

Meeting of the Board

Tuesday, October 22, 2013

Agenda
Open Session

9:00 A.M.

Government Accountability Board Offices

212 East Washington, Third Floor

Madison, Wisconsin

Tuesday, October 22, 2013

9:00 A.M.

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A. Call to Order

B. Director's Report of Appropriate Meeting Notice

C. Minutes of Previous Meetings

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D. Personal Appearances

E. Voting Equipment Certification Issues

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The Government Accountability Board may conduct a roll call vote, a voice vote, or otherwise decide to approve, reject, or modify any item on this agenda.

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I. Closed Session

- | | |
|-----------------------------|---|
| 5.05 (6a) and 19.85 (1) (h) | The Board's deliberations on requests for advice under the ethics code, lobbying law, and campaign finance law shall be in closed session. |
| 19.85 (1) (g) | The Board may confer with legal counsel concerning litigation strategy. |
| 19.851 | The Board's deliberations concerning investigations of any violation of the ethics code, lobbying law, and campaign finance law shall be in closed session. |
| 19.85 (1) (c) | The Board may consider performance evaluation data of a public employee over which it exercises responsibility. |

The Government Accountability Board has scheduled its next meeting for Tuesday, December 17, 2013 at the Government Accountability Board offices, 212 East Washington Avenue, Third Floor in Madison, Wisconsin beginning at 9:00 a.m.

The Government Accountability Board may conduct a roll call vote, a voice vote, or otherwise decide to approve, reject, or modify any item on this agenda.

State of Wisconsin\Government Accountability Board

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JUDGE TIMOTHY L. VOCKE
Chair

KEVIN J. KENNEDY
Director and General Counsel

Wisconsin Government Accountability Board

212 East Washington Ave.
Madison, Wisconsin
August 13, 2013
9:00 a.m.

Open Session Minutes

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Present: Judge Timothy L. Vocke, Judge Gerald C. Nichol, Judge Michael Brennan, Judge Thomas H. Barland, Judge Thomas Cane and Judge David G. Deininger (by telephone)

Staff present: Kevin Kennedy, Jonathan Becker, Michael Haas, Shane Falk, Sharrie Hauge, Sherri Ann Charleston, Diane Lowe, Allison Coakley, Christopher Doffing, Juanita Borton, Michael Nelson, and Reid Magney

A. Call to Order

Judge Vocke called the meeting to order at 9:00 a.m.

B. Director's Report of Appropriate Meeting Notice

Director and General Counsel Kevin Kennedy informed the Board that proper notice was given for the meeting.

C. Minutes of Previous Meeting

May 21, 2013 Meeting

MOTION: Approve the Open Session minutes of the meeting of May 21, 2013 with the correction requested by Mary Ann Hanson regarding her comments about special voting deputies. Moved by Judge Nichol, seconded by Judge Barland. Motion carried unanimously.

D. Personal Appearances from Members of the Public

Mary Ann Hanson of Brookfield appeared on her own behalf to request a correction to the May 21, 2013 minutes to reflect her comment that not everyone who lives in a nursing home or a care facility is required to vote by special voting deputy. She also commented that she has submitted questions to staff regarding Agenda Item G1, Administrative Rule GAB 4. She said name tags are important for all election observers and they should identify for what purpose the observers are there, i.e. disability advocates. Regarding the 6-to-12-foot rule, she said that depending on the polling place, 6 feet can be quite a distance.

Karen McKim of Waunakee appeared on behalf of the Wisconsin Grassroots Network Election Integrity Action Team to discuss the group's report on citizen observation of post-election audits, copies of which were distributed to Board members. She said clerks performed very good audits of voting equipment at a low cost, and that every audit went well. Changes sought by the team are mostly legislative in nature and better directed to the Legislature. She said post-election audits build public confidence in election accuracy. In the coming year, the group will be encouraging clerks to go beyond the minimum requirements in post-election auditing, and she asked the Board to refrain from discouraging clerks from doing so.

Discussion between Judge Barland and Ms. McKim regarding the group's history.

