

Wisconsin Elections Commission

Meeting of the Commission
Wednesday, December 14, 2016
10:00 A.M.

Agenda
Open Session

Wisconsin Elections Commission Offices
212 E. Washington Avenue, Third Floor
Madison, Wisconsin

A. Call to Order	
B. Administrator’s Report of Appropriate Meeting Notice	
C. Personal Appearances (Time reserved for personal appearances may be limited at the discretion of the Chair)	
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O.	Per Diem Authorization	
P.	Closed Session	
	1. Litigation Update	
	2. Election Complaints	
	3. Performance Evaluations	

- 19.85 (1) (g) The Commission may confer with legal counsel concerning litigation strategy.
- 19.851 The Commission’s deliberations concerning investigations of any violation of the election laws shall be in closed session.
- 19.85(1)(c) The Commission may convene in closed session to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

WISCONSIN ELECTIONS COMMISSION

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STEVE KING
DON MILLIS
MARK L. THOMSEN, CHAIR

ADMINISTRATOR MICHAEL HAAS

Wisconsin Elections Commission
Wisconsin Elections Commission Offices
212 E. Washington Avenue, Third Floor
Madison, Wisconsin
10:00 a.m. Friday, October 14, 2016

Open Session Minutes

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I. Approved Nomination Paper Review Procedures for Supplemental Signatures	8
L. Approved Delegation of Authority to Administrator	9

Present: Commissioner Mark Thomsen, Commissioner Ann Jacobs, Commissioner Beverly Gill, Commissioner Julie Glancey, Commissioner Don Millis (all in person) and Commissioner Steve King (who joined the meeting by telephone)

Staff present: Michael Haas, Ross Hein, Nathan Judnic, Sharrie Hauge, Diane Lowe, Sarah Whitt, Jodi Kitts and Reid Magney

A. Call to Order

Chair Thomsen called the meeting to order at 10:10 a.m.

B. Director's Report of Appropriate Meeting Notice

Administrator Michael Haas informed the Commissioners that proper notice was given for the meeting.

E. Preparations for General Election

(This item was taken out of order.)

5. Photo ID and ID Petition Process Public Information Campaign – WEC Court Report

Chair Thomsen addressed the issue of the federal court order issued October 13 in the *One Wisconsin Institute* case regarding photo ID. He said that after commissioners discuss the order, he would entertain a motion that would comply with the order.

Administrator Haas briefed commissioners on details of the two-part order. The first part is more immediate, and involves communication about the Wisconsin Division of Motor Vehicles' ID Petition Process (IDPP), and carries a deadline of noon today. The second part of the order deals with DMV's long-term plans for IDPP.

C. Personal Appearances

Chair Thomsen asked for comments first about the issue of witness addresses on absentee ballot applications.

Mayor Tom Barrett of Milwaukee appeared regarding absentee witness addresses and asked the Commission to issue a directive to clerks that they shall try to ascertain missing address information contained in the witness address field on the absentee certificate envelope. He said there are hundreds of ballots that could be disallowed in Milwaukee.

Dane County Clerk Scott McDonell of Madison appeared regarding absentee witness addresses and echoed Mayor Barrett's comments.

Commissioners and Clerk McDonell discussed the issue.

Andrea Kaminski of Madison appeared on behalf of the League of Women Voters of Wisconsin and presented a letter objecting to the Commission's policy of requiring a complete witness address.

Neil Albrecht of Milwaukee appeared on behalf of the Milwaukee City Election Commission regarding absentee witness addresses and applauded the revised staff recommendation. He also discussed the ERIC postcard and other concerns regarding changes to state laws that may make it more difficult for some people to vote.

Commissioners and Mr. Albrecht discussed his concerns regarding the Electronic Registration Information Center (ERIC) mailing.

Paul Malischke of Madison appeared on his own behalf regarding absentee witness addresses and urged the Commission to consider the fact that statutes say absentee ballots without witness addresses may not be counted rather than shall not be counted.

Molly McGrath of Madison appeared on behalf of Vote Riders to discuss her organization's efforts to help people get photo IDs to vote. She urged the Commission to ask the Legislature for additional funds for photo ID outreach.

Commissioners and Ms. McGrath discussed procedures at the DMV for providing IDPP documents to people.

Clerk Beverly McCumber of the Town of Paris appeared regarding agenda item K and the recall petitions submitted to her which she vetted and decided to reject because she believed the reasons given for the recall are false.

Attorney Elaine Ekus appeared on behalf of the Town of Paris to discuss the recall petitions and the reasons they were rejected. She said there are two outstanding issues: whether the stated reason for a recall can be a misstatement of the law and whether the clerk has any role in reviewing the reason for a recall. She also discussed possible recall election deadlines and dates.

Joseph Kolnik of the Town of Paris appeared on his own behalf and stated that he signed the recall petitions and was not misled by the reason stated on the petition.

Administrator Haas directed commissioners to supplemental materials in their folders that came in as public comments regarding the absentee witness issue, the budget and international election observers.

D. Minutes of Previous Meetings

MOTION: Approve open session minutes of the June 30, 2016 meeting of the Wisconsin Election Commission as corrected. Moved by Commissioner Glancey, seconded by Commissioner Gill. Motion carried unanimously.

Chair Thomsen called a recess at 11:28 a.m. The Commission reconvened at 11:42 a.m.

E. Preparations for General Election

1. Local Election Official Training & Support

Administrator Haas made an oral presentation based on a written report starting on page 11 of the meeting materials regarding preparations for the election. He directed commissioners to an addendum to the memorandum containing a list of training sessions provided since early September.

2. Ballot Review and Printing

Lead Elections Specialist Diane Lowe briefed commissioners on a ballot printing error in which one candidate's name was misspelled.

Administrator Haas discussed the issue of voters using cameras at polling places and advice to clerks about how to respond to camera use at a polling place which does not cause a disruption. He also discussed “ballot selfies,” which are pictures of marked ballots posted on social media, and noted that laws against them in two states have recently been struck down in federal courts.

MOTION: Ask the Wisconsin Department of Justice for an opinion on the enforceability of the statute against showing another person one’s marked ballot. Moved by Commissioner Millis, seconded by Commissioner Jacobs. Motion carried unanimously.

3. WisVote Election Readiness

Administrator Haas briefed commissioners on recent updates to the WisVote system.

4. Voter Education and Outreach

Administrator Haas briefed commissioners on staff’s efforts to conduct outreach activities to voters, noting that approximately 2,500 people had used the MyVote system to make absentee ballot requests in the previous 48 hours, and that 20,000 voter registrations had been processed through the system since its launch in June.

**5. Photo ID and ID Petition Process Public Information Campaign –
WEC Court Report (continued)**

Administrator Haas briefed commissioners on staff’s efforts to continue educating the public about the photo ID requirement and the IDPP process.

Commissioners and staff discussed at length the possible need for additional funds in the event the judge in the federal court case orders the state to do additional voter ID law advertising. Consensus of commissioners was that the agency does not have sufficient funds in its current budget to pay for a second statewide media campaign.

Commissioners discussed the wording of a motion.

MOTION: The Commission expresses its intent to comply with the federal court mandate. The Commission authorizes Michael Haas to work with Department of Justice on the phase II plan in compliance with the court's order. The Commission will have an in-person or telephone meeting to address any request for funds if that request requires the use of WEC money outside of the Commission’s budget. If it does not, the Commission does not need to meet. Moved by Commissioner Millis, seconded by Commissioner Glancey. Motion carried unanimously.

Commissioners discussed the DMV’s process for issuing IDPP documents.

Public Information Officer Reid Magney reported on estimates for the cost of a second statewide public information media campaign.

6. Political Campaigns and Election Observer Outreach

Administrator Haas briefed commissioners on staff's outreach efforts to the political parties and communication to them about rules for election observers.

7. Polling Place Accessibility Audits

Administrator Haas briefed commissioners on staff's plans to partner with Disability Rights Wisconsin for polling place accessibility audits this election which will extend the reach of the program.

8. Presidential Electors Nomination Meeting

Administrator Haas briefed commissioners on the Presidential Elector Nomination Meeting, held October 4 at the Capitol.

9. Election System Security & Emergency Readiness

Elections Supervisor Ross Hein made an oral presentation based on the written memorandum starting on page 11 of the meeting materials regarding cyber security and the election.

Commissioners and staff discussed the agency's efforts to ensure the security of election computer systems and prevent hacking, which includes cooperation with state and federal law enforcement officials.

K. Election Complaints – Town of Paris Recall Petitions

(This item was taken out of order.)

Staff Counsel Nathan Judnic made an oral presentation based on a written report starting on page 57 of the meeting materials regarding three identical § 5.06 complaints filed against three officials from Town of Paris regarding a recall petition. After reviewing the complaints, the conclusion of Commission staff is that Clerk McCumber improperly issued a Certificate of Insufficiency for the recall petitions filed against all three of the Town of Paris officials. The Commission staff determined that the Statement of Reason for Recall was present on all pages of the petition and that the reason was related to the town official's responsibilities as a town official. The Commission staff believes the Commission should order Clerk McCumber to issue a Certificate of Sufficiency in all three instances, which will in turn lead to the Town of Paris calling a recall election for all three officials. Due to the statutory requirement that the recall elections be held six weeks after being ordered, the elections would be held in late November.

Commissioners and staff discussed the substance of the staff's recommendation and procedures for ordering the recall election.

MOTIONS: The Commission approves the following motions, but modifies the findings in the order so nomination papers are not due the same week as the presidential election:

1) Pursuant to Wis. Stat. §§ 5.05(1)(e) and 5.06(6), and the inherent, general, and specific authority of the Wisconsin Elections Commission, and upon consideration of the submissions of the parties in this case, the Wisconsin Elections Commission approves and issues a “Findings and Order” in the matter of Kolnik v. McCumber (Kammerzelt), Case No. EL 16-84 consistent with the document presented at the October 14, 2016 meeting.

2) Pursuant to Wis. Stat. §§ 5.05(1)(e) and 5.06(6), and the inherent, general, and specific authority of the Wisconsin Elections Commission, and upon consideration of the submissions of the parties in this case, the Wisconsin Elections Commission approves and issues a “Findings and Order” in the matter of Kolnik v. McCumber (Gentz), Case No. EL 16-85 consistent with the document presented at the October 14, 2016 meeting.

3) Pursuant to Wis. Stat. §§ 5.05(1)(e) and 5.06(6), and the inherent, general, and specific authority of the Wisconsin Elections Commission, and upon consideration of the submissions of the parties in this case, the Wisconsin Elections Commission approves and issues a “Findings and Order” in the matter of Kolnik v. McCumber (Monson), Case No. EL 16-86 consistent with the document presented at the October 14, 2016 meeting.

Moved by Commissioner Millis, seconded by Commissioner King. Motion carried unanimously.

Chair Thomsen said he would entertain the recommended motion on page 60 of the meeting materials regarding the process for dealing with § 5.06 complaints. Commissioner Millis suggested that the motion be changed to include that any commission member may ask for a meeting to consider a complaint, rather than just the chair.

MOTION: Authorize the Commission Administrator to issue either Decision Letters or Findings and Orders regarding complaints filed pursuant to Wis. Stat. § 5.06 after consultation with and approval by the Commission Chair. Any member of the Commission may request that the entire Commission consider the complaint and draft decision and, if so, the matter shall be considered at the next Commission meeting. If the Administrator executes a decision based upon the Chair’s approval, the Administrator shall provide the decision to all Commission members after its issuance. Moved by Commissioner King.

Administrator Haas said he would still consult with the Chair, then circulate a decision to the members, who could weigh in if they wanted it to be heard by the entire commission.

Motion seconded by Commissioner Millis. Motion carried unanimously.

Chair Thomsen called a recess at 1:34 p.m. The Commission reconvened at 2:00 p.m.

N. Agency Budget Request

(This item was taken out of order.)

Chief Administrative Officer Sharrie Hauge made an oral presentation based on a written report starting on page 117 of the meeting materials regarding the agency's FY2017-2019 biennial budget request. The Commission approved motions regarding decision items at its August 2016 meeting regarding the budget. This presentation was for information only.

E. Preparations for General Election (continued)

10. Absentee Ballot Witness Address

Administrator Haas and Staff Counsel Judnic made an oral presentation based on a memorandum in the Commission's supplemental meeting materials regarding guidance to clerks regarding absentee ballot certificate envelopes that are missing a complete witness address. They discussed a recent change to statutes and staff's original guidance issued October 4, as well as subsequent consultations with the Wisconsin Department of Justice regarding interpretation of the statute. Staff recommends modifying the guidance to state that "local election officials may add the municipality to the witness certificate if they are able to reasonably ascertain the information from other information on the envelope, or other reliable extrinsic sources."

Commissioners and staff discussed the proposed changes. Commissioner Millis said he would support changing the word may to shall.

MOTION: To approve the following motions:

- 1) The Commission modifies the portions of the October 4, 2016 staff policy which requires the municipal clerk or executive director of the City of Milwaukee Election Commission to obtain the consent of the voter prior to adding a municipality to the witness certificate if the address is reasonably ascertainable from other information on the absentee ballot envelope, or other reliable extrinsic sources that are available. The clerk may, but is not required to, contact the voter if the clerk can reasonably ascertain the missing address information.
- 2) The Commission adopts the remainder of the October 4, 2016 staff policy, including the requirement that the witness address on an absentee ballot certificate contain at a minimum, a street number, street name and municipality for the certificate to be considered sufficient.
- 3) The Commission directs staff to modify the October 4, 2016 staff policy to remove the requirement that local election officials obtain consent prior to adding a municipality to the witness certificate and that local election officials may add the municipality to the witness certificate if they are able to reasonably ascertain the information from other information on the envelope, or other reliable extrinsic sources.

Moved by Commissioner Millis, seconded by Commissioner King.

Commissioner Glancey suggested amending the motion to include that any changes should be initialed by the clerk.

Commissioner Millis accepted Commissioner Glancey's friendly amendment, and Commissioner King seconded.

Motion carried unanimously.

F. Post-Election Voting Equipment Audit Procedures

Election Specialist Richard Rydecki made an oral presentation based on a written report starting on page 33 of the meeting materials regarding post-election voting equipment audits. Staff recommends the Commission adopt procedures for the audit as contained in the meeting materials.

MOTION: Adopt the 2016 Post-Election Audit Plan as detailed in the document titled Voting System Audit Requirements. Moved by Commissioner Jacobs, seconded by Commissioner Glancey. Motion carried unanimously.

G. Electronic Registration Information Center (ERIC) Initiative

WisVote Technical Lead Sarah Whitt and WisVote Specialist Jodi Kitts made an oral presentation based on a written report starting on page 45 of the meeting materials regarding voter registration postcards mailed to 1.23 million Wisconsin residents at a cost of \$210,557, which was a condition of the state joining ERIC.

Commissioners and staff discussed details of the mailing, as well as reasons that some postcard recipients were already registered to vote and issues that caused some voters and clerks. They also discussed list maintenance that will occur in 2017, before which staff will come back to the Commission with details.

H. Online Voter Registration Project

Ms. Whitt briefed the Commission on staff's efforts to build an online voter registration system and noted that they are still working out details of the system with the Wisconsin Department of Transportation.

I. Nomination Paper Review

Staff Counsel Nathan Judnic made an oral presentation based on a written report starting on page 49 of the meeting materials regarding the status of supplemental signatures on nomination papers filed by candidates in excess of the maximum number of signatures permitted in statutes. Questions recently arose about whether those supplemental signatures can be used to qualify for ballot status. Staff recommends continuing with past practice.

MOTION: Direct staff to continue to implement the established "supplemental signature" policy and procedures, permitting candidates to submit nomination paper signatures which exceed the statutory maximum limit, and to process and count those signatures, if valid, if the staff review

or a challenge results in the less than the minimum required number of valid signatures. Moved by Commissioner Jacobs, seconded by Commissioner Glancey. Motion carried unanimously.

J. Administrative Rules

Staff Counsel Judnic made a brief oral presentation based on a written report starting on page 55 of the meeting materials regarding the status of administrative rule promulgation. No action was required.

