

*Note: Permission to publish has been granted by [Blackboxvoting.org](http://Blackboxvoting.org) Wisconsin State spreadsheet missing 400,00 votes download here:*

*<http://www.bbvforums.org/forums/messages/8/81631.html>*

**by Bev Harris**

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I've been buried in e-mails, phone calls and urgent cries for help regarding the strange saga of the Wisconsin Spring 2011 Supreme Court race. Early results separated David T. Prosser Jr. from Joanne Kloppenburg by just a hair, in a controversial high profile race characterized by polarized commentary on both right and left. Then the surprise late entry of 14,326 Brookfield votes tipped the race to Prosser and out of reach of a recount. Barely.

If the late Brookfield votes just coincidentally blocked a state-paid recount, scrutiny is appropriate. I wanted to know the exact number of votes needed for that magic recount number.

I downloaded the detailed election results spreadsheet from the state of Wisconsin's Government Accountability Board (GAB) Website. The spread sheet is time-stamped Friday, April 08, 2011 4:11:14 PM, nearly 24 hours after the Brookfield votes came in.

Download spreadsheet [here](#).

## **WISCONSIN'S WANDERING TALLIES**

The latest state spreadsheet as of this writing doesn't show the candidates separated by a dead heat. It doesn't show them separated by a smidgen over the 7,500 votes reported to be needed to block a recount. And it doesn't show the magic recount number as 7,500 votes.

The Friday Wisconsin results, still unofficial because the election hasn't been certified yet, show a total of 1,103,826 votes, with 566,130 for Prosser and 536,923 for Kloppenburg (and 773 random scattered votes).

In this spreadsheet, which contains detailed results by municipality and includes the late-breaking Brookfield votes, the spread is 29,207 for Prosser and the magic number for a recount would be only 5,519.

That's because AFTER Brookfield came into the state, there were (and are, as of this writing) still 400,000 votes missing from the state data.

## **WHEN DID BROOKFIELD COMMIT TO THE DATA?**

When the story about Brookfield first broke, my very first question was: What about the municipal results? Do you mean to tell me those candidates were so incurious that they never asked for their results? Of course, it turns out, those results HAD been posted in Brookfield, as had the Brookfield supreme court race results, just after midnight on Election Night.

There was no variance between the results posted at the municipality of Brookfield and the late-reported results.

Could the late-reported results have been a ploy? In other words, was someone waiting to see what they needed, so they could tack a few hundred on to Brookfield votes to hit the magic block-a-recount number?

There was no variance between the results committed to on Election Night and the late results sent to the state.

### **DID THE WAUKESHA COUNTY CLERK MAKE UP THE NUMBERS?**

But maybe the county clerk had her way with the results on that murky uncertified private computer she was using?

Poll workers in Wisconsin do reconciliations. You can't have thousands of ballots appear out of thin air on a county computer without those same ballot quantities being signed off on by poll workers days earlier at, in the case of Brookfield, 24 different locations all featuring different personnel.

I recommended to the locals to get copies of the poll worker reconciliations for Brookfield's 24 wards, along with copies of the voting machine tapes.

The Kloppenburg campaign already did just that. According to the Milwaukee Journal-Sentinel, "Saturday, Kloppenburg campaign volunteers combed through Waukesha County voting records made available by Nickolaus. By 5 p.m. they had completed the process of comparing data from poll books to tape from voting machines."

The article doesn't say if there are discrepancies; if so, those will surface. I don't expect fireworks.

### **DOES THIS SOG DOWN THE BLOGS?**

Not necessarily.

Here's the next twist: The Journal-Sentinel reports in a story posted Sunday April 10 at 1:00 a.m., "Prosser ahead by 6,744 votes out of nearly 1.5 million cast."

The newspaper is reporting roughly 400,000 more votes than the state has posted, and this is AFTER the Brookfield votes were posted. So what's missing on the state spreadsheet? By 4:14

p.m. Friday the state had not reported about 30 wards from the city of Madison, much of Fon du Lac, and several Oshkosh wards.

A copy of the spreadsheet is posted at the link at top of this email.

## **WISCONSIN AND FREEDOM OF INFORMATION**

Several questions remain, but access to the original source documents will produce most of it. Wisconsin conceals the vote-counting and chain of custody from the public, using electronic machines with no way for the public to compare input to output. By the time any recount would be done, ballots have been moved out of public view, toasting the chain of custody.

But Wisconsin does have many good procedures and good public records practices. In fact, Wisconsin had the first Freedom of Information law in America, passing it in 1848. (The first Freedom of Information laws in the world were passed in Sweden in 1766.)

In my opinion, the Wisconsin Supreme Court race probably won't ultimately come down to something that happened in Brookfield, but it may very well still come to a recount.

## **WHAT TO LOOK AT NEXT**

I'd be looking very carefully at the absentee votes, and at the poll worker reconciliation forms, and at the timing when each municipality and county first publicly committed to ward-level results. I'm interested -- at least in Brookfield -- in what caused an apparent last-minute surge in votes that looks impossible. I do have a theory on that which I'll keep off-grid for now. I expect that apparent anomaly to have a legitimate explanation, but I want to corroboration for my theory.

## **SO NOTHING WAS NEFARIOUS?**

I'd like to quote an excellent letter by election law scholar Paul Lehto, in regard to Nate Silver's editorial in the New York Times. Lehto nails it:

"A major reason (besides being apologists) why people can "see nothing nefarious" in election results is that it is so difficult to see anything whatsoever...

"Remember it is secret black box voting boxes we are talking about. Data is extremely hard to come up, except for the conclusory election results numbers that pop out of the black boxes ...he [Nate Silver] 'sees nothing nefarious' because he can see so very little (much like the rest of us) because of the very nature of the voting system.

"What is decisive in terms of where people come down on this issue is their underlying attitude toward things they can't see or investigate.

"If it is one of trust, they will find some small ledge of data to support the entire election because

it is really trust they operate on. If it, instead, is an underlying attitude of accountability, then circumstances like Waukesha are concerning at least ... who can rationally be in favor of unaccountable government or unaccountable elections?

"...those who implicitly advocate "trust and confidence" in elections have put the cart before the horse: trust and confidence is a state of mind that should only be earned and must be re-earned with each election, and only after investigation reveals that all necessary checks and balances were in place in a properly designed voting system and that the checks and balances, including transparent observability and others, worked as they were intended to work.

"..But we can't have confidence right now just a few days after an election when we are missing so much information from Wisconsin, and much of what we do know stinks or is suggestive of mistakes and fraud. But Nate Silver simply, and erroneously, takes an entirely different approach that ignores accountability and instead looks for a silver lining of the "numbers jibing" and the like upon which to attach his presumed and pre-existing trust and confidence."

Good stuff, Paul Lehto. In other words, we should not be urging the public to trust what the public cannot see and authenticate. We have a structural problem with US election procedures, and instead of focusing on politics, we should be working together to restore the public ability to see what's going on.

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Government is the servant of the people, and not the master of them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. We insist on remaining informed so that we may retain control over the instruments of government we have created.

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