



JOAN BALLWEG

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WISCONSIN STATE REPRESENTATIVE

41ST ASSEMBLY DISTRICT

AB 124: Fees for Election Recounts
Testimony on Behalf of State Representative Joan Ballweg
Assembly Committee on Campaigns and Elections
April 21, 2015

Thank you, Chair Bernier, and members of the Committee on Campaigns and Elections for holding this public hearing.

Assembly Bill 124 will update election statutes regarding the cost of recounts. A recount is a useful tool for candidates in cases where the margin between victory and defeat is narrow. Since these laws were last visited, technology used to conduct elections has become more reliable. Our current statutes on recounts do not reflect our improved technology nor the cost a county incurs when an unplanned, and unbudgeted, recount is requested.

This legislation will simplify the election recount statute. Our bill will bring the margin to obtain a free recount in line with state and national statistics, making it a more realistic measure of the potential success of a recount. It is not our intent to discourage recounts. In the event that a paid recount does in fact overturn an election, the petitioner would receive full reimbursement.

Last session, Rep. Ballweg brought similar legislation forward on behalf of the Green Lake County Clerk. Recount requests were made in races where the margin was well above even the current thresholds for a free, or subsidized, recount. Because the wards fell under the 1,000 voter category, we discovered that candidates could request recounts and pay \$5 a ward, even when the votes cast were 60 percent to 40 percent. This example is an abuse of the recount intent, and highlighted a loophole we'd like to close.

AB 124 restructures the current recount process, and lowers the threshold for a free recount from a difference of 0.5 percent to a difference of 0.25 percent. Between 2000 and 2009, nationwide, only three of a total 18 statewide election recounts resulted in a reversal of the election. Those three elections had margins of 0.014 percent, 0.018 percent, and 0.107 percent. Information from the National Conference of State Legislatures (NCSL) shows that not all states offer recounts (43 states do). Other states also recognize changes are needed; triggers for recounts are moving down, as low as 0.1 percent. Based on recent recount results, we feel confident that a threshold of 0.25 percent is a reasonable trigger margin for a free recount.

We have testimony today from County Clerks in support of AB 124, and the Wisconsin County Clerks Association does support reforming our current recount fee structure. We'd also like to note that last year's legislation (2013 AB 416) passed this committee on a 9-0 vote.

Thank you for your time.



GREEN LAKE COUNTY
OFFICE OF THE COUNTY CLERK

Margaret R. Bostelmann, WCPM
County Clerk

Office: 920-294-4005
FAX: 920-294-4009

April 21, 2015

Rep. Joan Ballweg
State Capitol Madison WI 53708

Support of AB 124 & SB 96

Dear Representative Ballweg,

On Thursday, April 12, 2012 a recount of votes was held in Green Lake County at the petition of four candidates who ran in the April 3, 2012 election for Green Lake County Board of Supervisors.

Four candidates filed a petition amidst concerns of flaws in the electronic tabulating voting machines used in Green Lake County for the election of Green Lake County Supervisor.

The recount took approximately five hours to complete. The recount was completed under the oversight of the Green Lake County Canvass Board and five tabulators assisted in the recount. The tapes from the Edge (touch screen) machine which contain the printed ballots were reviewed. Each district supervisor's name in the recount was read while two tabulators kept count on a tally sheet of the votes cast. The hand count was verified to the total from the Edge voting machine on election night. No discrepancy was found.

Each paper (mark sense) ballot was looked at, absentee ballots reconciled and all ballots were hand counted. After the hand count was verified by a second person the ballots were fed into the Eagle voting machine, and the machine count and hand count were verified. The recount revealed 3 discrepancies, all initiated by human error; one ballot did not have the arrow connected on the ballot, but voter intent was determined, one write-in vote was given to the wrong person, and one ballot not initialed by poll workers was not counted.

All four petitioners were present for the recount and encouraged to view all the proceedings of the recount. The only restriction was not to touch anything and all questions were to be directed to me, the County Clerk, rather than the tabulators. Petitioners were encouraged to watch and count along when tallying took place.