L. Delegation of Authority

Administrator Haas made an oral presentation based on a written memorandum provided in supplemental meeting materials regarding delegation of authority to the Administrator.

Commissioners and staff discussed past practices of delegation under the former Government Accountability Board.

MOTION: Pursuant to the Commission Administrator's role as agency head and the State's chief election official, the Wisconsin Elections Commission delegates the authority described below to its Administrator. In exercising all delegated authority, the Administrator is required to report, at the Commission meeting immediately following the delegated action, the specifics of the action taken, the basis for taking the action, and the outcome of that action.

1. The following authority is delegated to the Administrator subject to the requirement that before it is exercised, the Administrator consult with the Commission Chair to determine whether Commission members should be polled or a special meeting conducted before action is taken:

- To issue compliance review orders under the provisions of Wis. Stat. § 5.06;
- To certify and sign election related documents including candidate certifications, certificates of election, and certifications of election results on behalf of the Commission;
- To accept, review, and exercise discretion to approve applications for voting system modifications characterized as engineering change orders (ECOs) for systems previously approved for use in Wisconsin;
- To implement the Commission's determinations regarding sufficiency of nomination papers or qualifications of candidates;
- To communicate with litigation counsel representing the Commission in order to make timely necessary decisions regarding Commission litigation;
- To make a finding pursuant to Executive Order #50, Sec. IV(8), that a proposed administrative rule does not have an economic impact.
- To execute and sign contracts on behalf of the Commission, except related to special investigators as provided in Wis. Stat. § 5.05(2m), subject to the further provisions of this paragraph. The Administrator is required to request approval from the Commission for contracts involving a sum exceeding \$100,000, or for purchases from a statewide contract over \$100,000. The Administrator is required to request approval from the Commission prior to posting a Request for Proposal or Request for Bid. In addition, the Administrator

may enter into a sole source contract only after obtaining approval from Commission Chair and providing five days' prior notice to the Commission regardless of the dollar amount.

2. The following authority is delegated to the Administrator without the requirement for prior consultation with the Commission Chair before action is taken:

- To exempt municipalities from polling place accessibility requirements pursuant to the provisions of Wis. Stat. § 5.25(4)(a);
- To exempt municipalities from the requirements for the use of voting machines or electronic voting systems pursuant to the provisions of Wis. Stat. § 5.40(5m);
- To authorize the non-appointment of an individual who is nominated to serve as an election official under the provisions of Wis. Stat. § 7.30(4)(e);
- To execute and sign contracts on behalf of the Commission, except related to special investigators as provided in Wis. Stat. § 5.05(2m), for contracts involving a sum not exceeding \$100,000, or for purchases from a statewide contract involving sums not exceeding \$100,000.

Moved by Commissioner Millis, seconded by Commissioner Jacobs. Motion carried unanimously.

Commissioners and staff discussed how often the Commission wishes to review the delegation of authority. By consensus, the Commission agreed to review it every 12 months.

M. Commission Staff Work Rules

Administrator Haas said the Ethics Commission is still working on similar rules, and he plans to bring them back to the Commission at the December meeting.

O. Management and Administrative Update

Administrator Haas made an oral presentation based on a written report starting on page 131 of the meeting materials regarding staff activities since the Commission's last meeting. He noted that the agency has five staff vacancies and has struggled to get a hiring process in place with the Department of Administration.

P. Per Diem Authorization

MOTION: Authorize one day per-diem for the meeting plus half a day for review of meeting materials. Moved by Commissioner Jacobs, seconded by Commissioner King. Motion carried unanimously.

Commissioner Thomsen noted that Commissioner Jacobs was subpoenaed to appear in court in the *One Wisconsin Institute* case, and should be compensated for her time.

MOTION: Authorize one half-day per diem for Commissioner Jacobs for her court appearance. Moved by Commissioner Glancey, seconded by Commissioner Gill. Motion carried. Commissioner Jacobs did not vote.

Q. Closed Session

Adjourn to closed session as required by statutes to confer with counsel concerning pending litigation; and to deliberate or negotiate the investing of public funds or conducting other specified public business whenever competitive or bargaining reasons require a closed session.

MOTION: Move to closed session pursuant to §§ 19.85(1)(g) and 19.85(1)(e) to confer with counsel concerning pending litigation, and to deliberate or negotiate the investing of public funds or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Moved by Commissioner Millis, seconded by Commissioner Gill.

Roll call vote: Gill: Aye Glancey: Aye
 King: Aye Jacobs: Aye
 Millis: Aye Thomsen: Aye

Motion carried unanimously. The Commission convened in closed session at 3:40 p.m.

U. Adjourn

The Commission adjourned in closed session at 3:54 p.m.

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The next regular meeting of the Wisconsin Elections Commission is scheduled for Wednesday, December 14, 2016, at the commission’s offices in Madison, Wisconsin beginning at 10:00 a.m.

October 14, 2016 Wisconsin Elections Commission meeting minutes prepared by:

Reid Magney, Public Information Officer

December 9, 2016

October 14, 2016 Wisconsin Elections Commission meeting minutes certified by:

Beverly Gill, Commission Secretary

December 14, 2016

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MARK L. THOMSEN, CHAIR

Wisconsin Elections Commission

Wisconsin Elections Commission Offices
212 E. Washington Avenue, Third Floor
Madison, Wisconsin
9:30 a.m. Monday, November 28, 2016

Open Session Minutes

Present: Commissioner Mark Thomsen and Commissioner Don Millis (in person); Commissioner Beverly Gill, Commissioner Julie Glancey, Commissioner Ann Jacobs and Commissioner Steve King (who joined the meeting by telephone)

Staff present: Michael Haas, Ross Hein, Nathan Judnic, Sharrie Hauge, Diane Lowe and Reid Magney

A. Call to Order

Chair Thomsen called the meeting to order at 9:33 a.m.

B. Administrator's Report of Appropriate Meeting Notice

Administrator Michael Haas informed the Commissioners that proper notice was given for the meeting.

C. Recount Timeline

Chair Thomsen said the Wisconsin Elections Commission has received recount petitions from Jill Stein of the Green Party and from independent candidate Roque De La Fuente. He made a statement regarding the bi-partisan structure of the Commission, and about the commissioners' confidence in the accuracy of the vote count. He discussed the ability of losing candidates to request a recount and said that he wants the recount to move ahead as quickly as possible so there are no allegations that the Commission is trying to stop the election from being certified by the deadline of December 13 under the federal safe harbor law.

Administrator Haas discussed the criteria for a valid recount petition, which only needs to state a belief that there has been a mistake in the vote total. He said that because the margin of victory is greater than .25 percent, if petitioners pay the estimated cost of conducting the recount, the Commission has no discretion to deny the petition.

Elections Supervisor Ross Hein briefed commissioners on a proposed timeline for the recount and gathering cost estimates from counties for the recount. The deadline for counties to complete their work would be noon on December 13.

Commissioner Jacobs asked whether a noon deadline on December 13 for counties would provide staff enough time to certify the election later that day. Commissioners and staff discussed the timeline and staff's plans to monitor progress during the recount.

MOTION: Require counties to complete their recounts by 8 p.m. on Monday, December 12. Moved by Commissioner Millis, seconded by Commissioner Jacobs. Motion carried unanimously.

MOTION: Approve the staff's recommended timeline as amended and direct staff to provide the estimated recount fee, including any valid State costs, to the petitioning candidates on Monday, November 28, 2016, for payment due at the close of business on Tuesday, November 29, 2016. The Commission further directs staff to assess the full estimated recount fee to both petitioning candidates unless the candidates each submit payment for one-half of the total estimated cost by 4:30 p.m. on Tuesday, November 29, 2016. Moved by Commissioner Millis, seconded by Commissioner Jacobs. Motion carried unanimously.

Administrator Haas addressed the Stein campaign's request for a statewide hand-recount.

MOTION: Direct staff to decline the Stein campaign request to order counties to tally all ballots by hand, and to permit each county to determine whether ballots will be counted by hand or using tabulating equipment, consistent with existing state law. Moved by Commissioner Glancey, seconded by Commissioner King. Motion carried unanimously.

MOTION: Postpone the voting equipment audit for selected municipalities until after the presidential recount. Moved by Commissioner Glancey, seconded by Commissioner King. Motion carried unanimously.

D. Closed Session

Adjourn to closed session as required by statutes to confer with counsel concerning pending litigation; and to deliberate or negotiate the investing of public funds or conducting other specified public business whenever competitive or bargaining reasons require a closed session.

MOTION: Move to closed session pursuant to §§ 19.85(1)(g) and 19.85(1)(e) to confer with counsel concerning pending litigation, and to deliberate or negotiate the investing of public funds or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Moved by Commissioner Millis, seconded by Commissioner King.

Roll call vote: Gill: Aye Glancey: Aye
 King: Aye Jacobs: Aye
 Millis: Aye Thomsen: Aye

Motion carried unanimously. The Commission convened in closed session at 10:21 p.m.

U. Adjourn

The Commission adjourned in closed session at 10:44 p.m.

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The next regular meeting of the Wisconsin Elections Commission is scheduled for Wednesday, December 14, 2016, at the commission's offices in Madison, Wisconsin beginning at 10:00 a.m.

November 28, 2016 Wisconsin Elections Commission meeting minutes prepared by:

Reid Magney, Public Information Officer

December 9, 2016

November 28, 2016 Wisconsin Elections Commission meeting minutes certified by:

Beverly Gill, Commission Secretary

December 14, 2016

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ADMINISTRATOR MICHAEL HAAS

MARK L. THOMSEN, CHAIR

MEMORANDUM

DATE: For the December 14, 2016 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Michael Haas
Commission Interim Administrator

Prepared by Elections Commission Staff

SUBJECT: Review of 2016 General Election

At the October 14, 2016 Commission meeting, staff presented a summary of agency preparations for the General Election. This memorandum provides a summary of how Election Day went in light of those preparations of Commission staff as well as local election officials. Overall, the administration of the 2016 General Election went smoothly giving the backdrop of the agency's recent transition, the 2016 launches of the new MyVote System and MyVote Wisconsin website, the implementation of the Photo ID requirement for the first time in a General Election, and late changes to significant election rules mandated by the federal court in the *One Wisconsin Institute* case. While lower than expected voter turnout and mostly wide margins of victory may have prevented and resolved some issues that might otherwise arise, the efforts of agency staff, partners in other state and federal agencies, and local election officials put in place preparations for what could be controlled, as well as contingency plans and communication protocols to address events that might not be anticipated.

This summary is provided for the Commission's information and no action is required.

1. Local Election Official Training and Support

Leading up to Election Day, Commission staff continued to provide extensive election training and support for county and municipal clerks, chief inspectors, poll workers and other local election officials regarding election preparations, voter qualifications, voter registration, absentee ballot procedures, photo identification requirements and post-election activities, among other subjects. As reflected in Attachment 1, Commission staff participated in a number of clerk conferences, election administration and WisVote training webinars and teleconferences prior to the November election.

Commission staff worked extended hours and fielded thousands of telephone and email inquiries from local election officials as well as voters in the weeks leading up to and on Election Day, including four hours each on the Saturday and Sunday before the election, Commission staff was officially available on

Election Day to assist clerks from 6:00 a.m. to 11:00 p.m., but several staff remained even later. The Commission also added several temporary staff to field basic inquiries such as polling place locations and candidates on the ballot. Telephone inquiries were documented on a Contact Activity Log during the week before and the week of the General Election. Common topics of inquiries included voting equipment issues, the proof of residence and photo ID requirements, absentee voting procedures, and election observer rules. On Election Day, there did not seem to be significant or prolonged issues or disputes or unexpected incidents, except for a short extension of voting hours at a Madison polling place due to the location opening late and a fire alarm closing the polls for a short period of time.

Following the November General and Presidential Election, the training team and elections specialists are focusing on providing information and answering process questions related to the statewide recount for President. WEC staff is also developing the training schedule for the spring 2017 elections, incorporating lessons learned in 2016.

The Elections HelpDesk staff also continued to field a variety of calls from voters and the public, candidates, political committees, and public officials leading up to Election Day. The two-month call volume was:

	<u>Elections Help Desk Call Volume</u> (608-261-2028)	<u>Front Desk Call</u> <u>Volume</u> (608-266-8005)
October, 2016	3,335	2,147
November, 2016	3,957	3,005
Total Calls for Reporting Period	7,292	5,152

2. Ballot Review and Printing

At the October meeting, staff reported on the process of reviewing the format of ballots for each county. There were two problems which required the county clerk to reprint the ballots. The first was the omission of a candidate name in Washburn County and the second was a misspelling of a party name. In both cases ballots were corrected for Election Day. In the Washburn County case, a corrected ballot and letter of explanation were sent to absentee voters who had already been mailed a ballot. Staff received no formal complaints, but did participate in email and phone call exchanges with the omitted candidate's campaign.

On Election Day in Fond du Lac County, votes on many absentee ballots for the office of District Attorney were not being read properly by the tabulating equipment because the absentee ballots were scored in such a way that marks are produced in the ballot column with the District Attorney contest. Votes for other contests were not affected. Staff advised the County Clerk that municipalities should use the override function on the equipment so that all other offices could be tabulated efficiently, and then hand count the votes for the District Attorney contest, which was unopposed.

3. WisVote Election Readiness

The Presidential election was the first major test for the almost one-year old WisVote system and it functioned as planned with no widespread issues. Server and processing capacity were added, and the additional monitoring and security steps also helped WisVote to operate smoothly. Clerks throughout the state reported that they were very pleased with how the system operated and there were no prolonged performance issues. Significant planning efforts and clerk outreach ensured that data was up to date and reported on a timely basis. Constant efforts to provide training and support to WisVote users in a variety of formats complemented the improved functionality of the system, culminating in clerks successfully using WisVote to manage and conduct the General Election. This was also the first major election where absentee data needed to be tracked statewide and reports indicate that clerks found the WisVote functionality to be intuitive and reliable.

Staff has worked tirelessly over the past three years conceptualizing, developing, launching and monitoring WisVote and these efforts led to a successful modernization project which staff are proud of. Efforts of WisVote staff will now shift toward data reconciliation, election participation data, election data statistics, felon audits, Election Day Registration address verification statistics, and federal reporting requirements.

4. Voter Education and Outreach

MyVote Wisconsin

Leading up to the November General Election, WEC staff made improvements to the newly launched MyVote Wisconsin website. The improvements were to ensure the site was ready and would provide the highest level of service to voters. Preparations included increasing the load capacity of the site and servers in anticipation of increased voter traffic and improving the address services that power MyVote. The end result of the preparations was that the MyVote site performed exactly as planned leading up to the Election and on Election Day. 108,294 voters used MyVote on Election Day. These were voters looking up their polling place, viewing a sample ballot, tracking their absentee ballot, or registering to vote. No performance issues with the MyVote site were reported on Election Day. Voters and clerks were able to access their information quickly and without incident.

One of the most important aspects of the MyVote site is how it processes and recognizes voter addresses. Assigning a voter to a correct address ensures that voter registration or absentee applications generated through MyVote are sent to the correct municipality. A correct address also allows voters to access their sample ballot or to find their polling place information. Another major improvement that was made leading up to Election Day was to improve the MyVote address service functionality. The changes to the address service worked well, and the vast majority of voters who used MyVote were able to find their polling place on the site. Over 100,000 voters accessed their polling place information on MyVote on Election Day. The number of users show in the chart below is lower because volunteers and election officials used the same computer to look up polling place information for many different voters.

While Wisconsin voters cannot yet register to vote online, they can fill out their registration form on MyVote. That registration information is then entered directly into WisVote. 21,637 voters filled out their voter registration forms using MyVote on Election Day. This number includes municipalities who used MyVote to process Election Day Registrations as well as voters who completed the form on

MyVote ahead of time and brought it with them to their polling place. No problems or incidents with the registration component of MyVote were reported to WEC on Election Day. There are many benefits of voters using MyVote to complete voter registration applications. Using MyVote to enter a registration ensures that the voter is registered at the correct place, given the correct ballot and it also means that the clerk does not need to data enter registration data after Election Day. This is in contrast with paper registration forms which the clerk needs to hand key into WisVote after Election Day; each paper application takes, on average, 90 seconds for the clerk to hand key. Therefore, with 21,637 voter registration applications entered into WisVote through MyVote on Election Day, municipal clerks were saved at least 541 hours of data entry.