Neil Ford of Lodi appeared on behalf of the Wisconsin Council of the Blind and Visually Impaired to discuss agenda Item F, the report on voting accessibility. He is also a member of the Board's Accessibility Advisory Committee. He explained that he has voted absentee for the past 12 years because he is no longer able to drive to the polling place. He said his main concern is improved accessibility of the voting process, particularly transportation to and from the polls.

Discussion between Judge Vocke and Mr. Ford regarding his experiences as a voter. He said he has participated in demonstrations of accessibility voting equipment, but has not used such equipment during an actual election.

Alicia Boehme and **John Shaw** of Madison appeared on behalf of Disability Rights Wisconsin and the Wisconsin Board for People with Developmental Disabilities, respectively, to discuss agenda Item F, the report on voting accessibility. They said the

report highlights the great work the G.A.B. has done. While the report shows there is a great deal of work still to be done, a great deal has already been done. They noted that the G.A.B.'s effort to identify issues at the polls has been very important because if the issues are not identified, they cannot be addressed. They noted that the G.A.B. often identifies simple things for clerks/election officials to implement that improve public voting by persons with disabilities. They also noted that the G.A.B. has helped to improve the situation such that they no longer consistently have the "big ticket" problems that existed 11 years ago. They said that removing barriers makes more people with disabilities want to vote. They said that anecdotally, the top problems include accessible doors being locked or not being marked, and problems with snow in the winter.

Andrea Kaminski of Madison appeared on behalf of the League of Women Voters of Wisconsin regarding Agenda Item G1, Administrative Rule GAB 4. She said the rule is a good balance between the needs of voters for privacy and an orderly process for ensuring transparency. She also commented on the accessibility report, noting that League observers noted issues with lack of signage for accessible entrances, lack of parking, and accessible voting equipment that was set up, but without privacy for voting.

Diane Hermann-Brown of Sun Prairie appeared on behalf of the Wisconsin Municipal Clerks Association, as Chair of the Election Concerns Committee, and the City of Sun Prairie to comment on accessible voting places and observer rules. She suggested the G.A.B. send out a memo to municipal public works directors reminding them of the need to plow accessible parking spaces in winter. She said Administrative Rule GAB 4 is very clearly written, which will be helpful when clerks need to work with law enforcement officials who often want black-and-white rules to enforce. She said the majority of municipalities do not have polling place issues with observers, but that some have more aggressive election observers, which is why the rules are necessary.

Discussion between Board members and Ms. Hermann-Brown regarding examples of polling place behavior and the practicality of the 6-to-12-foot rule. She said most clerks are comfortable making adjustments based on individual polling place configurations. She said most observers in Sun Prairie are local residents, and she often recruits them to become poll workers.

E. Voting Equipment Certification Issues

1. Elections Systems & Software application for approval of the ES&S Unity 3.4.0.1 (modem component)

Elections Specialist Sherri Ann Charleston presented a verbal and written report located on page 14 of the August Board Meeting materials regarding testing results and staff recommendations for conditional approval for ES&S Unity 3.4.0.1, which has not been certified by the U.S. Election Assistance Commission. The underlying system, 3.4.0.0, was approved by the Board in March 2013, and staff has tested the 3.4.0.1 equipment with an analog modem in accordance with the protocols approved by the Board in May 2013. Ms. Charleston described the testing, which occurred in Brown, Marathon, Dane

and Rock counties during July. While the equipment met 100 percent of standards for accuracy of data transmitted, it met the reliability standard 75 percent of the time because of several anomalies. Later, ES&S conducted testing in each of the four counties with its own engineering staff, and reported 100 percent reliability. Because of the scheduling for this Board meeting and the need to prepare reports on the testing, G.A.B. staff was unable to participate in the second round of testing conducted by ES&S.

Discussion.

Director Kennedy said that in consultation with the Board Chair, he made the decision not to send G.A.B. staff to the second round of testing due to limited staff resources. He said voting equipment does not get a “do-over” on election night if it fails.

Judge Barland questioned why staff would recommend conditional approval if the equipment had a 75 percent reliability score in the testing. Director Kennedy said the staff identified problems with the telecommunications infrastructure. The conditions recommended by staff address these concerns and require clerks and the manufacturer to conduct acceptance testing and functional testing, and to conduct successful test elections in the 2014 Spring Primary and 2014 Spring Election prior to final approval by the Board.

