

were never given that information. This was a situation where the process ignored the purpose of the action.

It must be noted and emphasized that despite this oversight, there is no reason to conclude that any carrier envelopes were tampered with in any fashion. Rather, it is to highlight the fact that while properly affixing the seals as required, there was apparently no understanding of why this procedure was undertaken and how those seals were to be used as a security measure.

Furthermore, the WisVote system had a report function that allowed the City Clerk to run a report for each ward that would give the exact number of absentee ballots returned. This report could have been run on the morning of the election, with the total number absentee ballots for each ward given to each poll site via the communication app used between the City Clerk's office and the chief inspectors. This did not occur, nor were chief inspectors trained on how to access this report, even if the City Clerk did send it.

The decision to print the pollbook three weeks before the election contributed to this situation as well. Many voters choose to vote in-person absentee closer to Election Day. Thus, the pollbooks had a mishmash of highlights representing hundreds of ballots rather than an orderly list of ballots, with a few highlights of late-arriving ballots.

The Two Absentee Ballot Bags Were Likely Never Delivered To The Poll Sites

There is no evidence to support the City's assertion that the two sealed Courier Bags of uncounted absentee ballots were ever delivered to the respective wards. An alternative and more plausible explanation is that through an oversight, absentee ballots for both wards were not delivered to their respective polling places only to be discovered later and inserted in the Red Security Cart in Ward 65 and the Supply Tote in Ward 56.

While it is conceivable the election inspectors at Ward 65 missed the bag of uncounted ballots at that polling place, the more likely explanation is that, through inadvertence, the bag of uncounted ballots was never delivered to the Ward 65 polling place. The chief inspector at ward 65 was confident that a second sealed bag of uncounted ballots was not present in his supply cart. He was an experienced chief inspector who provided great detail as to his activities on Election Day, and we found his testimony to be very credible on this topic.

As for Ward 56, it is not plausible the bag of 125 uncounted ballots still in their envelopes, sealed in a green Courier Bag, was at the top of the Supply Tote from Ward 56 when the Ward 56 chief inspector retrieved the bag of personal items a few days after the election. She was a chief inspector who would have immediately recognized the importance of a green Courier Bag with ballots being in the top of her supply tote. Her testimony about how she retrieved her personal item, and that she did not see such a bag was credible and logical. Therefore, it is likely the green Courier Bag was added to the tote at some point after the chief inspector retrieved her personal item bag in the days after the election.

The City Clerk Failed to Take Any Actions Regarding the Found Ballots

The lack of action by the City Clerk with regard to the found ballots is astonishing. She demonstrated no urgency, let alone interest, in including those votes in the election tally. At the time the Ward 65 ballots were found, the county canvass was continuing, and those ballots could

have easily been counted. That would have required the City Clerk to take the urgent action that the situation demanded. Instead, she went on vacation and, per her testimony, never inquired about them again until mid-December.

As for the Ward 56 ballots, the City Clerk's office was aware of the existence of the sealed ballot bag prior to the certification of the Election by the Wisconsin Elections Commission on December 1, 2024. However no urgent action was taken to confirm either the existence of those ballots, or to notify the Commission of the matter such that direction could be given as to how to address them prior to state certification.

This inaction was not limited to the City Clerk herself. The staff of the City Clerk's office failed to take any action regarding those ballots. The Deputy Clerk, whose job it was to act in the place of the City Clerk during her absence, said that his post-election involvement was "minimal," and he did not think it was his job to do anything about the ballots. However, he did not attempt to speak to the City Clerk about the matter. There was nobody who took responsibility for these ballots. It was always someone else's job.

Of concern, the testimony of the various actors in the Clerk's office provided evidence that contradicted many of the findings by the City of Madison's report on this entire series of events. A copy of that report is included as **Appendix D**. Contrary to the assertion in the City's findings that on November 12 the City Clerk instructed a reconciliation team member to reconcile ballot numbers that were off, this did not occur. That team member first became aware of uncounted ballots on November 26.

Contrary to the City's assertion, there is no evidence that any employee of the City Clerk's office informed the County Clerk's office about the uncounted ballots for Ward 65.

Contrary to assertions by the City, there is no evidence the County Clerk has ever informed the City Clerk to disregard any ballot—absentee or otherwise—that was improperly rejected by an election official. The City may have been referring to an event in the Spring of 2024 when the City accepted absentee ballots that had been delivered to the polling place after the polls had closed. These ballots were accepted by the City's Board of Canvassers but rejected by the County's Board of Assessors because they were improperly accepted. This event appears to have been relayed by the City Clerk to her staff to claim that the County Board of Canvassers would never accept late ballots, thus excusing her lack of action, a conclusion that was wholly incorrect.

Rather than acknowledge these significant errors, the City Clerk and her staff either ignored the issue or willfully refused to inform the necessary parties and seek assistance. These actions resulted in nearly 200 lawful voters' votes going uncounted – an unconscionable result. This profound failure undermines public confidence in elections. It is essential that every voter knows their properly-cast ballot will be counted.

Conclusion

The failure to count the 193 ballots in Madison was a result of a confluence of errors. First, Madison did not have in place any procedures that would track the number of absentee ballots going to a polling place. This very basic information would have alerted the chief inspectors at