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February 16, 2022

VIA EMAIL

Wisconsin Elections Commission
212 E. Washington Street
3rd Floor
Madison, WI 53703

Dear Elections Commission,

Please find below, a timeline of events from yesterday's Spring Primary. If you have questions, please contact me with the information after my signature line. The City of Green Bay's Clerk's Office is tendering this correspondence to provide an accurate summary of events that took place and the decisions made in connection with the primary election conducted in the City of Green Bay on February 15, 2022.

As you may be aware, the Green Bay Municipal Code ("GBMC") establishes a Municipal Board of Absentee Ballot Canvassers ("Central Count"). Notice of Central Count was posted on the doors of City Hall and on the City's website on February 10, 2022, in accordance with GBMC § 2-290 and Wis. Stats. § 7.52(1)(a). That statute provides that a board of canvassers shall publicly convene to count the absentee ballots at any time after the opening of the polls and before 10 pm.

The City's Central Count convened at approximately 7:00 a.m. and canvassers began counting absentee ballots shortly thereafter. At that time there was one observer present to witness and observe the canvassing.

At approximately 11:21 a.m., I was made aware that the Central Count notice contained a typo indicating that the Central Count would begin at 4:00 p.m., instead of 7:00 am. Accordingly, the canvassers paused the absentee ballot counting at this time, while I consulted with the Law Department and the Wisconsin Elections Commission (WEC).

After conferring with the Law Department, I reached out to the WEC, who indicated that the WEC didn't have the authority to direct the clerk on this issue. The decision to resume counting was up to the clerk's discretion, in consultation with legal counsel. Pursuant to this information, and given the fact that election observers had been present at Central Count since absentee ballot counting began shortly after the polls opened, I exercised my discretion to permit the counting of absentee ballots to resume at around 12:24 p.m.

At approximately 2:30 p.m., my office received a “cease and desist” letter from the Wisconsin Republican Party challenging the counting of absentee ballots prior to the 4:00 p.m. time stated on the Notice of Central Count. In order to avoid any further confusion, I decided to voluntarily suspend the count again and wait to resume until 4:00 p.m. Counting resumed at that time and continued until 9:30 p.m.

All counting of ballots occurred only during the times prescribed by statute, and election observers were present through the process as evidenced by the attached Election Observer Log. The first observer arrived shortly after Central Count opened and remained there throughout the day. Additional observers arrived at midday and at approximately 2:00 p.m. At the time that I suspended the count around 2:30 p.m., three additional observers were present. At 4:00 p.m., when the count resumed, six more observers had arrived as well. At all times, Central Count and the counting of absentee ballots was open, accessible, and actively observed by the public.

Finally, it was also brought to my attention that the notice indicated that, on election day, absentee ballots can be turned into Central Count. Historically, Central Count has been administered in the City Clerk’s office, and the Clerk is to receipt such absentee ballots on election day. For the election on February 15, 2022, Central Count was still located within City Hall, though it was on the 4th floor instead of in the Clerk’s office. However, any absentee ballots brought in by electors on election day were received personally by myself as the Clerk and recorded accordingly in the Clerk’s office in compliance with the state statutes. In an effort to avoid any further confusion with respect to returning absentee ballots, however, I voluntarily amended the notice on the City’s website to make it abundantly clear that only the Clerk’s Office was receipting absentee ballots.

Counting of absentee ballots concluded at approximately 9:30 p.m., at which time Central Count was closed.

Thank you in advance for your time and attention.

Regards,

Celestine Jeffreys, Clerk
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