

WISCONSIN ELECTIONS COMMISSION

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COMMISSIONERS

DEAN KNUDSON, CHAIR
BEVERLY R. GILL
JULIE M. GLANCEY
ANN S. JACOBS
JODI JENSEN
MARK L. THOMSEN

INTERIM ADMINISTRATOR MEAGAN WOLFE

Wisconsin Elections Commission

Joint Committee on Finance Hearing Room, 413 North
State Capitol
Madison, Wisconsin
10:00 a.m. September 25, 2018

Open Session Minutes

Present: Commissioner Dean Knudson, Commissioner Beverly Gill, Commissioner Julie Glancey
Commissioner Ann Jacobs, Commissioner Jodi Jensen and Commissioner Mark
Thomsen

Staff present: Meagan Wolfe, Richard Rydecki, Michael Haas, Sharrie Hauge, Reid Magney and
Nathan Judnic

A. Call to Order

Commission Chair Dean Knudson called the meeting to order at 10:00 a.m. and called the roll.
All Commissioners were present.

B. Administrator's Report of Appropriate Meeting Notice

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

C. Minutes of Previous Meetings

1. **June 11, 2018**
2. **August 22, 2018**

MOTION: Approve open session minutes of Wisconsin Elections Commission meetings of
June 11 and August 22, 2018. Moved by Commissioner Thomsen, seconded by Commissioner
Jacobs. Motion carried unanimously.

D. Personal Appearances

Attorney Clifford Tatum appeared on behalf of the U.S. Election Assistance Commission to
make a presentation about services the U.S. EAC makes available to state election agencies. He
also discussed post-election audits and voter registration.

Patty Healey of Oconomowoc appeared on her own behalf to discuss her experiences as a special voting deputy and observer at care facilities in Waukesha County. She asked the Commission to clarify for clerks that observers may accompany each SVD team.

Mary Ann Hanson of Brookfield appeared on her own behalf to discuss problems she has observed in nursing homes when staff will give special voting deputies a piece of paper indicating a resident does not wish to vote. She said that if a resident does not wish to vote, she needs to hear that directly from the resident.

Attorney Molly McGrath appeared on behalf of the ACLU of Wisconsin to express concern about deactivation of voters and to ask the Commission to use all reasonable means to contact voters on the supplemental poll list and inform them of the list, as well as to train poll workers to use the supplemental poll list.

Neil Albrecht appeared on behalf of the Milwaukee City Election Commission to request the Commission authorize its staff to reactivate voters in Milwaukee who were deactivated as a result of the ERIC movers postcard process.

Commissioners Jacobs and Knudson and Mr. Albrecht discussed issues related to the Milwaukee deactivations and the supplemental poll list. Mr. Albrecht said use of supplemental poll lists at the city's in-person absentee voting sites would be difficult because each of the eight sites would need a printed list of the approximately 35,000 voters on the supplemental list.

Karen McKim of Waunakee appeared on behalf of Wisconsin Election Integrity to support the staff's recommendation to strengthen post-election audits following the November General Election.

Erin Grunze of Madison appeared on behalf of the League of Women Voters of Wisconsin regarding voter registration, voting equipment audit trails and post-election audits. She urged lawmakers to provide the Commission with sufficient funding for audits and voter ID education.

Dane County Clerk Scott McDonell appeared on behalf of the Wisconsin County Clerks Association to discuss post-election audits. He said clerks feel strongly that if there is a potential recount, audits should be delayed so there will be no suggestion that evidence may have been tampered with.

Alex Jones, Chicago regional director for infrastructure protection with the U.S. Department of Homeland Security, appeared and made a presentation regarding DHS cyber security services available to state and local election officials.

Commissioners Thomsen and Knudson discussed Russian hacking threats with Mr. Jones, as well as communication between DHS and the Commission.

Town of Waukesha Clerk Kathy Nicholas appeared to thank the Commission for its election security training and to comment on issues related to post-election audits and proof-of-residence documentation.

David Cagigal and Bill Nash appeared on behalf of the Wisconsin Department of Administration's Division of Enterprise Technology to make a presentation regarding services and security they provide to the Commission's information technology systems. They discussed the state's robust security program and the implementation of multi-factor authentication for users of the WisVote system.

Commissioner Thomsen discussed election security issues regarding social media and voting equipment with Mr. Cagigal and Mr. Nash.

E. Supplemental Poll Lists for General Election

Administrator Wolfe made a presentation based on a memorandum starting on page 13 of the September 25 Commission meeting materials regarding supplemental poll lists. She said staff recommends continuation of the supplemental poll lists of voters who were deactivated as a result of the ERIC movers postcard process in early 2018. Staff also recommends permitting municipal clerks to reactivate registrations of voters on the list if the clerk determines that it does not constitute reliable information that the voter has changed their residence. After the November election, staff recommends the Commission take a fresh look at a new process for ERIC movers mailings.

