

Date: June 22, 2008

To: Members, Wisconsin Government Accountability Board

From: Paul Malischke

Subject: Review of Clerk's Election Administration Manual for your July meeting

### **Board of Canvassers**

There is one section of the above manual that is strikingly inadequate. "Post Election Activities", pages 109 to 114, covers the Board of Canvassers. There are no details telling the Board of Canvassers what to do, beyond explaining how to fill out the certification form.

Are Canvassers expected to wade through the statutes to find out what to do, and each make their own interpretation of their duties? Do we have dozens of different canvassing procedures developed on an informal basis? Surely the certification of our elections deserves an effort towards clear written standards for certification.

In March 2005 it was revealed that the Milwaukee Board of Canvassers was falling well short in their duties. The March 25 newspaper article started "State Official: '04 Vote Bungled In Milwaukee. Milwaukee County certified its election results in the 2004 presidential race without reviewing key documents required under state law to verify the vote count in the city of Milwaukee, the state's top election official said Thursday." Three years later we have little written guidance for our Boards of Canvassers.

As an example of the vague instructions in the Election Administration Manual, page 109 states "The board of canvassers must review all election materials and correct any errors." Does this include records of pre-election testing of voting machines? Absentee ballot request forms?

Other questions:

- What materials must they physically have on hand for their meeting?
- What should they crosscheck?
- Should they compare the printout from the optical scan tabulators with the results reported by the Election Management Systems?
- Should they check for incidents reported in the pollworker reports?
- Is it sufficient to meet the bare minimum requirements of state law, or should they be doing more to ensure a proper canvass?
- Is the canvassing procedure important enough that the details should be in an administrative rule?

The certification form "Board of Canvassers Statement" EB-106 (last revised in 1998) should be reviewed by staff and improved if needed. Add a place for printed name of members of the Board of Canvassers, along with the existing line for signatures, which may be unintelligible.

As GAB staff formulates a detailed written procedure, they should visit actual meetings of the Canvassing Boards in multiple locations, and use these experiences to form a document based upon best practices.

Although you have required training for clerks, special registration deputies, and pollworkers, there is no requirement and no program for training members of the Board of Canvassers.