Ms. Charleston further described the issues encountered by the G.A.B. staff testing team, including problems with load testing to simulate multiple simultaneous attempts to transmit election results on election night. There were also modem sensitivity issues, possibly caused by 90 percent humidity on one of the test days, as well as line infrastructure problems.

Judge Vocke recognized Steve Pearson, vice president of Elections Systems & Software. Mr. Pearson said that the initial testing proved the system can transmit results successfully, and the infrastructure issues experienced demonstrate the challenges that counties and municipalities commonly face. He discussed ES&S’s subsequent successful testing of the system and described some of the reasons he believed the initial reliability tests failed. He said during one of the load tests, the server was connected improperly. He indicated that there was nothing atypical about the G.A.B. initial test results and those results are typical of this equipment. He indicated that the modem is not special or unique and it is an off-the-shelf item; however, he acknowledged that he just learned humidity is an issue for modeming results. He also acknowledged that analog is an aging technology and that wireless technology is more reliable.

Judge Vocke asked why the system was not set up right for the first tests. Mr. Pearson said it was an error, which is why ES&S sent a network engineer for the second tests.

Further discussion of testing issues and reliability of analog modems elsewhere in the nation. Mr. Pearson stated that “stuff happens” and acknowledged that some modems are not always reliable, but that if a clerk is able to get 80 percent to 90 percent of unofficial results in early because of modems, “that’s a nice feature for them.” He said ES&S did

not realize it could have tested the phone lines in advance of the G.A.B.'s testing. Mr. Pearson also noted that ES&S has as part of its process provided support for the integration of the system in the counties. He acknowledged that ES&S cannot control phone systems, but can assist with identification of issues with a particular phone system.

Judge Vocke recognized Brown County Clerk Sandy Juno, who appeared on behalf of Brown County to offer her observations on the testing. She said the G.A.B. testing plan did not identify the critical step of pretesting telephone lines, which is something Brown County election officials do before elections. She said the staff's recommendation for conditional approval of ES&S Unity 3.4.0.1 is a problem because buying conditionally-approved equipment does not go over well with the county's board of supervisors, attorneys, and risk managers.

Discussion regarding testing, equipment warranties, and infrastructure issues.

Judge Vocke recognized Rock County Clerk Lori Stottler, who appeared on behalf of Rock County to discuss the testing. She praised the G.A.B. staff for its efforts. She described the current Optech Eagle ballot tabulators with modems as being like an old car that can be fixed without the need for computer diagnostics. However, the software that runs them will not be supported by Microsoft starting in April 2014. She said she would prefer final approval rather than conditional approval because the equipment is transmitting unofficial results. She said she does not want to spend \$325,000 on new equipment if there is a possibility the G.A.B. will order the modems to be removed next year in the event the system is not given final approval. She did express concern that the Unity 3.4.0.1 system may not work for Rock County because they are losing so many of their analog lines.

Discussion.

Judge Vocke recognized Dane County Clerk Scott McDonell, who appeared on behalf of Dane County. He said he did not have a problem with the G.A.B.'s testing protocol, and said ES&S should have had more senior staff on site for the initial testing. If the new equipment will allow him to get 70 percent of the results by modem, that is great, he said. He is not concerned with that reliability rate. Problems occur when people call in unofficial results and there are transcribing errors. He noted that some of the county's equipment has been flood damaged and needs to be replaced, so time is of the essence.

Discussion regarding whether the county board would approve purchase of a system with only conditional approval. Clerk McDonell said it would cause some confusion. He said town clerks do not want to have to drive their results to the county on election night. He suggested mandating testing as part of the procurement process. He also said modems should be wireless, and only be able to send data, not receive.

Judge Vocke called a recess at 10:52 a.m. The Board reconvened at 11:12 a.m.

Continued discussion. Judge Cane asked staff: Why not let municipalities decide whether to purchase the equipment instead of waiting for final approval, if the equipment and analog lines will be tested? Ms. Charleston said staff was not able to determine whether the lines were the only problem, or whether there may have been problems with the modems. She said that if staff is going to recommend the Board put its stamp of approval on a piece of equipment, staff wants to ensure that it met all the standards. Recommending conditional approval gives clerks the space to make sure the modems are working before the vendor walks away from the sale.

