&lt; 4 &gt;</b>	<b>760</b> 4:12	<b>A192</b> 27:15
<b>1115</b> 46:12	<b>4</b> 31:10 69:14 75:22	<b>772</b> 45:25	<b>A200</b> 23:14
<b>1116</b> 46:12	<b>405</b> 13:4 14:22	<b>786</b> 12:20	<b>A208</b> 23:14
<b>11S</b> 25:4 26:1	<b>421A</b> 69:15	<b>787</b> 46:13	<b>A211</b> 23:15
<b>1230</b> 46:11	<b>422</b> 46:15	<b>78A</b> 69:15	<b>A214</b> 23:15
<b>130A</b> 16:18	<b>454</b> 15:10	<b>&lt; 8 &gt;</b>	<b>A220</b> 23:15
<b>132</b> 55:1 61:22	<b>455</b> 46:15	<b>8</b> 4:24 17:23	<b>A222</b> 23:15
<b>133</b> 76:9	<b>459</b> 13:5	<b>8:05</b> 1:13 3:5 82:11	<b>A223</b> 23:15
<b>145</b> 46:11	<b>464</b> 46:13 47:7 49:6	<b>803</b> 46:14	<b>A232</b> 23:9
<b>164</b> 12:21	<b>466</b> 46:12	<b>813</b> 56:18	<b>A241</b> 23:9
<b>169</b> 45:25	<b>4740</b> 11:14	<b>814</b> 45:25 46:14	<b>A243</b> 31:15, 21, 23
<b>169A</b> 16:18	<b>475</b> 12:22	<b>828</b> 46:15	<b>A245</b> 23:9
<b>17</b> 31:10	<b>479</b> 12:18	<b>834</b> 46:13	<b>A246</b> 23:5
<b>18</b> 12:24	<b>4850</b> 11:11	<b>876</b> 46:13	<b>A248</b> 32:5
<b>181</b> 46:11	<b>485A</b> 32:24	<b>889</b> 46:14	<b>A256</b> 23:9
<b>19</b> 7:11, 11, 14	<b>494</b> 12:23	<b>&lt; 9 &gt;</b>	<b>A265</b> 23:10
<b>1901</b> 1:15 82:10	<b>499A</b> 32:24	<b>9</b> 12:7 42:8 43:12	<b>A268</b> 23:10
<b>192</b> 46:11	<b>&lt; 5 &gt;</b>	<b>9025</b> 44:19	<b>A274</b> 30:14
<b>196</b> 46:11	<b>5</b> 3:4 25:5 26:2	<b>906</b> 46:14	<b>A306</b> 23:3
<b>19's</b> 7:9	<b>5:51</b> 81:1 82:12	<b>928</b> 49:24 51:1	<b>A307</b> 32:5
<b>&lt; 2 &gt;</b>	<b>502</b> 46:13	<b>933</b> 46:12	<b>A311</b> 23:14
<b>2</b> 4:12 16:16 17:23 18:24 33:21 34:1, 9 41:1 42:7, 15 43:22, 22 44:2, 3 53:1 69:14 72:25 73:6 75:2	<b>5068</b> 12:14	<b>942</b> 46:12	<b>A312</b> 23:4
<b>20</b> 6:1, 7 7:12	<b>507</b> 46:13	<b>980</b> 45:25	<b>A313</b> 29:20 43:13
<b>200</b> 46:12, 14	<b>515</b> 46:15	<b>990</b> 46:1	<b>A319</b> 23:13
<b>2016</b> 1:4, 12 82:11, 20	<b>524</b> 12:23	<b>994</b> 46:13	<b>A324</b> 32:6
<b>2019</b> 82:24	<b>53154</b> 44:20	<b>&lt; A &gt;</b>	<b>A327</b> 23:14
<b>206</b> 49:6	<b>541A</b> 69:15	<b>a.m</b> 1:13 82:11	<b>A334</b> 32:6
<b>20A</b> 16:17	<b>542</b> 46:10	<b>A101</b> 23:5	<b>A342</b> 23:4 26:2
<b>215A</b> 40:25	<b>543</b> 11:16 12:14	<b>A103</b> 29:5, 8 35:19	<b>A343</b> 23:4
<b>218</b> 46:10	<b>583</b> 46:15	<b>A106</b> 23:8	<b>A369</b> 23:14
<b>227</b> 46:12	<b>587</b> 46:14	<b>A107</b> 32:6	<b>A372</b> 19:4
<b>23rd</b> 82:20	<b>&lt; 6 &gt;</b>	<b>A108</b> 23:5	<b>A373</b> 23:3
<b>24</b> 4:24	<b>6</b> 1:12 16:16 28:7 33:21 34:1, 9, 25 41:1 42:7, 15 44:21 53:1	<b>A110</b> 27:15	<b>A374</b> 20:5
<b>248</b> 12:21	<b>607</b> 46:15	<b>A111</b> 23:8	<b>A391</b> 26:2
<b>25</b> 82:24	<b>61</b> 45:13	<b>A121</b> 23:12	<b>A398</b> 27:15
<b>272A</b> 16:18	<b>612</b> 28:7	<b>A127</b> 23:11	<b>A410</b> 23:13
<b>274</b> 13:3 31:11	<b>616</b> 46:13	<b>A128</b> 23:11	<b>A411</b> 23:14
<b>288A</b> 6:1, 8, 13	<b>642</b> 46:11	<b>A130</b> 23:12	<b>A412</b> 23:14
<b>&lt; 3 &gt;</b>	<b>652</b> 46:14	<b>A132</b> 23:12	<b>A420</b> 23:5
<b>3</b> 8:5 29:4 30:14 32:23 33:24 34:2 35:18 40:24 43:13, 18	<b>653</b> 46:14	<b>A135</b> 23:12	<b>A433</b> 23:4
<b>313</b> 43:18	<b>660</b> 46:11	<b>A137</b> 23:13	<b>A493</b> 32:6
<b>313A</b> 32:24	<b>667</b> 46:14	<b>A140</b> 23:13	<b>A51</b> 23:11
<b>319</b> 46:12	<b>670</b> 45:25	<b>A141</b> 23:13	<b>A52</b> 23:11
<b>320A</b> 41:1	<b>6700</b> 45:11	<b>A143</b> 23:13	<b>A538</b> 26:3
	<b>680</b> 46:15	<b>A145</b> 23:13	<b>A55</b> 23:5 27:16
	<b>687</b> 46:15	<b>A148</b> 23:4	<b>A56</b> 27:15
	<b>696</b> 45:25	<b>A150</b> 23:13	<b>A563</b> 32:6
		<b>A157</b> 23:5	<b>A58</b> 23:11
			<b>A624</b> 18:5
			<b>A64</b> 23:4
			<b>A644</b> 18:6
			<b>A669</b> 32:6
			<b>A67</b> 23:6
			<b>A68</b> 23:6

<b>A691</b> 23:6	<b>accept</b> 10:19 14:12	14:21 15:10, 15 16:11, 14	75:11, 13 77:13 80:18, 20
<b>A692</b> 23:6	15:20, 21, 23 17:6, 7	<b>A-M-E-R-E-L-L</b> 11:9	<b>ayes</b> 5:23 7:3, 24 8:17
<b>A693</b> 23:6	18:11, 13, 20 21:19	<b>Andrew</b> 17:19 35:14	11:7 14:20 15:8 16:6
<b>A694</b> 23:6	24:19 26:20, 25 27:21,	<b>anybody</b> 13:24	17:15 18:20 20:2 22:4
<b>A695</b> 23:11	23 28:12, 14 32:11, 13,	<b>apologize</b> 25:6 28:10	25:2 27:7 28:5, 21
<b>A696</b> 23:7	20 33:9, 11, 18 36:3, 5,	47:15	30:11 32:20 33:18
<b>A697</b> 23:7	12 37:4, 6 49:7, 10	<b>apparently</b> 48:5	35:12 36:12 37:13
<b>A698</b> 23:7	52:4 57:6, 12, 19 60:10	<b>appear</b> 12:8 24:15	40:1 42:4 48:22 49:16
<b>A699</b> 23:7	61:8, 15 72:15, 20	44:24 64:21 66:16	52:19 54:4 56:9 57:19
<b>A70</b> 23:6	<b>acceptable</b> 50:21	<b>appears</b> 11:20 29:10	61:15 63:3 66:3 67:7,
<b>A700</b> 23:8	<b>accepted</b> 48:13 69:24	39:2 70:13 72:9, 16	8 69:12 70:8 75:15
<b>A701</b> 23:8	<b>accountable</b> 51:8, 12	<b>application</b> 45:12 49:19	80:22
<b>A702</b> 23:8	<b>accurate</b> 24:15	50:20 56:13	< <b>B</b> >
<b>A703</b> 23:8	<b>action</b> 82:17	<b>applications</b> 50:2	<b>Baas</b> 2:4 3:7, 8 5:12,
<b>A704</b> 23:8	<b>actions</b> 14:2	<b>appoint</b> 4:15	18, 19 6:18, 23, 24 7:15,
<b>A705</b> 23:11	<b>add</b> 21:20 52:6 53:9	<b>appointed</b> 4:19	19, 20 8:8, 12, 13 10:2
<b>A706</b> 23:8	<b>adding</b> 60:18	<b>appreciate</b> 28:22, 25	11:2, 3, 23 13:11, 14, 20,
<b>A707</b> 23:9	<b>addition</b> 9:25 78:1	59:19	23 14:15, 16, 24 15:4, 5,
<b>A708</b> 23:9	<b>additional</b> 5:1 12:9	<b>appropriate</b> 34:18	16, 20 16:1, 2 17:3, 6,
<b>A709</b> 23:9	78:17	<b>approved</b> 24:10	10, 11 18:11, 15, 16
<b>A710</b> 23:9	<b>address</b> 6:3 11:11, 14,	<b>approximately</b> 24:9	19:16, 22, 23 21:16, 19,
<b>A711</b> 23:12	21 12:4, 14, 17, 25 13:2,	45:12	24, 25 23:16 24:12, 22,
<b>A712</b> 23:12	3, 4, 4, 5, 7, 8 14:23	<b>area</b> 5:7	23 26:11, 20 27:2, 3, 21,
<b>A713</b> 23:12	15:11 16:21 19:3 20:7	<b>ascertain</b> 60:16	25 28:1, 12, 16, 17 30:1,
<b>A714</b> 23:12	22:17 26:6, 6, 17 28:11	<b>ascertainment</b> 72:11	6, 7 31:17 32:11, 15, 16
<b>A715</b> 23:10	29:7, 14, 21 30:17 31:4,	<b>aside</b> 60:2	33:9, 13, 14 35:2, 7, 8
<b>A716</b> 23:10	13, 16, 22 32:3 33:2, 6	<b>asked</b> 60:15, 16	36:3, 7, 8 37:4, 8, 9
<b>A717</b> 23:10	35:25 43:15, 19, 23	<b>asking</b> 68:1	39:9, 22, 23 40:10, 11
<b>A718</b> 23:10	44:10, 19 45:16 46:3, 3,	<b>assembly</b> 19:2	41:22, 23 43:25 48:15,
<b>A719</b> 23:10	23 47:4, 8 48:2 49:3, 3,	<b>assess</b> 63:10	16 49:10, 11 52:12, 13
<b>A720</b> 23:10	22, 23 50:5, 22 54:20	<b>assign</b> 55:7	53:22, 23 56:2, 3 57:12,
<b>A721</b> 23:11	56:15 57:23, 24 59:24	<b>assigned</b> 51:1	13 60:12 61:8, 9 62:20,
<b>A73</b> 31:22, 23	60:25 61:2 69:17, 18	<b>associated</b> 68:4	21 64:17 65:3, 17, 21,
<b>A82</b> 23:4	<b>addresses</b> 45:14, 14	<b>attached</b> 6:4	22 66:4, 25 67:1 68:24
<b>A85</b> 23:6	50:4, 12, 13 58:3, 11	<b>attempt</b> 19:8 29:15	69:5, 6 70:1, 2 71:16
<b>A89</b> 23:7	<b>addressing</b> 79:7	<b>attention</b> 29:17 59:13	73:7 74:13, 24 75:8, 9
<b>A91</b> 23:7	<b>adhesive</b> 55:15	<b>attorney</b> 82:14, 15	77:6, 9, 10 80:15, 16
<b>A92</b> 23:5	<b>Adjourned</b> 81:1	<b>authorize</b> 5:12	<b>back</b> 4:9 7:5 8:1, 19
<b>A93</b> 23:7	<b>adjusted</b> 34:19, 20	<b>Avenue</b> 1:15 11:12	17:18 25:9 29:17
<b>A94</b> 23:7	<b>administer</b> 3:20	82:10	35:23 43:1 44:7, 8, 16
<b>A98</b> 23:7	<b>advised</b> 43:17	<b>aware</b> 67:23 79:9	45:3 61:19 63:7 64:23
<b>AB405</b> 11:10	<b>affixed</b> 82:19	<b>Aye</b> 5:17, 19, 21 6:22,	68:25 75:18 76:6 79:4
<b>AB454</b> 11:13 15:22	<b>afternoon</b> 2:3	24 7:1, 18, 20, 22 8:11,	<b>bag</b> 44:22, 23 45:1, 2
<b>able</b> 37:17 42:16 51:7	<b>ago</b> 74:16	13, 15 11:1, 3, 5 14:14,	<b>balance</b> 53:10
59:17	<b>agree</b> 9:7, 11 39:14	16, 18 15:3, 5, 7, 25	<b>ballot</b> 6:5, 8, 13, 15, 20,
<b>absentee</b> 5:25 6:8 7:10	<b>ahead</b> 41:9 45:7	16:2, 4 17:9, 11, 13	21 7:12, 13, 14 8:6, 23
11:10 13:7 14:21	<b>ALBRECHT</b> 8:21, 21	18:14, 16, 18 19:21, 23,	9:6, 18 10:6, 20, 24
16:13 17:1 18:4 19:4,	9:19 36:15, 15, 24	25 21:23, 25 22:2	11:13, 16 12:17 14:21
19 20:5 21:3 26:19	37:14, 22 38:6 54:16,	24:21, 23, 25 27:1, 3, 5,	15:22, 24 16:8, 8, 10
27:9 28:10, 23 29:4	16 55:2, 6 61:20, 20	24 28:1, 3, 15, 17, 19	18:25 19:6, 14, 19 20:5,
32:22 35:18, 20 36:2,	62:6, 13 63:8, 8, 23	30:5, 7, 9 32:14, 16, 18	10 21:4 23:19 24:14
17, 20 40:23, 25 42:6, 9,	64:7, 18 67:17 68:3, 8,	33:12, 14, 16 35:6, 8, 10	29:5, 19 30:14 32:23
12, 19 43:18, 22 44:1, 2,	16 70:10, 10 73:20	36:6, 8, 10 37:7, 9, 11	35:19, 20 36:17, 19
5 45:12 47:19 48:5, 23	74:1, 6 76:7, 7, 20	39:21, 23, 25 41:25	37:14, 15, 23, 24 38:5, 8,
49:19, 20 50:2, 19	77:20, 20 78:11 79:9	42:2 48:16, 18, 20	19 39:10, 13, 19 40:25
52:25 54:18 55:7	<b>Albrecht's</b> 55:22	49:11, 13, 15 52:13, 15,	42:8, 9, 15, 17 43:8, 14,
56:12 57:22 60:1	<b>allow</b> 14:3 41:17	17 53:23, 25 54:2 56:3,	18, 22 44:1, 22 45:12
61:22 66:13, 14 67:18	<b>allowed</b> 14:11 25:8, 12,	5, 7 57:13, 15, 17 61:9,	48:24 49:19 50:2, 20,
69:15 76:9	22 69:21	11, 13 62:21, 24 63:2	23, 25 51:2, 3, 22 52:1,
<b>absentees</b> 16:17 53:7	<b>allowing</b> 24:6	65:22, 24 66:1 67:1, 5	2, 2, 5, 20 53:3, 5, 8, 9, 14,
58:21	<b>altered</b> 44:24	69:8, 10 70:2, 4, 6	17, 19, 22 54:5, 13, 21, 23
<b>absolutely</b> 24:16	<b>Amerell</b> 11:8, 8, 22 12:6,		
	13, 18 13:3, 10, 13, 17, 22		