Other MyVote functions that were improved in anticipation of the 2016 General Election include the absentee ballot request function, sample ballot look up, absentee ballot tracking and voter registration status checks. All of these features performed very well and without incident on Election Day and leading up to the Election. Specifically, the absentee ballot request feature, which is new to the re-designed MyVote site, was especially popular with voters. Over 35,000 voters used MyVote to request an absentee ballot for the November 8, 2016 General Election. There were also nearly 15,000 military or permanent overseas voters who used the MyVote Wisconsin website to request and/or access their absentee ballot online.

The below graph illustrates the number of MyVote Sessions for Election Day, November 8. High point was 9,317 sessions between 7:00 and 8:00 am, but was steady all day with 5,365 sessions between 4:00 and 5:00 pm.



Mobil devices were utilized by most of those accessing MyVote.

1. mobile	53,021 (48.96%)
2. desktop	50,456 (46.59%)
3. tablet	4,817 (4.45%)

Social Media

WEC had a very strong presence on Twitter and Facebook on Election Day as well as in the months leading up to the Election. Combined, the WEC Twitter and Facebook pages generated over 3 million impressions (voters who saw WEC posts) in the month leading up to the election. Over 500,000 of those impressions were on Election Day. WEC staff sent 87 Tweets on Election Day. The topics of the posts ranged from photo ID and IDPP awareness to pointing voters to MyVote tools. In the months leading up to the Election, WEC staff posted multiple times a day to Facebook and Twitter to prepare voters for the Election. The WEC had a well-planned list of scheduled social media posts that started in September and went through Election Day to ensure all important topics were brought to the public's attention. The WEC also provided municipal and county clerks with a social media plan that they could use on Election Day and in the months before. Many clerks utilized this plan to reach voters in their jurisdiction.

5. Photo ID and ID Petition Process Public Information Campaign

On October 17, 2016, the WEC provided all county and municipal clerks an electronic version of both the English and Spanish versions of the IDPP palm card and encouraged clerks to have them available in their offices and other locations in the community. On October 24, 2016, the court in the *One Wisconsin Institute* case ordered the Wisconsin Elections Commission to:

- Send an electronic version of the IDPP palm card to all municipal clerks, with instructions to print copies and distribute them to all polling locations.
- Advise all municipal clerks to instruct their election inspectors to offer the IDPP palm card to all individuals who either cast a provisional ballot, are otherwise unable to cast a regular ballot because they do not present a qualifying ID, or request information regarding obtaining a free ID.
- Advise all municipal clerks to instruct their election inspectors to encourage provisional voters to visit a DMV as soon as possible after they cast their ballot to ensure they receive a qualifying ID document by the Friday after the election.

Further instructions were provided to Wisconsin election officials on October 26, 2016 as a high priority clerk communication.

6. Outreach to Political Campaigns and Election Observers

Prior to major elections, agency staff has hosted meetings with representatives of the major political parties to discuss recent election law developments, possible Election Day issues, and primary contacts for Election Day communications. Commission staff held a political party meeting for both major political parties on October 28, 2016 at WEC's office. Staff also contacted other known organizations which sponsor election observers and provided a reminder of the rules for election observers.

7. Accessibility Initiatives

Polling Place Audits for the 2016 Presidential Election

For the 2016 Presidential Election, 130 total polling places were audited. Fifty polling places were audited by six temporary workers who were hired and trained to conduct onsite accessibility compliance audits. These audits were conducted in 48 municipalities in Calumet, Chippewa, Clark, Forest, Langlade, Manitowoc, Outagamie, Rusk, Shawano and Waupaca counties.

In addition to the support from staffing agencies, Commission staff partnered with Disability Rights Wisconsin (DRW), a member organization of our Accessibility Advisory Committee, to staff the project for this election. DRW approached staff with an offer to assist agency efforts in ensuring that all Wisconsin polling places are accessible to all voters. Seventeen DRW teams, consisting of 22 volunteers participated in the project. In total, the teams from DRW completed 80 audits in 55 municipalities.

DRW has three field offices in Wisconsin and representatives from each office participated in the project. Two teams from the Rice Lake office in Barron County completed audits in Douglas, Washburn and Barron Counties, while 10 teams from the Milwaukee office visited polling places in Milwaukee, Ozaukee, Washington and Waukesha Counties. The remaining 8 individuals are based in the Madison office and audited polling places in Dane, Jefferson, Juneau, Kenosha, Monroe, Rock and Winnebago Counties.

All temporary staff auditors were recruited from the state-approved staffing agency and went through an interview process. They were also required to attend a training event. Training consists of a review of the polling place accessibility survey and Americans with Disabilities Act standards, training on the tablet computers used to gather the survey data and a mock polling place exercise at a City of Madison polling place.

All volunteer auditors received training similar to staff hired from staffing agencies, including a remote training designed to familiarize them with the survey used to conduct audits. They also participated in the mock polling place exercise that was held November 4, 2016. After the election, a conference call was held with participants on November 22, 2016 to gather feedback on the audit program and their experiences out in the field on Election Day.

The audit program continues to focus on locations that have not been previously visited by Commission staff. For this election, counties with a significant number of unvisited polling places in the northern part of the state were identified for site visits. In addition, unvisited locations in the vicinity of the DRW

field offices were also identified for site visits by DRW staff. Reports will be created for each conducted audit and provided to each municipality once the data has been verified.

Ongoing Accessibility Compliance Efforts

Staff continues to coordinate with municipal clerks to ensure that accessibility problems uncovered during previous audits are resolved as quickly and cost-effectively as possible. Deadlines for submitting plans of action are set at 60 days from receipt of the report, and staff works with local election officials to ensure that problems are addressed in a timely manner. Staff also works with local election officials to ensure that all new polling locations are ADA-compliant before the change is finalized. Polling place accessibility surveys are required to be submitted for review as part of the process to change polling places. This work continues to take place on an ongoing basis.

In addition, staff arranged for the shipment of 89 grant-funded accessibility supplies to 27 municipalities in response to documented needs. Several accessibility-related items, such as page magnifiers and signature guides, have been restocked due to continued demand, while the polling place signage inventory will continue to be liquidated.

8. Presidential Electors Nomination Meeting

The Presidential Electors Nomination Committee meeting was conducted at the State Capitol on Tuesday, October 4, 2016. The meeting is required by Wis. Stat. § 8.18. The electors of the party whose candidates for President and Vice President receive the majority of the votes at the General Election in Wisconsin will gather at the Capitol on December 19, 2016 to cast their votes for their presidential and vice presidential candidates.

9. Election System Security & Emergency Readiness

Thanks to the significant advance planning and partnerships with the US Department of Homeland Security, the Wisconsin Department of Administration's Division of Enterprise Technology, and the Department of Military Affairs, there were no security events reported leading up to and including on Election Day.

All IT applications, including MyVote Wisconsin and WisVote functioned smoothly on Election Day and WEC staff received multiple positive comments from clerks regarding the availability and speed of MyVote on Election Day.

No security issues occurred with voting equipment or with the reporting of Election Night results.

One polling place in Madison had to extend voting hours as the polling had to be temporarily closed due to a fire alarm. No other significant polling place issues were reported to Commission staff.

Commission staff would like to thank our security partners as well as Wisconsin's county and municipal clerks for helping ensure a smooth and event-free election.

10. Recounts

There were three recounts ordered for the 2016 General and Presidential Election: Iron County District Attorney, State Senate District 32, and President of the United States. For both the Iron County DA and 32nd State Senate the candidate that appeared to receive the most votes for the office was confirmed. Attachment 2 provides both the original and recount canvass reports for Iron County DA and State Senate District 32. The recount for the office of President of the United States will be reviewed under separate cover.

11. Provisional Ballots

Based on preliminary data entered into the WisVote system by local clerks, 751 provisional ballots were issued in Wisconsin for this election. 618 of these ballots were issued due to the voter being unwilling or unable to provide Photo ID.

156 voters provided documents to cure their provisional ballot. Of those, 151 were counted and 5 were rejected. One ballot has not yet been updated to indicate if it was counted or rejected.

485 voters did not provide documents before the deadline, and therefore had their provisional ballot rejected. This brings the total provisional ballots rejected to 490.

110 provisional ballots were entered into WisVote but have not been updated to indicate whether documents were provided by the deadline or not, and whether the ballot was ultimately counted or rejected.

Final provisional ballot counts will be available after clerks submit their final election statistics to the Elections Commission via the EL-190 Election Statistics reports. This is normally completed 30 days after the election; however WEC staff is allowing additional time for clerks to complete the statistics due to the statewide recount for President of the United States

Conclusion

This outline of preparations by WEC staff and local election officials reflects the culmination of long-term efforts over a number of years as well as the more recent and immediate tasks and responsibilities required to ensure a smooth General Election. While the events of Election Day are not completely under the control of state or local election officials, comprehensive preparation and planning certainly help to minimize problems and respond to issues which arise. The above summaries describe dedicated individual and team efforts of Commission staff and local election partners, as well as the cooperation of other federal, state, and local agencies as well as private organizations. Everyone involved learned one final lesson after the election – even when Election Day progresses as smoothly as could be expected, there is always the possibility that a recount petition will lead to more challenges and additional work before the election can be certified.

ATTACHMENT #1

Wisconsin Elections Commission's Training Initiatives
8/31/2016 – 12/13/2016

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
WisVote Training	Online training in core WisVote functions – how to navigate the system, how to add voters, how to set up elections and print poll books.	Varies	New users of the WisVote application software.	Online	120
Municipal Clerk	2005 Wisconsin Act 451 requires that all municipal clerks attend a state-sponsored training program at least once every 2 years.	3 hours	All Municipal clerks are required to take the training; other staff may attend.	2	23
Chief Inspector	Instruction for new Chief Inspectors before they can serve as an election official for a municipality during an election.	3 hours	Election workers for a municipality.	9	250
Election Administration and WisVote Training Webinar Series	Series of programs designed to keep local government officials up to date on the administration of elections in Wisconsin.	60 minute webinar conferences hosted and conducted by Commission staff.	County and municipal clerks, chief inspectors, poll workers, special registration deputies and school district clerks.	9/7/16: Absentee Voting 101; 9/13/16: Address and Advanced Features; 9/14/16: MyVote WI 2.0; 9/15/16: ERIC; 10/4/16: Polling place Set-up & Line Management;	50 – 400 per webinar; posted to website for clerks to use on-demand.

ATTACHMENT #1

Wisconsin Elections Commission's Training Initiatives
8/31/2016 – 12/13/2016

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
Other	<ul style="list-style-type: none"> • Board staff presented election administration and WisVote status information to municipal clerks attending the following conferences: <ul style="list-style-type: none"> ○ Wisconsin County Clerks on September 27 in Milwaukee; ○ WMCA Districts 6 & 7 on September 29 in Fond du Lac; ○ WMCA District 5 teleconference on October 6; ○ WMCA District 2 on October 7 in Menomonie; 			10/10/16: Election Readiness; 10/19/16: Important Reminders for November; 10/27/16: ID Petition Process Outreach; 11/16/16: Post-Election Voting Equipment Audit Training. 11/30/16: Presidential Election Recount Preparations.	

ATTACHMENT #1

Wisconsin Elections Commission's Training Initiatives
8/31/2016 – 12/13/2016

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
	<ul style="list-style-type: none"> ○ Towns Association on October 11 in Stevens Point; ○ WMCA District 8 teleconference on October 12; ○ WMCA District 3 on October 13 in Osseo. ● WEC staff provided updates to the Election Day and Election Administration manuals to reflect the One Wisconsin Court Decision of August 23. ● WEC staff updated the Recount Manual. 				

		IRON COUNTY DISTRICT ATTORNEY Original				IRON COUNTY DISTRICT ATTORNEY Recount			
		REP	DEM	SCATTERING	Total Votes Cast	REP	DEM	SCATTERING	Total Votes Cast
		Matthew J. Tingstad	Anthony J. Stella Jr.			Matthew J. Tingstad	Anthony J. Stella Jr.		
IRON	TOWN OF ANDERSON Ward 1	30	15	0	45	30	15	0	45
	TOWN OF CAREY Ward 1	50	47	0	97	50	47	1	98
	TOWN OF GURNEY Ward 1	42	41	0	83	42	41	0	83
	TOWN OF KIMBALL Ward 1	135	155	0	290	136	155	0	291
	TOWN OF KNIGHT Ward 1	36	66	0	102	36	66	0	102
	TOWN OF MERCER Wards 1-4	552	387	0	939	550	392	0	942
	TOWN OF OMA Ward 1	120	112	0	232	120	112	0	232
	TOWN OF PENCE Ward 1	46	53	0	99	47	53	0	100
	TOWN OF SAXON Ward 1	122	86	0	208	122	86	0	208
	TOWN OF SHERMAN Ward 1	118	74	0	192	117	74	0	191
	CITY OF HURLEY Ward 1	82	126	0	208	82	126	0	208
	CITY OF HURLEY Ward 2	79	117	2	198	79	117	1	197
	CITY OF HURLEY Ward 3	34	86	0	120	34	86	0	120
	CITY OF HURLEY Ward 4	74	96	0	170	74	97	0	171
	CITY OF MONTREAL Ward 1-2	184	235	1	420	188	235	0	423
	Office Totals:		1704	1696	3	3403	1,707	1,702	2

County	STATE SENATOR DISTRICT 32 Original					STATE SENATOR DISTRICT 32 Recount				
	REP	DEM	IND	SCATTERING	Total Votes	REP	DEM	IND	SCATTERING	Total Votes Cast
	Dan Kapanke	Jennifer Shilling	Chip DeNure			Dan Kapanke	Jennifer Shilling	Chip DeNure		
CRAWFORD	4,080	3,433	156	2	7,671	4,080	3,431	156	2	7,669
LA CROSSE	28,975	31,957	1,497	0	62,429	28,974	31,951	1,497	0	62,422
MONROE	3,233	1,774	133	0	5,140	3,227	1,773	133	0	5,133
VERNON	7,226	6,406	307	0	13,939	7,243	6,430	307	2	13,982
Office Totals:	43,514	43,570	2,093	2	89,179	43,524	43,585	2,093	4	89,206

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MEMORANDUM

DATE: For the December 14, 2016 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Michael Haas
Administrator, Wisconsin Elections Commission

Richard Rydecki
Elections Specialist, Wisconsin Elections Commission

SUBJECT: Status of 2016 Post-Election Audit of Electronic Voting Equipment

Wisconsin Elections Commission (WEC) staff is requesting guidance concerning the mandatory post-election audit of electronic voting equipment following the November 8, 2016 General Election. The post-election voting equipment audit is required by Wis. Stat. § 7.08 (6):

(6) Enforcement of federal voting system standards. Following each general election, audit the performance of each voting system used in this state to determine the error rate of the system in counting ballots that are validly cast by electors. If the error rate exceeds the rate permitted under standards of the federal election commission in effect on October 29, 2002, the commission shall take remedial action and order remedial action to be taken by affected counties and municipalities to ensure compliance with the standards. Each county and municipality shall comply with any order received under this subsection.

During its October 14, 2016 meeting, the WEC voted unanimously to approve the procedures and selection process for the audit. The approved plan called for the selection of no fewer than 100 reporting units to be audited, with each voting system approved for use in Wisconsin that tabulates votes represented by no fewer than five reporting units. On November 11, 2016, the random draw was conducted and all municipalities selected to participate in the audit were notified on November 14, 2016. The Commission-approved instructions permitted municipalities to conduct the post-election voting equipment audit before the results of the election were certified.

To date, nine municipalities have completed their post-election voting equipment audits and provided reports and supporting materials to the WEC. Staff has yet to review these reports, but has been tracking responses and reimbursement requests from the impacted

municipalities. In addition, many municipalities selected for audit who have not completed the process have contacted staff for an update on the status of the audit.