Judge Barland said he is concerned about public confidence in the voting process, and he is not prepared to approve conditionally. Judge Deininger said he would be concerned if the state approved the system without conditions and then it is bought in quantity statewide, only to have 25 percent unreliability.

MOTION: Adopt the staff’s recommendation for conditional approval of the ES&S voting system's Application for Approval of Unity 3.4.0.1 to be sold or used in Wisconsin, including the conditions described in the staff report set out on pages 33 to 35 of the August Board Meeting materials. In addition, include the following language from page 15 of the Addendum to Item E submitted by ES&S: “Election Preparation Testing - Line and DS200 unit testing prior to each election is essential to ensure reliable and efficient data transmissions on election night. These tests should include the line specification and quality tests along with operational verification testing of each modem equipped DS200 scanner.” Furthermore, its use at a test election during the completion of the functionality and integrity testing shall be valid for all purposes as if the Board had given final approval to the voting system. Moved by Judge Deininger, seconded by Judge Nichol.

Discussion. Judge Cane said he liked the idea of one more test. Judge Brennan said it is the Board’s job to regulate elections. Judge Vocke called for a roll-call vote.

Roll call vote: Barland:	No	Brennan:	Aye
Cane:	Aye	Deininger:	Aye
Nichol:	Aye	Vocke:	Aye

Motion carried.

Judge Vocke recognized Mr. Pearson, who asked about the criteria for success in 2014 testing. Director Kennedy said the Board would publicly discuss that issue at its future meetings.

2. Prime III Voting System Presentation by Dr. Juan Gilbert of Clemson University/Research Alliance for Accessible Voting

Elections Specialist Sherri Ann Charleston introduced Dr. Juan Gilbert of Clemson University. She said staff is seeking Board approval to continue evaluating the Prime III Voting System.

Dr. Gilbert made an oral and written presentation. He described the development of the Prime III Voting System with the assistance of federal funds from the U.S. Election Assistance Commission. The goal is to create one machine everyone can vote with, including persons with disabilities. The software runs on tablet computer equipment and has a multi-modal interface, so voters can vote by touch, voice, puffing, or a switch. Once a vote has been recorded, a paper ballot is printed that can be fed into an optical scanner for tallying.

Discussion regarding pictures of candidates, auditing, and safeguards to prevent ballot-box stuffing. Dr. Gilbert said the system was tested with disabled voters in Oregon in the 2012 presidential primary.

Discussion regarding open source software. Dr. Gilbert said Clemson is not planning to sell the software, but will give it to anyone. Voting system companies can integrate the software into voting systems that they develop and sell.

Ms. Charleston said staff recommends that the Board authorize staff to continue researching the use of Prime III, including exploring ways to upload vote totals into the G.A.B.'s Canvass Reporting System.

MOTION: Direct staff to continue researching the potential use of the Prime III voting system in Wisconsin, including collaborating with Dr. Gilbert to explore how the Prime III software might be able to interface with current G.A.B. applications, including MyVote Wisconsin and the Canvass Reporting System. The Board also directs staff to seek to design a pilot program with cooperating counties or municipalities for potentially using the Prime III during the April 1, 2014 Spring Election, and to report its progress and recommendations at future Board meetings. Moved by Judge Nichol, seconded by Judge Brennan. Motion carried unanimously.

Judge Vocke called a recess at 12:30 p.m. for lunch. The Board reconvened at 1:05 p.m.

Elections Division Administrator Michael Haas introduced several new members of the training staff:

- **Allison Coakley** was permanently appointed to a project position as training coordinator. She has been with the Board since 2005.
- **Christopher Doffing** was permanently appointed to a project position as multimedia training officer. He has been with the Board since 2010.
- **Juanita Borton** has been newly appointed as a staff trainer. She has a bachelor's degree from UW-Eau Claire and a law degree from the University of Florida, and has extensive experience as a trainer in the private sector.
- **Michael Nelson** has been newly appointed as a staff trainer. He is retired from the U.S. Army, and is finishing his political science degree at UW-Madison. In the Army he was a senior human resources non-commissioned officer, and developed training for improvised explosive device safety.

