

Wisconsin Elections Commission -
2016 Vote Recount - Presidential Election

Transcript of Proceedings

December 7, 2016



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2016 PRESIDENTIAL ELECTION RECOUNT

STATE OF WISCONSIN

RECOUNT HELD BEFORE MILWAUKEE COUNTY
ELECTION COMMISSION

Wednesday, December 7th, 2016

8:05 a.m.

at

City of Milwaukee Warehouse
1901 South Kinnickinnic Avenue
Milwaukee, Wisconsin

Reported by Sandra K. Nelson, RPR

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

COMMISSION MEMBERS:

Mr. Rick Baas, Election Commissioner
Ms. Nancy Penn, Election Commissioner
Mr. Tim Posnanski, Election Commissioner

ALSO PRESENT:

Mr. Joseph Czarnezki, County Clerk
Ms. Julietta Henry, Elections Director
Mr. Timothy Karaskiewicz, Assistant Corp. Counsel
Mr. James Carroll, Assistant Corp. Counsel

1 TRANSCRIPT OF PROCEEDINGS

2 CHAIRWOMAN PENN: We're reconvening the
3 meeting at 8:05 a.m. Clerk, will you call the
4 roll.

5 THE CLERK: Good morning. May I have
6 your attention. Good morning, recounters!

7 (Chorus of "Good morning.")

8 THE CLERK: We said, "Good morning!"

9 (Chorus of "Good morning.")

10 THE CLERK: Okay. We want to welcome
11 back Wauwatosa, Glendale, and Whitefish Bay, and
12 welcome Greenfield this morning.

13 RECOUNTER: And Oak Creek.

14 THE CLERK: And Oak Creek is back, too.
15 I'm sorry.

16 At this time we'll open the
17 meeting of the Board of Election Commissioners
18 with a roll call.

19 Commissioner Baas?

20 COMMISSIONER BAAS: Here.

21 THE CLERK: Commissioner Posnanski?

22 COMMISSIONER POSNANSKI: Here.

23 THE CLERK: Commissioner Penn?

24 CHAIRWOMAN PENN: Here.

25 THE CLERK: Madam Chairwoman, all

1 commissioners are present, a quorum is present.

2 Our next order of business is to
3 conduct -- or to administer the oath to the
4 election inspectors. So at this time I would ask
5 all of our election inspectors to please stand.

6 If you would raise your right hand
7 and repeat after me.

8 (Oath administered.)

9 THE CLERK: Thank you very much, and
10 congratulations. I'd ask if you could please
11 remain standing.

12 As you know, today is Pearl Harbor
13 Day, and I'd ask you to join me in a brief moment
14 of silence in remembrance of all of the veterans
15 who have given their lives so that we can have
16 this great democracy that we all enjoy.

17 (Moment of silence.)

18 THE CLERK: Thank you very much. At
19 this time I'm going to turn it over to Milwaukee
20 County Elections Director, Julietta Henry, who
21 will conduct a brief training session.

22 (Training session conducted off
23 the record.)

24 MS. ROESKE: Catherine Roeske, City of
25 Oak Creek, City Clerk, 9025 South Nicholson Road,

1 Oak Creek, Wisconsin 53154.

2 So we are processing Aldermanic
3 District 5, Wards 13, 14, 15 of the City of Oak
4 Creek, and we have a ballot that was processed on
5 Election Day on our DS200. It determined voter
6 intent, processed the ballot.

7 We're using the DS8500 today. It
8 appears to be a little bit more sensitive where
9 it can't determine intent, so it is requesting --
10 we need to -- I'm requesting to be able to remake
11 this ballot with a determining voter intent.

12 COMMISSIONER BAAS: Gentlemen?

13 (Inspection performed.)

14 CHAIRWOMAN PENN: Remake as a vote for
15 Hilary Clinton.

16 COMMISSIONER POSNANSKI: So move.

17 THE CLERK: The motion is to direct the
18 City of Oak Creek to reconstruct the ballot as a
19 vote for Clinton/Kaine.

20 On the motion, Commissioner Baas?

21 COMMISSIONER BAAS: Aye.

22 THE CLERK: Commissioner Posnanski?

23 COMMISSIONER POSNANSKI: Aye.

24 THE CLERK: Commissioner Penn?

25 CHAIRWOMAN PENN: Aye.

1 THE CLERK: Madam Chairwoman, there are
2 three ayes and zero noes. The motion to
3 reconstruct the ballot as a vote for
4 Clinton/Kaine prevails.

5 CHAIRWOMAN PENN: Thank you.

6 (Off the record.)

7 CHAIRWOMAN PENN: We're going back on
8 the record. Rick Baas, can you come to the
9 table?

10 MS. GOERGEN: Thank you. My name is
11 Jennifer Goergen, G-O-E-R-G-E-N, with the City of
12 Greenfield. I'm the City clerk, and with me --
13 we'll put Sherry Hartman on the record.

14 MS. HARTMAN: Sherry Hartman, spelled
15 S-H-E-R-R-Y, H-A-R-T-M-A-N. I'm the deputy clerk
16 of the City of Greenfield.

17 MS. GOERGEN: First, we have an issue
18 with Ward 1. When they looked at their absentee
19 certificate envelopes, they found 236 -- or, I'm
20 sorry -- the record says that there are 236
21 absentee certificates. That is on the
22 inspector's statement, but when they counted the
23 actual envelopes, they only found 230 envelopes
24 and 230 entries in the absentee ballot log, and
25 there is no explanation for that.

1 They're thinking maybe it was a
2 miscounting. They've gone through all the
3 paperwork, the City has reconciled everything on
4 our end, so the only explanation we have is human
5 error in miscounting.

6 COMMISSIONER POSNANSKI: Do you have
7 the inspector's statement?

8 MS. HARTMAN: This is Sherry Hartman.
9 On the absentee ballot log, total number of
10 ballots issued was 235 and then there's one
11 handwritten-in one, which would make it a total
12 of 236. They may have took their number from the
13 ballots-issued column rather than the
14 ballots-retuned column.

15 COMMISSIONER POSNANSKI: How many
16 ballots were returned?

17 MS. HARTMAN: 230.

18 COMMISSIONER POSNANSKI: I notice on
19 the Ward 1 absentee ballot log it indicates that
20 only 226 ballots were returned. What explains
21 the discrepancy between the 226 and the 230 that
22 were received?

23 MS. HARTMAN: This is Sherry Hartman.
24 The number 236 is the number that were returned
25 as of the Saturday prior to the election. It

1 does not include any absentee ballots that were
2 returned when the mail came in on Monday and
3 Tuesday.

4 COMMISSIONER POSNANSKI: So four
5 additional ballots came in in the mail on Monday
6 and Tuesday?

7 MS. HARTMAN: Four additional were
8 returned.

9 COMMISSIONER POSNANSKI: I would move
10 that you proceed on the basis and understanding
11 that the number of absentee voters in the
12 inspector's statement that was 236 was simply an
13 error and it should have been 230.

14 MR. PERZAN: Jeff Perzan for the Green
15 Party.

16 Did you receive any overseas
17 military ballots prior to the end of Friday of
18 election week?

19 MS. HARTMAN: According to the absentee
20 ballot log, the total absentees were 230;
21 according to the number of used absentee
22 certificate envelopes, the total was 230.

23 CHAIRWOMAN PENN: Any comments,
24 concerns, questions before we proceed?

25 (No response.)