As part of the recount-planning special teleconference meeting of the WEC, staff recommended the postponement of the audit until the completion of the statewide recount and Commission members voted unanimously to postpone the audit during this meeting. Staff also indicated that they would consult with the Commission at its December 14th meeting for guidance as to whether the voting equipment audit should be conducted after the recount. Staff hereby requests guidance on the status of the post-election voting equipment audit, including whether the audit should continue, or if the recount results should negate the need for the audit or if an alternate analysis of the performance of voting equipment during the 2016 Presidential Election should be undertaken.

A recount involves a review of various election materials and procedures in addition to the votes which appear on ballots. In that sense it provides a more comprehensive analysis of issues which may arise at an election. However the review of ballots in an audit serves a slightly different purpose than in a recount, and the procedures are different.

The purpose of the post-election voting equipment audit is simply to verify whether the electronic voting equipment accurately tabulates ballots that have been properly marked to be read by the equipment, within the margins of error established at the federal level. During the audit process ballots are not reviewed to see if voter intent can be determined, while determining voter intent is an essential aspect of the recount process. Recount procedures specifically require the review of each ballot for voter intent and, if that can be determined, a vote can be counted even if the ballot was not marked in a manner that would allow the voting equipment to determine a vote.

Given these different purposes and procedures, and given the time and effort which has been devoted to completing the statewide recount of the presidential contest, staff requests the Commission's guidance on whether the post-election voting equipment audit should be resumed.

Overall, approximately 0.2% of voters who were sent a postcard called the phone number provided on the card. WEC staff did receive anecdotal reports from clerks that some voters contacted their local municipal clerk rather than calling the phone number on the card. Specifically the City of Milwaukee reported a high volume of calls, particularly from voters who had been registered for many years and were missing critical identifying information, causing them to receive the card despite being registered. WEC staff does not have any actual counts of ERIC phone calls received by local clerks.

The ability of Beyond Vision to handle most of the phone calls allowed WEC to focus on work related to the General Election, which became more critical following the federal court decisions making a number of changes to the election rules and requiring additional public information efforts related to the Photo ID Law.

II. Voter Registrations in Response to ERIC Postcards

WEC staff reviewed daily voter registration statistics starting a week before postcards were mailed up through the day before the Election, to determine whether the ERIC postcard mailing impacted voter registration activity. Overall, there did not appear to be a direct correlation between the mailing of the ERIC postcards and the number of voters registering during that period; however the number of voter registrations steadily increased as Election Day approached. Spikes in voter registration activity appeared to occur due to deadlines, such the close of open registration and the end of in-person absentee voting. Registration activity consistently dropped on weekends.

- Week 1 (9/19 to 9/23): The week before postcards were mailed, an average of **1,598** voters registered each day.
- Week 2 (9/26 to 9/30): The week postcards were mailed, daily registrations averaged **3,111**. National Voter Registration Day also occurred this week, on 9/27/2017, however there was no noticeable increase in voter registration on that day.
- Week 3 (10/3 to 10/7): The week after postcards were mailed, daily registrations averaged **4,188**.
- Week 4 (10/10 to 10/14): Average daily registrations rose to **5,284**.
- Week 5 (10/17 to 10/21): During the week that open registration ended, daily registrations peaked leading up to the close and then dropped off:

Monday	9,652
Tuesday	8,246
Wednesday	14,383
Thursday	4,342
Friday	3,894

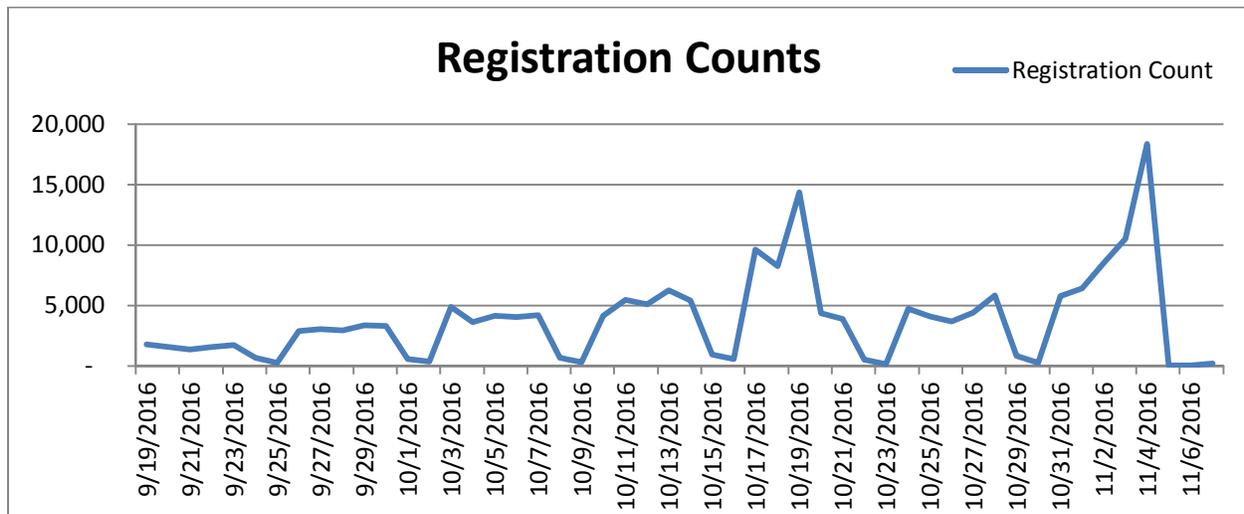
- Week 6 (10/24 to 10/28): The daily registration average declined to **4,559**.

- Week 7 (10/31 to 11/4): During the week prior to the Election, daily registrations rose as in-person absentee traffic increased, peaking on Friday, the last day of in-person absentee voting and the last day of late registration:

Monday	5,783
Tuesday	6,419
Wednesday	8,505
Thursday	10,519
Friday	18,380

- Week 8 (11/5 to 11/7): On the weekend and Monday before the Election, a small number of voter registrations were still processed in WisVote with registration dates after the completion of the registration period. These may be registrations where the clerk allowed them to register despite registration being closed, or were typographical errors. The daily average for these three days was **92**.

The following chart illustrates the voter registration activity over the period described above:



III. Other ERIC Tasks and Deadlines

As previously reported, the Pew Charitable Trusts awarded the Wisconsin Elections Commission a grant of \$150,000 to help offset costs of the initial mailing to eligible but unregistered electors. As required by the grant, on November 15, 2016, WEC staff provided documentation to Pew to confirm that the mailings occurred, the total number of postcards sent, and the cost of the mailing.

As required by the ERIC Membership Agreement, WEC staff also certified to ERIC on November 28, 2016 that the mailings occurred, and that at least 95% of the voters on the Eligible but Unregistered lists provided by ERIC were contacted.

As also required by the ERIC Membership Agreement, on November 11, 2016, WEC staff provided ERIC with baseline performance metrics regarding voter activities such as voter registrations and provisional ballots. WEC staff must provide updated metrics every 120 days. These metrics will be used by ERIC to help assess the effectiveness of the ERIC programs

As previously reported, Wisconsin Statutes currently prohibit the Wisconsin Department of Transportation (DOT) from sharing information regarding State ID Card holders with ERIC, however the ERIC membership agreement requires this information to be shared. On September 28, 2016, WEC staff filed an appeal with ERIC requesting an extension to Wisconsin's deadline for submitting data to ERIC under Section 2 of the ERIC Membership Agreement until October 17, 2017, to allow time to pursue the needed statutory changes. The appeal was approved and the deadline was extended to July 1, 2017. DOT, along with WEC staff, is currently pursuing legislative changes to allow State ID Card holder data to be shared as part of the ERIC initiative.

IV. Planning for ERIC List Maintenance

WEC staff is planning for the next phase of ERIC participation – receiving list maintenance reports. ERIC provides member states with several reports to help identify voter registration records that may be outdated to help keep the voter rolls up to date:

- Voters who may be deceased
- Voters who have duplicate voter records
- Voters who may have moved within Wisconsin
- Voters who may have moved out of Wisconsin
- Voters who submitted an address change to the US Post Office

Per the ERIC Membership Agreement, member states must request reports from ERIC at least once each calendar year. This requirement was met in 2016 by staff requesting the Eligible but Unregistered list. In 2017 that requirement will be met by requesting the list maintenance reports.

In contrast to the Eligible but Unregistered list which was used to encourage voters to register and get added to the voter registration list, the list maintenance reports identify voters whose registration may no longer be valid and may need to be removed from the voter registration list. As previously reported, it is not recommended that states remove voters immediately prior to an election, so staff will not be able to take action on any ERIC list maintenance lists until after the 2017 Spring Primary in February and the 2017 Spring Election in April.

State Statute also requires that WEC staff perform the 4-Year Voter Record Maintenance after the April election, where voters who have not voted in the past 4 years are sent a postcard asking them to continue their registration or be removed from the list. Staff anticipates some overlap between the ERIC list maintenance reports and the 4-Year Voter Record Maintenance. There may also be economies of scale that can be realized by doing the list maintenance outreach in conjunction with the 4-year Voter Record Maintenance for things such as printing costs or use of temporary staff. Performing these tasks together can also decrease voter confusion by sending out all the mailings at the same time.

On December 7, 2016 ERIC announced a pilot project for a new type of list maintenance report that would attempt to identify voters that may have voted in more than one state in a General Election. To participate, member states would provide an additional data file to ERIC that contains the list of voters who voted in that election. They would then compare those lists to their cross-state matches to identify any voters who are potentially a cross state match AND both states show participation for that voter. Commission staff is gathering more information regarding this pilot to determine if this would be of benefit to Wisconsin. If Wisconsin does choose to participate, we would need to develop the necessary processes and procedures to follow up on these potential matches. Staff will continue to update the Commission as more information about this pilot project becomes available and will seek guidance from the Commission as necessary.

This memorandum is for the Commission's information only and no action is required at this time.

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ADMINISTRATOR MICHAEL HAAS

MEMORANDUM

DATE: For the Meeting of December 14, 2016

TO: Members, Wisconsin Elections Commission

FROM: Michael Haas
Commission Interim Administrator

Prepared and Presented by:
Sarah Whitt
WisVote Functional Lead

SUBJECT: Online Voter Registration Update

Wisconsin Elections Commission (WEC) and Wisconsin Department of Transportation (DOT) staff have continued to make progress on the new Online Voter Registration system required by statute, which will be located on the MyVote Wisconsin website. This memorandum provides updates on the project and requests Commission approval for a change to the previously approved matching process, to meet current project requirements

Online Voter Registration Milestones

DOT has completed development of a web service that will be used to match the voter's information with DOT records. WEC IT staff is writing the coding that will take the information the voter enters on MyVote, pass it to DOT's web service, and then pass the response back to MyVote. WEC staff prepared mock-ups of the MyVote screens and how the workflows should function, and IT staff has begun to make those changes as well. End to end testing will begin on December 15, and the system is scheduled to go live on January 9, 2017.

DOT and WEC legal staff are also finalizing the language on the Memorandum of Understanding (MOU) between the two agencies for this process. The MOU is scheduled to be finalized in mid-December.

Change to Matching Process

At the August 30, 2016 meeting of the Wisconsin Elections Commission, the Commission passed a motion to approve the joint WEC/DOT plan to implement Online Voter Registration and the verification process outlined in the memo provided by Staff. Upon further review, DOT legal staff has requested a change to the verification process. As originally approved, DOT would verify the voter's driver license or state ID card number, name, date of birth, last 4 digits of the social security number (SSN), and the zip code. DOT legal staff determined that because the last four digits of the SSN was not specified in statute as part of the matching process, it cannot be included in the matching process.

Staff Recommendation and Motion

Staff recommends the Commission approve DOT and WEC staff's request to remove the last 4 digits of the social security number from the matching and verification process used for the Online Voter Registration system.

Recommended Motion: Approve WEC and DOT staff removing the last four digits of the social security number from the matching and verification process used for Online Voter Registration.

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ADMINISTRATOR MICHAEL HAAS

MARK L. THOMSEN, CHAIR

MEMORANDUM

DATE: For the December 14, 2016 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Michael Haas
Administrator, Wisconsin Elections Commission

Diane Lowe
Elections Specialist, Wisconsin Elections Commission

SUBJECT: 2017 Ballot Design Format

Staff presented proposed ballot formats for the elections in 2015 and 2016 to the Government Accountability Board for approval. The sample ballots that accompany this memorandum display the proposed format for elections in 2017, and are presented to the Wisconsin Elections Commission (WEC) for approval.

Ballot format has not changed significantly since staff made improvements at the end of 2014 for readability and usability. Staff researched best practices and publications based on usability testing to compose simple instructions and to provide for “cleaner-looking,” less cluttered ballots, and also incorporated informal feedback from local election officials. This effort was intended to improve consistency among ballot designs throughout the State while accommodating features and flexibility requested by ballot printers and voting equipment vendors.

To introduce the revised format, staff initiated a formal process of soliciting input regarding its ballot design and then presenting the recommended format to the Commission. Due to staff participation in the presidential recount project, development and posting of sample ballots was delayed. On December 9, 2016, a communication regarding ballot design was posted to the Recent Clerk Communication page of the WEC website, along with four draft variations of spring primary and spring election ballots. The communication solicited input from county and municipal clerks, as well as ballot preparers and printers with whom staff regularly communicates, with respect to the format of the 2017 ballots. Communications were also sent to the Republican and Democratic parties, as well as the two elections committees in the Legislature, to inform them of the posted ballot samples and to solicit their input regarding the ballot design.

Posting of the 2016 ballot formats elicited very few comments from clerks and ballot printers and none from either political party. However, any significant comments or suggestions received will be reported to the Commission at the meeting. Staff will continue to communicate any subsequent substantial suggestions or comments that may be received after the meeting.

Recommended Motion

The Commission approves the ballot design presented by staff and directs its staff to utilize the ballot design for all elections in 2017.

Official Primary Ballot

Nonpartisan Office and Referendum

February 21, 2017

Notice to voters: If you are voting on Election Day, your ballot must be initialed by two election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials. (See end of ballot for initials.)

Instructions	Judicial (Cont.)	Municipal
<p>If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee voters: Contact your municipal clerk.)</p> <p>To vote for a name on the ballot, complete the arrow next to the name like this: ←</p> <p>To vote for a name that is not on the ballot, write the name on the line marked "write-in" and complete the arrow next to the name like this: ←</p>	<p>Court of Appeals Judge, Dist. __ Vote for 1</p>	<p>Mayor Vote for 1</p>
	Candidate ←	Candidate ←
	Candidate ←	Candidate ←
	Candidate ←	Candidate ←
	<p>write-in: ←</p>	<p>write-in: ←</p>
	<p>Circuit Court Judge, Branch _ Vote for 1</p>	<p>City Clerk Vote for 1</p>
	Candidate ←	Candidate ←
	Candidate ←	Candidate ←
	Candidate ←	Candidate ←
	<p>write-in: ←</p>	<p>write-in: ←</p>
State Superintendent of Public Instruction	County	<p>City Treasurer Vote for 1</p>
<p>State Superintendent Vote for 1</p>	<p>County Executive Vote for 1</p>	Candidate ←
Candidate ←	Candidate ←	Candidate ←
Candidate ←	Candidate ←	Candidate ←
Candidate ←	Candidate ←	Candidate ←
<p>write-in: ←</p>	Candidate ←	Candidate ←
	Candidate ←	<p>write-in: ←</p>
Judicial	<p>write-in: ←</p>	<p>Aldersperson, Dist. _ Vote for 1</p>
<p>Justice of the Supreme Court Vote for 1</p>	<p>County Supervisor, District _ Vote for 1</p>	Candidate ←
Candidate ←	Candidate ←	Candidate ←
Candidate ←	Candidate ←	Candidate ←
Candidate ←	Candidate ←	Candidate ←
<p>write-in: ←</p>	Candidate ←	Candidate ←
	Candidate ←	<p>write-in: ←</p>
<p>Continue voting at top of next column.</p>	<p>write-in: ←</p>	<p>Municipal Judge Vote for 1</p>
	<p>Continue voting at top of next column.</p>	Candidate ←
		Candidate ←
		Candidate ←
		<p>write-in: ←</p>

School District	Official Primary Ballot Nonpartisan Office and Referendum February 21, 2017 for _____ Municipality and ward number(s)	
Name of School (optional) School Board Member Vote for not more than 2		
Candidate ← █		
write-in: ← █		
write-in: ← █		
Referendum		
To vote in favor of a question, complete the arrow next to "Yes," like this: ← █ To vote against a question, complete the arrow next to "No," like this: ← █	Absentee ballot issued by Initials of municipal clerk or deputy clerk (If issued by SVDs, both SVDs must initial.)	
Level of government conducting referendum (State, County, Municipal, School District...)	Certification of Voter Assistance I certify that I marked or read aloud this ballot at the request and direction of a voter who is authorized under Wis. Stat. § 6.82 to receive assistance. _____ Signature of assistor	
QUESTION 1: Shall the...?		
Yes ← █		
No ← █		
Page 2 of 2-sided ballot. Ballot begins on other side.		

