



Wisconsin Elections Commission

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Wisconsin Elections Commission

Regular Meeting

Board Room

Madison, Wisconsin

10:00 a.m. September 24, 2019

Open Session Minutes

Present: Commissioner Dean Knudson, Commissioner Marge Bostelmann, Commissioner Julie Glancey, Commissioner Ann Jacobs, and Commissioner Mark Thomsen

Absent: Commissioner Jodi Jensen

Staff present: Meagan Wolfe, Richard Rydecki, Michael Haas, Robert Kehoe, Sharrie Hauge, Reid Magney, Nathan Judnic, Tony Bridges, Robert Williams, Cody Davies, Jodi Kitts, Connie Shehan, Riley Willman and Diane Lowe

A. Call to Order

Commission Chair Dean Knudson called the meeting to order at 10:00 a.m. and called the roll. All Commissioners except Jensen were present. He noted that Commissioner Jensen's husband, Eric Peterson, died the past week and offered thoughts and prayers for comfort and peace for her family.

B. Administrator's Report of Appropriate Meeting Notice

Administrator Meagan Wolfe informed the Commissioners that proper notice was given for the meeting.

C. Personal Appearances

Paul Malischke of Madison appeared on his own behalf to suggest changes to the new voter registration form that staff is developing. He also offered comments concerning the ES&S ExpressVote Tabulator being considered for certification by the Commission.

Barbara Beckert of Milwaukee appeared on behalf of Disability Rights Wisconsin to comment on access needs of voters with disabilities and offer to partner with WEC on poll worker training.

Eileen Newcomer of Janesville appeared on behalf of the League of Women Voters of Wisconsin to comment on improvements to the voter registration form.

Wisconsin Elections Commissioners

Dean Knudson, chair | Marge Bostelmann | Julie M. Glancey | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

Karen McKim of Waunakee appeared on behalf of Wisconsin Election Integrity to urge Commissioners to take voting equipment security as seriously as they do security for the statewide voter registration system, and to improve audits.

Julie Crego of Middleton appeared on her own behalf to encourage the Commission to improve audits and to make use of cybersecurity experts.

Rebecca Alwin of Middleton appeared on her own behalf to express concerns about the use of barcodes on ballots and encourage the use of risk-limiting audits.

Janie Riebe of McFarland appeared on her own behalf to express concerns about election security and the use of barcodes on ballots.

Christine McDonough of Sun Prairie appeared on her own behalf to advocate for the use of hand-marked, hand-counted paper ballots as well as risk-limiting audits.

Jo Garrett of Madison submitted written comment opposing the use of voting equipment that employs barcodes.

D. Minutes of Previous Meetings

1. June 11, 2019

MOTION: Approve the minutes of the June 11, 2019 Wisconsin Elections Commission meeting. Moved by Commissioner Glancey, seconded by Commissioner Thomsen. Motion carried unanimously.

2. August 13, 2019

MOTION: Approve the minutes of the August 13, 2019 Wisconsin Elections Commission meeting. Moved by Commissioner Thomsen, seconded by Commissioner Glancey. Motion carried unanimously.

E. Election Security

1. Managed Hardware and Proposed Sub Grant

Technology and Training Director Robert Kehoe and Security Lead Tony Bridges gave a presentation based on a memorandum contained in the supplemental materials for the September 24 Commission meeting regarding an updated proposal for a subgrant program, rather than managed hardware program. At the August 2019 meeting, commissioners approved a limited program to provide loaner computers to clerks in immediate need. Commissioners also asked staff to explore a rental program, which evolved into a proposal for a two-tiered grant program. The first tier would be to help municipalities in need achieve baseline standards, while the second tier would provide additional security funding to municipalities and counties that had already achieved baseline standards.

Administrator Wolfe also discussed the issue of seeking authority to create an additional election security position and reported that the Department of Administration had advised staff not to pursue it until they are sure it is needed.

Commissioners and staff discussed the subgrant proposal in detail as well as the intended audience, including the hundreds of small municipalities that do not use WisVote. They also discussed providing funding for extended IT support services to clerks and reimbursement for attending cyber security training.

Commissioner Bostelmann was excused from the meeting at 11:41 a.m. and rejoined the meeting at 11:52 a.m.

Commissioners and staff discussed focusing on the first tier of the grant proposal initially and gathering more information about what other needs clerks have for a possible second tier of grant funding.

MOTION: Direct staff to announce and initiate the HAVA security subgrant program to local election officials as described in the recommendations contained in the staff memorandum. The Commission authorizes WEC staff to announce the grant, accept applications, and issue subgrant funds to municipal and county election officials by November 29, 2020. The total amount of subgrant funds distributed is not to exceed \$1.1 million. WEC staff will report to the Commission on the status of the grant and plans for any remaining funds or overages at the December 2, 2019 meeting of the Commission. Additionally, at the time of the announcement, staff will solicit and circulate Tier 2 options as a survey regarding future grants or use of funds by non-Tier 1 entities. WEC staff will report on the status the week after November 15. Priority will be given to municipalities in the 7th Congressional District due to the special election.