Over 1,000 total votes were counted. Although the petitioners paid \$5 for each of the nine wards for a total of \$45, the total cost to the County for staff time, attorney costs, and per diems to tabulators and canvass board was just over \$2000. These costs do not include the cost of the four municipal clerks to gather and provide the town clerk's information needed for the recount.

The result of the recount showed only slight changes in the totals for three candidates. There were no discrepancies found in the voting machines used in the election.

	Candidates	Original Vote Tally	Recount Tally	Final percentage
District 9	David Richter (incumbent)	219	220	88%
	Jan Londowski (write-in)	30	29	12%
District 10	Sue Wendt (newcomer)	193	192	69%
	Lauree Renaud (newcomer)	88	No change	31%
District 11	Harley Reabe (challenger)	197	No change	63%
	Sue McConnell (incumbent)	115	No change	37%
District 13	Nicolas Toney (challenger)	173	No change	65%
	Tom Traxler (incumbent)	92	No change	35%

I support this Bill because it allows County Clerks like me, to recoup more of the actual costs of recounts. Costs that are not covered by the petitioners are paid for by tax levy dollars.

Sincerely,

Margaret R. Bostelmann
County Clerk



DEVIN LEMAHIEU

STATE SENATOR

Testimony on AB 124 – Fees for Recounts

Chairwoman Bernier and members of the committee, unfortunately Senator LeMahieu is unable to be here to offer his testimony. Thank you all for listening to his prepared testimony on AB 124.

Senator LeMahieu believes this bill strikes the proper balance between guaranteeing access to the recount process and avoiding unnecessary strain on local municipal budgets by ensuring only those recounts with some chance of succeeding are free to the challenger.

Last session a similar bill was introduced to address this problem, but got caught up in the Senate committee because of confusion surrounding the complicated scheme of determining whether and what payment was required for various election results.

The strength of this bill is the simplicity as compared with existing law and past proposals. This proposal collapses the three-tier system into two tiers. The recount is either free, or the challenger must bear the cost, but will receive full reimbursement upon successful challenge of the election results.

The cut-off for a free recount is a margin of .25%, or less than 10 votes if fewer than 4,000 votes are cast.

We looked at one of the largest margins ever overturned which is .12%. This bill more than doubles that to .25% as the margin for when a challenger would be entitled to a free recount. In certain smaller elections, this margin would have resulted in challengers bearing the cost in very close elections. For this reason we set a baseline of 10 votes for elections with fewer than 4,000 votes cast. To summarize:

- *If 4,000 or fewer votes* are cast for the office or referendum question **and** the difference is less than 10 votes, then the recount is **free** to the challenger. If the margin is 10 or greater, than the challenger bears the cost of the recount.
- *If more than 4,000 votes* are cast **and** the difference is less than .25% of the total votes cast, then the recount is **free** to the challenger. If the margin is .25% or greater, the petitioner pays the actual cost of conducting the recount.

In all situations, if the recount overturns the result of the election or referendum the petitioner receives a refund of the recount fees.

Thank you again for your time.

**Testimony of Kevin J. Kennedy
Director and General Counsel
Wisconsin Government Accountability Board**

Assembly Committee on Campaigns and Elections

April 21, 2015

**Room 300 Northeast, State Capitol
Public Hearing**

**Assembly Bill 58
Assembly Bill 79
Assembly Bill 124
Assembly Bill 164**

Chairperson Bernier and Committee Members:

Thank you for the opportunity to comment on the bills before you today. I am appearing here for information purposes and to answer any questions you or Committee members may have. The Government Accountability Board has not taken a position on this legislation.

2015 Assembly Bill 58

In its original form this legislation directed municipal clerks to respond to an absentee ballot request no later than one business day after receiving the request. The substitute amendment reflects changes to provide more practical direction on responding to absentee ballot requests. Instead of a general directive to “respond” municipal clerks are required to send or transmit no later than the statutory deadlines and within one business day of receiving the request. The substitute amendment also provides a clear definition of business day. We appreciate the authors’ willingness to address the practical issues raised in the initial legislation.