1 CHAIRWOMAN PENN: Joe, will you call a
2 roll of the vote.

3 THE CLERK: On the motion,
4 Commissioner Baas?

5 COMMISSIONER BAAS: Aye.

6 THE CLERK: Mr. Posnanski?

7 COMMISSIONER POSNANSKI: Aye.

8 THE CLERK: Chairwoman Penn?

9 CHAIRWOMAN PENN: Aye.

10 THE CLERK: Madam Chairwoman, there
11 were three ayes, zero noes. The motion prevails.

12 CHAIRWOMAN PENN: Thank you.

13 MS. GOERGEN: Our next matter is for
14 Ward No. 7. We found one absentee certificate
15 envelope with no signature. We believe it was
16 counted and was issued a voter number, Voter
17 No. 329, for Ward No. 7.

18 Here is the envelope. This would
19 be by mail.

20 COMMISSIONER POSNANSKI: So Greenfield
21 cannot identify the ballot that is tied to this
22 envelope, correct?

23 MS. GOERGEN: We cannot identify which
24 ballot went with that envelope, that's correct.

25 COMMISSIONER POSNANSKI: As previously,

1 we have ruled that we reject this ballot and
2 instruct a draw-down from the absentee ballot
3 bag, the reason being, there is no signature that
4 the voter has certified that the ballot enclosed
5 in the envelope is true and correct and it has
6 not been otherwise tampered with.

7 Therefore, I move that we reject
8 this ballot consistent with the decisions we have
9 previously reached and for the reasons previously
10 articulated on the record.

11 THE CLERK: On the motion to reject
12 this ballot and draw down one ballot from the
13 appropriate ward, Commission Baas?

14 COMMISSIONER BAAS: Aye.

15 THE CLERK: Commissioner Posnanski?

16 COMMISSIONER POSNANSKI: Aye.

17 THE CLERK: Chairwoman Penn?

18 CHAIRWOMAN PENN: Aye.

19 THE CLERK: Madam Chairwoman, there are
20 three ayes and zero noes. The motion prevails.

21 COMMISSIONER POSNANSKI: When you are
22 doing the absentee ballots in that ward, the
23 order of priority would be, if there are any
24 ballots that do not include the signatures on the
25 ballot, those should be set aside first; if there

1 are none, then we would do a draw-down from all
2 of the absentee ballots from that ward.

3 MS. GOERGEN: So now we are on Ward
4 No. 6. In Ward No. 6, they counted 268 absentee
5 certificate envelopes; however, the City
6 reconciliation shows that 270 absentee ballots
7 were cast.

8 CHAIRWOMAN PENN: What was the number?

9 MS. GOERGEN: 268 absentee envelopes.
10 I'm going to see if Sherry has any further
11 explanation, but I believe that everything was
12 reconciled, and we just do not know where those
13 two envelopes would be.

14 MS. HARTMAN: We counted the number of
15 voter numbers in our absentee ballot log, and
16 there were 270 voter numbers written down in the
17 absentee ballot log.

18 COMMISSIONER POSNANSKI: So 270 ballots
19 were actually accepted on election night for the
20 absentees from this ward; is that right?

21 MS. HARTMAN: There are no notations in
22 the absentee ballot log that any absentee ballots
23 were rejected.

24 COMMISSIONER POSNANSKI: And the record
25 showed that 270 were accepted?

1 MS. HARTMAN: (Nodding.)

2 COMMISSIONER POSNANSKI: Have you
3 checked the other wards to see if there are two
4 envelopes -- two additional envelopes in another
5 ward that maybe were placed in the wrong spot?

6 MS. GOERGEN: No, there's no indication
7 of that.

8 COMMISSIONER POSNANSKI: We do not have
9 more ballots than voters. We have fewer ballots
10 than voters. We have 268 envelopes and,
11 apparently, 270 ballots were cast. So we're
12 missing two.

13 I would move that we do a ballot
14 count to make sure we are in fact missing two
15 ballots, and then we can set this issue aside
16 until then.

17 MS. GOERGEN: This is for Ward No. 8.
18 For Ward 8 there was an absentee ballot still
19 found unprocessed and one certificate envelope.

20 The envelope was properly filled
21 out, it was accepted, and given a voter number,
22 Voter No. 867. It was an in-person absentee
23 voter.

24 COMMISSIONER POSNANSKI: Do you have
25 any idea why this wasn't counted?

1 MS. GOERGEN: I would just guess human
2 error. Typically, they will try to process maybe
3 ten at a time -- they're opening them and
4 following the process, and that one was just
5 missed for whatever reason.

6 COMMISSIONER POSNANSKI: Move to accept
7 this ballot.

8 CHAIRWOMAN PENN: Anyone want to look
9 at it, comments, questions?

10 (No response.)

11 CHAIRWOMAN PENN: Call the roll.

12 THE CLERK: On the motion to accept and
13 count the ballot, Commissioner Baas?

14 COMMISSIONER BAAS: Aye.

15 THE CLERK: Commissioner Posnanski?

16 COMMISSIONER POSNANSKI: Aye.

17 THE CLERK: Chairwoman Penn?

18 CHAIRWOMAN PENN: Aye.

19 THE CLERK: Madam Chairwoman, there
20 were three ayes, zero noes, and the motion
21 prevails.

22 MS. GOERGEN: We're still on Ward 8.
23 Also, with regard to Ward 8, the inspector
24 statement indicates that the absentee total was
25 386, but the actual number of absentee

1 certificate envelopes counted was 385, which is a
2 difference of one.

3 The voter total in the absentee
4 ballot log -- it said 385 absentee ballots when
5 they counted this to double-check it. They were
6 still off by one. They don't know -- was it a
7 possibility that there was one rejected?

8 There was one rejected absentee
9 ballot, so would that one have been included in
10 the mix, which would add one to 385 for 386.
11 That's all we could come up with.

12 COMMISSIONER POSNANSKI: Is this the
13 same ward for the ballot that we just voted on
14 that was not processed?

15 MS. GOERGEN: Yes.

16 COMMISSIONER POSNANSKI: Is it possible
17 that the ballot that was not processed was
18 omitted from the count of 386? In other words,
19 you included that envelope, that ballot, in the
20 total of 385 for purposes of this ballot?

21 MS. HARTMAN: Ballot Richard Subgott
22 (phonetic), Voter No. 867, was included in the
23 total 385.

24 COMMISSIONER POSNANSKI: So in the
25 previous issue we encountered where we had fewer

1 ballots than voters listed in the inspector's
2 statement, I would instruct that we go back and
3 actually count the ballots to see if there are
4 386 ballots. If not, bring it to our attention
5 again.

6 MS. GOERGEN: Ward No. 13. There was
7 one ballot found unprocessed in an absentee
8 certificate envelope. It is Voter No. 434, and
9 it would have been an in-person voter. The
10 envelope is proper.

11 COMMISSIONER POSNANSKI: Move to
12 accept.

13 CHAIRWOMAN PENN: Did anyone want to
14 look at this? Any discussion?

15 (No response.)

16 CHAIRWOMAN PENN: Rick? Go ahead.

17 THE CLERK: The motion to accept and
18 include in the recount, Commissioner Baas?

19 COMMISSIONER BAAS: Aye.

20 THE CLERK: Commissioner Posnanski?

21 COMMISSIONER POSNANSKI: Aye.

22 THE CLERK: Chairwoman Penn?

23 CHAIRWOMAN PENN: Aye.

24 THE CLERK: There are three ayes, zero
25 noes. The motion prevails.

1 MS. GOERGEN: For the last ward we have
2 Ward No. 20, Voter No. 1233. This absentee
3 certificate is found to be improper; it did not
4 have an address for the witness. It was an
5 in-person voter. The witness was Ramona
6 Peterson, and she was a City of Greenfield
7 temporary helper.