Official Ballot

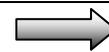
Nonpartisan Office and Referendum

April 4, 2017

Notice to voters: If you are voting on Election Day, your ballot must be initialed by two election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials. (See end of ballot for initials.)

General Instructions	Judicial (Cont.)	Municipal (Cont.)
<p>If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee voters: Contact your municipal clerk.)</p> <p>To vote for a name on the ballot, fill in the oval next to the name like this: <input type="radio"/></p> <p>To vote for a name that is not on the ballot, write the name on the line marked "write-in" and fill in the oval next to the name like this: <input type="radio"/></p>	Circuit Court Judge, Branch _ Vote for 1	Town Board Supervisor 2 Vote for 1
	<input type="radio"/> Candidate	<input type="radio"/> Candidate
	<input type="radio"/> Candidate	<input type="radio"/> write-in:
	<input type="radio"/> write-in:	
	County	Town Clerk Vote for 1
State Superintendent of Public Instruction	County Executive Vote for 1	<input type="radio"/> Candidate
	<input type="radio"/> Candidate	<input type="radio"/> Candidate
State Superintendent Vote for 1	<input type="radio"/> Candidate	<input type="radio"/> write-in:
<input type="radio"/> Candidate	<input type="radio"/> write-in:	Town Treasurer Vote for 1
<input type="radio"/> Candidate	County Supervisor, District _ Vote for 1	<input type="radio"/> Candidate
<input type="radio"/> write-in:	<input type="radio"/> Candidate	<input type="radio"/> Candidate
Judicial	<input type="radio"/> Candidate	<input type="radio"/> write-in:
	<input type="radio"/> write-in:	Town Constable Vote for 1
Justice of the Supreme Court Vote for 1	Municipal	<input type="radio"/> Candidate
<input type="radio"/> Candidate	Town Board Chairperson Vote for 1	<input type="radio"/> Candidate
<input type="radio"/> Candidate	<input type="radio"/> Candidate	<input type="radio"/> write-in:
<input type="radio"/> write-in:	<input type="radio"/> Candidate	Municipal Judge Vote for 1
Court of Appeals Judge, District _ Vote for 1	<input type="radio"/> write-in:	<input type="radio"/> Candidate
<input type="radio"/> Candidate	Town Board Supervisor 1 Vote for 1	<input type="radio"/> Candidate
<input type="radio"/> write-in:	<input type="radio"/> Candidate	<input type="radio"/> write-in:
	<input type="radio"/> Candidate	
	<input type="radio"/> write-in:	
Continue voting at top of next column.	Continue voting at top of next column.	Turn ballot over to continue voting.

Page 1 of 2-sided ballot. Ballot continues on other side.



		School District		
		Name of School District <i>(optional)</i> School Board Member Vote for not more than 2	Official Ballot Nonpartisan Office and Referendum	
		<input type="radio"/> Candidate	April 4, 2017 for	
		<input type="radio"/> Candidate	_____	
		<input type="radio"/> Candidate	Municipality and ward number(s)	
		<input type="radio"/> Candidate	Ballot issued by _____	
		<input type="radio"/> write-in:	_____	
		<input type="radio"/> write-in:	_____	
		Referendum	Initials of election inspectors	
		To vote in favor of a question, fill in the oval next to "Yes," like this: <input checked="" type="radio"/>	Absentee ballot issued by _____	
		To vote against a question, fill in the oval next to "No," like this: <input checked="" type="radio"/>	_____	
			Initials of municipal clerk or deputy clerk. (If issued by SVDs, both SVDs must	
		Level of government conducting referendum (State, County, Municipal, School District...)	Certification of Voter Assistance	
			I certify that I marked or read aloud this ballot at the request and direction of a voter who is authorized under Wis. Stat. § 6.82 to receive assistance.	
		QUESTION 1: Shall the ..?	_____	
		<input type="radio"/> Yes	Signature of assistor	
		<input type="radio"/> No	For Official Use Only	
			Inspectors: <i>Identify ballots required to be remade.</i>	
			Reason for remaking ballot:	
			<input type="checkbox"/> Overvoted	
			<input type="checkbox"/> Damaged	
			<input type="checkbox"/> Other	
			<i>Original Ballot No. or Duplicate Ballot No.</i>	

			Initials of inspectors who remade ballot	

Page 2 of 2-sided ballot. Ballot begins on other side.



Official Primary Ballot

Nonpartisan Office

February 21, 2017

Notice to Voters: If you are voting on Election Day, your ballot must be initialed by two election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials. (See back of ballot for initials.)

Instructions to Voters

If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee Voters: Contact your municipal clerk.)

To vote for a name on the ballot, make an “X” or other mark in the square next to the name, like this: To vote for a name that is not on the ballot, write the name on the line marked “write-in.”

State Superintendent of Public Instruction	Judicial (Cont.)
State Superintendent Vote for 1	Circuit Court Judge, Branch _ Vote for 1
<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate
<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate
<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate
write-in: _____	write-in: _____
Judicial	County
Justice of the Supreme Court Vote for 1	County Executive Vote for 1
<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate
<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate
<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate
write-in: _____	write-in: _____
Court of Appeals Judge, District _ Vote for 1	County Supervisor Vote for 1
<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate
<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate
<input type="checkbox"/> Candidate	<input type="checkbox"/> Candidate
write-in: _____	write-in: _____

Official Ballot

Nonpartisan Office

April 4, 2017

Notice to Voters: If you are voting on Election Day, your ballot must be initialed by two election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials. (See back of ballot for initials.)

Instructions to Voters

If you make a mistake on your ballot or have a question, ask an election inspector for help. (Absentee Voters: Contact your municipal clerk.)

To vote for a name on the ballot, make an "X" or other mark in the square next to the name, like this: To vote for a name that is not on the ballot, write the name on the line marked "write-in."

State Superintendent of Public Instruction	Judicial (Cont.)
State Superintendent Vote for 1	Circuit Court Judge, Branch 3 Vote for 1
<input type="checkbox"/> Candidate Name	<input type="checkbox"/> Candidate Name
<input type="checkbox"/> Candidate Name	<input type="checkbox"/> Candidate Name
write-in: _____	write-in: _____
Judicial	County
Justice of the Supreme Court Vote for 1	County Executive Vote for 1
<input type="checkbox"/> Candidate Name	<input type="checkbox"/> Candidate Name
<input type="checkbox"/> Candidate Name	<input type="checkbox"/> Candidate Name
write-in: _____	write-in: _____
Court of Appeals Judge, District_ Vote for 1	County Supervisor Vote for 1
<input type="checkbox"/> Candidate Name	<input type="checkbox"/> Candidate Name
<input type="checkbox"/> Candidate Name	<input type="checkbox"/> Candidate Name
write-in: _____	write-in: _____

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ADMINISTRATOR MICHAEL HAAS

MARK L. THOMSEN, CHAIR

MEMORANDUM

DATE: For the December 14, 2016 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Michael Haas
Administrator, Wisconsin Elections Commission

SUBJECT: Elections Commission Staff Work Rules

Staff members of the Wisconsin Elections Commission (WEC) are subject to Work Rules published by the Department of Administration and which apply to all State employees. In addition, Wisconsin Statutes require WEC staff to be non-partisan, as was the case with staff of the Government Accountability Board (G.A.B.). WEC staff has operated under the work rules which existed at the G.A.B. This memorandum outlines the specific restrictions on partisan activity outlined in the Statutes as well as a draft policy containing additional restrictions on staff activity for the Commission's consideration.

Restrictions on partisan activity while on duty for all State employees is based upon Wis. Stat. s. 230.40, which states:

WIS. STAT. § 230.40. Political activities; public office

(1) No person holding a position in the classified civil service may directly or indirectly solicit or receive subscriptions or contributions for any partisan political party or any political purpose while on state time or engaged in official duties as an employee. No person may orally solicit or by letter transmit any solicitation to a state office or be in any manner concerned in soliciting any assistance, subscription, or support for any partisan political party or purpose from any person holding any position in the classified civil service while on state time or engaged in official duties as an employee. No person holding any position in the classified civil service may during the hours when on duty engage in any form of political activity calculated to favor or improve the chances of any political party or any person seeking or attempting to hold partisan political office, nor engage in any political activity when not on duty to such an extent that the person's efficiency during working hours will be impaired or that he or she will be tardy or absent from work. Any violation of this section is adequate grounds for dismissal.

(2) If a person in the classified service declares an intention to run for partisan political office the person shall be placed on a leave of absence for the duration of the election campaign and if elected shall separate from the classified service on assuming the duties and responsibilities of such office.

(4) A person in the classified service may be granted upon concurrence by the person's appointing authority a leave of absence to participate in partisan political campaigning.

(5) Persons on leave from the classified service under subs. (2) and (4) shall not be subject to the restrictions of sub. (1), except as they apply to the solicitation of assistance, subscription or support from any person holding any position in the classified service.

Wis. Stat. s. 5.05 contains the following provisions which establish additional restrictions on partisan activity of Elections Commission staff:

5.05(2m)(d) 2. No employee of the commission, while so employed, may become a candidate, as defined in s. 11.0101 (1), for a state or partisan local office. No individual who is retained by the commission to serve as a special investigator or as special counsel may, while so retained, become a candidate, as defined in s. 11.0101 (1), for any state or local office. A filing officer shall decline to accept nomination papers or a declaration of candidacy from any individual who does not qualify to become a candidate under this paragraph.

5.05(2m)(e) No individual who serves as an employee of the commission and no individual who is retained by the commission to serve as a special investigator or a special counsel may, while so employed or retained, make a contribution to a candidate for state or local office. No individual who serves as an employee of the commission and no individual who is retained by the commission to serve as a special investigator or as special counsel, for 12 months prior to becoming so employed or retained, may have made a contribution to a candidate for a partisan state or local office. In this paragraph, contribution has the meaning given in s. 11.0101 (8).

5.05(4) EMPLOYEES. All employees of the commission shall be nonpartisan.

Beyond the specific restrictions regarding running for a partisan office and making campaign contributions, the Elections Commission, like other nonpartisan agencies, is subject to the broader mandate to be nonpartisan, which helps to ensure that its staff does not perform its duties with actual or perceived partisan bias. While individuals may certainly hold their own political or partisan beliefs, Commission staff, like the G.A.B. before it, has maintained a strict adherence to protecting the nonpartisan mission of the State's election agency. Given its role in implementing and enforcing the election laws, including tasks such as reviewing nomination papers, maintaining the voter registration system, compiling and certifying official election results, and providing advice and guidance to local election officials, candidates, and voters, the Commission's credibility relies on the public's confidence that the work of staff is completed without regard to political ramifications or partisan concerns.

Attached is a draft policy for the Commission's consideration outlining restrictions on the partisan activity of Commission staff. The draft policy continues provisions which had regulated G.A.B. staff and also incorporates the separate provisions of Wis. Stat. s. 230.40. The draft policy is consistent with the policy adopted by the Wisconsin Ethics Commission at its meeting of December 6, 2016. If adopted, the policy will be implemented as an addendum to the Work Rules contained in the Department of Administration's Employee Handbook.

Recommended Motion: The Commission adopts the attached policy governing partisan activity of Elections Commission staff.

Wisconsin Elections Commission
Rules Regarding Partisan Activity of Commission Staff
Adopted December 14, 2016

The staff of the Wisconsin Elections Commission shall be nonpartisan pursuant to Wis. Stat. ss. 5.05(2m) and 5.05(4). Political neutrality is imperative so staff can maintain the confidence of the Commission, the individuals and organizations that the Commission regulates, and the public. Therefore, all staff members are prohibited from participating in any political activity that compromises the ability of that person to discharge with neutrality, efficiency, and integrity his or her duties and obligations to the Commission.

Employees who wish to participate in any political activities shall disclose their intentions to the Administrator. If the Administrator decides an employee's involvement may reasonably compromise the employee or the Commission, the Administrator will review the situation and make a determination as to whether the involvement in the political activity is appropriate. The Administrator may also authorize employees to participate in certain activities that have a business purpose consistent with the agency's mission, that have historical significance, or are merely collateral to a prohibited political activity.

Employees are strongly encouraged to consult with the Administrator prior to any activity that may be perceived as compromising the employee's ability to objectively perform their official responsibilities.

In addition to the provisions of Wis. Stat. s. 230.40, prohibited activities include, but are not limited to the following:

1. Being a candidate for any partisan office (national, state, or local).
2. Being a member of any national, state, or local political party.
3. Directly or indirectly soliciting, receiving, or making contributions to any political party or partisan candidate for public office.
4. Soliciting votes in support of or in opposition to any party or partisan candidate for public office.
5. Circulating or signing nomination papers or petitions, including recall petitions, for partisan political office.
6. Serving as an agent of any political party or partisan candidate in any capacity (e.g., polling place observer, delegate, partisan poll worker, or get out the vote activities).
7. Publicly supporting or opposing a partisan candidate for public office or political party office, or making statements regarding partisan candidates or elected officials in a political advertisement, broadcast, campaign literature, social media, or similar material or forum.

Seeking Elective Office

Any employee who wishes to run for partisan elective office must take an unpaid leave of absence effective from the time nomination papers can first be circulated, and must resign (or be terminated) if and when such nomination papers are filed.

Any employee who files a campaign registration statement to register as a candidate for partisan elective office prior to the time that nomination papers can first be circulated shall report that filing to the Administrator, who shall place the employee on unpaid leave until the nomination papers are filed or until the employee is no longer a candidate for partisan office.

In addition to avoiding partisan activities, staff should also avoid running for nonpartisan office if the Commission is the filing officer for that contest. This would put the staff member in the position of enforcing campaign finance regulations upon her or his own committee, or against potential opponents. Any employee seeking a nonpartisan office where the Commission is the filing officer is required to take an unpaid leave of absence from the time the employee files a campaign registration statement until the employee is no longer a candidate. If the employee is elected, the employee shall resign or be terminated.

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ADMINISTRATOR MICHAEL HAAS

MARK L. THOMSEN, CHAIR

MEMORANDUM

DATE: For the December 14, 2016 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Michael Haas
Administrator, Wisconsin Elections Commission

Presented By: Elections Supervisor Ross Hein

SUBJECT: Legislative Audit Bureau Recommendations

The legislation which created the Elections Commission and the Ethics Commission requires that each agency implement recommendations made by the Legislative Audit Bureau (LAB) in two separate audit reports. Section 266(1) of [2015 Act 118](#) states as follows:

Audit Report Recommendations: The elections commission and ethics commission, and their employees, shall, to the extent practicable within their respective responsibilities, implement the recommendations contained in the legislative audit bureau's Report 14-14 and 15-13 regarding the past performance of the government accountability board. The elections commission and ethics commission shall report their progress implementing those recommendations to the legislature no later than December 31, 2016.