55:7, 23, 25 56:13 57:7  
 58:14 60:1, 23 61:22  
 62:5, 6, 14, 16 63:20, 25  
 64:13, 21, 22 65:18, 21  
 66:5, 14, 21, 25 67:9, 17,  
 18, 24 68:2, 4, 7, 10, 22  
 70:12, 13, 18 71:18  
 72:9, 15, 17, 21 74:8, 10,  
 19 76:2, 8, 9, 10, 13, 19,  
 23 77:22, 25 78:8, 15,  
 18, 23, 24 79:2, 13, 15, 20  
 80:7  
**ballots** 4:24 5:10, 15  
 6:6 7:10 8:4 11:20  
 12:3, 10 14:4, 8, 13  
 17:8 24:9, 20 25:3  
 27:9 28:23 30:19  
 32:22 33:21, 23 34:3, 9,  
 15, 21 38:1 40:23 41:5,  
 18 42:6, 8, 12, 19, 23  
 44:1, 3, 5, 23 45:1, 2  
 47:19 49:20 51:5 53:1,  
 2 54:9 58:19 59:2  
 60:7, 11 63:9, 18 66:19  
 67:24 69:15, 22 74:15  
 75:22  
**B-A-R-T-E-N** 17:20  
 35:15  
**based** 9:20 10:1, 11  
 14:8 37:18 55:19 64:20  
**basis** 25:17, 20 38:18  
 51:23 54:14  
**Bay** 11:9 54:8  
**behalf** 71:8 78:16  
**believe** 5:5 6:10 9:1, 23  
 10:15, 16 14:4 26:12,  
 13 38:18, 22 53:10  
 58:25 60:15 62:1, 16  
 63:11 66:6, 11 67:22  
 70:25 71:16 72:6  
 73:14 76:24 78:17  
 79:10  
**bit** 64:2, 3  
**blank** 6:4, 15, 21 62:7  
 72:2 73:10  
**BOARD** 2:2 4:14, 20  
 6:9 41:6, 18 47:17  
 51:15, 19 56:14 57:22  
 62:3 63:18 71:4  
**board's** 51:6  
**book** 12:3, 6 15:14  
 29:12 35:23 46:20, 21  
 56:25 57:3  
**books** 56:17  
**bottom** 32:3  
**box** 63:17 64:1, 1, 3, 3,  
 4, 19 65:5, 9 78:3  
**boxes** 66:18  
**Brendan** 9:10 71:8  
 78:16  
**brief** 4:5  
**bring** 29:17 62:2  
**bringing** 41:18

**brought** 28:23 57:21  
 59:13  
**bubble** 38:12  
**Buelow** 20:21, 25  
**B-U-E-L-O-W** 21:1  
  
**< C >**  
**Call** 3:4, 6 10:22 40:8  
 52:10 57:10 75:5 77:7  
 80:12  
**campaign** 9:11 71:9  
 78:17  
**candidate** 9:3 10:12  
 38:9 61:25 63:17 64:6,  
 11, 14, 19 70:12, 14  
 71:20 72:9 74:19, 21  
 75:4 76:13, 21  
**candidates** 38:7, 13  
 66:16 70:18 71:5, 6  
 72:7 74:14  
**canvass** 51:7, 11, 15, 19  
 59:15 73:23  
**Canvassers** 4:14, 20  
**canvassing** 50:19  
**care** 24:17, 18  
**Carla** 4:22 7:7 8:3  
 16:15 32:21 40:22  
 52:23 69:13 75:20  
**case** 24:7  
**cases** 22:19  
**cast** 51:5 76:24  
**central** 47:19 58:23  
 59:1, 4, 10  
**certain** 64:8  
**certainly** 65:1  
**certificate** 50:2 56:23  
 67:19  
**certification** 48:24  
 50:20 54:19 57:22  
**certifications** 49:19  
 56:13  
**Certified** 82:3  
**certify** 82:5, 8, 13  
**Chairman** 2:3 4:11  
 5:20, 22 6:25 7:2, 23  
 8:16 11:6 14:19 16:5  
 17:14 18:19 20:1 22:3  
 25:1 27:6 28:4, 20  
 30:10 32:19 33:17  
 35:11 36:11 37:12  
 42:3 66:2 70:7 75:14  
**chair's** 41:15 65:2  
**Chairwoman** 2:3 40:14,  
 16 42:1 48:19, 21  
 52:16, 18 54:1, 3 56:8  
 57:18 61:14 62:25  
 67:6 69:11 77:14 80:21  
**challenge** 8:23 77:25  
**changed** 39:2  
**Chapter** 72:12  
**check** 25:21 78:3  
**Christenson** 2:4 4:19  
 5:16, 17 6:21, 22 7:17,

18 8:10, 11 10:11, 25  
 11:1 14:1, 13, 14 15:2,  
 3, 24, 25 17:8, 9 18:13,  
 14 19:20, 21 21:22, 23  
 24:4, 20, 21 26:21, 25  
 27:1, 23, 24 28:14, 15  
 30:4, 5 32:13, 14 33:11,  
 12 35:5, 6 36:5, 6 37:6,  
 7 39:12, 20, 21 45:22  
 62:19, 22, 25 63:3 77:1,  
 8, 11, 17  
**circle** 78:5 79:4, 21  
**CITY** 1:15 4:23 7:8  
 8:4, 22 14:7 16:16, 23  
 17:21 20:8, 18, 20, 25  
 21:8 22:14, 17, 19 26:4,  
 5, 6, 17 27:10, 11, 14  
 28:7, 10, 11, 22 29:6  
 30:15 31:4, 12, 16, 22  
 32:1, 2, 3, 22, 25 35:16,  
 22, 25 36:16 40:21, 23  
 41:17 43:13 44:18, 18  
 45:16, 18, 19 46:3 49:2,  
 22, 24 50:5, 9, 13 52:24  
 54:17 55:21 57:25  
 58:1, 5 59:12, 16 61:3,  
 21 63:9 69:14, 16  
 70:11 75:21 76:7  
 77:21 82:9  
**city's** 30:17  
**clarify** 11:19 26:12  
**clean** 5:8  
**clear** 5:6 10:17 71:1, 7  
**clearly** 71:14  
**clerical** 36:22  
**Clerk** 2:7 3:6, 7, 9, 11,  
 13 4:1, 10, 11, 15, 23  
 5:14, 18, 20, 22 6:12, 19,  
 23, 25 7:2, 8, 16, 19, 21,  
 23 8:4, 9, 12, 14, 16  
 10:9, 21, 23 11:2, 4, 6  
 13:9, 12 14:7, 8, 12, 15,  
 17, 19 15:1, 4, 6, 8, 23  
 16:1, 3, 5, 16 17:7, 10,  
 12, 14, 21 18:12, 15, 17,  
 19 19:18, 22, 24 20:1,  
 20, 25 21:9, 21, 24 22:1,  
 3, 19 24:19, 22, 24 25:1,  
 13 26:24 27:2, 4, 6, 22,  
 25 28:2, 4, 13, 16, 18, 20  
 30:3, 6, 8, 10 32:12, 15,  
 17, 19, 22 33:10, 13, 15,  
 17 35:4, 7, 9, 11, 16  
 36:4, 7, 9, 11 37:5, 8, 10,  
 12 39:7, 15, 18, 22, 24  
 40:1, 4, 12, 14, 16, 23  
 41:16, 24 42:1, 3 43:11,  
 25 44:18 45:18, 19, 22  
 46:2 47:3 48:14, 17, 19,  
 21 49:4, 9, 12, 14, 16  
 52:11, 14, 16, 18, 24  
 53:21, 24 54:1, 3 56:1,  
 4, 6, 8 57:11, 14, 16, 18