8 COMMISSIONER POSNANSKI: The missing
9 address would have been the City Clerk's Office?

10 MS. HARTMAN: Yes.

11 COMMISSIONER POSNANSKI: Move to
12 accept.

13 THE CLERK: On the motion to accept,
14 Commissioner Baas?

15 COMMISSIONER BAAS: Aye.

16 THE CLERK: Commissioner Posnanski?

17 COMMISSIONER POSNANSKI: Aye.

18 THE CLERK: Chairwoman Penn?

19 CHAIRWOMAN PENN: Aye.

20 THE CLERK: Madam Chairwoman, there
21 were three ayes and zero noes. The motion
22 prevails.

23 COMMISSIONER POSNANSKI: Based upon the
24 vote, the ballot would then be counted.

25 MS. GOERGEN: We have one more ward,

1 and this is for Ward No. 3, and they counted 205
2 absentee certificate envelopes, but the
3 inspector's statement said that there were 204
4 absentee voters. However, the absentee log
5 indicates 205 absentee voters, and they don't
6 know why.

7 COMMISSIONER POSNANSKI: I would note
8 that, and I would also say with the other two
9 that you're going to count the actual ballots, I
10 would instruct that you recount the ballots here
11 and determine if there's still a discrepancy in
12 the number of voting.

13 MS. ROESKE: Catherine Roeske, City of
14 Oak Creek. We are processing District 6, Ward
15 16, 17, 18 and 19. We have a ballot that the
16 machine could not read, and we would like
17 permission to reconstruct the ballot with voter
18 intent.

19 COMMISSIONER POSNANSKI: Do any of the
20 party representatives wish to observe or inspect
21 this ballot?

22 (Inspection performed.)

23 COMMISSIONER POSNANSKI: Based on my
24 review of the ballot, I think you can ascertain
25 the voter's intent is a vote for Hilary Clinton

1 and Tim Kaine, and I move this ballot be
2 reconstructed accordingly.

3 THE CLERK: On the motion to
4 reconstruct the ballot in accordance with voter
5 intent to cast the ballot for Clinton/Kaine,
6 Commissioner Baas?

7 COMMISSIONER BAAS: Aye.

8 THE CLERK: Commissioner Posnanski?

9 COMMISSIONER POSNANSKI: Aye.

10 THE CLERK: Chairwoman Penn?

11 CHAIRWOMAN PENN: Aye.

12 THE CLERK: Madam Chairwoman, there are
13 three ayes, no noes. The motion prevails.

14 MS. GABRIEL: Good morning. Theresa
15 Gabriel with the City of Milwaukee Electoral
16 Commission. I have two issues that I'd like to
17 bring before the board.

18 The first issue involves
19 Ward No. 253. We have a rejected absentee
20 ballot. It was otherwise properly returned to
21 us, except for the fact that it was taped. We'd
22 like to ask you to include this in our count.

23 CHAIRWOMAN PENN: The ballot is still
24 inside?

25 MS. GABRIEL: The ballot is still

1 inside. There's no evidence of tampering with
2 the seal.

3 (Inspection perform.)

4 COMMISSIONER POSNANSKI: Consistent
5 with the prior decisions of the board for the
6 reasons previously articulated on the record, I
7 move that we accept this ballot and include it in
8 on the count.

9 CHAIRWOMAN PENN: Any discussion?

10 COMMISSIONER BAAS: Inconsistent with
11 my votes, there is no way for me to know or
12 anyone else to know if the envelope was tampered
13 with or not.

14 It's clear that it was opened and
15 it's clear it was opened large enough, in my
16 opinion, for the ballot to be either marked,
17 changed or exchanged.

18 THE CLERK: On the motion to accept the
19 ballot and include it in the recount,
20 Commissioner Baas?

21 COMMISSIONER BAAS: Nay.

22 THE CLERK: Commissioner Posnanski?

23 COMMISSIONER POSNANSKI: Aye.

24 THE CLERK: Chairwoman Penn?

25 CHAIRWOMAN PENN: Aye.

1 THE CLERK: Madam Chairwoman, there are
2 two ayes, one no. The motion prevails.

3 MS. GABRIEL: On the second issue for
4 City of Milwaukee, it involves Ward No. 229,
5 another absentee ballot -- paper ballot was
6 mailed to the voter and returned to us with
7 markings for their candidate choice.

8 When it was -- it was not
9 reconstructed properly at the time of the count.
10 The ballot was processed as blank. This is voter
11 No. 83. All markings on the original and
12 reconstructed ballot are consistent, both are
13 marked 83, both are marked ROB-2.

14 COMMISSIONER POSNANSKI: Do you have
15 any idea why this wasn't reconstructed consistent
16 with this voter's intent?

17 MS. GABRIEL: There was no indication.
18 We have no GAB 104.

19 CHAIRWOMAN PENN: I guess I'm a little
20 confused on the process. This was supposed to be
21 a ballot that was recreated, but there are no --
22 it's blank, and this form indicates what their
23 intention was?

24 MS. GABRIEL: That's correct.

25 CHAIRWOMAN PENN: So this is filled out

1 because this original was not? No.

2 COMMISSIONER POSNANSKI: I believe the
3 process is, this ballot remains blank, but it
4 should have been reconstructed consistent with
5 this absentee ballot to reflect the voter's
6 intent.

7 MS. GABRIEL: That's correct.

8 COMMISSIONER POSNANSKI: Do any of the
9 representatives want to observe the ballots?

10 (Inspection performed.)

11 MS. GABRIEL: I can offer an
12 explanation as to why the paper ballot was sent
13 to the voter.

14 COMMISSIONER POSNANSKI: Please do.

15 MS. GABRIEL: The voter requested an
16 absentee ballot through the Wisconsin Elections
17 Commission and emailed or mailed that document to
18 the voter on behalf of the City of Milwaukee.

19 CHAIRWOMAN PENN: Okay. So then the
20 City of Milwaukee filled that out -- filled out
21 the ballot for them and then sent it to the
22 machine?

23 MS. GABRIEL: The process is, the voter
24 returns the paper ballot with -- marking the
25 candidates of the voter's choice, mailed it to

1 the City of Milwaukee, we reconstruct it at our
2 central count.

3 CHAIRWOMAN PENN: Okay.

4 COMMISSIONER POSNANSKI: Move to
5 reconstruct this ballot as a vote for
6 Clinton/Kaine as is clearly evidenced by the
7 ballot that was sent in.

8 THE CLERK: On the motion, Commissioner
9 Baas?

10 COMMISSIONER BAAS: Aye.

11 THE CLERK: Commissioner Posnanski?

12 COMMISSIONER POSNANSKI: Aye.

13 THE CLERK: Chairwoman Penn?

14 CHAIRWOMAN PENN: Aye.

15 THE CLERK: Madam Chairwoman, there are
16 three ayes, zero noes. The motion prevails.

17 MS. COUILLARD: Karen Couillard, city
18 clerk for the City of Glendale. We have one
19 location, Ward 39. On election night, our totals
20 read 1386; yesterday during the DS200 count, our
21 tapes came up to 1371.

22 We looked through all of our bags,
23 we repositioned every ballot, we ran it through
24 the fast machine this morning. Still came up at
25 1371. That's 14 ballots short. We also seem to

1 be missing a ballot bag for this location.

2 CHAIRWOMAN PENN: With ballots in it?

3 MS. COUILLARD: I don't know. We do
4 know the votes that are missing because of the
5 way -- the variance. We have a variance exactly
6 for 14.

7 Do you want to look at this paper?
8 You can see the last variance.

9 CHAIRWOMAN PENN: Suzette, can you tell
10 me if somebody has gone back to the ballot room
11 and scoured it for those 14 votes?

12 MS. EMMER: Yes, several different
13 people have gone back there individually. Yes,
14 we have had several people go back there and look
15 for the ballot bag.