[LAB Report 14-14](#) was issued in December 2014 and focused on various program activities of the Government Accountability Board (G.A.B.). [LAB Report 15-13](#) was issued in August 2015 and focused on investigation procedures of the Ethics and Accountability Division of the G.A.B. as well as complaint processing and tracking of the Elections Division. With the exception of implementation of administrative rules, each of the audit reports contained recommendations which were considered by the G.A.B. and have either been implemented or referred to the Legislature because the particular audit recommendation requires legislative action.

Following this communication is the LAB status report for the Elections Commission. This report was originally presented to the Government Accountability Board and has been updated to reflect subsequent activity. Any LAB recommendation that pertained to the Ethics Commission has been removed from the status report.

Recommended Motion:

The Commission approves the attached LAB status report and directs staff to submit the report to the Legislature no later than December 31, 2016.

Status Report on LAB Recommendations

Recommendation #	LAB Page #	GAB Page #	LAB Recommendation	Status
1	22	14	Promulgate administrative rules that prescribe the contents of training that municipal clerks must provide to election inspectors and special voting deputies.	In progress
2	22	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of its efforts to implement this recommendation.	Completed
3	26	2	Regularly monitor Statewide Voter Registration System records to identify and then contact clerks who have not mailed letters to registrants whose personally identifiable information did not match information held by other agencies.	Legislative Action Required
4	26	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement this recommendation.	Completed
5	29	5	Review the records of the deceased individuals LAB identified and determine whether any of these individuals' votes were inappropriately cast in FY 2012-13 elections.	Completed
6	29	6	Review Statewide Voter Registration System records after each election in order to identify and investigate instances in which votes were cast in the names of individuals who died before Election Day.	Legislative Action Required
7	29	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations.	Completed
8	32	3	Regularly monitor Statewide Voter Registration System records to contact clerks who have not mailed letters to individuals whose voter registration records have been inactivated because of ongoing	Legislative Action Required
9	32	4	Review information for the individuals LAB identified whose voter registration records may have been erroneously inactivated and ensure that the relevant clerks have notified the individuals.	Completed
10	32	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations	Completed
11	33	7	Complete in a timely manner the statutorily required reviews to identify individuals with ongoing felony sentences who may have voted.	Completed
12	33	8	Report to the Government Accountability Board on any actions taken by district attorneys against the 33 individuals who may have voted while serving felony sentences.	Completed
13	33	8	Work with the Department of Corrections to improve the accuracy of information regarding individuals serving felony sentences, including by ensuring that individuals convicted of misdemeanors are not erroneously included in the information that is electronically provided to the Statewide Voter Registration System.	Completed
14	33	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations.	Completed
15	34	14	Promulgate administrative rules that specify the responsibilities of clerks for maintaining voter registration records in the Statewide Voter Registration System.	In progress
16	34	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of its efforts to implement this recommendation.	Completed
44	87	17	Present to the Government Accountability Board for its approval written policies for considering complaints filed with the Ethics and Accountability Division and the Elections Division.	Completed
45	87	17	Maintain complete, centralized information about all complaints received and inquiries undertaken, including the resolution of these issues.	Completed
46	87	17	Report regularly to the Government Accountability Board on the status and resolution of all inquiries.	Completed
47	87	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of their efforts to implement these recommendations.	Completed

Status Report on LAB Recommendations

Recommendation #	LAB Page #	GAB Page #	LAB Recommendation	Status
48	92	15	Promulgate all required administrative rules.	In progress
49	92	16	Remove from the Administrative Code the eight rules that are not in effect because it did not vote to adopt them.	Completed
50	92	16	Require its staff to report to it regularly on the status of efforts to promulgate administrative rules and remove from the Administrative Code rules that are not in effect.	Completed
51	92	1	Report to the Joint Legislative Audit Committee by April 15, 2015, on the status of its efforts to implement these recommendations, including a schedule for promulgating each statutorily required administrative rule.	Completed

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ADMINISTRATOR MICHAEL HAAS

MARK L. THOMSEN, CHAIR

MEMORANDUM

DATE: For the Meeting of December 14, 2016

TO: Members, Wisconsin Elections Commission

FROM: Michael Haas
Commission Interim Administrator

Prepared and Presented by:
Sharrie Hauge
Chief Administrative Officer

SUBJECT: Operations and Management Policies and Procedures

Annually, the Wisconsin Elections Commission is required to adopt written policies and procedures to govern its internal operations, pursuant to Wis. Stat. s. 5.05 (16) (a). Additionally, management is required to report the policies and procedures to the appropriate standing committees of the Legislature.

Attached for the Commission's review and approval is the Wisconsin Elections Commission (WEC) Internal Control Plan, which describes the agency's internal operations including:

1. Control Environment (Mission Statement, Code of Conduct, Strategic Plans and Organizational Chart, Personnel Policies and Procedures, Position Descriptions and other Functional Guidance Materials Provided to Employees)
2. Risk Assessment (funding sources, system and tools and transaction cycles);
3. Control Activities (performance reviews, physical and electronic controls, information processing;
4. Information & Communication and the Monitoring of the internal control structure.

The Internal Control Plan for the WEC is based upon the established Plan for its predecessor agencies and incorporates best practices of state agencies. The documents identified in the Plan as appendices are not attached due to their volume, but staff can provide them at the request of Commissioners.

Recommended Motion: Approve WEC Internal Control Plan and authorize staff to submit the Plan to the Chief Clerks of the Senate and Assembly for distribution to the appropriate standing committees.

Wisconsin Elections Commission



Internal Control Plan

Revised: November 1, 2016

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Introduction

The Wisconsin Elections Commission (WEC) has developed the following internal control plan to provide reasonable assurance that all federal and state assets are safeguarded, applicable laws and regulations are followed, and objectives of the Agency are being met.

Control Environment

Mission Statement

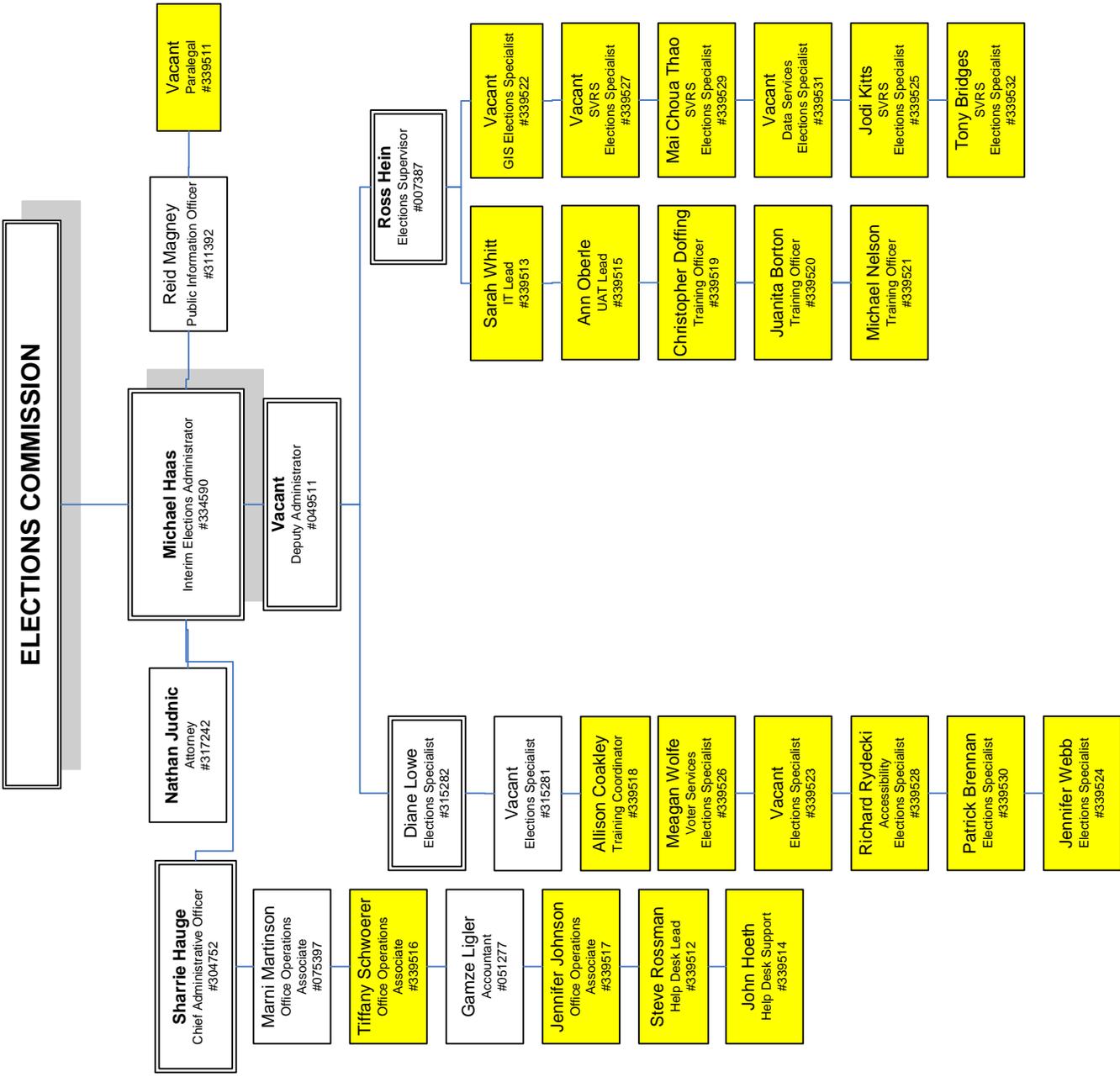
The mission of the Commission is to enhance representative democracy by ensuring the integrity of Wisconsin's electoral process through the administration of Wisconsin's elections laws and the dissemination of information, guidance and services to local election officials, candidates, policymakers, voters and the public, utilizing both staff expertise and technology solutions.

Code of Conduct

All permanent and project Wisconsin Elections Commission staff are required to attend a Department of Administration (DOA) orientation upon appointment. During new hire orientation, staff receive an Employee Handbook (Appendix A) and are required to sign an Acknowledgement of Receipt (Appendix B) which signifies their understanding that they will abide by work rules, code of ethics and other guidelines contained therein. The staff of the Wisconsin Elections Commission are also required by [Wis. Stat. § 5.05\(4\)](#) to be nonpartisan. This quality is instilled in every employee during agency training and is a significant part of the culture at the Wisconsin Elections Commission.

Strategic Plans and Organization Chart

The national Help America Vote Act of 2002 (HAVA) requires each state receiving federal funds to compose an election administration plan, outlining how those funds will be used. In cooperation with local election officials, members of the Legislature, and other citizens, the Government Accountability Board revised its [State Election Administration Plan](#) in August, 2009. This 106-page revised plan addressed the election-related goals of the agency for the next five years and details specific initiatives to be researched for potential implementation in the areas of election administration, accessibility, voting equipment, voter registration, voter education and election official training. The state election administration plan also contains a preliminary budget to utilize existing HAVA funds, as well as the available 2008, 2009, and 2010 requirements payments received. Finally, the state election plan also contains preliminary performance goals and provides measurement standards for each element of the plan, a copy of which is available upon request.



Personnel Policies and Procedures

All permanent and project Wisconsin Elections Commission staff are required to attend a Department of Administration (DOA) orientation upon appointment. During orientation, staff receive a DOA Employee Handbook (Appendix A) and are required to sign an Acknowledgement of Receipt (Appendix B), which signifies their understanding that they will be held to the personnel policies and procedures contained therein.

Position Descriptions

Employee position descriptions are available upon request. Agency management periodically reviews employee position descriptions to ensure they match employee work assignments, and then updates them as necessary. Other than the six Commissioners, there were no limited term employees (LTE) working at the GAB as of November 1, 2016. See Appendix C – Position Numbers, Employee Names, and Classification Titles.

Other Functional Guidance Materials Provided to Employees

Procurement Manual

The state procurement manual communicates the required policies and procedures for purchasing commodities and services throughout the state and is available online as part of the VendorNet System. The Wisconsin Procurement Manual is available at: <http://doa.wi.gov/Divisions/Enterprise-Operations/State-Bureau-of-Procurement/Agency-Information/Procurement-Manual/>

Purchasing Card User Manual

The DOA Purchasing Card User Manual is a document used by the Wisconsin Elections Commission staff which defines a purchasing card, its proper uses, and associated internal control policies and procedures governing usage by Elections Commission staff members. See first page of Appendix G - Purchasing Cardholders and User Manual for a listing of cardholder names and associated programs/grants. The user manual is issued to staff, if and when it's decided he or she will need to use purchasing cards as part of their job duties. The DOA Purchasing Card Manual is available at: <http://www.doa.state.wi.us/Documents/DEO/Procurement/PCardManual/PCARD%20USER%20MANUAL.pdf>

Wisconsin Statutes (Chapters 5 to 10 and 12)

The Wisconsin Elections Commission (WEC) administers and enforces Wisconsin law pertaining to Chapters 5 to 10 and 12. Program staff members are expected to have a high-level working knowledge of their controlling statutes, along with various inter-related statutes which may affect the conduct of elections in the state.

Election Administration Manual

Government Accountability Board/WEC staff developed this manual to serve as a knowledgebase for the various election officials in Wisconsin. It establishes the policies and

procedures governing Wisconsin elections. The Election Administration Manual is available at: <http://elections.wi.gov/publications/manuals>.

WisVote User Manual

Wisconsin Elections Commission staff developed this manual as a technical resource, to assist My Vote users in the operation and troubleshooting of the application, and is available here: <http://elections.wi.gov/publications/manuals/wisvote> and at the election training website: <http://www.electiontraining.gab.wi.gov/>.

Risk Assessment

Risk is defined as the level of vulnerability to fraud, abuse, and/or mismanagement. Risk assessment is the identification and analysis of relevant risks to achievement of objectives, forming a basis for determining how the risks should be managed. The WEC assesses risk by considering the events and circumstances which may occur and could adversely affect the WEC's ability to record, process, summarize, and report agency financial information. Management of the risks associated with the use of the WEC's internal control structure provides reasonable assurance that financial processing functions work as intended.

Funding Sources

The Wisconsin Elections Commission's funding comes from several sources:

1. State General Program Revenue (1) (a) - GPR and PR Funds 100
2. Help America Vote Act of 2002 (HAVA) (1) (m) - SEG Fund 220 – Federal funds were provided for all states to make sweeping reforms in the way elections are conducted. All federal funds with a cash balance earn interest monthly. Once the funds are spent, the state must then take over financial responsibility for maintaining HAVA initiatives. Within this Fund 220 Appropriation 1 80, there are, or were, several distinct HAVA-related programs and subprograms (reporting category in parentheses):
 - A. Section 101 (H101) – To be spent on the improvement of elections administration, which includes the training and certification of county and municipal clerks on current election laws and procedures. This fund balance was \$ 2,147,738 as of June 30, 2016.
 - B. Section 102 (H102) – To reimburse municipalities for the replacement of punch card and lever voting machines. This program is now closed, and the remaining unobligated fund balance of \$ 302,541 was returned to the U.S. Elections Assistance Commission in early December 2012.
 - C. Section 251 (*251*) – To be spent on the creation of a statewide voter registration system (SVRS) database and to provide for further election enhancements:
 - i. Section 251 (2519) – Requirements Payments received from the 2009 federal fiscal year. This fund balance was \$1,375,708 as of June 30, 2016 and was granted to continue Wisconsin's election administration in accordance with the initial Section 251 requirements.