Moved by Commissioner Knudson, seconded by Commissioner Thomsen.

Roll call vote:	Bostelmann	Aye	Glancey:	Aye
	Jacobs:	Aye	Knudson:	Aye
	Thomsen:	Aye		

Motion carried unanimously.

Chair Knudson suggested the Commission break for lunch and take up closed session items at that time.

M. Closed Session

(This item was taken out of agenda order.)

MOTION: Move to closed session pursuant to Wis. Stat. 19.85(1)(g) to confer with counsel concerning litigation strategy and Wis. Stat. 19.851 to discuss possible violations of election law. Moved by Commissioner Thomsen, seconded by Commissioner Jacobs.

Roll call vote: Bostelmann	Aye	Glancey:	Aye
Jacobs:	Aye	Knudson:	Aye
Thomsen:	Aye		

Motion carried unanimously. The Commission went into closed session at 12:24 p.m. and returned to open session at 1:01 p.m.

E. Election Security (continued)

Mr. Bridges discussed staff's recommendations for using endpoint testing in conjunction with the WisVote system and to use it to deny access to users' devices that do not comply with requirements such as a current operating system and up-to-date antivirus protection.

MOTION: Authorize WEC staff to implement endpoint testing software into the WisVote system and to utilize the gatekeeping features of the system to deny system access to non-compliant devices by January 28, 2020. Moved by Commissioner Jacobs, seconded by Commissioner Bostelmann. Motion carried unanimously.

2. Public Outreach Initiative

Public Information Officer Reid Magney made a presentation based on a memorandum starting on page 13 of the September 24 Commission meeting materials regarding research being conducted as part of the election security public outreach initiative. KW2, the WEC's communications consultant, interviewed several local election officials regarding concerns about election security they hear from voters as KW2 prepares to conduct a quantitative, statewide public opinion survey and qualitative focus groups on the subject. He also discussed progress in the development of a communications toolkit for local election officials to help them respond to public and media inquiries about election security issues. KW2 will present results of its research at the Commission's meeting in December.

The presentation was for information only, and the Commission took no action.

3. Election Security Overview and Updated Plan

Administrator Wolfe gave a brief presentation based on a memorandum starting on page 15 of the September 24 Commission meeting materials regarding staff's election security activities, including training. She noted that almost 1,500 local election officials have now participated in election security tabletop exercises.

F. ERIC Update

WisVote Elections Specialists Jodi Kitts and Connie Shehan gave a presentation based on a memorandum starting on page 20 of the September 24 Commission meeting materials regarding updates on the 2019 Movers List maintenance, Voter Participation data analysis, upcoming mailing processes and other initiatives.

Commissioners and staff discussed standards for making referrals to district attorneys for prosecutions in the event duplicate voting is discovered in the voter participation data analysis. They also discussed when to deactivate voters who do not respond to the Movers mailing and whether to include a watermark on the poll book for those who were sent the Movers mailing. Administrator Wolfe said staff will continue testing watermarks and developing training for poll workers.

The Commission took no formal action.

G. Consideration of Certification for ES&S Voting Systems

Elections Specialist Robert Williams gave a presentation based on a memorandum starting on page 26 of the September 24 Commission meeting materials regarding a request by Election Systems and Software (ES&S) for approval of the EVS 6.0.4.0 and EVS 6.0.5.0 voting systems for sale and use in the State of Wisconsin. The EVS system has been approved since 2014, and ES&S is requesting approval for newer versions of that system.

Mr. Williams introduced representatives of ES&S: Steve Pearson, Senior Vice President of Certification; Kyle Weber, Wisconsin account manager; and Mark Manganaro, State Certification Manager. Mr. Pearson discussed security enhancements to the new version of the EVS system.

Commissioners and ES&S representatives discussed security concerns about the use of modems to transmit unofficial results on election night and the fact that previous versions of the system have touched the public internet. Chair Knudson said he felt chagrined to learn that, and misled. Discussion items included whether the WEC should decertify older versions of the EVS that do not use the new security features; the use of barcodes by the ExpressVote ballot-marking device; continuing support for EMS computers running the Windows 7 operating system; and the length of time required between discovery of a vulnerability and patching that issue.

Mr. Pearson addressed the issue of the ExpressVote Tabulator, which WEC has recommended against certifying.

At 2:45 p.m., Commissioners moved to another part of the office to watch a demonstration of the ES&S voting equipment, returning at 3:04 p.m.

Mr. Williams, Elections Specialist Cody Davis and Election Security Lead Tony Bridges answered questions from the Commission about staff's recommendations on certification.