16 CHAIRWOMAN PENN: Is Gabe one of them?

17 MS. COUILLARD: I believe so. He just
18 did it again this morning.

19 We opened up all of our ballots,
20 we ran them through, we put them back in the
21 original bag and then put that original bag of
22 ballots in the new ballot bag. So we can -- you
23 know, we know that that ballot bag is not
24 accounted for.

25 COMMISSIONER BAAS: Do you have a

1 number of ballot bags stuffed in other ballot
2 bags?

3 MS. COUILLARD: We put all of our
4 ballots back in the original bags -- those bags
5 in new recount bags.

6 COMMISSIONER BAAS: I got that. The
7 question is, do you currently have any ballot
8 bags stuffed in other ballot bags that are just
9 around your table, around your cart?

10 MS. COUILLARD: No.

11 COMMISSIONER BAAS: Thank you.

12 CHAIRWOMAN PENN: Do any parties have
13 comments, questions?

14 MR. PERZAN: Jeff Perzan from the Green
15 Party.

16 Have you been able -- for the
17 ballots that were put into the new ballot box,
18 have you done a visual inspection to see whether
19 there could be a reconciliation for proper number
20 of plastic bags within each of the new bags?
21 Someone has done that reconciliation?

22 MS. COUILLARD: Yes.

23 COMMISSIONER POSNANSKI: The tape
24 totals total 1371?

25 MS. COUILLARD: Yes.

1 COMMISSIONER POSNANSKI: And that's
2 consistent with what the machines have run here?

3 MS. COUILLARD: Here. On election
4 night it was 1386.

5 MR. PERZAN: Jeff Perzan of the Green
6 Party.

7 Consistent with what the
8 Commission has told us, all of the flash drives
9 from the election day have been preserved, and
10 because they were done on DS200s the images are
11 on those flash drives on the day of the election.

12 What would be required to recreate
13 those images and actually find out whether those
14 votes are possible, I don't know with timing and
15 feasibility of what might be done, that may be
16 one way of finding out where those 14 ballots
17 are, since we do have an image of those from
18 Election Day.

19 CHAIRWOMAN PENN: We just don't have
20 those images readily available.

21 COMMISSIONER POSNANSKI: I would
22 request that you search one more time, see if you
23 can find that ballot bag. Also, we will have the
24 Milwaukee County staff search the ballots
25 received and see if the bag is there and see if

1 we can try and reconcile this number.

2 MS. COUILLARD: Okay. We will go back
3 and open up our bags again.

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

6 The absentee ballot bag for Ward
7 257 was not sealed on Election Day. The bag tie
8 number matches up to the bag that was issued for
9 this ward, and the bag itself has been initialed
10 by the election workers that processed the ward.

11 COMMISSIONER BAAS: Do you have totals
12 from that day?

13 MR. ALBRECHT: I could bring the bag
14 before anything. I can report back. So I don't
15 know if it matches up. I guess I'm looking for a
16 directive to open the bag, remove the ballots,
17 and come back with verification.

18 COMMISSIONER BAAS: So requested and
19 directed. Thank you.

20 CHAIRWOMAN PENN: Go ahead.

21 MS. GABRIEL: Theresa Gabriel with the
22 City of Milwaukee Election Commission.

23 I'm here before you regarding an
24 absentee ballot for Ward 243. It was rejected at
25 our central count because it was not properly

1 sealed. This ballot was mailed to us.

2 (Inspection performed.)

3 CHAIRWOMAN PENN: Theresa, are you sure
4 this ballot was not brought in and dropped off at
5 the city clerk or one of the hauling locations?
6 Because I don't see any markings to indicate it
7 went through the post office.

8 MS. GABRIEL: I have no personal
9 knowledge of how it came into the office, but it
10 was not -- I can say it was not marked at our
11 central count -- I'm sorry -- it was not marked
12 at one of our in-person absentee voting
13 locations.

14 CHAIRWOMAN PENN: Where are they
15 usually marked in an in-person absentee ward?

16 MS. GABRIEL: It typically is sealed,
17 and it has the witness address as 200 East wells.

18 COMMISSIONER BAAS: I move to reject.

19 THE CLERK: On the motion to reject,
20 Commission Baas?

21 COMMISSIONER BAAS: Aye.

22 THE CLERK: Commission Posnanski?

23 COMMISSIONER POSNANSKI: Aye.

24 THE CLERK: Chairwoman Penn?

25 CHAIRWOMAN PENN: Aye.

1 THE CLERK: Madam Chairwoman, there are
2 three ayes and zero noes. The motion to reject
3 prevails.

4 CHAIRWOMAN PENN: Okay. The City --
5 the Milwaukee County Election Commission would
6 like to congratulate the Village of Whitefish Bay
7 for completing their recount.

8 (Applause.)

9 (Off the record.)

10 CHAIRWOMAN PENN: We are back on the
11 record.

12 MS. LEDESMA: Carla, C-A-R-L-A,
13 L-E-D-E-S-M-A, Wauwatosa City Clerk.

14 We were going through our absentee
15 ballot envelopes counting, and we discovered an
16 absentee certificate for an overseas voter that
17 was in the wrong ward. We found it in the Ward
18 13 materials. This gentleman votes out of
19 District 3, Ward 7, in Wauwatosa. His ballot had
20 been rejected on Election Day because the
21 absentee certificate was not attached to his
22 envelope.

23 Now that we have found his
24 absentee certificate, I am requesting permission
25 to count this ballot in District Ward 7.

1 I had emailed back and forth with
2 the gentleman, and he said as soon as he dropped
3 it in the mail, he realized he had attached the
4 instructions to his envelope rather than his
5 absentee certificate. So it arrived in our
6 office at two different times.

7 CHAIRWOMAN PENN: What were the two
8 different times?

9 MS. LEDESMA: His ballot arrived in the
10 office on October 17th; his certificate arrived
11 on the 27th of October.

12 COMMISSIONER BAAS: What was that?

13 MS. LEDESMA: We had rejected the
14 ballot on Election Day because the absentee
15 certificate was not attached to the envelope and
16 we just found it now; it was in a different ward.

17 COMMISSIONER BAAS: Thank you.

18 MS. LEDESMA: But both pieces of his
19 ballot arrived before the election.

20 CHAIRWOMAN PENN: Anyone interested in
21 looking? No. I'll make a motion to accept this
22 as an order.

23 COMMISSIONER POSNANSKI: So move.

24 THE CLERK: On the motion to accept,
25 Commissioner Baas?

1 COMMISSIONER BAAS: Aye.

2 THE CLERK: Commissioner Posnanski?

3 COMMISSIONER POSNANSKI: Aye.

4 THE CLERK: Chairwoman Penn?

5 CHAIRWOMAN PENN: Aye.

6 THE CLERK: Madam Chairwoman, there
7 were three ayes, zero noes. The motion prevails.

8 (A lunch recess was taken.)

9 MS. ROESKE: This is clerk, Catherine
10 Roeske City of Oak Creek.

11 With regard to wards 10, 11, 12
12 and while running a ballot through the machine,
13 it seemed to have taken a little off of the
14 corner. So in order to process, we will need to
15 reconstruct if permitted.

16 CHAIRWOMAN PENN: So we have authorized
17 the ballots to be reconstructed. So you can go
18 ahead and do that, just make sure you make a note
19 of it.

20 MS. ROESKE: Thank you.

21 MR. ALBRECHT: Neil Albrecht with the
22 City of Milwaukee Election Commission with a
23 ballot from Ward 280 where we are trying to
24 determine the voter's intent in the office of
25 president and vice president.

1 We do believe the machine read
2 that on Election Day as a vote for Hilary
3 Clinton.

4 CHAIRWOMAN PENN: You may come look.

5 (Inspection performed.)