59:12 61:7, 10, 12, 14  
 62:19, 22, 25 63:3  
 65:11, 20, 23, 25 66:2,  
 20, 24 67:2, 4, 6 69:4, 7,  
 9, 11, 14, 25 70:3, 5, 7, 22  
 73:1 75:7, 10, 12, 14, 21  
 77:1, 8, 11, 14, 17 80:6,  
 10, 14, 17, 19, 21  
**clerks** 41:17  
**clerk's** 13:19 16:23  
 32:25 33:4, 7 45:15  
 46:17 47:8 48:3 49:2  
 56:15, 20 69:16, 21  
**Clinton** 8:25 10:12, 20  
 72:16, 22 73:21 74:7, 9,  
 21 76:25 77:24 78:2, 9,  
 25 79:3, 14, 22 80:7  
**Clinton-Kaine** 10:24  
 38:24  
**closer** 79:2  
**code** 29:6 35:22 61:3  
**come** 13:14 25:10 43:1  
 45:3 71:4  
**comes** 59:24 72:3  
**coming** 9:8 41:6  
**commencing** 82:11  
**comment** 21:17 41:15  
**comments** 48:10 55:11  
 57:5 59:20 62:10 65:2  
 70:21 72:24 73:4 77:5  
**COMMISSION** 1:11  
 3:15, 19 8:22 14:3  
 24:5 25:16 36:16  
 38:16 40:9, 17 51:14  
 54:17 59:6, 14 61:21  
 63:9 70:11 72:5 76:8  
 77:21 79:7 82:24  
**Commissioner** 2:4, 4  
 3:2, 7, 8, 9, 10, 11, 12, 13  
 4:9, 17 5:9, 12, 16, 17,  
 18, 19, 21 6:18, 22, 23, 24  
 7:1, 5, 15, 17, 18, 19, 20,  
 21, 22 8:1, 8, 10, 11, 12,  
 13, 14, 15, 19 9:4, 14  
 10:2, 11, 21, 24 11:1, 2,  
 3, 4, 5, 19, 23 12:2, 7, 16  
 13:1, 6, 11, 14, 20, 23  
 14:1, 13, 14, 15, 16, 17, 18,  
 24 15:2, 3, 4, 5, 6, 7, 13,  
 16, 18, 20, 21, 24, 25 16:1,  
 2, 3, 4, 7, 12, 25 17:3, 6, 8,  
 9, 10, 11, 12, 13, 17 18:3,  
 7, 11, 13, 14, 15, 16, 17, 18  
 19:5, 12, 16, 20, 21, 22, 23,  
 24, 25 20:12, 17 21:2, 6,  
 12, 16, 19, 22, 23, 24, 25  
 22:1, 2, 5, 21, 25 23:16,  
 18, 22, 25 24:4, 12, 20, 21,  
 22, 23, 24, 25 26:8, 11, 16,  
 20, 21, 23, 25 27:1, 2, 3, 4,  
 5, 17, 21, 23, 24, 25 28:1,  
 2, 3, 12, 14, 15, 16, 17, 18,  
 19 29:9, 16, 22 30:1, 4,

5, 6, 7, 8, 9, 18, 22, 25  
 31:6, 17 32:7, 11, 13, 14,  
 15, 16, 17, 18 33:6, 9, 11,  
 12, 13, 14, 15, 16 34:6, 10,  
 13, 23 35:2, 5, 6, 7, 8, 9,  
 10 36:3, 5, 6, 7, 8, 9, 10,  
 21, 25 37:4, 6, 7, 8, 9, 10,  
 11, 20, 25 38:4, 21 39:9,  
 12, 16, 19, 21, 22, 23, 24,  
 25 40:5, 10, 11, 12, 13, 15,  
 19 41:4, 14, 22, 23, 24, 25  
 42:2, 16, 22 43:1, 3, 5,  
 25 44:7, 12, 15, 25 45:6,  
 17, 21 46:4, 22 47:2, 6,  
 13, 24 48:4, 9, 12, 15, 16,  
 17, 18, 20 49:7, 10, 11, 12,  
 13, 14, 15 50:7, 11, 15  
 51:21 52:4, 7, 12, 13, 14,  
 15, 17, 21 53:13, 18, 22,  
 23, 24, 25 54:2, 7, 12, 25  
 55:4, 10, 19 56:2, 3, 4, 5,  
 6, 7, 19 57:4, 6, 8, 12, 13,  
 14, 15, 16, 17 58:7, 20, 25  
 59:19 60:12, 20 61:8, 9,  
 10, 11, 12, 13, 18 62:4, 9,  
 11, 15, 20, 21, 22, 24 63:2,  
 6, 20, 25 64:12, 17, 20  
 65:3, 13, 17, 21, 22, 23, 24,  
 25 66:1, 4, 8, 22, 25  
 67:1, 2, 3, 4, 5, 16 68:1,  
 5, 6, 13, 17, 21, 23, 24  
 69:5, 6, 7, 8, 9, 10, 23  
 70:1, 2, 3, 4, 5, 6, 16, 20  
 71:16, 22 72:23 73:3, 7,  
 11, 16, 18, 24 74:4, 11, 13,  
 17, 24 75:1, 5, 8, 9, 10, 11,  
 12, 13, 15, 18, 25 76:5, 14,  
 18, 22 77:3, 6, 7, 9, 10, 11,  
 13, 14, 16 78:4, 13, 21  
 79:1, 17 80:3, 5, 8, 12,  
 15, 16, 17, 18, 19, 20, 24  
**COMMISSIONERS** 2:2  
 40:18 41:19  
**commission's** 59:20  
**compare** 12:2 29:11  
**compared** 24:13  
**comparing** 42:7 53:2  
**complete** 54:14 79:13  
**completed** 5:2, 5 8:24  
 13:9 37:19 44:13  
 54:13 78:2 79:14  
**completely** 10:7, 13  
 38:12  
**completion** 10:18  
**complies** 59:25  
**comply** 60:4  
**concerns** 48:11 55:11  
 57:5 62:10 70:21  
**concluding** 82:12  
**conduct** 28:25  
**confirm** 45:1  
**congratulations** 4:2

**congressional** 79:18  
**consideration** 48:7  
**considered** 37:16, 21  
 39:10 65:6 78:19  
**considering** 58:12  
**consistency** 10:18  
**consistent** 10:13 13:15  
 14:2 16:9 41:15 59:2,  
 21 69:3 76:23  
**construct** 68:10  
**consult** 70:22  
**contact** 19:8, 9  
**continuation** 52:24  
**continue** 63:15  
**Continuing** 52:21  
**converse** 34:19  
**copies** 5:8  
**Corporation** 2:8  
**Correct** 11:22 13:10  
 15:15 19:9, 14, 15  
 34:11 35:1 36:24  
 37:21, 22 47:5 50:10  
 51:24, 25 53:16 59:3, 3  
 62:13 65:4 66:18 68:3  
 72:24 73:4 74:5 78:11  
**Correction** 49:25  
**correspond** 58:14  
**corresponding** 42:20  
**Couillard** 20:20, 24  
 29:15 31:24  
**C-O-U-I-L-L-A-R-D**  
 20:25  
**Counsel** 2:8 60:17 65:4  
 71:23 75:2 82:14, 16  
**count** 5:16 6:9, 13, 14,  
 20, 21 10:23 14:13  
 15:24 17:8 23:21  
 24:20 25:2 39:16, 18  
 42:17 47:19 52:5, 6  
 53:15, 19 58:21, 23  
 59:1, 5, 10 62:12 64:5,  
 23, 25 65:20 69:22  
 71:21 74:23 78:24 80:6  
**counted** 6:10, 14, 20  
 14:9 23:23 24:6, 10, 11  
 26:9 39:5 42:15 50:24  
 51:23 52:20 62:5, 6  
 68:22 74:22 78:8, 20  
**counting** 56:23 72:3  
**counts** 34:18  
**COUNTY** 1:11 2:7 3:4,  
 19 4:4 25:9 51:9, 13  
 73:23 82:2  
**couple** 17:23  
**COURTNEY** 66:10, 10  
**created** 60:21 67:22, 22  
**Creek** 44:18, 19 49:3  
 50:13 56:11 58:20  
 60:10  
**CRR** 1:23  
**curious** 73:25  
**currently** 48:6

**Czarnezki** 2:7 3:7, 9, 11,  
 13 4:1, 11 5:14, 18, 20,  
 22 6:12, 19, 23, 25 7:2,  
 16, 19, 21, 23 8:9, 12, 14,  
 16 10:9, 23 11:2, 4, 6  
 14:12, 15, 17, 19 15:1, 4,  
 6, 8, 23 16:1, 3, 5 17:7,  
 10, 12, 14 18:12, 15, 17,  
 19 19:18, 22, 24 20:1  
 21:21, 24 22:1, 3 24:19,  
 22, 24 25:1, 13 26:24  
 27:2, 4, 6, 22, 25 28:2, 4,  
 13, 16, 18, 20 30:3, 6, 8,  
 10 32:12, 15, 17, 19  
 33:10, 13, 15, 17 35:4, 7,  
 9, 11 36:4, 7, 9, 11 37:5,  
 8, 10, 12 39:7, 15, 18, 22,  
 24 40:1, 4, 12, 14, 16  
 41:16, 24 42:1, 3 43:11,  
 25 45:22 48:14, 17, 19,  
 21 49:9, 12, 14, 16  
 52:11, 14, 16, 18 53:21,  
 24 54:1, 3 56:1, 4, 6, 8  
 57:11, 14, 16, 18 61:7,  
 10, 12, 14 65:11, 20, 23,  
 25 66:2, 20, 24 67:2, 4,  
 6 69:4, 7, 9, 11, 25 70:3,  
 5, 7, 22 73:1 75:7, 10,  
 12, 14 77:14 80:6, 10,  
 14, 17, 19, 21

## &lt; D &gt;

**daily** 25:17, 20  
**damaged** 8:6 41:2, 17  
**Day** 3:4 6:11, 14, 20  
 8:6 9:8, 12, 15, 20  
 20:11, 13 27:13 28:9  
 33:21 34:3, 4, 5 36:18  
 37:15 53:11 54:22  
 63:13 68:9 75:22  
 76:10 77:22 82:11, 20  
**days** 74:16  
**dealing** 22:11  
**dealt** 38:16 73:13  
**December** 1:12 82:11,  
 20  
**decide** 12:11  
**declined** 13:25 27:20  
 32:10 34:16 37:3  
**deposition** 82:6, 8  
**deputies** 22:14, 18  
**deputy** 17:21 20:21  
 21:7, 11 35:16 62:19,  
 22, 25 63:3 77:1, 8, 11,  
 17  
**derived** 27:12  
**determination** 9:15  
 76:11 77:23  
**determine** 12:3 29:13  
 37:18 39:1, 13 42:17  
 50:12 54:22 55:23  
 58:1 77:4 79:11