- ii. Section 251 (2510) – Requirements Payments received from the 2010 federal fiscal year. This fund balance was \$ 1,294,843 as of June 30, 2016 and was granted to continue Wisconsin’s election administration in accordance with the initial Section 251 requirements. None of this grant principal has been spent.
3. Election Data Collection Grant (EDC9) – SEG Fund 220 – The Election Data Collection Grant was a \$2 million grant awarded to Wisconsin by the U.S. Elections Assistance Commission for the grant term of May 28, 2008 through June 30, 2009. However, the Wisconsin Government Accountability Board was awarded a no-cost extension until December 31, 2010. This was a reimbursable grant; however, approximately \$ 200,686 remains to be reimbursed, which the Program Administrator requested of the U.S. Elections Assistance Commission (EAC). The federal HAVA audit currently delayed by the OIG is most likely holding up release of these funds.
 4. Investigations (1) (be)– GPR Fund 100 - Appropriation 105 funds the cost of investigating potential violations of chs. 5 to 10 and 12, as authorized by the Commission..
 5. Training of Chief Inspectors (1) (bm) - GPR Fund 100 – Appropriation 106 for training chief inspectors under s. 7.31.
 6. Special Counsel (1) (br)– GPR Fund 100 – Appropriation 107 for the compensation of special counsel appointed as provided in s.5.05 (2m) (c) 6.
 7. Voter ID Training (1) (c) – GPR Fund 100 - Appropriation 109 funds training of county and municipal clerks concerning voter identification requirements provided in 2011 Act 23.
 8. Election Administration Transfer (1) (d)– GPR Fund 100 – Appropriation 110 to meet federal requirements for the conduct of federal elections under P.L. 107-252, to be transferred to the appropriation account under par. (t).
 9. Elections Administration (1) (e) – GPR Fund 100 – Appropriation 111 for the administration of chs. 5 to 10 and 12.
 10. Recount Fees (1) (g)– PR Fund 100 Appropriation 120 – Revenue from candidates requesting a recount of ballots cast in an election. This fund balance was \$ -0- as of June 30, 2016.
 11. Materials and Services (1) (h)– PR Fund 100 Appropriation 121 – Revenue from the sale of copies, forms, and manuals to individuals and organizations. This fund balance was \$ 25,355 as of June 30, 2016.
 12. Gifts and Grants Fund (1) (jm)– PR Fund 100 Appropriation 123 – Account to receive funds from gifts, grants or bequests. This fund balance was \$ 17,982 as of June 30, 2016.

13. Federal Aid Account (1) (m) – PR-F Fund 100 Appropriation 140 – Account to receive funds from the federal government to administer elections, but not associated with HAVA funds. The only current federal aid appropriation is the \$ 1,919,864 Federal Voting Assistance Program (FVAP) grant, which was awarded to our agency for the production of data associated with military and overseas electronic voting enhancements. The fund balance was \$339,792 as of June 30, 2016 and is typically in overdraft status, as FVAP expenditures are only reimbursable one month in arrears.
14. Election Administration (1) (t) – SEG Fund 220 Appropriation 160 – From the election administration fund, the amounts in the schedule to meet federal requirements for the conduct of federal elections under P.L. 107-252. All moneys transferred from the appropriation account under par. (d) shall be credited to this appropriation account.
15. HAVA Interest Income Earnings - Fund 220 Appropriation 180 R – Monthly interest income earned on Fund 220 cash balances, which is properly allocated to each respective federal program by reporting category on a monthly basis.

Systems and Tools

STAR

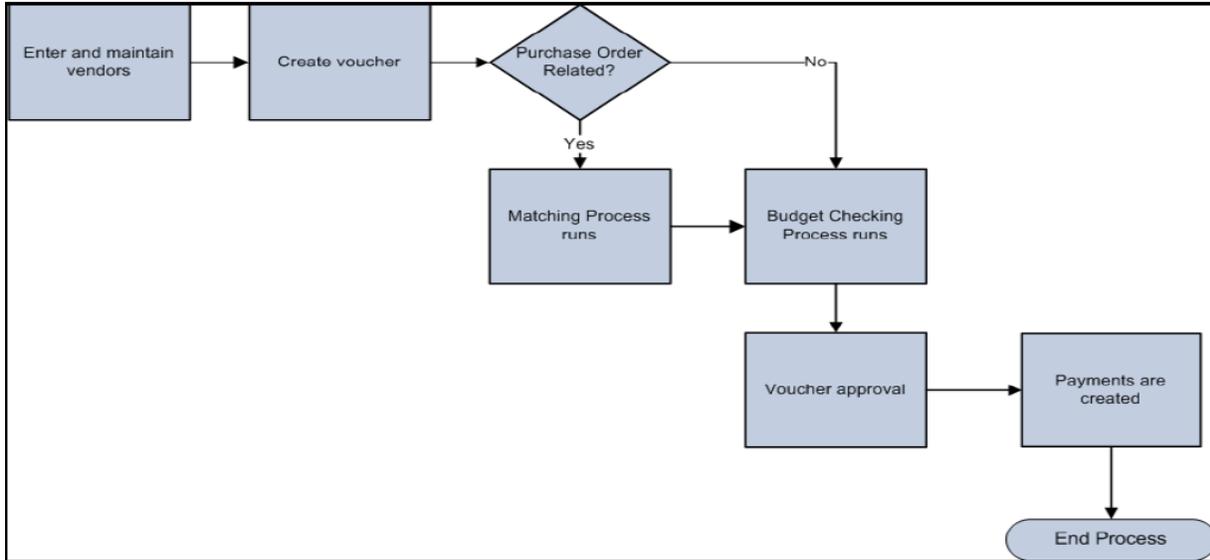
The Wisconsin Elections Commission (WEC) staff enters financial transactions into STAR (the state's accounting program). WEC uses a three-level line of approval, including an internal audit, before final payment is approved. Some staff may at times have multiple approval settings because of our agency's small size; however, they do not apply more than one approval for any given transaction.

The STAR Payment Process is available at:

<https://starcontent.wi.gov/starcontent/REV1STARPP/PlayerPackage/data/toc.html>

Accounts Payable End-to-End Process

The Accounts Payable End-to-End process is as follows:



STAR Security Access is Set up as Follows:

Staff involved:

Accountant: currently Gamze Ligler

Chief Financial Officer: currently Sharrie Hauge

Office Operations Associates: currently Marni Martinson; Jennifer Johnson; Tiffany Schwoerer

Elections Specialist (former Office Associate): currently Tony Bridges

Within STAR Finance Role Mapping (see section Finance Role Map); roles have been assigned to staff to process or approve vouchers. Roles are approved and granted by the Wisconsin Department of Administration, STAR Security Team.

Some staff, such as the Accountant, may Process OR Approve, but may not Approve a Voucher they Processed.

STAR security levels for payments are set up as follows:

Staff	Security / Approval Levels
Office Operations Associate Accountant Elections Specialist	Processor
Accountant	Approve a voucher for Payment (if not also the processor on voucher)

Chief Financial Officer	Approve a voucher for Payment (may not Process any vouchers)
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VendorNet

VendorNet is Wisconsin's electronic purchasing information system. VendorNet provides easy access to a wide variety of information of interest to vendors who wish to provide goods and services to the state, as well as state agencies and municipalities. Bidding and the time required to identify new vendors is minimized, while vendors are automatically notified of opportunities in their area of interest. VendorNet allows WEC staff to post bids and requests for services. VendorNet is also the source for mandatory contracts.

General information on how to do business with the state, along with names, addresses and telephone numbers of state agency procurement staff, and a summary of what the state buys and how much it spends is included within VendorNet. In addition, information on certified work centers, minority business enterprises, recycling, and affirmative action programs is available. VendorNet is available at: <https://vendornet.wi.gov/>

VendorNet security access is set up as follows:

Staff involved:

- Office Operations Associate
- Accountant
- Chief Financial Officer

Staff	Security / Approval Level(s)
Office Operations Associates Accountant Chief Financial Officer	Ability to access all functions of VendorNet

STAR HCM (Payroll Time & Attendance)

STAR HCM is an online system in which employees report all time worked and/or leave time used for each bi-weekly pay period. Supervisors and managers then review and approve all time worked and leave time reported via administrative access to the system. See Appendix C – Position Numbers, Employee Names, and Classification Titles.

Federal Time Reporting

Timesheets are completed by all WEC employees who are either funded by federal grant money or work on federal projects. Timesheets are used to track hours spent on various federal grant projects and on non-federal tasks. These timesheets report each respective federal fund and the time period for which the employee is certifying he or she worked. Any employees who are split-funded between multiple funding sources must fill out a bi-weekly federal timesheet and indicate the actual hours worked on each assigned projects. These employees submit completed timesheet certifications at the end of each bi-weekly pay period. Timesheets are then reviewed by supervisors and a financial staff person. Adjusting payroll journal entries are calculated and posted quarterly, to account for the actual time worked by project when compared to each

employee's funding string. Original timesheets for all employees are maintained by the financial staff. See Appendix C – Position Numbers, Employee Names, and Classification Titles.

Transaction Cycles

Purchasing Approval

Explanation: A good or service must go through a series of steps before it can be approved for purchase.

Risks:

- Unauthorized purchases.
- Purchasing items without sufficient approvals or authority.
- Approvals being applied on incorrect information.
- Purchases approved which violate state procurement policies and procedures.

See Appendix D-1 for the Purchasing Approval flowchart.

Accounts Payable

Explanation: Payment for purchase of goods or services and/or pre-approved credit issued by vendors when goods or services are purchased.

Risks:

- Paying a bill or invoice for which goods or services were never received nor rendered.
- An invoice is misplaced or lost before financial staff receives it.
- Delay in reconciling financial statements may allow incorrect payments to go unnoticed.

See Appendix D-2 for the Accounts Payable flowchart.

Cash Disbursements (Grants)

Explanation: Providing financial assistance to eligible recipients in accordance with terms of a grant agreement.

Risks:

- Recipient uses monies awarded for goods or services outside the scope of the grant terms and conditions.
- Recipient falsifies information on grant application.
- Recipient does not send back proof of proper expenditures when awarded a non-reimbursable grant.

See Appendix D-3 for the Cash Disbursements (Grants) flowchart.

Accounts Receivable & Cash Receipts

Explanation: Transactions for the billing of goods or services provided to customers, and the receipt of cash, checks, &/or ACH transfers for licenses and/or fees.

Risks:

- A staff person receives a check or cash, and fraudulently deposits it into a personal bank account unbeknownst to management.
- NSF check is returned by bank.
- Customers are billed incorrectly.

See Appendix D-4 for the Accounts Receivable & Cash Receipts flowchart.

General Services Billing

Explanation: Reviewing and paying a general services billing (GSB) invoiced by the Department of Administration (DOA) when the Wisconsin Elections Commission uses DOA's resources or support on a monthly basis.

Risks:

- Financial staff fails to recognize an incorrect amount billed and it is paid.
- Billing errors are not immediately requested in writing; DOA does not give credit on the GSB, but will subsequently issue a paper refund check for any overbillings.
- Paying the bill for goods and services which were not rendered.

See Appendix D-5 for the General Services Billing flowchart.

Payroll

Explanation: The process of reviewing, approving, and paying for employee wages and recording the expense, along with reconciling federal & state withholdings & remittances.

Risks:

- Payments made to employees out of incorrect funding streams are not adjusted after the fact.
- Cash payments are made to employees for overtime hours worked, instead of compensatory time being earned, unless certain projects are pre-authorized for cash overtime to be paid out.
- Federal or state required withholdings are not timely withheld or remitted.

See Appendix C – Position Numbers, Employee Names, and Classification Titles, along with Appendix D-6 for the Payroll flowchart.

Travel Reimbursement for Employees

Explanation: Employees request reimbursement for travel expenses incurred while traveling on official State business, which are processed by the WEC financial staff and then reimbursed through the bi-weekly payroll system.

Risks:

- Employees fill out reimbursement forms incorrectly.
- Employees fail to follow State travel policies and procedures.
- Employees fail to submit all required paperwork to process reimbursement.
- Employees are taxed on reimbursements when they should not have been, or vice versa.

See Appendix C – Position Numbers, Employee Names, and Classification Titles, along with Appendix D-7 for the Travel Reimbursement for Employees flowchart.

Travel Reimbursement for Non-employees

Explanation: Non-employees working indirectly for the WEC may request reimbursement for travel expenses incurred while working on official State business and for the benefit of the WEC.

Risks:

- The non-employee receives invalid reimbursement from the state and/or municipality.
- The non-employee falsifies their travel costs.
- The non-employee receives duplicate reimbursements for the same travel costs.
- The non-employee is reimbursed for travel costs which are not in accordance with state guidelines.

See Appendix D-8 for the Travel Reimbursement for Non-employees flowchart.

Federal Project Timesheets & Payroll Adjusting Entry

Explanation: WEC employees working on multiple projects which include a federal grant are required to fill out federal project bi-weekly timesheets, to account for time spent on each project or grant and to maintain compliance with federal cost principles. WEC financial staff review federal project timesheets and adjust payroll cost quarterly, according to the projects which the employee worked on during those bi-weekly payrolls.

Risks:

- Employee does not fill out timesheets to account for time spent on federal and/or non-federal projects.
- Employee leaves the agency without completing a timesheet to account for time spent on federal and/or non-federal projects.
- Financial staff does not make quarterly accounting adjustments to federal funds for actual time worked on federal and/or non-federal projects.

- Employee completes the timesheet incorrectly, or is unable to account for time worked on federal projects.
- Employee or supervisor does not certify time worked, thereby disallowing federal labor costs.

See Appendix C – Position Numbers, Employee Names, and Classification Titles, along with Appendix D-9 for the Federal Project Timesheets & Payroll Adjusting Entry flowchart.

Recount for State Office

Explanation: Wisconsin statutes require the collection of fees from recount petitioners in certain situations. For State offices, the WEC is the filing officer and collects the filing fee from petitioners, if required. Wisconsin statutes require any fees collected to be distributed to the counties conducting the recount for the State office.

Risks:

- WEC election administration staff incorrectly calculates, or does not collect, the fee payable from the recount petitioner.
- Fees collected are not timely distributed to the proper county.

See Appendix D-10 for the Recount for State Office flowchart.

Control Activities

Control activities are the policies and procedures in place at the WEC which help ensure that necessary actions are taken to address risks identified to achieve our objectives. Relevant control activities in place at the WEC include:

Performance Reviews

Employees are to be formally evaluated on their work performance each year, based upon pre-established work standards reflecting their position description. These standards serve as the basis for ongoing communication between a supervisor and the employee throughout the year. A copy of all formal evaluations is maintained in the employee's official personnel file. See Appendix C – Position Numbers, Employee Names, and Classification Titles.

Physical and Electronic Controls

Control activities in this area are divided into two main categories: physical controls and electronic controls. These activities encompass the security of WEC assets including adequate safeguards over access to assets and secured areas, authorization for access to computer programs and data files, and periodic comparisons with amounts shown on control records.

Physical Controls

- All WEC staff members are issued a photo ID card. See Appendix A - DOA Employee Handbook: Access Cards, Keys, and ID Cards Section.
- The WEC office is open to staff and to the public from 7:45am to 4:30pm weekdays. Staff may receive authorization for cards to access WEC offices outside these normal business hours from the Administrator (or designee) on an as-needed basis. See also Appendix F – Building Access Card Agreement.
- During office hours, WEC staff provides physical security and oversight of agency assets & resources.
- The WEC maintains secured storage areas for confidential records, such as locked file cabinets, secure safes, and a locked storage room for records and supplies outside the staff office.
- WEC adheres to the General Records Schedule for Fiscal and Accounting Related Records, as promulgated by the Wisconsin Department of Administration. See Appendix E - General Records Schedule for Fiscal and Accounting Related Records.
- Confidential records which aren't required to be retained are boxed and sealed for shipment to the State Records Center, to be destroyed in a confidential shredding process.

Electronic Controls

- Each WEC employee is assigned system logon credentials by the Department of Administration required to access state computer systems.
- Employee passwords for many state systems must be reset every 60 days.
- Users of the Statewide Voter Registration System (SVRS) /My Vote System must sign a confidentiality agreement and have their workstation certified before access to the system is granted.

Information Processing

Purchasing

Control activities are displayed in Appendix D-1 -- Purchasing Approval Flowchart

- Segregation of Duties:
 - Authorization: Purchases of goods and services are authorized by WEC supervisors. Staff in charge of compliance determines if a purchase is allowable and necessary.
 - Recordkeeping: Financial staff compiles and reviews information for approval. Purchasing paperwork is retained for future reference.
 - Custody: WEC staff other than the approver and program staff initiate the purchase in STAR.
- Purchasing is separate from either receiving goods or disbursing cash (unless a purchasing card is used).

