

CITY OF SHEBOYGAN, SHEBOYGAN COUNTY
RECOUNT – ALDERMANIC DISTRICT 10

Thursday, April 14, 2022

9:00 a.m. Participants gathered in City Hall.

9:04 a.m. the Pledge of Alliance was recited.

Board members present: Meredith DeBruin, Marjorie Giesen, and Martha Leppanen

Other Personnel Present: City Attorney Chuck Adams and Election Specialist Sherrill Smith

Others Present: Jeff Perzan, Randy Nash (counsel for Andre Walton), Andre Walton, Maeve Quinn, Mary Lynne Donohue, Julie Stodolka, Joe Heidemann, Joe Jantz, Judi Pool, Agnes Jackson, James Tesauro, Kevin Scott, Daniel J. Eastman (Counsel for Joseph Heidemann), Ruth M. Luedtke, James Goldbeck, David Mattern, Brad Unke, Jefferson Davis, Barry Cohen, Toby Watson, and Kip Ertel

Meredith DeBruin provided a review of the original results from the April 5, 2022 Election and the April 8, 2022 Board of Canvassers and asked for any objections.

On April 5, 2022 the unofficial election results for District 10 gave Joseph Heidemann total votes of 403 and Andre Walton total votes of 402. After the Board of Canvassers met, there was one vote counted for Andre Walton – bringing the vote to a tie. The tie was broken with drawing of cards by lot. Joseph Heidemann was declared the winner of District 10. The Clerk received a petition of recount on Monday, April 11, 2022 from Andre Walton.

Objection of the recount by Daniel Eastman. Response given by Randy Nash. Chuck Adams provided opinion. Board of Canvassers denied objection.

Meredith DeBruin explained the Board of Canvassers is comprised of Peter Madden, Marjorie Giesen and Meredith DeBruin. Peter Madden could not attend the recount and the Board appointed Martha Leppanen in his place. No objection noted.

Meredith DeBruin stated that notice of the recount was provided to the public via an email and posting at 9:40 a.m. on Tuesday, April 12, 2022. Notice was also provided and signed for by each candidate and the Board of Canvassers on Tuesday, April 12, 2022.

The Board of Canvassers has voted to perform a hand recount of the ballots. No objection noted.

The Board of Canvassers started with Ward 19.

- Poll books reconciled. No objections.
Total number of votes (last voter number) equals 277. Last page indicated on poll book. Number of Absentee electors indicated as 110.
- Absentee ballot review.
Absentee envelopes reviewed and compared to absentee application list (total of 130 requests) and poll book. During this process, 7 absentee certificate envelopes were set aside for further review due to completion of witness addresses. Meredith DeBruin noted that these completions were done in the Clerk's office following guidance from the Wisconsin Election Commission which allows completions to be made after contact is made with the voter. Absentee Certificate envelopes were counted and compared to number of absentee votes recorded in the poll book (110). No rejected absentee certificate envelopes.
Open records request by Daniel Eastman for copy of unmarked and marked absentee application list. Also requested by Randy Nash.
Recessed for 5 minutes at 10:22 a.m. to allow counsel for each side to determine whether or not to file a formal objection to the 7 absentee certificate envelopes that were set aside.
Reconvened at 10:28 a.m.
Explanation given by City Attorney Chuck Adams about the process to be followed by the Board of Canvassers if objections are noted (draw down process).
No objections by either side to any of the absentee certificate envelopes.
Observer Brad Unke asked if he could object to the envelopes. The Board explained that only 3 persons are allowed to object from each side – the candidate, the counsel for the candidate and the primary representative to the candidate.
- Verified the serial number of ballot bag matched with EL-101 and EL-104.
- Ballot count.
Board of Canvassers opened the ballot bag and counted the ballots. There were 279 ballots counted (+2 from total number of votes). Ballots reexamined/recounted and determined there were 2 ballots from Ward 20 in Ward 19's ballot bag. Those 2 ballots were set aside to be counted with Ward 20.

Absentee ballots were separated by examining the initials on the back side of the ballots (certification section). Counted 110.

No provisional ballots issued for either ward in this district.

- Ballots reviewed and sorted by candidate. No objections.

Ballots counted and recounted by Board of Canvassers.

Ballots tallied to equal:

Joseph V. Heidemann = 124

Andre Walton = 144

Write-ins = 2

Undervote = 7

Verified these results with the tape. All matched.