**determined** 9:17 38:6  
 63:11 79:13  
**dictate** 71:11  
**different** 18:24 30:19, 20  
**difficult** 39:1  
**directed** 25:17 55:7  
**direction** 82:7  
**directly** 82:16  
**Director** 2:7 4:4  
**dis** 15:17  
**disagree** 77:4  
**disallow** 14:7, 25 19:16,  
 19 20:2 30:1, 11  
**discounted** 60:6  
**discovered** 7:10 33:23  
 50:18 55:14  
**discrepancies** 31:9  
**discussion** 11:18 12:1  
 24:12 29:2 37:17 40:3  
 43:4 45:10 52:9 54:6,  
 15 57:8 61:5 68:23  
 76:17 77:2  
**disqualifies** 61:4  
**distance** 64:9  
**District** 4:24 6:1, 7 7:9  
 8:5 16:16 17:23 18:24  
 19:1 25:5 26:2 28:7  
 29:4 30:14 31:10, 10,  
 15 32:23 33:21, 24  
 34:1, 2, 9 35:18 40:24,  
 24 41:1 42:7, 15 43:13,  
 18, 22 44:21 45:24  
 47:23 50:24 53:1  
 58:17 69:14 75:22  
**districts** 47:20, 21  
**document** 51:12  
**documents** 11:24 51:9,  
 16  
**doing** 25:9, 11, 14 41:20  
 43:16  
**Donald** 61:24 62:2, 17  
 63:16  
**dot** 10:15  
**dots** 73:12  
**draw** 16:13 19:19 30:2  
**drawdown** 19:17 43:7,  
 16, 17 44:2, 9, 11 54:9,  
 11, 13 59:18  
**drawing** 44:1  
**due** 74:7  
**duplicate** 42:13 47:22  
**duties** 4:15

## &lt; E &gt;

**earlier** 4:17 54:7  
**early** 45:15 46:17 49:1,  
 5  
**edge** 75:24  
**efforts** 29:1  
**eight** 80:25  
**either** 5:9 13:18 18:7  
 27:17 29:22 32:7  
 34:13 49:4 64:11 78:13

**ELECTION** 1:4, 11 2:2, 4, 4 3:3, 19, 21, 22, 24 6:10, 14, 20 8:6, 22 9:8, 12, 15, 16, 20 13:9, 18 14:3, 9 16:20, 23 19:10 20:11, 13 23:23 24:7 25:16 26:9, 15 27:13 28:9, 25 33:4, 21 34:3, 4, 5 36:16, 18, 22 37:15, 20 41:19 49:5 51:10, 13, 19 53:11 54:17, 22 59:5, 13, 14 61:21 63:9, 12 68:9 69:20 70:11 72:5 75:22 76:8, 10 77:21, 22 78:8, 23 79:7  
**Elections** 2:7 4:4  
**elector** 38:14, 22, 23  
**electors** 67:13  
**elector's** 38:20  
**email** 68:9  
**emailed** 67:19  
**emailing** 25:15  
**employee** 45:19 46:3 82:14, 15  
**entering** 25:14  
**envelope** 6:3, 4 15:22 16:9 19:13 20:10 21:14 22:10 23:1 29:10, 24 37:2 46:16, 18 47:7 48:5 50:21 51:2, 21 52:2, 5 55:3, 25 56:16, 25 57:2, 7 58:8 59:2 60:25 67:20, 21 68:11, 11, 12, 14, 25  
**envelopes** 16:17 17:23 18:2, 9 22:10, 15, 23 23:19 24:2 26:2 27:19 32:5, 9, 24 45:13 47:3, 10 48:13, 24 49:1 50:8 56:23 57:22 58:5, 13, 15, 16 60:7, 11, 18  
**err** 14:8  
**error** 7:12 14:8, 10 24:8 74:22  
**establish** 40:9  
**evidence** 42:11 55:16 68:14 69:1, 2  
**exact** 16:10 30:19 74:20  
**examination** 38:11  
**exceptions** 67:24  
**Excuse** 13:11 31:17 67:8  
**Excused** 3:12, 14 4:18  
**expires** 82:24

## &lt; F &gt;

**face** 10:6  
**fact** 10:12 60:6  
**failed** 77:18  
**failure** 72:18  
**fairness** 59:25

**familiar** 13:21 17:3  
**far** 65:17  
**fed** 20:16 63:23 65:7  
**federal** 51:18  
**feeding** 64:7  
**feel** 66:19  
**Feingold** 79:24  
**fill** 71:11 72:10  
**filled** 10:6, 13 20:6 22:20 38:12, 13 61:24 73:12 79:4, 22, 25  
**final** 67:17  
**financially** 82:16  
**find** 6:7 42:10, 13, 21 46:20 50:23 53:5  
**finger** 44:22  
**first** 15:19 17:22 19:2 63:14 64:1 65:7, 15, 15  
**five** 27:9  
**followed** 60:3  
**following** 51:9  
**formality** 60:2  
**forward** 46:6 59:22 76:15  
**found** 51:20 53:3  
**four** 16:17 70:17 73:12  
**Friday** 41:5, 5 76:2  
**front** 45:23 64:22  
**further** 52:9 61:5 82:8, 13  
**future** 59:9

## &lt; G &gt;

**George** 2:4 4:19  
**given** 3:24 59:5  
**Glendale** 17:21 22:15, 17 28:22 35:16, 25 43:6, 13 44:8, 8  
**go** 4:9 6:6 39:4 41:9 43:6 45:7 51:9  
**goal** 74:6  
**goes** 51:12 64:2  
**going** 7:5 14:24 17:18 35:23 43:6 44:15 54:9 59:22 61:18 63:6 64:4, 4, 5 65:14 71:17 76:5  
**Good** 3:2 5:11  
**GOP** 39:8 66:11  
**grateful** 60:14  
**Green** 9:23 25:7 34:18 55:13 67:11  
**Greens** 38:11 70:25  
**guess** 64:12 73:24  
**guidance** 6:9 63:17 71:17, 23 72:3, 17 73:5 74:18  
**guidelines** 59:5, 22 70:23

## &lt; H &gt;

**hall** 45:16 46:3  
**hallway** 25:9, 21

**hand** 3:23 82:19  
**happen** 34:19  
**hard** 66:17  
**head** 64:17  
**hear** 3:17, 17 47:13 73:2  
**heard** 9:5 11:24 26:12, 13 38:2 68:19 78:14  
**HELD** 1:10  
**Henry** 2:7 4:5, 8  
**hereunto** 82:18  
**Hillary** 8:24 72:15, 21, 22 73:21 74:7, 9, 21 76:25 77:24 78:2, 8, 25 79:3, 14, 22  
**home** 20:9 21:5  
**homes** 22:14  
**hopefully** 40:6  
**Huh** 80:3  
**hundred** 24:16  
**husband-and-wife** 66:13  
**hyphen** 17:20 35:15

## &lt; I &gt;

**ID** 17:25 26:3 27:10 28:8 30:14 32:1  
**identify** 12:17 22:8, 9 23:1 26:21 58:13 59:7, 10 63:15  
**Idlewild** 11:14  
**impaired** 66:17  
**important** 51:7  
**incident** 18:23 22:12 35:17  
**include** 5:15 50:8 53:14, 19  
**included** 33:24 34:11 46:23 48:1 51:22 52:5 55:23, 25 73:22  
**includes** 74:20  
**including** 51:23  
**inclusion** 5:13  
**incomplete** 57:24  
**indicate** 9:24 67:14  
**indicating** 26:17  
**indirectly** 82:17  
**individual** 35:24 79:2  
**information** 12:10 14:6 51:6 66:14  
**informed** 25:7  
**initial** 9:8, 12 17:24 27:10  
**initialed** 27:14  
**initials** 26:4 28:7 30:15 31:12 32:2, 4  
**in-person** 11:17 12:15 13:7 17:1 18:4 21:3 26:19 28:9 36:19 45:15 46:2, 17 49:1 56:15  
**inside** 52:2 65:5, 9  
**inspect** 5:10 11:24 13:24 18:8 21:13 24:1

29:23 32:8 34:14 38:1 68:18  
**Inspection** 11:25 13:25 18:10 19:11 21:15 24:3 27:20 29:25 32:10 34:16 37:3 38:3 53:20 55:9 68:20 70:19 76:16 78:12  
**inspector** 49:5  
**inspectors** 3:21, 22, 25 13:18  
**inspector's** 41:11  
**instance** 5:1  
**instruct** 29:16 59:21  
**instructions** 79:6  
**intent** 5:5 8:23 9:2 10:1, 5, 17 37:18 38:7, 20, 22, 23 39:1, 14 62:1, 17 63:10 66:6, 12, 19 67:15 70:25 71:7, 13 76:12, 24 77:23 79:11, 15 80:2, 4, 5  
**intention** 64:13 72:12  
**intentional** 59:11  
**interested** 82:16  
**interfering** 25:23  
**interpret** 71:13  
**interpretation** 9:8, 16 79:5  
**invalidate** 72:18 75:3  
**invalidated** 72:1 73:9  
**issue** 5:24 11:20 12:11, 12 18:22 19:9 22:6, 8, 8 26:16 30:19 31:1, 3, 14, 25 34:7 38:2 40:21 46:7, 16 48:6, 6 50:7 54:8 68:6, 19 72:7 76:1 79:8  
**issued** 18:1, 25 42:9 53:4  
**issues** 46:24 59:24, 24  
**item** 51:10 52:24  
**It'll** 73:20  
**its** 64:8

## &lt; J &gt;

**January** 82:24  
**Jeff** 9:22 25:6 34:17 38:10 55:12 67:11 70:24  
**Jennifer** 11:8  
**J-E-N-N-I-F-E-R** 11:9  
**Jill** 8:25 78:3, 6 79:3, 21  
**Joe** 52:9 57:9 61:6 75:5  
**Joseph** 2:7  
**Julie** 1:23 47:25 82:3, 22  
**Julietta** 2:7 4:4