F. Elections Division Report on Voting Accessibility for Persons with Disabilities and Elderly Voters

Division Administrator Haas introduced Elections Specialist Richard Rydecki, who presented an oral and written report. In July the staff submitted a report to the Legislature describing the Board's efforts to audit polling places in 2011, 2012 and 2013 for compliance with state and federal accessibility laws. While the staff has not had any feedback from the Legislature, the report generated more news media coverage than expected. The report's release has also generated more calls from clerks about accessibility issues. On average, auditors found 6.5 violations per polling place, many of which can be corrected at little or no cost to taxpayers. Accessibility supplies remain available to municipalities through a federal grant. Staff has used technology to improve and automate the auditing process. As data from the audits come in, staff is able to adjust training to reflect the issues found at polling places.

Discussion.

The Board received the report.

G. Administrative Rules

Director Kennedy made a verbal and written report. He said LTE Staff Attorney Jonathan Paliwal, who did much of the work preparing the rules before the Board today, was unable to attend the meeting due to preparation for the patent law bar exam.

1. Review Drafting Changes to GAB Chapter 4 Election Observers

Division Administrator Haas said Chapter 4 Election Observers is at the final stage, and there are slight changes from the version previously approved by the Board, based on Rules Clearinghouse office suggestions.

MOTION: Formally approve the final version of proposed Chapter GAB 4 found on page 67 of the August Board materials and direct staff to submit it to the Legislature. Moved by Judge Barland, seconded by Judge Brennan. Motion carried unanimously.

2. Approve Scope Statements for Chapters GAB 3 and 12, GAB 5, GAB 6 and 9, and GAB 20 and 21.

Division Administrator Haas presented four scope statements for the Board to approve.

MOTION: Pursuant to §§5.05(1)(£), 227.11(2)(a), and 227.135, Wis. Stats., the Board formally approves the Statement of Scope for revisions to Chapters GAB 3 and GAB 12, Wis. Adm. Code, included on page 76 of the August Board Meeting materials, and directs staff to proceed with promulgation of the rules.

MOTION: Pursuant to §§5.05(1)(f), 227.11(2)(a), and 227.135, Wis. Stats., the Board formally approves the Statement of Scope for repeal and recreation of chapter GAB 5 regarding Ballot and Electronic Voting System Security, included on page 79 of the August Board Meeting materials, and directs staff to proceed with promulgation of the proposed rule.

MOTION: Pursuant to §§5.05(1)(f), 227.11(2)(a), and 227.135, Wis. Stats., the Board formally approves the Statement of Scope for revisions to Chapters GAB 6 and 9, Wis. Adm. Code, included on page 83 of the August Board Meeting materials, and directs staff to proceed with promulgation of the rules.

MOTION: Pursuant to §§5.05(1)(f), 227.11(2)(a), and 227.135, Wis. Stats., the Board formally approves the Statement of Scope for revisions to Chapters GAB 20 and 21, Wis. Adm. Code, included on page 87 of the August Board Meeting materials, and directs staff to proceed with promulgation of the proposed rules.

All four motions moved by Judge Cane, seconded by Judge Barland. Motions carried unanimously.

H. Reconciling Ethics Code Disclosure Requirements with Attorneys' Code of Professional Responsibilities

Ethics and Accountability Division Administrator Jonathan Becker made a verbal and written presentation, which is included on page 91 of the August Board Meeting materials. He said state public officials are required to file Statements of Economic Interests, which include disclosure of the official's or immediate family members' sources of income of \$1,000 or more. If the official or family member has a 10 percent or greater ownership interest in a business, then all business sources of income of \$10,000 or more must be disclosed. Many state public officials are attorneys, and some object to disclosing the names of clients for confidentiality reasons. Mr. Becker described a series of changes in Wisconsin Supreme Court rules over the years, and said staff believes the current state of the law requires disclosure by attorneys.

Discussion. Judge Vocke said he served on a judicial committee that worked on the revision of Supreme Court rules, and that he believes attorney-client confidentiality is sacrosanct. Mr. Becker said attorneys never need to disclose the names of individuals, only organizations that are clients. He said the Board could allow attorneys who have an objection to appeal to the Board.