At 11:26 a.m. the Board of Canvassers continued to Ward 20.

- Poll books reconciled. No objections.

Total number of votes (last voter number) equals 549. Last page indicated on poll book. Number of Absentee electors indicated as 141 + 1 from Board of Canvassers = 142.

- Recess for lunch. Reconvened at 1:04 p.m.

- Absentee ballot review.

Absentee envelopes reviewed and compared to absentee application list (total of 169 requests) and poll book. During this process, 10 absentee certificate envelopes were set aside for further review due to completion of witness addresses and one missing date.

No objections to all certificates that were completed (9). One objection by Jeff Perzan on the absentee certificate envelope missing the date. Daniel Eastman stated that they had no objection. City Attorney Chuck Adams read statute. Certificate envelope was date stamped by the Clerk's office before election date. Board final vote 3-0 to deny objection.

Absentee Certificate envelopes were counted and compared to number of absentee votes recorded in the poll book (142).

Certificate of Rejected Absentee Ballots Envelope opened and 2 envelopes removed and reviewed. One was missing voter signature and one was missing the witness address. Both had notations on the envelope that the voter had attempted to be contacted by Clerk staff. Jeff Perzan requested that the ballot with the

envelope missing the witness address be counted. Daniel Eastman responded. City Attorney spoke and Board of Canvassers had consensus that ballots should be rejected.

- Verified the serial number of ballot bag matched with EL-101 and EL-104. Meredith DeBruin noted that the original seal from election night was broken and replaced after Board of Canvassers met. This was to include the ballot that had been placed in the Rejected Envelope.
- Ballot count.

Board of Canvassers opened the ballot bag and counted the ballots. There were 547 ballots counted (+2 that were previously set aside from Ward 19 ballot bag). There were 549 ballots.

Absentee ballots were separated by examining the initials on the back side of the ballots (certification section). When separating absentee ballots, it was determined that 9 ballots were initialed in the absentee certification section, however were voted in-person ballots. This was documented on the inspector statement at 7:17 a.m. No objections to these ballots. 138 absentee ballots counted + 3 ballots documented as remade ballots + 1 ballot with no initials. The Original Ballots Envelope was opened and contained 4 ballots. 3 ballots were determined to match the marked remade ballots. Board determined remade ballots matched voter intent. No objections.

The fourth ballot with no initials was determined to match with the fourth ballot in the Original ballot envelope. Randy Nash initially objected to counting this ballot. It was determined there was a notation in the inspector's statement at 10 a.m. that indicated an absentee ballot was remade due to being torn. Randy Nash withdrew his objection. The voter intent was verified and accepted. Total number of absentee ballots = 142.

10 minutes recess.

- Ballots reviewed and sorted by candidate. One ballot was set aside during the sorting due to a dot in the oval for Joseph Heidemann and a completed oval for Andre Walton. Board of Canvassers reviewed this ballot and determined 3-0 that it was a vote for Walton. Objection by Daniel Eastman to not count the ballot. Julie Stodolka responded. City Attorney Chuck Adams gave his opinion. Board of Canvassers did not change their vote and agree the ballot should be a vote for Walton.

Objection by Daniel Eastman to the ballot which was counted during the Board of Canvassers due to chain of custody concerns. Randy Nash responded. Discussion continued by all sides. Board of Canvassers determined 3-0 not to overturn the determination of the Board of Canvassers, the ballot is a vote for Walton.

Ballots counted and recounted by Board of Canvassers.

Ballots tallied to equal:

Joseph V. Heidemann = 279

Andre Walton = 259

Write-ins = 0

Undervote = 11

Verified these results with the tape. All matched.

Recount results:

Joseph V. Heidemann = 403

Andre Walton = 403

The tie was broken at the Board of Canvassers by lot and Joseph V. Heidemann was determined to be the Alderperson Elect for District 10 in the City of Sheboygan.

Objection by Randy Nash that the drawing of cards at the Board of Canvassers does not apply at the recount. He cited City of Sheboygan Municipal Code 38-2, that after the recount is complete and if it remains a tie, then it is the decision of Common Council to break the tie. Kevin Scott responded. City Attorney Chuck Adams stated the Board of Canvassers made determination, the recount verified those results, the Alderperson Elect was determined at the Board of Canvassers and remains, and the recount can conclude.

Board adjourned at 3:50 p.m.