2015 Assembly Bill 79

This legislation permits a municipal clerk who is not a candidate on the ballot to assist poll workers with Election Day registration activities. It does not require the governing body to adopt a resolution authorizing the clerk to perform the duties. Municipalities will find this flexibility very helpful when facing last minute staffing changes or a surge in voter turnout.

2015 Assembly Bill 124

This legislation makes significant changes in the calculation of fees for recounts. Wisconsin law does not provide for an automatic recount. It has to be requested. Only a candidate, usually a losing candidate, may request a recount for that particular contest. Any elector who voted in an election may request a recount of a referendum question.

The legislation reduces the threshold for a free recount from one half of one percent (.5%) to one quarter of one percent (.25%). We are not aware of any recount changing the initial outcome when the difference was half that amount (.125%) or more. The legislation also provides that no fee is required in a contest where 4,000 votes or fewer were cast and the difference is less than 10 votes.

The legislation also removes the \$5 per ward partial reimbursement for the petitioner if the difference is greater than the free recount threshold but less than 2%. A petitioner will have to pay a fee equal to the estimated costs for conducting the recount if the difference in the votes exceeds the .25% threshold.

The legislation permits the petitioner to receive a refund of the fee the outcome changes as a result of the recount.

2015 Assembly Bill 164

This legislation was developed at the request of the Wisconsin County Clerks Association. It is designed achieve several goals to improve the administration of elections.

- Create a consistent timeline for adding referenda to the ballot. Under current law, certain referendum could be added 6 weeks prior to the election, while other items are 70 days. This bill creates a uniform 70 day requirement. The 70 day requirement was initiated to ensure compliance with the requirement to have absentee ballots available at least 48 days before a federal election.
- Removes the process for write-in candidates to distribute stickers. Currently electors are permitted to apply stickers for write-in candidates. In recent years stickers have created problems and damage to voting machines. This bill removes the process for stickers. Stickers are very popular with write-in candidates, particularly those with an abundance of consonants in their names. But stickers may not adhere to a ballot and can be a source of mischief at the polling place because of attempts to distribute them to voters or leave them in a voting booth.

- Creates uniform process for school board elections and school board referendum. Under existing law, if a school board election is held in conjunction with a state, county, municipal, or judicial election, the school board election must take place at the same polling place and the municipal election hours apply. This bill would extend that treatment to school board referendum as well.

One question that will arise is how does this apply if there is a state, county, municipal, or judicial election being held that day, but not in that particular municipality? Arguments will be made that the school district can select the polling place. There is also a question of who pays for the cost of conducting the school district election in that case.

Section 5.68 governs allocation of election costs. Section 120.06 (9)(b) sets the parameters under which a school board may select a polling place.

- Modifies the caucus timeline for town or village elective office. Currently, if a town or village does not use nomination papers for elective office, the governing body must hold a caucus sometime between the first Tuesday and last Tuesday in January. This bill provides that January 15 is the last day on which to hold the caucus. The benefit of this proposal is to ensure candidates are set for the Spring election in a timely manner.

- Creates a timeline for write-in candidate registration. Currently, a write-in candidate for office must file a registration statement to have their votes counted, but no deadline is set. To ease election-day processes and allow adequate communication amongst election officials, this bill sets the deadline for filing a registration statement at noon on the Friday immediately preceding the election. In the event that a certified candidate dies or withdraws before the election, all write-in votes will be counted.

The language about a candidate withdrawing is problematic. There is no provision for recognizing a candidate who withdraws. The candidate's name remains on the ballot no matter how they communicate their intention to withdraw. This language should be removed or a provision for withdrawal should be added to be clear under what circumstances a write-in vote would be counted in that contest.