MOTION: Adopt the staff's recommendations for approval, with the exception of the ExpressVote Tabulator, of the ES&S voting system's Application for Petition for Approval of Electronic Voting Systems Approval of EVS 6.0.4.0 in compliance with US EAC certificate ESSEVS6040 including the conditions described in the staff memorandum, and the ES&S voting system's Application for Approval of EVS 6.0.5.0 including the conditions described in the staff memorandum. Approval is subject to ES&S confirming to the WEC that it will provide

Windows 7 support through January 2023 at no cost to its Wisconsin customers. Moved by Commissioner Thomsen, seconded by Commissioner Jacobs.

Discussion regarding whether this voting system will be capable of requiring voters to review the names of all primary candidates for president before making a choice. Staff agreed to bring that issue back to the Commission at the December meeting.

Chair Knudson called the question. The motion carried unanimously.

H. Dates for Future Commission Meetings

Administrator Wolfe introduced a memorandum starting on page 90 of the September 24 Commission meeting materials regarding 2020 WEC meeting dates. Staff proposes the following dates:

- Tuesday, March 3, 2020
- Wednesday, June 10, 2020
- Tuesday, August 25, 2020
- Tuesday, December 1, 2020

MOTION: Adopt the proposed meeting schedule for the 2020 calendar year. Moved by Commissioner Thomsen, seconded by Commissioner Glancey. Motion carried unanimously.

I. Voter Registration Form Revision (EL-131)

Elections Specialists Riley Willman and Cody Davies made a presentation based a memorandum starting on page 91 of the September 24 Commission meeting materials regarding the redesign of Wisconsin's voter registration form.

Commissioners and staff discussed a draft of the new form, which has been extensively tested with voters and local election officials. Commissioners offered additional suggestions for changes to the form. Administrator Wolfe said staff will incorporate those changes and circulate an updated form to members of the Commission. If any Commissioner believes an additional meeting is necessary to discuss additional changes, he or she can notify the Chair, who may call a special meeting if needed to discuss.

MOTION: Subject to recommendations made by the Commission today, approve revisions of the voter registration application as illustrated in Appendix B of the staff memorandum and provide members with a final version of the form. Any member who desires further changes may request that the Chair call a special meeting to discuss changes. If there are no changes requested, authorize staff to finalize the form and release it publicly after final revisions are made. The Commission further directs staff to report on the progress of this project at the December 2, 2019 Commission meeting. Moved by Commissioner Jacobs, seconded by Commissioner Thomsen. Motion carried unanimously.

The Chair called a recess at 4:09 p.m. The Commission reconvened at 4:15 p.m.

J. Approval of Ballot Templates for Spring 2020 Elections

Lead Elections Specialist Diane Lowe made a presentation based on a memorandum starting on page 106 of the September 24 Commission meeting materials regarding the 2020 Spring Ballot design format.

MOTION: Approve the ballot designs presented by staff and attached to the memorandum, with the addition that all ballots allow for choice of party in the presidential preference, and direct staff to utilize the ballot designs for the 2020 Spring Primary and Spring Election/Presidential Preference Vote. Moved by Commissioner Jacobs, seconded by Commissioner Bostelmann. Motion carried unanimously.

K. Guidance Document Submission Procedures

Staff Counsel Michael Haas made a presentation based on a memorandum starting on page 102 of the September 24 Commission meeting materials regarding agency procedures to create guidance documents and publications subject to public comment requirements under 2017 Wisconsin Act 369.

MOTION: Approve the agency approach as described in the staff memorandum to implementing the guidance documents provisions of 2017 Act 369 and direct staff to make reasonable efforts to complete the process for publishing its guidance documents. Authorize the Administrator to exercise discretion to request that the Governor establish a public comment period shorter than 21 days for particular guidance documents when warranted by timeliness considerations. Further authorize the Administrator to approve the adoption of final guidance documents following the applicable public comment period and to execute the guidance document certification required by Act 369. Moved by Commissioner Knudson, seconded by Commissioner Glancey. Motion carried unanimously.

L. Commission Staff Update

Administrator Wolfe discussed the Staff Update memorandum starting on page 121 of the September 24 Commission meeting materials. She highlighted the value of feedback staff receives from clerk advisory committees on proposals, the variety of training staff is conducting for local election officials, the expansion of the Badger Books program, and IT projects staff is completing.

H. Adjourn

MOTION: Adjourn. Moved by Commissioner Thomsen, seconded by Commissioner Jacobs. Motion carried unanimously.

The Commission adjourned at 4:46 p.m.

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The next meeting of the Wisconsin Elections Commission is scheduled for Monday, December 2, 2019, at the Wisconsin Elections Commission offices in Madison, Wisconsin beginning at 10:00 a.m.

September 24, 2019 Wisconsin Elections Commission meeting minutes prepared by:



Reid Magney, Public Information Officer

November 15, 2019

September 24, 2019 Wisconsin Elections Commission meeting minutes certified by:



Julie Glancey, Commission Secretary

December 2, 2019