Commissioners and staff discussed issues related to the ERIC movers postcard mailing and the City of Milwaukee. Commissioner Knudson discussed adding a sentence to the first recommended motion indicating WEC staff will assist municipal clerks who decide to reactive voters on the ERIC supplemental poll list.

MOTION: Approve the staff plan described above to continue use of the ERIC Supplemental Poll List process at the 2018 General Election but permits municipal clerks to reactivate registrations of voters on the list if the clerk determines that it does not constitute reliable information that the voter has changed their residence. Direct staff to assist municipal clerks who decide to reactivate voters on the list. Moved by Commissioner Knudson, seconded by Commissioner Thomsen. Motion carried unanimously.

Commissioners discussed the second recommended motion regarding reimbursement of Milwaukee for the cost of its mailing to Milwaukee voters which supplemented the WEC's mailing to voters who appeared to have moved based on the ERIC matching process.

Hearing no motion, the Chair moved to the next agenda item.

F. Election Security – Update and Collecting Feedback

Administrator Wolfe made a presentation based on a memorandum starting on page 17 of the September 25 Commission meeting materials regarding election security preparations for the November 6 General Election. These include implementation of multi-factor authentication for user access to the WisVote system, Homeland Security vulnerability testing, and tabletop training exercises in election security for local election officials.

In addition, Administrator Wolfe introduced several staff members recently hired into new election security positions with the assistance of the federal Help America Vote Act election security supplemental funding. She also thanked the Department of Homeland Security and the Division of Enterprise Technology for their continued assistance in securing Wisconsin's election infrastructure.

Commissioner Knudson said the Commission would consider agenda item H next, prior to breaking for lunch, during which they would take up the Closed Session agenda items.

H. General Election Preparations

Administrator Wolfe made a presentation based on a memorandum starting on page 59 of the September 25 Commission meeting materials regarding staff preparations for the November 6 General Election. She discussed higher call volume to the Help Desk, development and testing work on the WisVote system, and public outreach efforts.

M. Closed Session

Adjourn to closed session as required by statutes to discuss violations of election law and to confer with counsel concerning potential litigation and to discuss a personnel matter.

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

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| Roll call vote: Gill: | Aye | Glancey: | Aye |
| Jensen: | Aye | Jacobs: | Aye |
| Knudson: | Aye | Thomsen: | Aye |

Motion carried unanimously. The Commission convened in closed session at 12:54 p.m.

The Commission reconvened in open session at 1:18 p.m.

G. Post-Election Audits

Assistant Administrator Richard Rydecki and Elections Specialist Robert Williams made a presentation based on memoranda starting on page 25 of the September 25 Commission meeting materials regarding the mandatory voting equipment audits and voluntary post-election audits.

1. Voting Equipment Audit

Mr. Rydecki discussed the scope of the voting equipment audit and staff recommendations to expand the audits this year and require them to be completed before the Commission certifies the final statewide results.

Commissioners and staff discussed deadlines, the size of the random sample of reporting units, concerns about the chain of custody of ballots in the event of a recount, reimbursements to clerks, and what might happen if an audit reveals a problem. Commissioners discussed changing the completion deadline from December 1 to November 28.

MOTION: Adopt the 2018 post-election audit parameters and procedures outlined in the staff memorandum, including the selection criteria, timeline for completion, and reimbursement, subject to changing the date of completion to November 28 to allow the Commission to certify the election by December 3. Moved by Commissioner Thomsen, seconded by Commissioner Jensen.

Commissioners further discussed when to require clerks to request a waiver if they are unable to meet the November 28 deadline. Commissioner Jacobs offered a friendly amendment to the motion to include that the Commission staff will notify clerks selected to conduct audits on November 7, that any waiver request must be received no later than November 12 and staff shall respond by November 13, that all audits shall be completed by November 28, and that in any municipality subject to a recount, the audit request is suspended until completion of the recount. The friendly amendment was accepted.

Motion carried unanimously.

2. Risk-Limiting Audits

Elections Specialists Bill Wirkus and Riley Willman made a presentation based on memoranda starting on page 37 of the September 25 Commission meeting materials regarding voluntary post-election audits. As it did prior to the Partisan Primary in August, staff recommends providing guidance to county clerks that post-election audits may be conducted as part of the county canvass as well as specific guidance related to conducting such audits via full hand tally of randomly selected reporting units.

Commissioners and staff discussed post-election audits, including risk-limiting audits staff observed in Colorado in July. Commissioner Knudson said he found resistance by county clerks to voluntary post-election audits frustrating, noting that if clerks do not voluntarily audit results, there will be political pressure for them to do so. Administrator Wolfe noted that many national election administration groups are recommending post-election audits as a best practice.