MOTION: Endorse staff's interpretation of SCR 20:1.6(c)(5) as it applies to the Ethics Code disclosure requirements, as described in the staff memo on page 91 of the August Board Meeting materials, except that an attorney may apply to the Board for a waiver when the attorney believes disclosure could create jeopardy for a client. Moved by Judge Cane, seconded by Judge Nichol. Motion carried on a voice vote.

I. Legislative Status Report

Division Administrator Haas said staff is monitoring the status of AB 225, the omnibus election reform bill, which passed the Assembly in June 2013 but has not been taken up in the Senate. There may be more action on AB 225 in the fall session. Director Kennedy said staff continues to hear rumblings about other elections and campaign finance legislation that may come up in the fall.

J. Proposed 2014 Government Accountability Board Meeting Schedule

Director Kennedy discussed the proposed meeting schedule for 2014. One member had a scheduling conflict for March 18, so the date was changed to March 19. The amended schedule is:

- Tuesday, January 14, 2014 (Teleconference)
- Wednesday, March 19, 2014
- Tuesday, May 20, 2014
- Tuesday, June 10, 2014
- Tuesday, August 26, 2014
- Tuesday, October 28, 2014
- Tuesday, December 16, 2014

MOTION: Adopt the proposed 2014 meeting schedule presented by the Director and as modified by Board discussion. Moved by Judge Nichol, seconded by Judge Barland. Motion carried unanimously.

K. Director's Report

Ethics and Accountability Division Report – campaign finance, ethics, and lobbying administration

Written report from Division Administrator Becker and Division staff was included beginning on Page 112 of the Board meeting packet.

Elections Division Report – election administration

Written report from Division Administrator Haas and Division staff was included beginning on Page 116 of the Board packet.

Office of General Counsel Report – general administration

Written report from Kevin J. Kennedy, Sharrie Hauge, and Reid Magney was included beginning on Page 127 in the Board packet.

Director Kennedy advised the Board that he has been invited to testify before the Presidential Commission on Election Administration at a public hearing scheduled for September 20, 2013, in Cincinnati, Ohio. He said the commission is looking for best practices in election administration, and he will share Wisconsin's experiences conducting accessibility audits and collecting cost data.

MOTION: Accept the Director's Report. Moved by Judge Brennan, seconded by Judge Cane. Motion carried unanimously.

L. Closed Session

Adjourn to closed session to deliberate on requests for advice under the Code of Ethics for Public Officials and Employees, lobbying law, and campaign finance law; to consider the investigation of possible violations of Wisconsin's lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; to confer with counsel concerning pending litigation; and to consider performance evaluation data of a public employee over which it exercises responsibility.

MOTION: Move to closed session pursuant to §§5.05(6a), 19.85(1)(h), 19.851, 19.85(1)(g), and 19.85(1)(c), to deliberate on requests for advice under the Code of Ethics for Public Officials and Employees, lobbying law, and campaign finance law; to consider the investigation of possible violations of Wisconsin's lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; and confer with counsel concerning pending litigation, and to consider employment, promotion and performance evaluation data of a public employee of the Board. Moved by Judge Brennan, seconded by Judge Cane.

Roll call vote: Barland:	Aye	Brennan:	Aye
Cane:	Aye	Deininger:	Aye
Nichol:	Aye	Vocke:	Aye

Motion carried unanimously. The Board recessed at 2:05 p.m. and convened in closed session at 2:15 p.m.

M. Adjourn

The Board adjourned in closed session at 4:33 p.m.

####

The next regular meeting of the Government Accountability Board is scheduled for Tuesday, October 22, 2013. The meeting will be held the Government Accountability Board office in Madison, Wisconsin beginning at 9:00 a.m.