## &lt; K &gt;



<b>Kaine</b> 10:20 72:18 76:25 78:25 80:7	57:18 61:14 66:2 67:6 69:11 70:7 75:14 80:21	56:1, 9 57:11, 19 61:7, 15 62:19 63:4 65:15, 15, 19, 20 66:3, 20, 23, 24 67:7, 9 69:4, 12, 25 70:8 74:12 75:7, 16 77:9 80:6, 22	<b>note</b> 4:12 29:9 41:10 43:6 47:7, 16, 25, 25 58:7 60:12 70:17 <b>noted</b> 4:17 24:13 52:1 67:12 <b>number</b> 12:17 15:17 23:1, 17, 19 38:15 41:11 43:14 45:1, 2 46:18, 21 47:20 51:1 54:24 55:3, 7, 8 56:16, 23, 24 57:3 <b>numbers</b> 14:4 18:24 22:9 26:22 46:9 47:17, 18, 22 49:6 50:24 51:4, 4 53:9, 15 <b>nursing</b> 20:9 21:5 22:14
<b>Karaskiewicz</b> 2:8 54:24 72:23 73:3, 8, 13, 17 80:2, 4	<b>mail</b> 54:18 <b>mailed</b> 29:19 50:1 <b>mailed-in</b> 29:4 35:20 49:20 50:1, 19 <b>mail-in</b> 11:12, 13, 15, 21 15:10 19:6, 7 43:14 48:4	<b>Move</b> 5:12 10:19 12:11 14:3, 11, 24 15:20 17:6 18:11 19:16 21:19 24:8, 8 26:20 27:21 28:12 30:1 32:11 33:9 35:2 36:3 37:4 39:9 46:5 48:12 49:7 52:4 53:18 55:24 57:6 60:10 62:15 66:4 68:21 69:23 72:14, 20 76:22 78:21	<b>oath</b> 3:20, 24 <b>objection</b> 41:7, 20 78:9, 22 80:9, 11 <b>observe</b> 25:8, 12, 19, 21, 22, 23 27:18 37:1 52:8 <b>observer</b> 41:8 <b>obvious</b> 71:9 <b>obviously</b> 51:18 <b>o'clock</b> 80:25 <b>office</b> 3:20, 24 5:3 7:12 13:9, 16, 19 16:24 18:1 27:13 32:25 33:5, 7 45:15 46:2, 17 47:8 48:3 49:2 56:15, 20, 21 62:7 63:12 69:16, 21 82:19 <b>offices</b> 79:12 <b>Oh</b> 64:12 <b>Okay</b> 3:18 6:19 9:4 12:13, 18 14:10 16:14 17:22 31:8, 14 40:20 41:4, 13 42:22, 25 43:2 44:15 45:5, 9, 11, 24 46:4, 7, 10 48:23 49:25, 25 52:21 54:12 55:10 61:18 63:6 65:14 68:17 75:18 76:5 77:8 80:12 <b>once</b> 30:23, 24 31:1 34:20 61:23 <b>ones</b> 45:8 <b>opened</b> 20:15 44:23 54:21 <b>operation</b> 9:9 <b>opinion</b> 10:2 <b>opposed</b> 64:15 <b>opposite</b> 31:25 <b>order</b> 3:5 25:10 62:12 71:20 74:4 <b>original</b> 37:15 42:8
<b>Karen</b> 20:20, 24 31:23	<b>majority</b> 64:18 <b>making</b> 14:9 <b>MAN</b> 21:18 <b>mark</b> 8:25 9:25 10:4, 7, 16 59:1 63:16 64:11, 19 65:9 78:3, 17 <b>marked</b> 6:13 16:9 56:25 <b>marking</b> 64:1 66:18 79:12	<b>moved</b> 6:18 7:15 8:8 <b>moving</b> 65:7 <b>municipality</b> 51:11	<b>&lt; O &gt;</b> <b>Oak</b> 44:18, 19 49:3 50:13 56:11 58:20 60:10
<b>Kathryn</b> 44:17	<b>markings</b> 5:1 9:20 <b>marks</b> 10:14 38:16 64:22 <b>married</b> 67:14 <b>match</b> 51:4 53:15 <b>matter</b> 72:10 79:10 <b>meant</b> 71:14 <b>medical</b> 3:14 4:18 <b>meeting</b> 3:4 4:3 <b>member</b> 4:14, 16, 20 <b>mention</b> 34:1 <b>mentioned</b> 14:4 24:10 <b>met</b> 36:20 54:18 68:4 <b>Mike</b> 62:18 <b>MILWAUKEE</b> 1:11, 15, 16 3:4, 18 4:4 8:22 36:16 51:13 54:17 55:21 60:9 61:21 63:9 70:11 76:8 77:21 82:2, 9, 10, 19 <b>mind</b> 39:2 74:13 <b>missed</b> 29:19 <b>missing</b> 11:10, 15, 21 12:15, 18, 19, 20, 21, 22, 22, 23, 24, 24 13:2, 4, 4, 5 24:6 36:18, 22 45:13, 16 46:1, 2 48:24 49:4, 21 56:14 58:4 59:16 <b>mistaken</b> 9:24 65:4 <b>morning</b> 2:3 3:2 51:9, 18 52:25 80:25 <b>motion</b> 5:14, 23 6:19 7:3, 16, 24 8:9, 17 10:9, 23 11:7 14:12, 20 15:1, 9, 21, 23 16:6 17:7, 15 18:12, 20 19:18 20:2 21:21 22:4 24:19 25:2 26:24 27:7, 22 28:5, 13, 21 30:3, 11 32:12, 20 33:10, 18 35:4, 12 36:4, 12 37:5, 13 39:15, 18 40:2 41:15, 16, 22 42:4 48:14, 22 49:9, 17 52:11, 19 53:21 54:4	<b>&lt; N &gt;</b> <b>name</b> 5:2, 4 11:9 24:14 29:11 40:21 61:25 66:10 70:13, 14 72:8, 11, 16 74:20, 22 <b>named</b> 74:14, 15 <b>names</b> 20:23 <b>Nancy</b> 2:3 40:5 <b>Nay</b> 41:23 67:3 69:6 77:10, 16 80:16 <b>necessarily</b> 67:14 <b>necessary</b> 49:21 64:24 <b>need</b> 11:11 16:12 46:20 62:12, 14 70:22 76:1, 19, 21 <b>needed</b> 25:10 46:19 54:8 <b>Neil</b> 8:21 36:15 38:4 54:16 61:20 62:11 63:8, 20, 25 70:10 73:19 76:7, 18 77:20 <b>never</b> 20:10, 16 <b>new</b> 62:14 <b>Nicholson</b> 44:19 <b>night</b> 23:23 26:9, 15 37:21 78:8, 23 <b>Nods</b> 64:17 <b>normally</b> 55:5 <b>North</b> 11:12, 14 12:14 <b>nos</b> 5:23 7:3, 24 8:17 11:7 14:20 15:9 16:6 17:15 18:5, 20 20:2 22:4 25:2 27:7 28:5, 21 30:11 32:20 33:18 35:12 36:12 37:13 40:2, 25 48:22 49:17, 24 52:19 54:4 56:9 57:19 61:15 63:4 66:3 67:7 70:8 <b>Notary</b> 82:4, 22	<b>oak</b> 44:18, 19 49:3 50:13 56:11 58:20 60:10 <b>oath</b> 3:20, 24 <b>objection</b> 41:7, 20 78:9, 22 80:9, 11 <b>observe</b> 25:8, 12, 19, 21, 22, 23 27:18 37:1 52:8 <b>observer</b> 41:8 <b>obvious</b> 71:9 <b>obviously</b> 51:18 <b>o'clock</b> 80:25 <b>office</b> 3:20, 24 5:3 7:12 13:9, 16, 19 16:24 18:1 27:13 32:25 33:5, 7 45:15 46:2, 17 47:8 48:3 49:2 56:15, 20, 21 62:7 63:12 69:16, 21 82:19 <b>offices</b> 79:12 <b>Oh</b> 64:12 <b>Okay</b> 3:18 6:19 9:4 12:13, 18 14:10 16:14 17:22 31:8, 14 40:20 41:4, 13 42:22, 25 43:2 44:15 45:5, 9, 11, 24 46:4, 7, 10 48:23 49:25, 25 52:21 54:12 55:10 61:18 63:6 65:14 68:17 75:18 76:5 77:8 80:12 <b>once</b> 30:23, 24 31:1 34:20 61:23 <b>ones</b> 45:8 <b>opened</b> 20:15 44:23 54:21 <b>operation</b> 9:9 <b>opinion</b> 10:2 <b>opposed</b> 64:15 <b>opposite</b> 31:25 <b>order</b> 3:5 25:10 62:12 71:20 74:4 <b>original</b> 37:15 42:8
<b>Kay</b> 20:21, 25	<b>majority</b> 64:18 <b>making</b> 14:9 <b>MAN</b> 21:18 <b>mark</b> 8:25 9:25 10:4, 7, 16 59:1 63:16 64:11, 19 65:9 78:3, 17 <b>marked</b> 6:13 16:9 56:25 <b>marking</b> 64:1 66:18 79:12	<b>moved</b> 6:18 7:15 8:8 <b>moving</b> 65:7 <b>municipality</b> 51:11	<b>&lt; O &gt;</b> <b>Oak</b> 44:18, 19 49:3 50:13 56:11 58:20 60:10
<b>keeping</b> 14:1 24:5	<b>markings</b> 5:1 9:20 <b>marks</b> 10:14 38:16 64:22 <b>married</b> 67:14 <b>match</b> 51:4 53:15 <b>matter</b> 72:10 79:10 <b>meant</b> 71:14 <b>medical</b> 3:14 4:18 <b>meeting</b> 3:4 4:3 <b>member</b> 4:14, 16, 20 <b>mention</b> 34:1 <b>mentioned</b> 14:4 24:10 <b>met</b> 36:20 54:18 68:4 <b>Mike</b> 62:18 <b>MILWAUKEE</b> 1:11, 15, 16 3:4, 18 4:4 8:22 36:16 51:13 54:17 55:21 60:9 61:21 63:9 70:11 76:8 77:21 82:2, 9, 10, 19 <b>mind</b> 39:2 74:13 <b>missed</b> 29:19 <b>missing</b> 11:10, 15, 21 12:15, 18, 19, 20, 21, 22, 22, 23, 24, 24 13:2, 4, 4, 5 24:6 36:18, 22 45:13, 16 46:1, 2 48:24 49:4, 21 56:14 58:4 59:16 <b>mistaken</b> 9:24 65:4 <b>morning</b> 2:3 3:2 51:9, 18 52:25 80:25 <b>motion</b> 5:14, 23 6:19 7:3, 16, 24 8:9, 17 10:9, 23 11:7 14:12, 20 15:1, 9, 21, 23 16:6 17:7, 15 18:12, 20 19:18 20:2 21:21 22:4 24:19 25:2 26:24 27:7, 22 28:5, 13, 21 30:3, 11 32:12, 20 33:10, 18 35:4, 12 36:4, 12 37:5, 13 39:15, 18 40:2 41:15, 16, 22 42:4 48:14, 22 49:9, 17 52:11, 19 53:21 54:4	<b>moved</b> 6:18 7:15 8:8 <b>moving</b> 65:7 <b>municipality</b> 51:11	<b>&lt; O &gt;</b> <b>Oak</b> 44:18, 19 49:3 50:13 56:11 58:20 60:10
<b>kicked</b> 34:4	<b>markings</b> 5:1 9:20 <b>marks</b> 10:14 38:16 64:22 <b>married</b> 67:14 <b>match</b> 51:4 53:15 <b>matter</b> 72:10 79:10 <b>meant</b> 71:14 <b>medical</b> 3:14 4:18 <b>meeting</b> 3:4 4:3 <b>member</b> 4:14, 16, 20 <b>mention</b> 34:1 <b>mentioned</b> 14:4 24:10 <b>met</b> 36:20 54:18 68:4 <b>Mike</b> 62:18 <b>MILWAUKEE</b> 1:11, 15, 16 3:4, 18 4:4 8:22 36:16 51:13 54:17 55:21 60:9 61:21 63:9 70:11 76:8 77:21 82:2, 9, 10, 19 <b>mind</b> 39:2 74:13 <b>missed</b> 29:19 <b>missing</b> 11:10, 15, 21 12:15, 18, 19, 20, 21, 22, 22, 23, 24, 24 13:2, 4, 4, 5 24:6 36:18, 22 45:13, 16 46:1, 2 48:24 49:4, 21 56:14 58:4 59:16 <b>mistaken</b> 9:24 65:4 <b>morning</b> 2:3 3:2 51:9, 18 52:25 80:25 <b>motion</b> 5:14, 23 6:19 7:3, 16, 24 8:9, 17 10:9, 23 11:7 14:12, 20 15:1, 9, 21, 23 16:6 17:7, 15 18:12, 20 19:18 20:2 21:21 22:4 24:19 25:2 26:24 27:7, 22 28:5, 13, 21 30:3, 11 32:12, 20 33:10, 18 35:4, 12 36:4, 12 37:5, 13 39:15, 18 40:2 41:15, 16, 22 42:4 48:14, 22 49:9, 17 52:11, 19 53:21 54:4	<b>moved</b> 6:18 7:15 8:8 <b>moving</b> 65:7 <b>municipality</b> 51:11	<b>&lt; O &gt;</b> <b>Oak</b> 44:18, 19 49:3 50:13 56:11 58:20 60:10
<b>kind</b> 57:9 61:6 64:2	<b>markings</b> 5:1 9:20 <b>marks</b> 10:14 38:16 64:22 <b>married</b> 67:14 <b>match</b> 51:4 53:15 <b>matter</b> 72:10 79:10 <b>meant</b> 71:14 <b>medical</b> 3:14 4:18 <b>meeting</b> 3:4 4:3 <b>member</b> 4:14, 16, 20 <b>mention</b> 34:1 <b>mentioned</b> 14:4 24:10 <b>met</b> 36:20 54:18 68:4 <b>Mike</b> 62:18 <b>MILWAUKEE</b> 1:11, 15, 16 3:4, 18 4:4 8:22 36:16 51:13 54:17 55:21 60:9 61:21 63:9 70:11 76:8 77:21 82:2, 9, 10, 19 <b>mind</b> 39:2 74:13 <b>missed</b> 29:19 <b>missing</b> 11:10, 15, 21 12:15, 18, 19, 20, 21, 22, 22, 23, 24, 24 13:2, 4, 4, 5 24:6 36:18, 22 45:13, 16 46:1, 2 48:24 49:4, 21 56:14 58:4 59:16 <b>mistaken</b> 9:24 65:4 <b>morning</b> 2:3 3:2 51:9, 18 52:25 80:25 <b>motion</b> 5:14, 23 6:19 7:3, 16, 24 8:9, 17 10:9, 23 11:7 14:12, 20 15:1, 9, 21, 23 16:6 17:7, 15 18:12, 20 19:18 20:2 21:21 22:4 24:19 25:2 26:24 27:7, 22 28:5, 13, 21 30:3, 11 32:12, 20 33:10, 18 35:4, 12 36:4, 12 37:5, 13 39:15, 18 40:2 41:15, 16, 22 42:4 48:14, 22 49:9, 17 52:11, 19 53:21 54:4	<b>moved</b> 6:18 7:15 8:8 <b>moving</b> 65:7 <b>municipality</b> 51:11	<b>&lt; O &gt;</b> <b>Oak</b> 44:18, 19 49:3 50:13 56:11 58:20 60:10
<b>Kinnickinnic</b> 1:15 82:10	<b>markings</b> 5:1 9:20 <b>marks</b> 10:14 38:16 64:22 <b>married</b> 67:14 <b>match</b> 51:4 53:15 <b>matter</b> 72:10 79:10 <b>meant</b> 71:14 <b>medical</b> 3:14 4:18 <b>meeting</b> 3:4 4:3 <b>member</b> 4:14, 16, 20 <b>mention</b> 34:1 <b>mentioned</b> 14:4 24:10 <b>met</b> 36:20 54:18 68:4 <b>Mike</b> 62:18 <b>MILWAUKEE</b> 1:11, 15, 16 3:4, 18 4:4 8:22 36:16 51:13 54:17 55:21 60:9 61:21 63:9 70:11 76:8 77:21 82:2, 9, 10, 19 <b>mind</b> 39:2 74:13 <b>missed</b> 29:19 <b>missing</b> 11:10, 15, 21 12:15, 18, 19, 20, 21, 22, 22, 23, 24, 24 13:2, 4, 4, 5 24:6 36:18, 22 45:13, 16 46:1, 2 48:24 49:4, 21 56:14 58:4 59:16 <b>mistaken</b> 9:24 65:4 <b>morning</b> 2:3 3:2 51:9, 18 52:25 80:25 <b>motion</b> 5:14, 23 6:19 7:3, 16, 24 8:9, 17 10:9, 23 11:7 14:12, 20 15:1, 9, 21, 23 16:6 17:7, 15 18:12, 20 19:18 20:2 21:21 22:4 24:19 25:2 26:24 27:7, 22 28:5, 13, 21 30:3, 11 32:12, 20 33:10, 18 35:4, 12 36:4, 12 37:5, 13 39:15, 18 40:2 41:15, 16, 22 42:4 48:14, 22 49:9, 17 52:11, 19 53:21 54:4	<b>moved</b> 6:18 7:15 8:8 <b>moving</b> 65:7 <b>municipality</b> 51:11	<b>&lt; O &gt;</b> <b>Oak</b> 44:18, 19 49:3 50:13 56:11 58:20 60:10
<b>know</b> 10:5, 8 16:10 19:1 20:12 22:10 23:18 25:11 54:22 55:13 60:21 61:2 62:4 64:8 71:13	<b>markings</b> 5:1 9:20 <b>marks</b> 10:14 38:16 64:22 <b>married</b> 67:14 <b>match</b> 51:4 53:15 <b>matter</b> 72:10 79:10 <b>meant</b> 71:14 <b>medical</b> 3:14 4:18 <b>meeting</b> 3:4 4:3 <b>member</b> 4:14, 16, 20 <b>mention</b> 34:1 <b>mentioned</b> 14:4 24:10 <b>met</b> 36:20 54:18 68:4 <b>Mike</b> 62:18 <b>MILWAUKEE</b> 1:11, 15, 16 3:4, 18 4:4 8:22 36:16 51:13 54:17 55:21 60:9 61:21 63:9 70:11 76:8 77:21 82:2, 9, 10, 19 <b>mind</b> 39:2 74:13 <b>missed</b> 29:19 <b>missing</b> 11:10, 15, 21 12:15, 18, 19, 20, 21, 22, 22, 23, 24, 24 13:2, 4, 4, 5 24:6 36:18, 22 45:13, 16 46:1, 2 48:24 49:4, 21 56:14 58:4 59:16 <b>mistaken</b> 9:24 65:4 <b>morning</b> 2:3 3:2 51:9, 18 52:25 80:25 <b>motion</b> 5:14, 23 6:19 7:3, 16, 24 8:9, 17 10:9, 23 11:7 14:12, 20 15:1, 9, 21, 23 16:6 17:7, 15 18:12, 20 19:18 20:2 21:21 22:4 24:19 25:2 26:24 27:7, 22 28:5, 13, 21 30:3, 11 32:12, 20 33:10, 18 35:4, 12 36:4, 12 37:5, 13 39:15, 18 40:2 41:15, 16, 22 42:4 48:14, 22 49:9, 17 52:11, 19 53:21 54:4	<b>moved</b> 6:18 7:15 8:8 <b>moving</b> 65:7 <b>municipality</b> 51:11	<b>&lt; O &gt;</b> <b>Oak</b> 44:18, 19 49:3 50:13 56:11 58:20 60:10
<b>known</b> 31:18	<b>markings</b> 5:1 9:20 <b>marks</b> 10:14 38:16 64:22 <b>married</b> 67:14 <b>match</b> 51:4 53:15 <b>matter</b> 72:10 79:10 <b>meant</b> 71:14 <b>medical</b> 3:14 4:18 <b>meeting</b> 3:4 4:3 <b>member</b> 4:14, 16, 20 <b>mention</b> 34:1 <b>mentioned</b> 14:4 24:10 <b>met</b> 36:20 54:18 68:4 <b>Mike</b> 62:18 <b>MILWAUKEE</b> 1:11, 15, 16 3:4, 18 4:4 8:22 36:16 51:13 54:17 55:21 60:9 61:21 63:9 70:11 76:8 77:21 82:2, 9, 10, 19 <b>mind</b> 39:2 74:13 <b>missed</b> 29:19 <b>missing</b> 11:10, 15, 21 12:15, 18, 19, 20, 21, 22, 22, 23, 24, 24 13:2, 4, 4, 5 24:6 36:18, 22 45:13, 16 46:1, 2 48:24 49:4, 21 56:14 58:4 59:16 <b>mistaken</b> 9:24 65:4 <b>morning</b> 2:3 3:2 51:9, 18 52:25 80:25 <b>motion</b> 5:14, 23 6:19 7:3, 16, 24 8:9, 17 10:9, 23 11:7 14:12, 20 15:1, 9, 21, 23 16:6 17:7, 15 18:12, 20 19:18 20:2 21:21 22:4 24:19 25:2 26:24 27:7, 22 28:5, 13, 21 30:3, 11 32:12, 20 33:10, 18 35:4, 12 36:4, 12 37:5, 13 39:15, 18 40:2 41:15, 16, 22 42:4 48:14, 22 49:9, 17 52:11, 19 53:21 54:4	<b>moved</b> 6:18 7:15 8:8 <b>moving</b> 65:7 <b>municipality</b> 51:11	<b>&lt; O &gt;</b> <b>Oak</b> 44:18, 19 49:3 50:13 56:11 58:20 60:10
<b>&lt; L &gt;</b>	<b>markings</b> 5:1 9:20 <b>marks</b> 10:14 38:16 64:22 <b>married</b> 67:14 <b>match</b> 51:4 53:15 <b>matter</b> 72:10 79:10 <b>meant</b> 71:14 <b>medical</b> 3:14 4:18 <b>meeting</b> 3:4 4:3 <b>member</b> 4:14, 16, 20 <b>mention</b> 34:1 <b>mentioned</b> 14:4 24:10 <b>met</b> 36:20 54:18 68:4 <b>Mike</b> 62:18 <b>MILWAUKEE</b> 1:11, 15, 16 3:4, 18 4:4 8:22 36:16 51:13 54:17 55:21 60:9 61:21 63:9 70:11 76:8 77:21 82:2, 9, 10, 19 <b>mind</b> 39:2 74:13 <b>missed</b> 29:19 <b>missing</b> 11:10, 15, 21 12:15, 18, 19, 20, 21, 22, 22, 23, 24, 24 13:2, 4, 4, 5 24:6 36:18, 22 45:13, 16 46:1, 2 48:24 49:4, 21 56:14 58:4 59:16 <b>mistaken</b> 9:24 65:4 <b>morning</b> 2:3 3:2 51:9, 18 52:25 80:25 <b>motion</b> 5:14, 23 6:19 7:3, 16, 24 8:9, 17 10:9, 23 11:7 14:12, 20 15:1, 9, 21, 23 16:6 17:7, 15 18:12, 20 19:18 20:2 21:21 22:4 24:19 25:2 26:24 27:7, 22 28:5, 13, 21 30:3, 11 32:12, 20 33:10, 18 35:4, 12 36:4, 12 37:5, 13 39:15, 18 40:2 41:15, 16, 22 42:4 48:14, 22 49:9, 17 52:11, 19 53:21 54:4	<b>moved</b> 6:18 7:15 8:8 <b>moving</b> 65:7 <b>municipality</b> 51:11	<b>&lt; O &gt;</b> <b>Oak</b> 44:18, 19 49:3 50:1