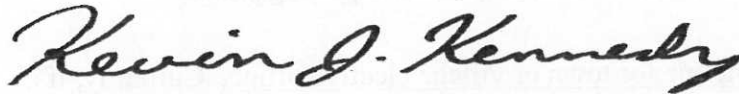
- Removes the requirement that the board of canvassers must reconvene when no provisional or absentee ballots are received. Under current law, if a municipal clerk receives valid provisional or absentee ballots by 4 p.m. on the Friday after

the election, the board of canvassers must reconvene no later than 9 a.m. on the Monday after the election to count the valid provisional and absentee ballots and adjust the election returns. This requirement applies even if no valid ballots are returned. This bill provides that if a clerk certifies that he or she has received no valid ballots between the initial canvas and 4 p.m. on Friday, then the board of canvassers is not required to reconvene.

Conclusion

Thank you for the opportunity to share my thoughts with you. I hope this testimony will help inform the Legislature's consideration of these bills. As always, we are available to answer questions and work with you in developing proposed legislation.

Respectfully submitted,



Kevin J. Kennedy
Director and General Counsel
Wisconsin Government Accountability Board

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WMCA ELECTION COMMUNICATION COMMITTEE

Pertaining to Assembly Committee on Campaigns and Elections

Public Hearing – Tuesday, April 21, 2015

Assembly Bill 58 – responding to a request for an absentee ballot

Assembly Bill 79 – allowing clerks to register voters on Election Day

Assembly Bill 124 – fees for election recounts

Assembly Bill 164 – various election law changes

The WMCA Election Communication Committee would like to submit testimony for the hearing today.

In general the clerks have no issues with the Bills as presented. The Committee submitted testimony to Senate Bill 47 which mirror Assembly Bill 58 in responding to absentee ballot requests. By changing the requirement to complete the request to one business day after receiving the request it makes the process reasonable and practicable to administer while ensuring the absentee request is being responded to and saving unnecessary staffing expenses for municipalities.

One other change we would like to request is that municipalities that close their offices to observe a holiday, i.e. Good Friday, would not be required to be open for absentee voting or processing late arriving absentee and Provisional Ballots. This is a huge expense for municipalities to accommodate a very small number of voters.

Assembly Bill 79 would be of help to many municipalities and would ensure there are well trained individuals to register voters. This would probably be used in smaller municipalities that don't receive a lot of registrations so the clerk would be the most trained and experienced at registering voters. The intent would be to have well trained individuals registering voters on Election Day this change allows that to happen.

Municipalities have been requesting Assembly Bill 124 for some time. Recounts should not be discouraged when the results are very close. But, are very expensive and time consuming when there is little chance the results will change. This Bill will assist municipalities in recovering some of the costs associated with a recount that has a wide spread in the results.

There are several components with Assembly Bill 164 that will clean up some items in Election Administration.

Requiring write-in candidates to file no later than noon on Friday allows Election Administrators to inform their Election Officials for Election Day purposes. Even with modern technology we still have ill effects from receiving last minute information for Election Day. This change will allow time to get these write-in's to the various entities that will be processing the ballots.

The provision that the Board of Canvassers does not have to reconvene if there are no provisional or absentee ballots received by Friday at 4:00pm is another change the clerks have requested. This would be of benefit to the municipalities.

WMCA Election Communication Committee

Diane Hermann-Brown WCPC/CMC/CPM Co-Chair	City of Sun Prairie
Sandi Wesolowski Co-Chair	City of Franklin
Chris Astrella WCMC	City of Watertown
Sandra Boetcher	City of Altoona
Barbara Goeckner WCPC/MMC	Village of Germantown
Melissa Hongisto	Village of Suamico
Carla Ledesma, CMC	City of Wauwatosa
Sara Ludtke WCMC	Town of Middleton
Sue Peck	Village of Marshfield
Brenda Walker	Village of Colton
Maribeth Witzel-Behl WCMC	City of Madison
Nancy Zastrow WCMC/CMC	Village of Pewaukee

State Election Communication Committee

The State Election Communication Committee shall be focused on communicating and serving as a liaison between WMCA members, Government Accountability Board and State Legislators on election related issues. The Committee will have a presence at GAB Board meetings, focus groups, Legislative Hearings and provide input that represents the WMCA membership needs and concerns in general.