MOTION: Direct staff to issue guidance related to post-election audits for the 2018 General Election as described in Appendix B of the memorandum. The Commission encourages county boards of canvassers to consider performing such post-election audits after the General Election, and to do so prior to certifying official county canvass results, if county resources and certification deadlines permit. Also, authorize reimbursement to the counties for conducting a post-election audit up to \$300 per county for actual costs incurred. Any actual costs incurred over \$300 may be submitted and considered, if funds are available. Moved by Commissioner Thomsen, seconded by Commissioner Jensen. Motion carried unanimously.

I. Proof of Residence – Wis. Stat. §6.34(3)(a)9. “Bank Statement”

Senior Elections Specialist Nathan Judnic made a presentation based on a memorandum starting on page 73 of the September 2018 Commission meeting materials regarding what constitutes a “bank statement” for purposes of proof of residence in voter registration.

Commissioner Thomsen moved the following three recommended motions, seconded by Commissioner Gill:

MOTION: The Commission concludes that the term “bank statement” in Wis. Stat. § 6.34(3)(a)9 includes any account statement from a bank or credit union, regardless of the type of account listed, including, but not limited to a checking, savings, mortgage loan or home equity line of credit.

MOTION: The Commission further concludes that a credit card statement qualifies as a “bank statement” under Wis. Stat. s. 6.34(3)(a)9 and may be used as a valid form of proof of residence when registering to vote.

MOTION: The Commission directs staff to update its proof of residence guidance documents to be consistent with the discussion and guidance approved by the Commission on “bank statements.”

Motion carried unanimously.

J. Future Commission Meeting Schedule

Administrator Wolfe directed Commissioners to a memorandum starting on page 79 of the September 2018 Commission meeting materials regarding the future meeting schedule:

Friday, January 11, 2019 - Wisconsin Elections Commission Teleconference Meeting
Tuesday, March 12, 2019 - Wisconsin Elections Commission Meeting
Tuesday, June 11, 2019 - Wisconsin Elections Commission Meeting
Tuesday, September 24, 2019 –Wisconsin Elections Commission Meeting
Tuesday, December 10, 2019 Wisconsin Elections Commission Meeting
Tuesday, January 14, 2020 - Wisconsin Elections Commission Teleconference Meeting

MOTION: Adopt the proposed meeting schedule for the 2019 calendar year and January 2020. Moved by Commissioner Thomsen, seconded by Commissioner Glancey. Motion carried unanimously.

K. Fiscal 2019-2021 Budget Update

Ms. Wolfe reported that the FY 2019-2021 Budget approved by the Commission was submitted to the Governor on September 17.

L. Commission Staff Update

Ms. Wolfe directed Commissioners to the Commission Staff Update memorandum starting on page 90 of the September 2018 Commission meeting materials. She discussed highlights of the Partisan Primary and the successful launch of Badger Book electronic poll books in eight municipalities.

Regarding item 7 on WisVote, Administrator Wolfe asked the Commission to approve spending authority not to exceed \$190,000 to purchase software assurance for the Microsoft Dynamics CRM platform, which will allow staff to upgrade to the most current version in the future. This expenditure is in the current budget.

MOTION: Authorize the administrator spending authority not to exceed \$190,000 for the purchase of software assurance for Microsoft Dynamics CRM. Moved by Commissioner Jacobs, seconded by Commissioner Jensen. Motion carried unanimously.

Administrator Wolfe directed Commissioners to the memorandum starting on page 94 of the September 2018 Commission meeting materials regarding problems with the new canvass module in WisVote for the Partisan Primary. Staff was not able to completely load-test the new module prior to implementation, and heavy server loads in the days after the primary caused timeouts that resulted in some duplication of results. Staff recommends reverting to the former Canvass Reporting System for the General Election.

MOTION: Direct staff to use the Canvass Reporting System for counties to transmit official results for federal and state contests to the Wisconsin Elections Commission and for certification of any official results. The Commission further directs staff to continue testing and improving the Election Results module in WisVote to prepare it to be relaunched for use in future elections. Moved by Commissioner Thomsen, seconded by Commissioner Jacobs. Motion carried unanimously.

H. Adjourn

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

The Commission adjourned at 3:49 p.m.

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The next meeting of the Wisconsin Elections Commission is scheduled for Monday, December 3, 2018, at the State Capitol in Madison, Wisconsin beginning at 9:00 a.m.

September 25, 2018 Wisconsin Elections Commission meeting minutes prepared by:



Reid Magney, Public Information Officer

November 26, 2018

September 25, 2018 Wisconsin Elections Commission meeting minutes certified by:



Julie Glancey, Commission Secretary

December 3, 2018