53:3  
**Orville** 38:25  
**ought** 10:1  
**outside** 5:6 45:2 50:20  
 60:18 64:3  
**oval** 5:3, 4, 6 8:24  
 10:12, 14 37:19 38:13  
 61:24 71:12, 12 72:10  
 78:2, 6 79:14, 24  
**ovals** 5:2 9:21 10:6, 19  
 64:9 79:13  
**overrule** 78:22 80:8, 10  
**overseas** 67:18  
**oversight** 42:24 52:3  
 59:8  
**overvote** 9:2, 9, 13, 17,  
 20 37:16, 21 39:10, 17,  
 19 71:10, 14 74:3 78:19  
**overvoted** 70:12 76:10,  
 13  
**< P >**  
**p.m** 81:1 82:12  
**pack** 33:25  
**Pam** 66:10  
**pardon** 46:1  
**part** 51:14  
**partial** 8:25  
**particular** 79:8  
**parties** 5:10 41:21  
 82:15  
**party** 9:5, 23 18:8  
 21:13 24:1 25:7 27:18  
 29:23 32:8 34:14, 18  
 37:1 38:1 55:13 67:12  
 68:18 78:14  
**pass** 46:4, 8  
**Pause** 7:4, 25 8:18  
 17:16 35:13 36:14  
 43:10 44:14 61:17  
 63:5 70:9 75:17 76:4  
 77:19 80:23  
**Pence** 62:18  
**Penn** 2:3 3:11, 13 4:17  
 40:5, 14, 15, 19 41:4  
 42:1, 2, 16, 22 43:1, 3, 5  
 44:7, 12, 15, 25 45:6, 17,  
 21 46:4 47:24 48:9, 19,  
 20 49:14, 15 52:7, 16,  
 17, 21 54:1, 2, 7, 12, 25  
 55:4, 10 56:6, 7, 19  
 57:4, 8, 16, 17 60:20  
 61:12, 13, 18 62:9 63:1,  
 2, 6, 25 64:12 65:13, 25  
 66:1, 22 67:4, 5, 16  
 68:1, 5, 23 69:9, 10  
 70:5, 6, 16, 20 73:11, 16,  
 18, 24 74:4 75:5, 12, 13,  
 18, 25 76:5, 14 77:3, 7,  
 15, 16 79:1, 17 80:3, 5,  
 12, 19, 20, 24  
**people** 13:16, 18 24:17