The change in the caucus deadlines could have mixed opinions from town clerks, but overall would be of benefit to election administration. Many times ballots are held up countywide because the County Clerk is waiting for one township to hold their caucus. This then puts the county on a tight turn around to get ballots printed for the entire county. Municipalities without a caucus have deadlines for candidates to file their nomination papers by the first Tuesday in January, so providing towns until January 15th is accommodating but still provides a deadline that doesn't adversely affect the rest of the municipalities in that county. The town clerks I talked with didn't have an issue with this change.

The change for filing ordinance or resolution changes would be something again that would affect the timing of printing ballots. It is very difficult to calculate the dates for referendums. This change at a glance seems to streamline the timing with other election deadlines.

Stickers? What is there to say except our machines cost thousands of dollars of tax payer dollars to purchase and maintain. Stickers can really mess them up and cause delays in the voting process on Election Day. Clerks across the state will tell you that stickers should be eliminated.

The more School District election items that we can get to aligned with the rest of election administration items would make it much easier for everyone involved. I don't know if there are any School District that could conduct an election without the assistance of the Municipal and County Clerk. So the more items we can get that align with the rest of our duties, requirements and responsibilities would make it much easier for everyone involved.

Election Administration can be very confusing, time consuming, and expensive but all voters should be able to exercise their right to vote. These proposed Bill help to ensure that every ballot is counted and assists the municipalities with election administration. Please let us know if you have any questions or need additional information.

Diane Hermann-Brown WCPC/CMC/CPM
Co-Chair City of Sun Prairie



COUNTY OF MANITOWOC

COUNTY CLERK

1010 South 8th St., Ste. 115
Manitowoc, WI 54220

Jamie J. Aulik
Manitowoc County Clerk

Telephone: (920) 683-4004
Email: jamieaulik@co.manitowoc.wi.us

Date: April 21, 2015

To: Members of the Assembly Committee on Campaigns and Elections

From: Jamie J. Aulik, Manitowoc County Clerk

Re: Testimony supporting AB-164, AB-58, AB-79, and AB-124

Dear members of the Senate Committee on Elections and Local Government:

As a local government official charged with carrying out election laws, I am frequently faced with an amalgamation of confusing, conflicting, and sometimes unworkable statutes. Ensuring that election laws make sense is in the interest of voters, election officials, and the election administration system as a whole. A number of bills at today's hearing bring a good dose of common sense reform to our election administration system, and I wanted to ask for your support for the following items:

Assembly Bill 164

Relating to: various election law changes

- 1) ***Create a consistent timeline for adding referenda to the ballot.*** Under current law, certain referendum could be added 6 weeks prior to the election, while other items are 70 days. This bill creates a uniform 70 day requirement.
 - a. There are some good reasons to have exceptions, but there isn't a compelling reason to have a shorter timeline for direct petitions. If anything, because of the review period for petitions, they should have a longer timeframe than referenda involving units of governments passing resolutions to set a referendum date.
 - b. Six weeks is an extremely short timeline to program voting equipment, prepare ballots, and print and distribute them in time for absentee voting.
 - c. Example: Stoughton referendum.
- 2) ***Removes the process for write-in candidates to distribute stickers.*** Currently electors are permitted to apply stickers for write-in candidates. In recent years stickers have created problems and damage to voting machines. This bill removes the process for stickers.
 - a. Example: Assembly District 2, City of Two Rivers – November 2006
 - b. A prohibition on stickers would be preferred, but it's unenforceable.
- 3) ***Creates uniform process to consolidate poll locations for school board elections and school board referendum.*** Under existing law, if a school board election is not held in conjunction with a state, county, municipal, or judicial election, under certain conditions, the school board can opt to close poll locations. This bill would extend that treatment to school board referendum as well.