August 13, 2013 Government Accountability Board meeting minutes prepared by:

Reid Magney, Public Information Officer

August 20, 2013

August 13, 2013 Government Accountability Board meeting minutes certified by:

Judge Michael Brennan, Board Secretary

October 22, 2013

State of Wisconsin\Government Accountability Board

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JUDGE TIMOTHY L. VOCKE
Chair

KEVIN J. KENNEDY
Director and General Counsel

Wisconsin Government Accountability Board

212 E. Washington Avenue, Third Floor
Madison, Wisconsin
September 25, 2013
9:00 a.m.

Teleconference Meeting Open Session Minutes

By Telephone: Judge Timothy Vocke, Judge Michael Brennan, Judge David G. Deininger,
Judge Thomas Cane

Present: Judge Gerald C. Nichol

Not Present: Judge Thomas Barland

Staff present: Kevin Kennedy, Shane Falk, Nathan Judnic, Molly Nagappala

1. Call to order

Chairperson Vocke convened the meeting at 9:02 a.m. in open session.

2. Director's Report of Appropriate Meeting Notice

Director and General Counsel Kevin Kennedy informed the Board that proper notice was given for the meeting.

3. Miscellaneous Items

Director Kennedy asked if Board members would consider waiving the per diem for the meeting, indicated this was standard practice for teleconference meetings in which the Board members generally do not have to travel.

MOTION: Waive the Board member's per diem for this meeting. Moved by Judge Nichol, seconded by Judge Cane.

Roll call vote: Cane:	Aye	Brennan:	Aye
	Deininger:	Vocke:	Aye
	Nichol:		Aye

Motion carried unanimously (5-0). Judge Barland not participating.

Director Kennedy indicated that ballot access documents have been filed with the Board for the special elections occurring in the 21st and 69th State Assembly Districts. Director Kennedy raised the possibility of ballot access challenges occurring which would require the Board members to be available to rule on any such challenges. Director Kennedy indicated that Tuesday, October 1, 2013 may be a possible date to hear challenges if they are filed. The Board members participating, with the exception of Judge Nichol who needed to check his calendar, all seemed available if this occurred.

4. Closed Session

Adjourn to closed session to deliberate on requests for advice under the Code of Ethics for Public Officials and Employees, lobbying law, and campaign finance law; to consider the investigation of possible violations of Wisconsin's lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; to confer with counsel concerning pending litigation; and to consider performance evaluation data of a public employee over which it exercises responsibility.

MOTION: Move to closed session pursuant to §§5.05(6a), 19.85(1)(h), 19.851, 19.85(1)(g), and 19.85(1)(c), to deliberate on requests for advice under the Code of Ethics for Public Officials and Employees, lobbying law, and campaign finance law; to consider the investigation of possible violations of Wisconsin's lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; and confer with counsel concerning pending litigation, and to consider employment, promotion and performance evaluation data of a public employee of the Board. Moved by Judge Nichol, seconded by Judge Brennan.

Roll call vote: Cane:	Aye	Brennan:	Aye
Deininger:	Aye	Vocke:	Aye
Nichol:	Aye		

Motion carried unanimously (5-0). Judge Barland not participating.
The Board convened in closed session at 9:08 a.m.

5. Adjourn

The Board adjourned in closed session at 9:50 a.m.

The next meeting of the Government Accountability Board is scheduled for Tuesday, October 22, 2013 at the Government Accountability Board offices in Madison, Wisconsin beginning at 9:00 a.m.

September 25, 2013 Government Accountability Board open session minutes prepared by:

September 25, 2013 Government Accountability Board open session minutes certified by:

Judge Michael Brennan, Board Secretary

October 22, 2013

State of Wisconsin\Government Accountability Board

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JUDGE TIMOTHY L. VOCKE
Chair

KEVIN J. KENNEDY
Director and General Counsel

Wisconsin Government Accountability Board

212 East Washington Avenue

Madison, Wisconsin

October 2, 2013

9:30 a.m.

Open Session Minutes

Summary of Significant Actions Taken

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A. Consideration of Nominating Petition Challenge

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B. Waive Board Members' Per Diems for Meeting

2

Present: Judge Gerald Nichol (in person) Judge Thomas H. Barland, Judge Michael Brennan, Judge Thomas Cane, Judge David Deininger and Judge Timothy Vocke (by telephone)

Staff present: Kevin Kennedy, Michael Haas, Jonathan Becker, Ross Hein, Sharrie Hauge, Jason Fischer and Reid Magney

A. Call to Order

Judge Vocke called the meeting to order at 9:31 a.m. Judge Vocke asked Judge Nichol to run the meeting because he was present in Madison.