6 COMMISSIONER POSNANSKI: Based on my
7 review of this ballot, it is impossible for me to
8 determine the voter's intent -- to ascertain the
9 voter's intent, particularly where here there
10 appears to be two relatively equally-sized
11 circles or marks in both the boxes for Donald
12 Trump and Hilary Clinton, and, therefore, I would
13 move to count this as an overvote.

14 MR. ALBRECHT: We would then
15 reconstruct that ballot leaving that contest
16 blank.

17 THE CLERK: On the motion to count this
18 ballot as an overvote, Mr. Baas?

19 COMMISSIONER BAAS: Aye.

20 THE CLERK: Mr. Posnanski?

21 COMMISSIONER POSNANSKI: Just to
22 clarify, with Neil's comment we would move to
23 reconstruct this ballot and have it cast a vote
24 as a presidential vote --

25 MR. ALBRECHT: We could do it either

1 way. I suppose it's the outcome we're trying to
2 achieve to have it recorded as an overvote, so we
3 would vote for both candidates.

4 COMMISSIONER POSNANSKI: With that
5 point of clarification, Aye.

6 THE CLERK: Commissioner Penn?

7 CHAIRWOMAN PENN: Aye.

8 THE CLERK: Madam Chairman, there are
9 three ayes, zero noes. The motion to reconstruct
10 this ballot as an overvote prevails.

11 MS. GABRIEL: Good afternoon. Theresa
12 Gabriel with the City of Milwaukee Election
13 Commission. I'm here before the board regarding
14 an absentee ballot that was recreated for Ward
15 No. 286.

16 CHAIRWOMAN PENN: When?

17 MS. GABRIEL: It was reconstructed at
18 our central count.

19 CHAIRWOMAN PENN: On Election Day?

20 MS. GABRIEL: On Election Day, yes.

21 CHAIRWOMAN PENN: Okay.

22 MS. GABRIEL: The original ballot has
23 stray marks within the box for Hilary Clinton and
24 spills over also into the box for Darrell Castle.

25 The reconstructed ballot gave the

1 vote to Hilary Clinton, and there's a party
2 challenging voter intent and challenging whether
3 this ballot was improperly reconstructed.

4 CHAIRWOMAN PENN: Didn't you know that
5 was brought before the Court and asked if it
6 could be reconstructed before it was?

7 Oh, no, it wouldn't have been.
8 Nevermind.

9 (Inspection performed.)

10 COMMISSIONER POSNANSKI: Any further
11 discussion on this one?

12 (No response.)

13 COMMISSIONER POSNANSKI: Based upon
14 prior decisions we've made, based upon my review
15 of this ballot, I think it does appear that the
16 substantial portion of the marked areas are in
17 the Clinton/Kaine box and, therefore, I would
18 move to count the reconstructed ballot as
19 accurately reflecting this voter's intent.

20 COMMISSIONER BAAS: I would like to
21 also state, based on the rest of the ballot, it
22 helps me come to a conclusion that it should also
23 be a vote cast for Clinton/Kaine.

24 The stray in the presidential
25 race -- the stray marking goes into a

1 constitutionalist party candidate, whereas every
2 other vote was straight democratic, so...

3 CHAIRWOMAN PENN: Joe, would you please
4 call the roll.

5 THE CLERK: So the motion is to count
6 the reconstructed ballot as a vote for
7 Clinton/Kaine.

8 Commissioner Baas?

9 COMMISSIONER BAAS: Aye.

10 THE CLERK: Commissioner Posnanski?

11 COMMISSIONER POSNANSKI: Aye.

12 THE CLERK: Chairwoman Penn?

13 CHAIRWOMAN PENN: Aye.

14 THE CLERK: Madam Chairwoman, there are
15 three ayes, zero noes, the motion prevails.

16 MR. ALBRECHT: Neil Albrecht, City of
17 Milwaukee. A ballot for Ward 323 otherwise
18 blank, but has a mark by one of the candidate's
19 names in the office of president/vice president,
20 was initially processed as a blank ballot.

21 (Inspection performed.)

22 COMMISSIONER POSNANSKI: Based on my
23 review of the ballot, under Wisconsin Section
24 7.50(2)(c), the electorate has made a mark in the
25 ballot box within the square next to the name of

1 Hilary Clinton and Tim Kaine, so I will move that
2 this ballot be counted as a vote for Hilary
3 Clinton and Tim Kaine, and there are not other
4 marks on the ballot.

5 CHAIRWOMAN PENN: And I'd ask that it
6 be reconstructed as counted. I'd add that to the
7 motion.

8 MR. ALBRECHT: Right.

9 COMMISSIONER POSNANSKI: I agree to
10 that.

11 THE CLERK: On the motion to
12 reconstruct the ballot as a vote for
13 Clinton/Kaine, Commissioner Baas?

14 COMMISSIONER BAAS: Nay.

15 THE CLERK: Commissioner Posnanski?

16 COMMISSIONER POSNANSKI: Aye.

17 THE CLERK: Commissioner Penn?

18 CHAIRWOMAN PENN: Aye.

19 THE CLERK: Madam Chairwoman, there are
20 two ayes and one no. The motion to reconstruct
21 the ballot as a vote for Clinton/Kaine prevails.

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

24 We were processing our absentee
25 ballots for District 1, Ward 3, and the tabulator

1 kicked out a ballot. There's a very clear mark
2 for president next to Mr. Trump's name, however,
3 there is also a stray mark next to Mr. Johnson's
4 name, and I'd ask the board for direction.

5 COMMISSIONER BAAS: Move to reconstruct
6 as a Trump vote, please.

7 CHAIRWOMAN PENN: I'll call the vote.

8 Mr. Baas?

9 COMMISSIONER BAAS: Aye.

10 CHAIRWOMAN PENN: I vote aye. The
11 motion to reconstruct the ballot carries. Thank
12 you.

13 (Off the record.)

14 CHAIRWOMAN PENN: So we need to go back
15 on the record.

16 MS. GOERGEN: City of Greenfield,
17 Jennifer, G-O-E-R-G-E-N, City clerk.

18 We are dealing with Ward 7.
19 Earlier this morning I was here at the Board of
20 Canvass. We had one absentee certificate
21 envelope with no signature, and it was determined
22 by the Board of Canvass that we would do a
23 draw-down, so I am here now with our absentee
24 ballots to do the draw-down.

25 When they sorted their absentee

1 ballots, they did not find any that were blank,
2 so we couldn't draw from that. They did not find
3 any that were missing the initials they were
4 supposed to have, so we can't draw from that.

5 So we have our whole group of
6 absentees here in this bag for you to do the
7 draw-down.

8 (Off the record.)

9 CHAIRWOMAN PENN: We're back on the
10 record.

11 MS. HARTMAN: My name is Sherry
12 Hartman, Deputy Clerk, City of Greenfield.

13 I want to ask permission to remake
14 a ballot that was remade incorrectly. We have
15 one ballot that was in the original ballots to be
16 duplicated envelope, and it was an overvote in
17 the presidential category.

18 They filled in six circles and
19 when they remade the ballot, they remade it for
20 one of the candidates when it should have been a
21 blank for the president office because voter
22 intent is not known, and it's -- original ballot
23 number two, it says down here and it matches the
24 number two that's up there on the duplicated
25 ballot.

1 CHAIRWOMAN PENN: Okay. If you could
2 pass those down. Anyone want to inspect this
3 ballot? Okay. Being no -- having no
4 discussion --

5 COMMISSIONER POSNANSKI: My question is
6 why this ballot was remade in the first instance
7 and why the original ballot wasn't discounted as
8 an overvote?

9 MS. HARTMAN: Where there are multiple
10 ones in a vote for one category, the voter intent
11 cannot be determined, so it would be remade as
12 blank for that office because we do not know who
13 the voter intended to vote for.

14 MS. HENRY: Julietta Henry, Director of
15 Elections. For all ballots at the polling
16 location, the overvoted function is not
17 available.