- a. Some school district attorneys have refused to allow poll locations to consolidate because “referendum” does not appear in this section of statute.
- 4) **Modifies the caucus timeline for town or village elective office.** Currently, if a town or village does not use nomination papers for elective office, the governing body must hold a caucus sometime between the first Tuesday and last Tuesday in January. This bill provides that January 15 is the last day on which to hold the caucus.
 - a. I discussed this change with a few municipal clerks with leadership positions in WMCA, and they understood the constraints and deadlines that we are under, and they didn’t foresee an issue with the shift.
 - b. I also discussed the change with the county clerk who recommended its inclusion, and he didn’t want the bill held up on this issue.
- 5) **Creates a timeline for write-in candidate registration.** Currently, a write-in candidate for office must file a registration statement to have their votes counted, but no deadline is set. To ease election-day processes and allow adequate communication amongst election officials, this bill sets the deadline for filing a registration statement at noon on the Friday immediately preceding the election. In the event that a certified candidate dies or withdraws before the election, all write-in votes will be counted.
 - a. Example: Fond du Lac – Tuesday, April 7, 2015 (Election Day) 2:45 p.m., Multi-Jurisdictional Judge filed to be a registered write-in
 - b. Example: Received email from G.A.B. at 5:38 p.m. on Monday, November 3, 2014 regarding a registered write-in for Governor
- 6) **Removes the requirement that the board of canvassers must reconvene when no provisional or absentee ballots are received.** Under current law, if a municipal clerk receives valid provisional or absentee ballots by 4 p.m. on the Friday after the election, the board of canvassers must reconvene no later than 9 a.m. on the Monday after the election to count the valid provisional and absentee ballots and adjust the election returns. This requirement applies even if no valid ballots are returned. This bill provides that if a clerk certifies that he or she has received no valid ballots between the initial canvas and 4 p.m. on Friday, then the board of canvassers is not required to reconvene.
 - a. Eliminates having to haul in canvassers between 4 p.m. Friday and 9 a.m. Monday **to count nothing!**

Assembly Bill 124

Relating to: fees for election recounts

For local governments, recounts are usually unbudgeted items. I support this bill because it simplifies the fee structure while discouraging the sometimes frivolous recount requests that clerks sometimes encounter (e.g. recounts where there is a very wide margin between the winning and losing candidates, but the losing candidate doesn’t trust the voting equipment, or the election officials, or both. In other words, they just *can’t* believe that they lost.). This bill also accounts for a loophole in the current recount fee structure where it is virtually impossible for election officials to recoup costs when less than 1,000 votes are being recounted.

Thank you again for your consideration, and I respectfully ask your support for these common

sense reforms to our election administration system.

Assembly Bill 58

Relating to: responding to a request for an absentee ballot

Since a law change in the last legislative session, in-person absentee voting has not been conducted on weekends or holidays, so it makes too much sense to give our municipal clerks a break from having to deal with by-mail absentee voting on the same days. In Manitowoc County, all of our town clerks and half of our village clerks are part time, so please support these dedicated public servants by giving them a breather and allowing them to spend some time with their families during an otherwise very busy time preceding each election.

Assembly Bill 79

Relating to: allowing municipal clerks to register voters on Election Day

Under current law, Municipal Clerks are authorized to register voters every day of the year except the three days preceding each election, and Election Day. On the three days preceding each election, it makes sense for them to take a break because they are busy preparing for Election Day. But having a barrier on Election Day makes absolutely no sense. Municipal Clerks are Wisconsin's voter registration experts, and in order to ensure that voter registration laws are followed and quality voter registration forms are produced, we need encourage them to register voters as much as possible.

Cost savings to local government will also result. A salaried municipal clerk could substitute for an hourly poll worker on Election Day, thereby saving the cost of a paid position. Also, correcting errors on voter registration applications can be time consuming and costly; where entering a correct voter registration form into the Statewide Voter Registration System takes only a couple of minutes, incorrect forms can sometimes take up to an hour or longer because the voter has to be contacted and the information needs to be tracked down and corrected.

