

Elections Commission: State canvass of the presidential contest and determination of the results of the recount

Posted on Monday, Nov 30, 2020

November 30, 3:30 p.m. <https://elections.wi.gov/node/6626>

The Wisconsin Elections Commission has received the certified results of the recount from both Dane and Milwaukee County. This includes the minutes and the explanations of any changes. Staff is currently working on canvassing the information that was submitted.

Monday at 3:30 p.m. the Commission Chair will be conducting the state canvass and determination of the recount. Wisconsin Statute Sections 7.70(3)(a) and (b) outline the process for the state canvass and the determination of results of the election by the Chair of the Commission §§7.70(3)(a) and (b) state that the Chair's determination of the results must be completed no later than December 1.

Wis. Stat. §9.01(6), which pertains specifically to recounts, further states: "Within 5 business days after completion of the recount determination by the board of canvassers in all counties concerned, or within 5 business days after completion of the recount determination by the commission chairperson or the chairperson's designee whenever a determination is made by the chairperson or designee, any candidate, or any elector when for a referendum, aggrieved by the recount may appeal to circuit court."

This means that the Chair must determine the outcome of the election and a determination of the recount as soon as possible so that parties to a recount are then allowed up to 5 business days to file an appeal of the Chair's determination in circuit court. Without a determination of the recount there is not yet a record for the parties to appeal.