18 COMMISSIONER BAAS: : Thank you.

19 COMMISSIONER POSNANSKI: That answers
20 my question.

21 I move to reconstruct the
22 reconstructed ballot in blank because you cannot
23 determine or ascertain the voter's intent from
24 the original ballot, given that they filled in
25 all of the ovals but one for the office of

1 president.

2 CHAIRWOMAN PENN: Any discussion?

3 (No response.)

4 CHAIRWOMAN PENN: Joe, would you be so
5 kind...

6 THE CLERK: On the motion, Commissioner
7 Baas?

8 COMMISSIONER BAAS: Aye.

9 THE CLERK: Commissioner Posnanski?

10 COMMISSIONER POSNANSKI: Aye.

11 THE CLERK: Chairwoman Penn?

12 CHAIRWOMAN PENN: Aye.

13 THE CLERK: Madam Chairwoman, there are
14 three ayes, zero noes. The motion prevails.
15 Thank you.

16 (Off the record.)

17 CHAIRWOMAN PENN: So we're back on the
18 record.

19 MS. GOERGEN: Jennifer Goergen,
20 Greenfield City Clerk.

21 We had our Sandy Knapper from the
22 City Clerk's Office transport ballots here. The
23 ballots were -- the process is, we send blank
24 ballots to the polls for voting, and we think
25 that it's possible some of the -- some of the

1 voted ballots, when they were taking them out of
2 the machine, may have gotten mixed in with the
3 blank ballots.

4 The voted ballots, when they're
5 taken out of the machine, should be put in a bag
6 and secured and brought into our office, and when
7 Wards 1 and 2 -- Ward 1 was counting, they were
8 missing 291 ballots, and that was by hand-count.

9 And so we had them check in the
10 back to see if they had any extra bags. They
11 couldn't find any, so we called our office and
12 asked them, check the voting machine bins -- the
13 voting machine bins. And then when the voting
14 machine bins got full, we had the ballots stored
15 in some bigger bins for storage, and we had them
16 check them and didn't find them. And then we
17 said, check the boxes of blank ballots that were
18 brought back from the polls, and any blank
19 ballots that are brought back from the polls are
20 put into the machine bins and transported back to
21 city hall.

22 So it is possible that any voted
23 ballots that didn't get bagged, they would have
24 been in the bin, could have gotten intermingled
25 with ballots that should have been bagged. They

1 could have gotten intermingled with blank
2 ballots. That's what we believe happened here.

3 Sandy, in our office, checked
4 through all the boxes of blank ballots to see if
5 she could find anything that was initialed and
6 voted. This is what she brought back. She put
7 them in ballot bags for transportation purposes.
8 For Ward 1 she has a ballot bag with 315 ballots.
9 I asked her -- that's what she hand-counted. She
10 said the ballots are initialed from the
11 co-workers, and they were all voted.

12 Then we have Ward 3. She found
13 seven ballots that were -- looks like they're
14 absentees. They've got the stamp and they were
15 voted.

16 And then we have Ward 12, 90
17 ballots. They are initialed by the poll workers
18 and voted. We do know Ward 12 was working, and
19 they believe -- they said that -- they felt that
20 they were missing a bag, so we didn't feel that
21 once we maybe intermix these we will have the
22 counts we were looking for.

23 COMMISSIONER BAAS: Question. Were
24 these secured in your office or were they just
25 laying about where anybody could see them?

1 MS. GOERGEN: No. The doors to our
2 office are locked and accessible only by pass.
3 And locked.

4 COMMISSIONER BAAS: Was it your general
5 office or was it someone's private office?

6 MS. GOERGEN: Our general office.

7 COMMISSIONER BAAS: So these were
8 sitting out in the general area?

9 MS. GOERGEN: In the general office
10 that is not the access we have.

11 COMMISSIONER BAAS: But the public has
12 access to it?

13 MS. GOERGEN: Public does not; staff
14 does.

15 CHAIRWOMAN PENN: So you're not really
16 sure if the bins were emptied or not after the
17 election?

18 MS. GOERGEN: Well, I can try to
19 explain the process. The process throughout the
20 day -- because the DS200s can only hold a certain
21 number of ballots, and most -- all of our wards,
22 except for one ward, share a voting machine.

23 So the bins in a high-turnout
24 election, they'll put -- it's not uncommon that
25 the poll workers have to empty the bins every so

1 often to make room for more ballots or the
2 machines will begin to jam. So if they had to
3 empty the DS200s, they should enter it on their
4 inspector's statement and do it in pairs --

5 COMMISSIONER BAAS: Let me stop you for
6 a second. Let me interrupt. Do you have those
7 notations?

8 MS. GOERGEN: On the inspector
9 statement? We haven't checked yet. I was told
10 we needed to enter these on the record first.

11 COMMISSIONER BAAS: I'm going to want
12 to see that.

13 MS. GOERGEN: Okay. So we will bring
14 those forward.

15 COMMISSIONER BAAS: Thank you.

16 MS. GOERGEN: They would make the entry
17 on the inspector statement and then they would
18 put them in -- we have another large blue bin
19 that's next to the voting machine, and it's the
20 blue bins from our Optech voting machines that
21 are locked. So they would put any voted ballots
22 that have had been counted but have to be bagged
23 and sorted at the end of the night in that locked
24 spare blue bin.

25 And then at the end of the night,

1 two people from each ward would go through the
2 ballots for their wards and sort all ballots by
3 ward and bag the ballots by ward.

4 So what I'm saying is, I do not
5 know if -- from the end of the night all the
6 blank ballots get put back in the machines and
7 secured up. I don't know if -- how they missed
8 bagging them, but when we found them, they were
9 intermingled with our blanks.

10 So the blank ballots get put in
11 the machines and locked and transported back to
12 our office, and I'm saying, perhaps, they were
13 counted, but they just didn't get bagged and were
14 in the bins of the machines for storage purposes.

15 COMMISSIONER BAAS: Do you know the
16 number of votes that you reported on election
17 night total?

18 MS. GOERGEN: For each ward?

19 COMMISSIONER BAAS: Total for your
20 municipality.

21 MS. GOERGEN: 19,000 something.

22 COMMISSIONER BAAS: I need an exact
23 number.

24 MS. GOERGEN: I can get that for you,
25 but I'd have to bring that forward.

1 COMMISSIONER BAAS: Thank you.

2 COMMISSIONER POSNANSKI: This totals
3 412 separate ballots from three separate wards;
4 is that right?

5 MS. GOERGEN: I haven't done the math.

6 COMMISSIONER POSNANSKI: 315, 7 and 90.
7 Do these three wards share a voting place?

8 MS. GOERGEN: Ward 1 and 3 are at the
9 same polling place, but do not share a machine,
10 and Ward 12 is at a separate polling place than
11 that.

12 COMMISSIONER POSNANSKI: So the same
13 issue arose in two separate voting places within
14 the municipality?

15 MS. GOERGEN: That's correct.

16 COMMISSIONER POSNANSKI: Do you know --
17 you mentioned these blue bins that are used for
18 the ballots once the machine is filled up.

19 How many blue bins are we talking
20 about that Greenfield uses?

21 MS. GOERGEN: We would have had ten
22 blue bins.

23 COMMISSIONER POSNANSKI: Who bound the
24 ballots that were brought back to us here today?

25 MS. GOERGEN: Sandy Knapper.

1 COMMISSIONER POSNANSKI: Is Sandy
2 present?

3 MS. KNAPPER: Yes.

4 COMMISSIONER POSNANSKI: Sandy, could
5 you come forward?

6 MS. KNAPPER: Sandy Knapper,
7 K-N-A-P-P-E-R, and I am secretary part time.

8 COMMISSIONER POSNANSKI: Can you
9 describe the circumstances for us under how you
10 found the ballots we're talking about?

