



## DEMOCRATIC PARTY *of* WISCONSIN

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April 13, 2011

Kevin Kennedy  
Director and General Counsel  
Wisconsin Government Accountability Board  
P.O. Box 7984  
Madison, Wisconsin 53707-7984

Mr. Kennedy:

With the controversy surrounding the vote count in Waukesha County for the April 5, 2011, Supreme Court race, I write to raise your attention to an additional area of investigation. The apparent pattern of problems arising from the Waukesha County Clerk is undermining the public's confidence in the integrity of our voting procedures. The public counts on the GAB to review and take appropriate action so that the public can be confident in the outcome of elections.

In Fall 2006, there were several important statewide races, including Governor and Attorney General. According to the election results reported by the then-Wisconsin Elections Board, the final vote total in the Attorney General election for Republican J.B. Van Hollen was 1,065,453, and the vote total for Democrat Kathleen Falk was 1,056,594 – a vote deficit of 8,859.

With the issues raised about the record-keeping practices of the Waukesha County Clerk, observers reviewed the reported November 2006 election results on the Waukesha County website and discovered Tuesday, April 12, information I believe warrants your immediate attention and review.

The Waukesha County Clerk website Tuesday said there were 118,342 votes for Van Hollen and 55,608 votes for Falk, a total of 173,950 votes. (There are an additional 97 write-in votes tabulated for a total of 174,047 votes assigned to candidates from Waukesha County.)

However, at the top of the same page, the Waukesha County Clerk, under the heading "BALLOTS CAST – TOTAL," the number of total ballots reported is 156,804. This is an under-reporting of 17,243 votes. I note with serious concern that this discrepancy is more than enough to have swung the statewide election against the Republican and for the Democrat.



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I also point out that the report as posted on the Waukesha County Clerk's website is dated "1/31/08," which is 14 months after the election took place in November 2006.

Later on Tuesday, apparently after this discrepancy was brought to the attention of the Waukesha County Clerk, the county website was amended to include an asterisk, followed by the words: "The Number of Ballots Cast do not reflect all results, only those electronically sent. (Ballots cast will not be equal to the votes cast.)" However, this newly-added language does nothing to explain the discrepancy in the numbers nor does it diminish the understandable questions that exist.

As you are acutely aware, the procedures used by the Waukesha County Clerk to house and report out election results are considerably different from her peers in counties across Wisconsin. Given the revelations of the past week, I request you investigate the data available on the Waukesha County Clerk's computer related to the November, 2006, election results in Waukesha County for the Attorney General's race and please provide the public with an explanation for the discrepancy of more than 17,000 votes not tabulated in the ballot cast total reported by the Waukesha County Clerk.

As a final note of concern here, these apparent repeated problems from the Waukesha County Clerk undermine the public's confidence in elections. We know you and the GAB take seriously your duty to reassure the public that the numbers are accurate and that systems need to be set up to prevent inaccurate data from being publicly reported. Thank you for your efforts to get to the bottom of this.

Sincerely,

Michael Tate, Chair  
Democratic Party of Wisconsin