74:15  
**perform** 54:8  
**performed** 11:25 18:10  
 19:11 21:15 24:3  
 29:25 38:3 44:11  
 53:20 54:11 55:9  
 68:20 70:19 76:16  
 78:12  
**permission** 4:25 5:7  
 7:13 8:5 41:2 42:14  
 53:12 68:2 75:23  
**person** 26:6 27:9, 15  
 28:9 46:20  
**personal** 82:7  
**personally** 13:20 24:13  
 77:3  
**personnel** 47:3  
**person's** 60:24  
**perspective** 59:21, 23  
 64:23  
**Perzan** 9:22, 22 10:4  
 25:6, 7, 25 34:17, 17, 22  
 38:10, 10, 23 55:12, 12  
 67:11, 11 70:24, 24  
**photo** 28:8  
**physical** 29:7  
**pick** 64:10  
**pile** 42:19 53:9  
**places** 8:7  
**please** 3:22, 23 43:11  
 45:23 57:9 77:7  
**plus** 70:18  
**Poenitsch** 1:23 82:3, 22  
**point** 40:8 67:16  
**poke** 44:22  
**political** 5:10 41:20  
 68:18  
**poll** 12:3, 6 15:14  
 29:12 35:23 46:20, 21  
 56:17, 25 57:3  
**portion** 25:8 33:3 71:6  
**Posnanski** 2:3 3:2, 9, 10,  
 12 4:9 5:9, 20, 21 6:25  
 7:1, 5, 21, 22 8:1, 14, 15,  
 19 9:4, 14 10:21 11:4,  
 5, 19 12:2, 7, 16 13:1, 6  
 14:17, 18 15:6, 7, 13, 18,  
 21 16:3, 4, 7, 12, 25  
 17:12, 13, 17 18:3, 7, 17,  
 18 19:5, 12, 24, 25  
 20:12, 17 21:2, 6, 12  
 22:1, 2, 5, 21, 25 23:18,  
 22, 25 24:24, 25 26:8,  
 16, 23 27:4, 5, 17 28:2,  
 3, 18, 19 29:9, 16, 22  
 30:8, 9, 18, 22, 25 31:6  
 32:7, 17, 18 33:6, 15, 16  
 34:6, 10, 13, 23 35:9, 10  
 36:9, 10, 21, 25 37:10,  
 11, 20, 25 38:4, 21  
 39:16, 24, 25 40:12, 13  
 41:14, 24, 25 46:22  
 47:2, 6, 13 48:4, 12, 17,

18 49:7, 12, 13 50:7, 11,  
 15 51:21 52:4, 14, 15  
 53:13, 18, 24, 25 55:19  
 56:4, 5 57:6, 14, 15  
 58:7, 20, 25 59:19  
 61:10, 11 62:4, 11, 15,  
 23, 24 63:20 64:20  
 65:23, 24 66:8 67:2, 3  
 68:6, 13, 17, 21 69:7, 8,  
 23 70:3, 4 71:22 72:24  
 74:11, 17 75:1, 10, 11  
 76:18, 22 77:12, 13  
 78:4, 13, 21 80:8, 17, 18  
**Posnanski's** 73:4  
**possession** 51:17  
**possible** 39:13 55:14  
 58:13  
**posted** 25:19  
**practice** 14:2, 7 24:5  
 59:12 65:3  
**precedence** 71:2  
**precedent** 73:16  
**preceding** 82:5  
**presence** 21:6  
**PRESENT** 2:6 3:8, 10,  
 16, 19 22:7 40:5, 11, 13,  
 15, 17, 18 43:19 75:9, 15  
**president** 5:3 62:8  
 63:12, 21 65:1 72:1, 2,  
 19 73:9, 10 74:25 75:3,  
 4  
**PRESIDENTIAL** 1:4  
 3:3 70:14, 17 71:19, 20  
 72:4, 4 78:18  
**presidents** 74:15  
**presumably** 38:14  
**prevails** 5:23 7:3, 24  
 8:17 11:7 14:20 15:9  
 16:6 17:15 18:21 20:3  
 22:4 25:3 27:7 28:5,  
 21 30:12 32:20 33:19  
 35:12 36:13 37:13  
 40:2 42:4 48:22 49:17  
 52:19 54:5 56:10  
 57:20 61:16 63:4 66:3  
 67:10 69:12 70:8  
 75:16 80:22  
**previous** 16:8 35:17  
 72:6  
**previously** 73:14  
**printed** 58:3  
**procedure** 74:14  
**proceed** 43:6 54:9  
 70:15 78:22  
**PROCEEDINGS** 3:1  
 7:4, 25 8:18 17:16  
 35:13 36:14 40:7  
 43:10 44:14 61:17  
 63:5 70:9 75:17 76:4  
 77:19 80:23  
**process** 20:15 43:7, 18  
 44:12 74:10

**processed** 34:4 51:3  
 76:10  
**processing** 7:9 8:4  
 16:16 32:22 33:20  
 42:6 52:3, 25 69:14  
 75:21  
**properly** 20:6 22:20  
 24:17  
**provide** 4:5, 14  
**provided** 4:8 72:5  
**provides** 4:13 72:17  
**public** 25:19 82:4, 22  
**pull** 43:7 59:17  
**pulled** 57:2 58:2  
**purposes** 14:6  
**pursuant** 4:12  
**put** 22:16 35:21 49:23  
 50:5 79:3  
**putting** 20:15  
**< Q >**  
**quality** 37:18  
**question** 9:1 45:18  
 80:14  
**questioning** 61:3  
**questions** 48:10 52:8  
 55:11 57:5 62:10 70:20  
**QUINN** 5:11 9:7, 11  
 71:8, 8 78:16, 16  
**quorum** 3:15, 18 40:9,  
 17  
**< R >**  
**RAB** 55:2  
**race** 10:7 78:18  
**raise** 3:23  
**random** 54:14  
**RDR** 1:23 82:3  
**read** 56:13 57:1 63:11,  
 24 64:16, 16 74:2  
**reading** 46:8  
**reads** 73:7  
**ready** 44:4, 5  
**really** 60:22 64:9  
**Realtime** 82:4  
**reason** 43:16 72:14  
**reasons** 3:14 4:18  
 55:15  
**reassign** 35:3  
**received** 7:11 55:18, 20,  
 21  
**recess** 44:6 80:24  
**recognize** 20:18 22:22  
 32:4 58:19 69:19  
**recommendation** 6:13,  
 17 39:4, 6  
**reconcile** 51:16 60:7  
**reconciled** 56:18  
**reconciliation** 51:15  
 56:20  
**reconciling** 46:19  
**reconstruct** 4:25 5:15  
 7:13, 17 8:10 34:9

35:2 38:5, 8 41:3, 9, 17  
 42:14 53:8, 14, 19, 22  
 54:5 62:14, 16 64:24  
 66:21, 25 67:8, 9 68:2  
 69:5 74:5 75:23 78:23  
**reconstructed** 34:21  
 37:15, 24 38:19 39:11  
 53:2, 6, 8, 11 62:12  
 63:19, 22 65:10 66:5  
 68:22 73:19 76:3, 19,  
 21, 23 77:22 78:7, 24  
 79:15 80:7  
**reconstruction** 5:13  
**reconvene** 3:3 80:25  
**record** 4:10, 12 7:6 8:2,  
 20 9:10 11:18 12:1  
 17:18 21:10 24:10, 13  
 25:13 29:2 40:3, 4, 18  
 43:4, 9, 11 44:16 45:10  
 52:22 54:6, 15 55:2  
 56:14 57:1 58:18  
 60:13 61:19 63:7 74:8  
 75:19, 25 76:6, 17  
**recorded** 82:6  
**RECOUNT** 1:4, 10 3:4  
 4:8 42:23  
**recounting** 4:6  
**red** 58:8 60:14  
**reduced** 82:6  
**reflect** 38:8 62:16  
**reflected** 10:1 79:13  
**refresh** 74:13, 16  
**registered** 14:22 15:11  
 35:24  
**reject** 55:24 56:2, 9  
 58:17  
**rejected** 36:17 52:1, 1  
 54:21 59:16 67:25  
 68:8, 12  
**rejecting** 58:12  
**related** 48:6 67:24  
**relative** 82:14, 15  
**remade** 42:7, 11  
**remaining** 40:6  
**remake** 8:6  
**remove** 16:10  
**removed** 51:2 54:13  
**reopening** 55:17  
**repeat** 3:23 46:25 73:1  
**repeated** 47:18  
**Reported** 1:23 35:18  
**REPORTER** 20:22 82:4  
**reporting** 47:21  
**represent** 39:7  
**representative** 66:11  
**representatives** 9:5  
 18:8 21:13 24:1 27:18  
 29:23 32:8 34:14 37:1  
 38:1 68:18 78:14  
**representing** 9:22 34:17  
 38:10 55:12 70:24  
**reproduced** 41:6

**request** 4:24 5:7 6:9  
 7:12 8:5 34:7, 8 38:5  
 42:14 45:9 53:11 69:21  
**requesting** 41:2  
**required** 59:1  
**requirements** 36:20  
 54:19 60:1 68:4  
**requires** 59:7  
**research** 76:2  
**reside** 67:13  
**residence** 67:13  
**resides** 35:25  
**respect** 9:14 16:7  
 19:12 71:23  
**result** 24:7 34:24  
**return** 49:3 50:16  
 68:10  
**returned** 54:21 67:20  
**reverse** 31:3  
**review** 10:10 46:5 59:4  
 60:20 64:21 72:7  
 76:15 78:4  
**reviewed** 50:12  
**reviewing** 39:12 47:6  
**Rick** 2:4  
**right** 3:23 5:4 13:2  
 17:17 24:4 46:24  
 54:10 56:22 58:22 78:9  
**Road** 44:19  
**Roeske** 44:17, 17 45:5,  
 7, 11, 20, 24 46:10, 25  
 47:5, 11, 15 48:8, 23  
 49:18 50:10, 14, 16  
 51:25 56:12, 22 57:21  
 58:16, 23 59:4  
**R-O-E-S-K-E** 44:17  
**roll** 3:6 40:8  
**room** 79:5  
**rooted** 72:25 73:5  
**RPR** 1:23 82:3  
**ruled** 41:4, 5 76:1  
**ruling** 9:12 45:4  
**run** 33:22 63:22 71:6  
**running** 9:17  
**Russ** 79:24

## &lt; S &gt;

**satisfies** 72:11  
**scored** 55:15  
**seal** 82:19  
**seats** 19:2  
**second** 5:6, 24 6:4  
 37:23 38:13 63:15 64:2  
**Section** 4:12 73:6  
**see** 25:21, 22 47:18, 22  
 55:16 66:9, 13, 14, 15  
 79:22  
**Seeing** 52:9  
**seek** 60:17  
**seen** 61:23  
**selecting** 76:20  
**senate** 19:1

**sent** 22:13  
**separate** 48:5  
**separately** 47:14 65:12,  
 14  
**serve** 4:16, 20  
**set** 23:2 60:2 82:18  
**SEYMER** 38:25, 25  
 39:8  
**share** 34:2  
**sheet** 41:11 73:22 74:9  
**sheets** 25:18, 20  
**shocked** 24:16  
**Shoreland** 11:12  
**short** 42:17  
**show** 40:5  
**shows** 71:14  
**side** 14:8 56:16  
**sign** 16:22 44:10  
**signa** 29:20  
**signature** 6:2, 3 11:11,  
 15 12:15, 19, 20, 20, 21,  
 22, 23, 23, 24 18:2 19:3  
 20:8, 18, 19 24:14 26:5  
 27:12 28:11 29:5, 12,  
 21 30:16 31:5, 12, 15,  
 18, 20, 21 35:21 36:1,  
 19, 22 43:15, 19, 23  
 47:3 48:2, 25 49:4  
 50:22, 22 54:20, 20  
 57:23, 24 60:24 61:1  
**signatures** 13:15, 17  
 16:20 17:4 22:22 32:2  
 33:1, 1, 3 49:21 50:3, 3,  
 4 69:17, 18, 19  
**signed** 16:18, 19 22:18  
 26:18 35:24 46:23  
 47:7 49:23  
**similar** 47:10  
**simple** 58:21  
**simply** 74:8 79:10  
**single** 32:5  
**situation** 6:2 43:21  
**six** 33:23 34:24, 24  
 47:20  
**sloppy** 31:19  
**small** 10:15  
**somebody** 71:18  
**sorry** 13:3 16:21 46:25  
 74:2  
**sort** 55:17  
**South** 1:15 44:19 82:10  
**special** 20:20 21:7, 10  
 22:13, 18  
**specific** 19:14  
**SS** 82:1  
**stack** 43:8  
**staff** 9:16 14:10 18:2  
 20:8, 18 24:7 25:14  
 26:4, 5 27:11, 14 28:8,  
 11 30:15, 16 32:1, 2  
 36:22, 23  
**staff's** 17:24

