

Wisconsin Elections Commission

State of Wisconsin

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WEC Chair to Canvass Presidential Election Results Today

Madison, WI – Chairperson Ann Jacobs of the Wisconsin Elections Commission will canvass results of the presidential election and sign the determination today at 3:30 p.m., including results from the recounts in Dane and Milwaukee counties.

The Chair is not certifying the presidential race today, said Meagan Wolfe, administrator of the WEC and Wisconsin’s chief election official. “This is a very different process than for the other contests on the November 3 ballot where the WEC Chair does determine the winner and issues certificates of election. There is no certificate of election in a presidential contest,” Wolfe said.

In other contests that were on Wisconsin’s November 3 ballot, including Congress, state Senate, and state Assembly, the Chair does canvass the results and then issues a certificate of election. That is not the case in a presidential election. The law requires that the Chair determine the result, or the numbers, of the recount and the contest based on the certified result statements submitted by each of the 72 counties. This determination is what can be appealed. If there is not a determination, then parties to a recount do not have anything to appeal.

Today, Chair Jacobs will make a “determination of the recount and the presidential contest” which allows President Trump's campaign to exercise the five-day recount appeal rights afforded to it under Wis. Stat. 9.01(6) if the campaign believes the determination inaccurately reflects the election outcome.

As part of today’s determination, a copy of the canvass determination for president and a statement of ascertainment will be sent to the Governor’s office. The Governor then decides whether to sign off on the slate of presidential electors. The Chair does not sign the ascertainment and only makes the determination of the canvass. Wolfe said that the determination or the statement of ascertainment can be modified if ordered by a court upon appeal.

On Tuesday, during the regularly-scheduled Commission meeting, the Chair will certify the other contests, which will result in the issuance of certificates of election to the winners, because there is no recount in those contests and therefore no appeal time period.

Wolfe also noted that this is the exact process followed for the 2016 presidential election where the determination was made and the statement of ascertainment sent immediately after the conclusion of the recount. The Chairperson of the Commission, or their designee, has always signed the determination and certificates of election, as is outlined under state law. This has

been the process followed under the leadership of both Democratic and Republican Chairs of the Commission. The full Commission has never voted on the canvass, determination, certification or the preparation or issuance of certificates. This is the process that has been used for more than 20 elections under the bipartisan Wisconsin Elections Commission. Here is the current timeline for certification of the election:

Monday, November 30, 2020 – State Canvass of the Presidential Contest and Determination of the Results of the Recount. At 3:30 p.m. the Chairperson of the WEC will review the results and sign a canvass statement that determines the result of the election conducted on Tuesday, November 3, 2020, for the Office of President of the United States which includes the recount in Dane and Milwaukee counties.

Tuesday, December 1, 2020 – The deadline under Wisconsin law for the Chairperson of the WEC to certify results from the General Election that were not subject to a recount. The Chairperson of the WEC will certify results for all other state elections during the WEC's regular meeting.

Monday, December 14, 2020 – Presidential Electors meeting. At noon, presidential electors for the winning candidate will meet at the State Capitol to cast their votes for president.

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The Wisconsin Elections Commission is responsible for administration and enforcement of election laws in Wisconsin. The Commission is made up of six Commissioners – four appointed directly by the State Senate Majority Leader, Speaker of the Assembly and the Minority Leaders in the State Senate and Assembly. The remaining two Commissioners are by the Governor with confirmation by the State Senate from lists of former municipal and county clerks submitted by the legislative leadership in each party.