11 MS. KNAPPER: Yes. All the blank
12 ballots were boxed up after they were taken out
13 of the machines, I'm assuming, and I went through
14 all of them, assuming they were all blank, and
15 ran across voted ballots.

16 CHAIRWOMAN PENN: They were in the same
17 box as the blank ballots?

18 MS. KNAPPER: Blank ballots, correct.

19 COMMISSIONER POSNANSKI: How many blank
20 ballots were there?

21 MS. KNAPPER: I did not count the
22 blanks.

23 COMMISSIONER POSNANSKI: Do you have an
24 estimate?

25 MS. KNAPPER: I do not, because they

1 were packages that were never even opened.

2 COMMISSIONER POSNANSKI: So these were
3 loose voted ballots that were among packaged
4 unopened blank ballots?

5 MS. KNAPPER: They were not packaged.
6 They were intermingled between blank ballots.

7 COMMISSIONER POSNANSKI: And those
8 blank ballots were loose?

9 MS. KNAPPER: Correct. In a box.

10 COMMISSIONER POSNANSKI: Are we talking
11 about hundreds of blank ballots?

12 MS. KNAPPER: Yes.

13 COMMISSIONER POSNANSKI: Are you -- in
14 going through the bag, are you confident that you
15 found all of the voted ballots?

16 MS. KNAPPER: Yes, I am. I went
17 through them one by one.

18 CHAIRWOMAN PENN: I guess this is more
19 of a comment than a question, but I am astonished
20 that there's no checks and balances -- about just
21 how sloppy this is, that -- that your job is to
22 secure the ballots and make sure the vote is safe
23 and protected, and it's like, "Ehh, just throw
24 them in a box."

25 MS. GOERGEN: I agree, it was sloppy.

1 COMMISSIONER BAAS: At one point you
2 said there were two staff members that would go
3 through and help check these things.

4 Do we know who was responsible for
5 Wards 1, 3 and 12? And, if not, is it notable
6 from some documentation?

7 MS. GOERGEN: Wards 1, 3 and 12 -- of
8 course, each ward has a chief inspector and there
9 were approximately seven election workers for
10 each ward and whichever two we are not party
11 affiliated at all, so whichever two did the work,
12 I would have to give the chief inspectors a call
13 to see if they remember who did that election
14 night.

15 COMMISSIONER BAAS: So you have the
16 names for the chief inspectors for those wards?

17 MS. GOERGEN: Yes, I do.

18 COMMISSIONER BAAS: I'd like those as
19 well.

20 CHAIRWOMAN PENN: Any party
21 representatives?

22 MR. PERZAN: Jeff Perzan representing
23 the Green Party.

24 A number of comments I'd like to
25 make, the first one of which is that I would

1 recommend that Greenfield revises its procedures
2 for the next election in February.

3 The second is, it's my
4 understanding, based on what you read into the
5 record, that the general office is accessible
6 only by staff members. So my question would be,
7 how many staff members would have access, and are
8 those staff members able to enter alone or do
9 they need to be accompanied by another staff
10 member, perhaps, for security purposes?

11 MS. GOERGEN: Our staff is comprised of
12 three full-time employees and two part-time
13 employees. So we have five staff.

14 MR. PERZAN: Are the staff members able
15 to enter that office alone?

16 MS. GOERGEN: Yes.

17 MR. PERZAN: Without any other staff
18 member being present?

19 MS. GOERGEN: Yes.

20 CHAIRWOMAN PENN: Are they all still
21 employed?

22 MS. GOERGEN: They're all current
23 employees.

24 MR. PERZAN: Based on what I've heard
25 so far, assuming that additional relevant

1 information is not coming forward, I would renew
2 my request, as I did this morning for Glendale,
3 that because we do have the DS200 flash drives,
4 more so in this case, that we go ahead and take a
5 look at those images to ensure that there have
6 been -- there's been no tampering with any of the
7 ballots or any substitution of ballots with late
8 ballots other than what's been stated so far.

9 CHAIRWOMAN PENN: We will note your
10 request for the record.

11 MR. PERZAN: Thank you.

12 CHAIRWOMAN PENN: Anyone else?

13 COMMISSIONER POSNANSKI: Do you have
14 any reason to believe that there was any
15 substitution or tampering with the ballots that
16 have been brought back to us?

17 MS. GOERGEN: I don't.

18 COMMISSIONER POSNANSKI: Mr. Quinn,
19 would you like to be heard on this?

20 MR. QUINN: Brendan Quinn on behalf of
21 the Trump campaign.

22 I'd like to know if you have the
23 time or the ability to reconcile the poll books
24 before you go forward so we have other
25 information to be able to complete this inquiry?

1 Thank you.

2 COMMISSIONER POSNANSKI: I agree with
3 Mr. Quinn's suggestion. I think we need to
4 reconcile the results from Wards 1, 3, and 12
5 from election night with the results from the
6 recount including these ballots, so we can know
7 whether or not there are any other discrepancies
8 in the vote count.

9 CHAIRWOMAN PENN: So if you go ahead
10 and do those things and when you have it all
11 gathered together, bring it back up here and
12 we'll proceed from there.

13 MS. GOERGEN: Thank you.

14 (Off the record.)

15 CHAIRWOMAN PENN: We're back on the
16 record.

17 MS. GOERGEN: Jennifer Goergen,
18 Greenfield City Clerk.

19 We have a Ward 18 ballot here.
20 It's an absentee ballot. Ward 18 is currently
21 processing their ballots through the machine, and
22 the person at the machine said this ballot needed
23 to be reconstructed. The voter did not fill in
24 the ovals with ink, the voter put Xs in the
25 circles, so we're asking that this ballot be

1 reconstructed.

2 CHAIRWOMAN PENN: Please pass it down.

3 (Inspection performed.)

4 COMMISSIONER POSNANSKI: Reviewing this
5 ballot, it's clear you can ascertain the intent
6 of the voter. I would move this ballot be
7 reconstructed with a vote for Trump/Pence.

8 THE CLERK: On the motion, Commissioner
9 Baas?

10 COMMISSIONER BAAS: Aye.

11 THE CLERK: Commissioner Posnanski?

12 COMMISSIONER POSNANSKI: Aye.

13 THE CLERK: Commissioner Penn?

14 CHAIRWOMAN PENN: Aye.

15 THE CLERK: Madam Chairwoman, there are
16 three ayes, zero noes. The motion prevails.

17 (Off the record.)

18 CHAIRWOMAN PENN: So we're going back
19 on the record.

20 MS. GOERGEN: City of Greenfield,
21 Jennifer Goergen, city clerk.

22 We are reporting back with Ward
23 No. 3. The inspector statement for Ward No. 3
24 sets the total number of votes as 805. A
25 hand-count of the ballots, which would include

1 the seven that were brought in, is 806.

2 We are, at this point, seeking
3 your permission to have the ballots run through
4 the machine.

5 COMMISSIONER POSNANSKI: We will
6 instruct you at this time to run the ballots
7 through the machine and report back once you have
8 the results.

9 CHAIRWOMAN PENN: Thank you.

10 MS. GOERGEN: City of Greenfield
11 Jennifer Goergen, City Clerk.

12 We are requesting permission to
13 remake a ballot for Ward No. 12. The situation
14 is, the voter in this case circled the oval that
15 they should have filled in for Trump. It would
16 not go through the machine, so we're requesting
17 permission to remake.

18 (Inspection performed.)