Thank you for your consideration. If you have any questions whatsoever, do not hesitate to ask.

COUNTY CLERK

Brown County

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Assembly
Public Hearing
Committee on Campaigns and Elections
Tuesday, April 21, 2015
10:00 a.m.

AB-124
Fees for election recounts

I support this bill amending the current law concerning fees for election recounts. A close vote determining the outcome a contest on the ballot causes one to question whether the results are accurate. Therefore, recounts are necessary to verify the contest totals and certify the results.

However, what constitutes a close vote? Various arguments can be made for a number of reasons. Is there a difference of 10 or 100 votes? At recounts our canvassers have found that changes in vote totals can depend on the election tabulation equipment used, processes followed, and problems occurring at the polling location.

Electronic tabulation equipment has over a 99% accuracy rate. Typically, problems are found when an elector doesn't follow the instructions on the ballot. In some cases votes can be lost or gained. During a recount the canvassers manually reviewing the ballots can determine the voter intent and this is a more accurate way to tally votes.

Candidates who meet the proposed recount requirements should be allowed to have a recount. Municipalities and counties should have the opportunity to be compensated fairly for the cost of conducting recounts. Therefore, I support this proposal which satisfies both.

I appreciate you allowing me to comment and ask for your support in passing AB-124.

Thank you,



Sandy Juno
Brown County Clerk

To: Assembly Committee on Campaigns and Elections

Date: April 21, 2015

From: Paul Malischke, malischke@yahoo.com

AB-124, concerning fees for election recounts, represents a drastic cost shifting and should be substantially amended. AB-124 would change by a factor of 8 the margin for which the candidate pays all costs, from 2% to 0.25%. In my opinion, the net effect may be to drastically reduce the number of recounts, as candidates will have difficulty paying the cost. Especially in local elections such as county board or alderperson, the candidate might not have the funds to pay the expenses. For a referendum, there may not be a formal committee that would be able to pay.

Recounts have tremendous value as an audit of our election process. A recount is a unique platform for checking many aspects of an election, such as:

Were the voted ballots properly secured? Were absentee ballots processed correctly, or were some improperly rejected or accepted? Were the ballots being counted correctly by the tabulators? Was all required information being properly recorded in the poll books? Recent recounts have exposed many problems that are not checked during the routine Board of Canvassers meetings.

There is a major flaw in current law when less than 1,000 votes are cast. No matter how large the margin, the petitioner only pays a maximum of \$5 per ward. See statute 9.01 (1) (ag) 1m and 9.01 (1) (ag) 2. Probably this flaw has been responsible for many past inappropriate recounts. If you fix this flaw, inappropriate recounts will be reduced.

Instead of AB-124, consider a moderate change in the law as in the table below. The moderate change I propose is described in the right-most column in the table below. This moderate proposal has three tiers, as does current law. Compared to current law, it divides the margins for the tiers by two, and raises the middle tier cost to \$25 per ward.

How much does a candidate pay for a recount?

Moderate Proposal

Margin	Current law > 1000 total ballots	AB-124 >4000 total ballots	Moderate Proposal > 1000 total ballots
< 0.25%	No cost to candidate	No cost to candidate	No cost to candidate
0.25% to 0.5 %	No cost to candidate	All costs borne by candidate	\$25 per ward
0.5% to 1%	\$5 per ward	All costs borne by candidate	\$25 per ward
1% to 2%	\$5 per ward	All costs borne by candidate	All costs borne by candidate
> 2%	All costs borne by candidate	All costs borne by candidate	All costs borne by candidate

A moderate proposal when total ballots are less than or equal to 1,000: margin <10 ballots, no cost to candidate; margin 10 to 25 ballots, \$25 per ward; margin >25 ballots, all costs borne by candidate.

This moderate proposal will be cost-effective for validating election results, and at the same time, keeps recounts within reach for candidates and referendum voters.