**stamp** 17:25 20:7, 9  
 22:16 24:7 26:6, 17  
 27:11, 12 28:10 31:4,  
 16, 22 32:3 47:8 55:20  
**stamped** 18:1 49:2  
**stand** 3:22 25:20  
**started** 4:6 60:17  
**Starting** 36:16  
**STATE** 1:5 29:6 35:22  
 40:21 50:9 57:25 58:1,  
 5 59:6, 6, 16 61:3 82:1,  
 5, 23  
**stated** 29:8 31:11 43:16  
**statement** 55:22  
**statute** 9:24 71:10, 24  
 73:6  
**statutes** 4:13 10:10  
 72:13  
**Stein** 8:25 78:3, 6 79:3,  
 21  
**step** 76:14  
**stray** 9:25 10:4, 7, 14,  
 15 38:16 64:22  
**strong** 41:7  
**summarize** 22:7  
**supposed** 24:18 71:11  
**sure** 14:9 42:23 50:16  
 68:24 70:15  
**SVD** 21:8, 9, 10

## &lt; T &gt;

**T8S** 18:23  
**table** 45:23  
**tabulate** 64:25  
**tabulated** 9:2, 19 20:11,  
 13 27:13 28:8  
**tabulator** 33:22 34:2  
**take** 15:18 24:18 30:22  
 31:1, 6 40:8 71:1  
**taken** 24:17 44:6 67:16  
 82:9  
**Takes** 73:16  
**talk** 43:8  
**tallied** 25:15  
**tally** 21:20 25:18, 19  
 34:11 41:11 73:22 74:9  
**tampered** 54:23 55:24  
 69:1, 2  
**tampering** 68:14  
**taped** 67:21, 23, 24  
 68:11, 12, 25  
**team** 66:13  
**tears** 41:3  
**technically** 44:23  
**tell** 20:22 40:20  
**temporary** 16:20, 22  
 33:3 69:20  
**terms** 10:17 54:19  
**Thank** 4:1, 7 9:13  
 13:23 25:25 34:22  
 40:19 42:5 43:3 44:13  
 45:5, 6, 21 48:8 55:18

60:19 68:5 71:15 78:20  
**thing** 47:16 58:4  
**things** 24:16 60:18  
**think** 20:21 22:6 59:20  
 60:9 61:4 64:10, 13  
 71:3, 7 74:6 77:4  
**thought** 26:11  
**three** 5:23 7:3, 24 8:17  
 11:7 14:20 15:8 16:6  
 17:15 18:20 20:2 22:4  
 25:2 26:2 27:7 28:5,  
 21 30:11 32:20, 23  
 33:18 35:12 36:12  
 37:13 39:3 40:1, 23  
 41:1 47:11, 25 48:22,  
 23, 25 49:8, 16, 18, 20  
 52:19 54:4 56:9 57:19  
 61:15 63:3 66:3 69:24  
 70:8  
**ticket** 71:7  
**Tim** 2:3 72:18 76:25  
 78:25 79:20  
**time** 3:16, 19 28:24  
 31:7 66:17  
**times** 39:3  
**Timothy** 2:8  
**today** 4:21 51:3  
**tomorrow** 80:25  
**top** 22:9 64:19  
**torn** 8:7 41:6 46:18  
 56:16, 24 75:23 76:2  
**total** 23:16, 19 45:13  
**totals** 25:15  
**track** 19:13  
**trained** 24:18  
**training** 4:6, 8  
**TRANSCRIPT** 3:1  
**treasurer** 17:21 35:16  
**treat** 65:18  
**Trump** 9:11 62:2, 18  
 63:16 71:9 78:17  
**Trump-Pence** 65:9, 10  
 66:7, 21 67:9  
**trying** 71:12 79:10  
**Tuesday** 1:12  
**turn** 4:3  
**twenty** 48:1  
**two** 4:23 8:7 12:3, 10  
 18:24 22:18 28:24  
 40:24 42:4 50:1, 1, 8,  
 17 57:22 58:11, 12, 17  
 59:16 60:8, 10, 24 61:1  
 63:9 66:15 67:7, 8, 12  
 69:12, 16, 19 75:15  
 77:18 80:22  
**typical** 51:10

## &lt; U &gt;

**unable** 53:5 58:10  
**underneath** 79:23, 25  
**understand** 22:6 28:24  
 55:17 60:13 65:2

**understanding** 58:21  
 59:3 71:25  
**undervote** 26:12, 13, 14  
 62:7 63:15, 24 64:24,  
 25 65:8, 18, 21 74:2  
**undervotes** 63:12  
**Unfortunately** 59:15  
**UNIDENTIFIED** 21:18  
**unique** 71:3  
**units** 47:21  
**unsealed** 55:18, 20  
**unsigned** 44:9

## &lt; V &gt;

**verification** 26:3  
**verified** 15:14 30:15  
 32:1  
**verify** 36:1 58:10  
**verifying** 17:25 27:10  
 28:8 60:8  
**versus** 51:4  
**vice** 70:14 71:19 72:2,  
 4 73:10 74:14, 25 75:3  
**virtue** 60:6  
**visual** 38:11, 24  
**visually** 66:16  
**vote** 9:2 10:22 14:9  
 19:4 21:3 25:15 36:2  
 38:8 52:10 55:1 57:10  
 60:1, 5 62:2, 17 63:16,  
 21 64:14 65:1, 6, 10, 11,  
 14 66:21 68:9 69:3  
 72:1, 15, 19, 21, 21 73:8,  
 21 74:7, 9 75:6 76:1,  
 12, 25 77:5, 7, 17, 18, 24  
 78:24 79:18, 20, 24  
 80:13  
**voted** 26:15 27:9, 15  
 28:9 32:25 47:23 49:1  
 66:15 69:15 70:17  
**voter** 5:5, 25 10:1, 17  
 11:10 12:5, 13, 19, 20,  
 21, 21 14:22, 23 15:12  
 16:18 18:5, 24 19:8  
 29:11, 14, 20 33:1  
 35:20, 24 36:20 38:7  
 39:13 41:11 42:9  
 43:13 45:24 46:1, 8, 10,  
 18, 21 47:17, 18 48:1  
 49:5, 24 50:3, 6, 21  
 51:1, 4 53:4 54:18, 19  
 56:15, 18 57:3, 23  
 58:18, 19 59:7, 10, 25  
 60:3, 4 61:24 62:1  
 63:10 64:14 66:11  
 67:15, 19, 22 70:17  
 71:1, 7, 13 72:8 79:12  
**voters** 7:11 16:17 32:24  
**voter's** 6:7 8:23 9:1  
 10:5 37:18 39:1 62:17  
 66:6 72:12 76:11, 24  
 77:23 79:11, 15

**votes** 13:8 18:4 24:6  
 26:19 34:24, 24 72:4  
 73:23  
**voting** 20:21 21:11  
 22:13, 18 45:15 46:17  
 47:22 49:1, 5 64:4  
 75:15

## &lt; W &gt;

**wait** 12:10  
**waiting** 12:9  
**want** 9:7 12:6 13:24  
 24:12 25:20 38:15  
 41:10 47:16 52:7 62:9  
 66:8 70:15, 16 76:14  
**wanted** 48:10 60:12  
 62:2  
**Ward** 4:24 6:1, 7 7:9,  
 11, 11, 12, 14 8:5 12:7,  
 8 16:16 17:23 18:23  
 25:4 26:1 28:7 29:4  
 30:14 31:10, 10, 23  
 32:23 33:21, 24 34:1, 2,  
 9, 18, 24, 25 35:18  
 40:24 41:1, 11 42:7, 10,  
 15 43:12, 22 44:2, 2, 3  
 53:1, 2 54:25 55:1  
 61:22 69:14 75:22 76:9  
**wards** 30:20 31:9  
**WAREHOUSE** 1:15  
 82:9  
**Wauwatosa** 4:23 7:8  
 8:3 16:15 32:21 40:22  
 52:23 69:13 75:21  
**way** 19:13 29:11 44:24  
 55:22  
**WEC** 73:5  
**well** 8:24 29:19 31:3, 7  
 34:19 60:23 64:7 74:6  
**went** 53:6 75:2 79:4  
**We're** 7:5 12:9 16:16  
 22:10 25:8, 11 44:4, 8,  
 15 49:4 54:9 61:18  
 63:6 65:14 69:14  
 75:18, 21 76:5, 11, 20  
 80:24  
**W-E-S-C-O-T-T** 17:20  
 35:15  
**WESCOTT-BARTEN**  
 17:19, 20 18:5, 22 19:7,  
 15 20:4, 14, 19, 24 21:4,  
 8 22:12, 24 23:3, 20, 24  
 25:4 26:1, 10, 14 27:8  
 28:6 29:3, 18 30:13, 21,  
 24 31:2, 8, 19 35:14, 15  
 43:12  
**We've** 42:11 59:23  
 61:22  
**whereof** 82:18  
**Whitefish** 11:8 54:8  
**WISCONSIN** 1:5, 16  
 3:3 4:13 25:16 44:20

71:24 72:5, 13 73:5  
 79:7 82:1, 5, 10, 20, 23  
**wish** 5:10 9:5 11:23  
 18:8 21:13 24:1 27:18  
 29:23 32:8 34:14 37:1  
 38:1 68:18 78:14  
**witness** 6:2 11:11, 15  
 12:4, 15, 19, 19, 20, 21, 22,  
 22, 23, 24, 24 13:4, 5  
 14:22 15:11 16:18, 19,  
 21 19:3 20:7 26:4  
 29:6, 10, 12, 13, 20 33:1,  
 2 35:21 36:18 43:15,  
 20, 24 44:9 45:14, 18  
 46:3 48:25 49:3, 22  
 50:4, 9, 22, 22 54:20, 20  
 57:24 58:2, 6 69:17, 17,  
 18 82:18  
**witnesses** 16:22 58:11  
 60:8  
**witness's** 11:21  
**Woodburn** 12:14  
**work** 13:16, 18  
**worked** 16:21, 23 69:20  
**workers** 16:21, 23  
 26:18 33:4 69:20  
**working** 33:4  
**write** 60:15 71:17, 19  
 72:8  
**write-in** 70:12, 18, 23  
 71:10, 20, 25 72:2, 4, 11,  
 15, 21 73:8, 9, 15, 21, 22,  
 23 74:9, 11, 18, 20 75:4  
**write-ins** 71:1  
**writing** 82:6  
**written** 29:8 58:8 71:5  
 72:16 73:20 74:23  
**written-in** 71:5  
**wrong** 42:10 53:4

## &lt; Y &gt;

**Yeah** 10:11 74:17  
 79:17  
**year** 58:24  
**yesterday** 4:19 5:25  
 73:14

## &lt; Z &gt;

**zero** 5:23 7:3, 24 8:17  
 11:7 14:20 15:9 16:6  
 17:15 18:20 20:2 22:4  
 25:2 27:7 28:5, 21  
 30:11 32:20 33:18  
 35:12 36:12 37:13  
 40:2 48:22 49:17  
 52:19 54:4 56:9 57:19  
 61:15 63:4 66:3 67:7  
 70:8  
**zip** 29:6 35:22 61:3