19 COMMISSIONER POSNANSKI: I would move
20 that we reconstruct this ballot as a vote for
21 Trump/Pence.

22 THE CLERK: On the motion, Commissioner
23 Baas?

24 COMMISSIONER BAAS: Aye.

25 THE CLERK: Commissioner Posnanski?

1 COMMISSIONER POSNANSKI: Aye.

2 THE CLERK: Commissioner Penn?

3 CHAIRWOMAN PENN: Aye.

4 THE CLERK: Madam Chairwoman, there are
5 three ayes, zero noes; the motion prevails.

6 (Off the record.)

7 MS. GOERGEN: Jennifer Goergen, City of
8 Greenfield.

9 I am reporting back with the three
10 wards we had talked about earlier. In front of
11 me I have Ward No. 1. The last voter number -- I
12 guess most importantly to point out this evening
13 is that we can tell by the numbers that
14 everything was counted election night; the
15 ballots just were not bagged and brought to the
16 county. So that's the good news.

17 The last voter number for Ward 1
18 on election night was 1,024, and after the
19 ballots were run through the machine this
20 evening, the total is 1,023.

21 Is that what you wanted to know
22 are the numbers?

23 CHAIRWOMAN PENN: That's for Ward 1?

24 MS. GOERGEN: Ward 1, correct.

25 COMMISSIONER BAAS: What's 12?

1 CHAIRWOMAN PENN: She's coming.

2 COMMISSIONER POSNANSKI: I note from my
3 review of the reconciliation, that the votes cast
4 for president were the same -- is that right? --
5 from election night and then from tonight?

6 MS. GOERGEN: That's correct. That's
7 indicated in that last column.

8 COMMISSIONER POSNANSKI: Ward 1 had the
9 largest discrepancy with the ballots that had
10 been recovered today -- is that right? -- the
11 ward with 315 ballots?

12 MS. GOERGEN: That's correct.

13 CHAIRWOMAN PENN: Any comments,
14 questions, concerns? Any observers?

15 COMMISSIONER POSNANSKI: What's the
16 next ward?

17 MS. GOERGEN: The next ward we have is
18 Ward No. 3. The last voter number on election
19 night was 805. After these ballots were put
20 through the machine, our total number of votes
21 was 806.

22 COMMISSIONER POSNANSKI: Is there any
23 discrepancy or change in the votes in the
24 president categories?

25 MS. GOERGEN: In the presidential race,

1 the Milwaukee County canvass total was 328. The
2 tape totals after tonight -- and is this is for
3 Trump -- indicated 332 with a variance of four.

4 Hilary Clinton -- the canvass
5 total was 409, the tape totals this evening were
6 412, a variance of three.

7 CHAIRWOMAN PENN: Is that variance of
8 seven the same seven that were missing?

9 I believe in my notes I have that
10 in Ward 3 there were seven votes missing or left
11 at the office.

12 MS. GOERGEN: That's what we were
13 trying to determine, but I don't know that we can
14 determine that for sure, just because
15 sometimes -- wards that share machines, sometimes
16 there's some ballots in one ward that belong to
17 the other and vice versa that might change the
18 counts on here.

19 So it seems like that would be the
20 case, but we couldn't say that for certain.

21 CHAIRWOMAN PENN: Okay.

22 MS. GOERGEN: And the last ward is Ward
23 No. 12. The last voter number was 1,120 on
24 election night, and after the ballots were put
25 through the machine tonight, the total ballots

1 were 1,119.

2 COMMISSIONER POSNANSKI: There's a
3 variance of one vote, correct?

4 MS. GOERGEN: A variance of one,
5 correct.

6 We should note the bottom of their
7 report indicates -- again, wards that share
8 machines, so sometimes there's a wrong ward
9 ballot packaged in with another ward's ballots,
10 and so there was some exchange of getting the
11 correct ballots in the correct ward's bags.

12 COMMISSIONER POSNANSKI: Do either of
13 the party representatives wish to observe or
14 comment on this issue?

15 MR. QUINN: This is Brendan Quinn from
16 the Trump campaign.

17 I'm satisfied with the work that
18 the people in Greenfield and staff have done this
19 evening, and I'd just like to have an informal
20 request that the clerk be available tomorrow
21 because I have some additional questions, but I
22 don't want to delay these proceedings.

23 MS. GOERGEN: I will be here tomorrow.

24 COMMISSIONER POSNANSKI: I don't see
25 any problem with that request.

1 MR. QUINN: Thank you.

2 COMMISSIONER BAAS: I asked for the
3 total votes. Were you able to give me total
4 votes in your municipality?

5 COMMISSIONER POSNANSKI: They haven't
6 completed their entire count. It's my
7 understanding Greenfield is not done with their
8 entire count.

9 MS. GOERGEN: We haven't finished
10 today.

11 COMMISSIONER POSNANSKI: So you will
12 report back tomorrow?

13 MS. GOERGEN: We can do that,
14 certainly.

15 COMMISSIONER POSNANSKI: I am
16 satisfied --

17 MR. PERZAN: Jeff Perzan representing
18 the Green Party.

19 I would just like to renew our
20 request that because the DS200s have the images
21 on the flash drives, because of these
22 discrepancies and because the ballots were not
23 properly stored where individuals may have had
24 access to them, that we maintain our request to
25 go ahead and have the images printed and checked.

1 CHAIRWOMAN PENN: I believe that that
2 is in progress, but -- well, the request is
3 noted. We'll proceed from there.

4 Anyone else?

5 COMMISSIONER POSNANSKI: Based upon my
6 review and the report, the reconciliation done by
7 the City of Greenfield, I am satisfied with the
8 count, the fact that the reconciliation on
9 election night and today largely lines up with
10 small variances that are not uncommon in a
11 recount; therefore, I move that we accept these
12 ballots and the vote reported for these wards.

13 COMMISSIONER BAAS: While you are
14 measured and a man I respect, I am not prepared
15 to make that until I get the final numbers.

16 I want to know they didn't vote
17 somewhere else. I want to know the numbers they
18 had on election night match up with what they
19 have now.

20 MS. HENRY: For the ward?

21 COMMISSIONER BAAS: No. The
22 municipality.

23 CHAIRWOMAN PENN: And so that
24 particular question, Rick, we will revisit that
25 tomorrow when they are done, but in the

1 meantime...

2 COMMISSIONER POSNANSKI: Commissioner
3 Baas, as I understand, your issue would be you
4 prefer to hold the vote over on these three wards
5 until we get the final count from the City of
6 Greenfield?

7 I'm fine with holding the vote
8 over until that time.

9 COMMISSIONER BAAS: Thank you.

10 CHAIRWOMAN PENN: Jennifer, we need
11 some kind of plan from you how, going forward,
12 you are going to make sure that this never
13 happens again.

14 MS. GOERGEN: Okay.

15 CHAIRWOMAN PENN: I know I'm putting
16 you on the spot, but as you've been working and
17 thinking, and tonight it's good to go through
18 your mind, if you could -- I'm not talking about
19 some detail, end this plan, but a plan, because
20 it's vital that this never happen again.

21 MS. GOERGEN: Okay. Certainly.

22 CHAIRWOMAN PENN: Thank you.

23 We're going to stand in recess and
24 reconvene tomorrow morning at eight a.m.

1 (The proceedings adjourned at
2 8:29 p.m.)
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STATE OF WISCONSIN)
) SS:
MILWAUKEE COUNTY)

I, Sandra K. Nelson, RPR and Notary Public in and for the State of Wisconsin, do hereby certify that the preceding proceeding was recorded by me and reduced to writing under my personal direction.

I further certify that said proceeding was taken at 1901 South Kinnickinnic Avenue, Milwaukee, Wisconsin, on December 7th, 2016, commencing at 8:05 a.m.

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

In witness whereof, I have hereunto set
my hand and affixed my seal of office on this
26th day of December, 2016.

SANDRA K. NELSON, RPR
Notary Public

My commission expires December 28, 2018.

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