Purchasing Card

Control activities are displayed in Appendix G -- Purchasing Card User Manual

- Segregation of Duties:
 - Authorization: Purchase of goods is authorized by WEC supervisors. Staff in charge of compliance determines if a purchase is allowable and necessary.
 - Recordkeeping: Financial staff compiles and reviews information for approval. Purchasing paperwork is retained for future reference.
 - Custody: Purchasing cardholder initiates the purchase either online, or by phone, or in person.

Accounts Payable

Control activities are displayed in Appendix D-2 -- Accounts Payable Flowchart

- Segregation of Duties:
 - Authorization: Review and approval of invoices and vouchers for completeness of supporting documents and proper authorizations is conducted.
 - Recordkeeping: Review and reconciling of payment information is performed on a monthly basis. Invoices and vouchers are retained by the financial staff.
 - Custody: Department of Administration generates paper checks or ACH transactions.
- The purchasing form, bill of lading, receiving report, purchase order, and/or requisition are matched prior to payment.

Cash Disbursements (Grants)

Control activities are displayed in Appendix D-3 -- Cash Disbursements (Grants) Flowchart

- Segregation of Duties:
 - Authorization: Supervisors review and approve disbursements as allowable and necessary.
 - Recordkeeping: Reviewing and reconciling payment information is performed on a monthly basis.

- Custody: DOA generates and mails out paper checks.
- The purchasing form, bill of lading, receiving report, purchase order, and/or requisition are matched prior to payment.

Accounts Receivable & Cash Receipts

Control activities are displayed in Appendix D-4 -- Accounts Receivable & Cash Receipts Flowchart

- Segregation of Duties:
 - Authorization: The deposit approval for cash and paper checks is initiated by the WEC office and final approval is applied by DOA. E-pay electronic ACH deposits are processed by U.S. Bank and approved by DOA in STAR, without any intervention by WEC staff.
 - Recordkeeping: Deposit information is entered into the STAR accounting system and tracked internally.. A processor records the deposit, which is then approved by the accountant in STAR. An internal audit is conducted by the Chief Financial Officer.
 - Custody: Currency and coin are directly deposited at U.S. Bank, while paper check deposits are hand-delivered to the DOA drop box, who then deposits and posts these checks to the agency's cash ledger account. Only U.S. Bank has custody of e-payment ACH electronic deposits.
 - NSF checks returned by the bank are recorded, investigated, and secondary payment is requested by WEC staff.

General Services Billing

Control activities are displayed in Appendix D-5 -- General Services Billing Flowchart

- Segregation of Duties:
 - Authorization: GSB charges are verified against fleet approval forms & mileage rates, printing & mailing information, and/or other supporting documentation, to confirm the agency services were approved.
 - Recordkeeping: Transaction information is automatically loaded into the STAR accounting system, tracked internally, and reconciled monthly to internal accounting files.
 - Custody: The individuals confirming services were rendered are separate from the individuals receiving the benefits of the services.

Payroll

Control activities are displayed in Appendix D-6 -- Payroll Flowchart

- Segregation of Duties:
 - Authorization: Management reviews and approves work hours recorded by staff.
 - Recordkeeping: Staff records hours into STAR. Supervisors approve hours and send hours to the DOA payroll office electronically. Financial staff records payroll from the STAR transaction, initiated by DOA after management approval.
 - Custody: Payroll checks are generated at DOA and directly deposited into the employee's bank account. Pay stubs are no longer distributed.

- Each bi-weekly payroll register is reviewed by a financial staff member, separate from the manager who requests employee payroll funding additions, changes, and deletions. See also Appendix C – Position Numbers, Employee Names, and Classification Titles.

Travel Reimbursement for Employees

Control activities are displayed in Appendix D-7 – Travel Reimbursement for Employees Flowchart

- Segregation of Duties:
 - Authorization: Supervisors review and approve employee travel reimbursement requests.
 - Recordkeeping: Travel reimbursements for costs incurred by staff are submitted by staff and then reviewed by financial staff for accuracy and completeness.
 - Custody: Travel expenses incurred by agency employees are processed by a financial staff member. Travel reimbursements are completed by DOA staff and added to an employee’s paycheck. Financial staff members file and retain reimbursement requests and supporting documentation.
- All travel costs incurred by the agency and travel reimbursements are reviewed by more than one individual, to ensure that these costs are allowable and in accordance with State travel policies and procedures. See also Appendix C – Position Numbers, Employee Names, and Classification Titles.

Travel Reimbursement for Non-Employees

Control activities are displayed in Appendix D-8 – Travel Reimbursement for Non-Employees Flowchart

- Segregation of Duties:
 - Authorization: Supervisors review and approve non-employee travel reimbursement requests.
 - Recordkeeping: Travel reimbursements for costs incurred by non-employee individuals are submitted by the non-employee and reviewed by financial staff for accurate and complete documentation. If the information does not comply with applicable policies and guidelines, the staff notifies the non-employee and attempts to resolve the issue.
 - Custody: Travel expenses incurred by non-employees are processed by a financial staff member and related reimbursement checks are generated by DOA.
- All travel costs incurred by the agency and travel reimbursements are reviewed by more than one individual, to ensure that these costs are allowable and in accordance with State travel policies and procedures.

Federal Project Bi-Weekly Timesheets

Control activities are displayed in Appendix D-9 -- Federal Project Timesheets Flowchart –

- Segregation of Duties:

- Authorization: Supervisors review and certify (sign) employee timesheets on a bi-weekly basis.
- Recordkeeping: Timesheets are reviewed on a daily basis and any non-compliance is communicated to management each morning. A quarterly adjustment is calculated and booked, to true up the actual federal hours worked by project for each employee.
- Custody: After an employee's timesheet has been submitted by the employee and certified by the supervisor, it is given to the financial staff for recording and filing.

See also Appendix C – Position Numbers, Employee Names, and Classification Titles.

Recount for State Office

Control activities are displayed in Appendix D-10 -- Recount for State Office Flowchart

- Segregation of Duties:
 - Authorization: WEC Election Administration staff determines whether a fee is required, depending upon the closeness of each political race. Payment to counties for the cost of a recount is authorized by multiple financial team members and by DOA.
 - Recordkeeping: Financial staff maintains original payment documentation, along with a breakdown of counties which qualify for payment.
 - Custody: Financial staff maintains documentation on payment and authorizes DOA to make payments.

Information & Communication

Information

STAR – State Transforming Agency Resources (STAR) Accounting and Reporting Tool

STAR is an enterprise-wide system designed to provide better consistency among state agencies, as well as modernization of the State's IT Infrastructure. The comprehensive system allows the state to manage its finance, budget, procurement, business intelligence and human resources functions.

The first release began in July 2015 and was completed in October 2015, with the implementation of Finance and Procurement functionality. The second release began in December 2015 with the implementation of Human Capital Management (HCM) functionality for administrative and self-service users. All state agencies must process their accounting transactions through this system, as it is used to produce the statewide fiscal year financial statements. All financial transactions are entered into STAR.

Strengths:

- Processes and contains all of the agency's financial transactions and information.
- Monitored by the Department of Administration.
- Extensive manuals and a telephone helpline are available for technical assistance.
- Uses multi-level approval settings for segregation of financial staff duties while processing transactions.
- Multiple tables organize information on a fiscal year and calendar year basis.

Weaknesses:

- Difficult to learn new functionality.
- Not user-friendly; difficult to understand input screens which pose a risk of user error.
- Difficult to access old transactions electronically.

Tasks to Minimize Weaknesses, Changes, or Improvements:

- Rely on STAR Support and/or State Controller's Office for technical assistance.
- Checks and balances through the use of multiple reviewers and approval layers.

VendorNet

VendorNet is Wisconsin's electronic purchasing information system. VendorNet provides easy access to a wide variety of information of interest to vendors who wish to provide goods and services to the state as well as state agencies and municipalities. Bidding and the time required to identify new vendors is minimized while vendors are automatically notified of opportunities in their area of interest. VendorNet allows WEC staff to post bids and requests for services. VendorNet is also the source for mandatory contracts.

Strengths:

- When properly used, VendorNet ensures state purchasing rules are followed.

- Clearinghouse of purchasing information.
- Updated frequently and immediately, as changes to contracts are made.

Weaknesses:

- Information can sometimes be difficult to locate.
- Information can sometimes be difficult to understand and interpret.

Tasks to Minimize Weaknesses, Changes, or Improvements:

- Training classes by DOA.
- Use DOA support and technical assistance when necessary.

Communication

This process involves providing an understanding to staff about their individual roles and responsibilities as they pertain to the internal control plan. Communication can be written, verbal, or through the actions of management and other personnel. Not only is communication essential within the agency, but also with external sources.

The following are methods used for communicating the roles, responsibilities, and significant matters relating to the internal controls plan within the agency:

- Financial Staff are given an internal control plan for review when starting employment.
- Staff and Elections Division meetings.
- Training sessions.
- Memorandums.
- Management ensures the internal control plan is followed.
- Emails.

The following are methods used for communicating the issues, resolutions, and significant matters relating to the internal controls plan outside the agency:

- When communicating with clerks, the agency follows a communication protocol of procedures and policies before sending information to a group of customers.
- Public Information Officer reviews communications prior to sending out.
- When working with vendors on significant procurements or with auditors, the agency uses a single point of contact for all communications.

Monitoring

Monitoring is a process by which the WEC assesses the performance quality of the internal control structure over time. WEC management regularly monitors, audits, and reconciles the processes in place, to maintain sound internal controls for the agency. Monitoring of the internal control plan provides the WEC with reasonable assurance that control objectives are being met.

Monitoring Plan:

Management will periodically assess the performance quality of the internal control plan, focusing on the design and operation of the controls to ensure they are operating as intended. If corrective action is necessary, it will be in a timely manner. Establishing and maintaining internal control is the responsibility of management. The monitoring process will include steps such as:

1. Consistent and ongoing monitoring activities, built into both regular and commonly-recurring activities.
2. Occasional internal audits of the strengths and weaknesses of internal controls.
3. Evaluation of communications from entities outside the agency.
4. Focus on evaluation of the quality and performance of internal controls.

Procedures for responding to findings and recommendations reported by auditors:

1. In a timely manner, management will perform an evaluation of the findings and recommendations.
2. Management will develop a proper response to resolve the concerns.
3. The response will be direct to the findings and recommendations.
4. The response will be clear and concise.
5. Any specific or unique positions will be addressed and identified.
6. If action is necessary for implementation of the response, a timeline will be produced with reasonable deadlines for implementation.

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MEMORANDUM

DATE: For the December 14, 2016 Commission Meeting

TO: Members, Wisconsin Elections Commission

FROM: Michael Haas
Commission Interim Administrator

Prepared by: Michael Haas, Administrator
Sharrie Hauge, Chief Administrative Officer
Reid Magney, Public Information Officer

SUBJECT: Commission Staff Update

Due to the report provided summarizing the 2016 Presidential and General Election, this memorandum is limited to management and administrative activity since the Commission meeting of October 14, 2016. The primary administrative focus for this reporting period has been financial services activity, procuring goods and services, recruiting staff, communicating with agency customers, developing media presentations and responding to media inquiries.

1. Financial Services Activity

- Staff worked with a representative from the US Election Assistance Commission (EAC) during the week of the General Election. The EAC representative was satisfied with his review of our procurement policies, internal controls and Federal Grant time keeping. A conference call will be scheduled to review the HAVA251 and HAVA101 Federal Financial Reports which are due 12/31/2016.
- The 2011 Federal HAVA 261 Accessibility Grant Federal Financial Report was filed on Nov. 21, 2016. The available grant of \$199,998.00 has been expended in its entirety.
- Agency Financial Staff are awaiting a meeting with the State Controller's Office (SCO) to conduct a final reconciliation of the Government Accountability Board's books to close out the agency.
- Staff is preparing payroll reconciliations to properly allocate salaries and fringe benefits between federal and state programs. We have had meetings with SCO and the STAR Project Costing team to analyze solutions within the new system.

- With assistance from SCO Treasury, staff received a \$3,499,689 wire transfer for the state-wide presidential recount. Fiscal staff is working in conjunction with the Budget Office and SCO Treasury to set up accounting procedures in STAR to fully account and track the funds, as well as tracking interest earned before funds are fully expended.
- Staff is tracking time spent related to the recount effort in order to track Elections Commission Office costs for management purposes and in case funding becomes available.
- We are continuing to work with the STAR HCM; STAR Finance and STAR Project Costing teams to streamline the Federal Grant Reporting process as it relates to expenditures and revenues.
- Bill allocations have been revised to better reflect the use of space and programs for the office rent. The new allocations are net of the expended Accessibility funds.

2. Procurements

Purchase Orders related to the election and ERIC mailer for Temporary Staff and Call Center services have been closed out. Staff is processing the most recent invoices related to the election timeframe.

- \$13,380 in Purchase Orders was written for Temporary Staff related to the November Election.
- \$11,000 in Purchase Orders was written for Temporary Staff related to Accessibility Audits during the November Election.
- \$29,400 in Purchase Orders was written for Temporary Staff related additional staffing needs related to the ERIC mailer.

3. Staffing

Staffing continues to be a challenge for the agency. We currently have five-vacant Elections Specialist positions – three Election Administration Specialists and two WisVote Elections Specialists. The positions were posted on December 2, 2016 with an application deadline of December 21, 2016.

4. Meetings and Presentations

Administrator Haas participated in a meeting of campaign representatives and observer organizations on October 20, 2016. Agency staff also hosted a meeting of political party and campaign representatives on 28, 2016.

Administrator Haas and Chief Administrative Officer Hauge met with DOA Deputy Secretary Zeuske on October 26, 2016 to discuss the status of the agency transition.

Administrator Haas and agency staff met with three sets of international election observers visiting Wisconsin voting locations and election officials in the weeks leading up to Election Day.

Agency staff conducted a webinar related to the Photo ID Petition Process for clerks and interested organization on October 27, 2016.

Administrator Haas participated in a news conference in Milwaukee on October 31, 2016 to promote the ID Petition Process and raise awareness of the photo ID requirement, along with representatives of the City of Milwaukee, Milwaukee County, and voter advocacy organizations.

Agency staff met with representatives of the FBI, U.S. Attorney's offices, Wisconsin Emergency Management, and DOA's Division of Enterprise Technology in the weeks prior to the election to discuss security of election management systems and election contingency planning.

Administrator Haas and Staff Counsel Nathan Judnic gave a webinar presentation to Wisconsin law enforcement and district attorney offices related to election laws and Election Day preparations on November 3, 2016.

Administrator Haas, Elections Supervisor Ross Hein and Public Information Officer Reid Magney were interviewed on many occasions prior to and subsequent to Election Day by state and national media outlets. Primary topics of the interviews included absentee voting, election system security, photo ID, provisional ballots, Election Day incidents, and recount petitions and procedures.

Administrator Haas, WisVote Functional Lead Sarah Whitt, and WisVote Specialist Tony Bridges attended a meeting on November 30th for a presentation by the U.S. Census Bureau regarding preparations for the 2020 Census.

5. Delegated Authority

Administrator Haas took the following actions pursuant to the Commission's delegation of authority:

- A. Submitted a request to the Federal Voting Assistance Program (FVAP) to formally transfer the administration of FVAP grant funds to the WEC from the Government Accountability Board. The FVAP grant has funded the development and upgrading of MyVote Wisconsin and to assist military and overseas voters. A Novation Agreement to transfer administration of the funds to the WEC was executed by FVAP on November 28, 2016. FVAP also approved a request submitted by Administrator Haas to extend the grant period for one year, so that the grant funds will be available through November 2017.
- B. Communicated with Department of Justice litigation counsel representing the Commission related to pending litigation matters.
- C. Issued an exemption to the City of Marinette from the requirement to use voting machines or electronic voting systems at the Spring Primary and Spring Election pursuant to the provisions of Wis. Stat. s. 5.40(5m).

- D. Approved purchase orders for temporary staff related to the ERIC project, the polling place accessibility audit program, and handling phone and email inquiries regarding the General Election, as described in the Procurement section above.