B. Director's Report of Appropriate Meeting Notice

Director and General Counsel Kevin Kennedy informed the Board that proper notice was given for the meeting.

C. Personal Appearances

Division Administrator Michael Haas said any personal appearances would be taken under the appropriate agenda item.

D. Election Administration – Nomination Paper Challenge

Fadness Complaint against Swiggum Relating to Sufficiency of Nomination Papers Case EL 13-5

Mr. Haas presented an oral and written report based upon the review by Elections Specialist Jason Fischer of the challenge to the nomination papers of independent candidate Tim Swiggum in Assembly District 69. Staff initially determined Mr. Swiggum had 209 valid signatures. State statutes require 200 valid signatures for Assembly candidates. The challenge filed by Mr. Fadness alleged Mr. Swiggum had only 178 valid signatures. After reviewing the challenge, staff recommends striking five additional signatures and adding back two signatures which Mr. Swiggum asked staff to reconsider. After striking five signatures and reinstating two, Mr. Swiggum's total would be 206 valid signatures.

Mr. Swiggum appeared on his own behalf and said the G.A.B. staff had been very helpful and cooperative, and that he concurs with staff's findings.

Discussion regarding Mr. Fadness' affiliation. Director Kennedy said Mr. Fadness has had many contacts with staff on behalf of the Republican Party of Wisconsin.

Discussion regarding how many other candidates had filed nomination papers in Assembly Districts 21 and 69. The Partisan Primary will be held October 22 and the Special Election will be held November 19, 2013.

MOTION: Incorporate the staff recommendation as the Board's findings of fact and conclusions of law, and approve the challenge to Candidate Swiggum's nomination papers as to three signatures, strike two additional signatures, and add two signatures that were originally struck. Verify 206 valid signatures, and grant ballot access to Candidate Swiggum. Moved by Judge Cane, seconded by Judge Vocke.

Roll call vote: Barland:	Aye	Brennan:	Aye
Cane:	Aye	Deininger:	Aye
Nichol:	Aye	Vocke:	Aye

Motion carried unanimously.

E. Waive Per Diems

Director Kennedy asked the Board members whether they would waive their per diem payments because this is a teleconference meeting.

MOTION: Waive per diems for the October 2, 2013 teleconference meeting. Moved by Judge Vocke, seconded by Judge Cane.

Roll call vote: Barland:	Aye	Brennan:	Aye
Cane:	Aye	Deininger:	Aye
Nichol:	Aye	Vocke:	Aye

Motion carried unanimously.

F. Closed Session

Adjourn to closed session to deliberate on requests for advice under the Code of Ethics for Public Officials and Employees, lobbying law, and campaign finance law; to consider the investigation of possible violations of Wisconsin’s lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; to confer with counsel concerning pending litigation; and to consider performance evaluation data of a public employee over which it exercises responsibility.

MOTION: Move to closed session pursuant to §§5.05(6a), 19.85(1)(h), 19.851, 19.85(1)(g), and 19.85(1)(c), to deliberate on requests for advice under the Code of Ethics for Public Officials and Employees, lobbying law, and campaign finance law; to consider the investigation of possible violations of Wisconsin’s lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; and confer with counsel concerning pending litigation, and to consider employment, promotion and performance evaluation data of a public employee of the Board. Moved by Judge Deininger, seconded by Judge Cane.

Roll call vote: Barland:	Aye	Brennan:	Aye
Cane:	Aye	Deininger:	Aye
Nichol:	Aye	Vocke:	Aye

Motion carried unanimously. The Board convened in closed session at 9:41 a.m.

G. Adjourn

The Board adjourned in closed session at 10:30 a.m.

####

The next regular meeting of the Government Accountability Board is scheduled for Tuesday, October 22, 2013, at the G.A.B. office, 212 E. Washington Ave., in Madison, Wisconsin beginning at 9:00 a.m.

October 2, 2013 Government Accountability Board meeting minutes prepared by:

October 2, 2013 Government Accountability Board meeting minutes certified by:

Judge Michael Brennan, Board Secretary

October 22, 2013

DRAFT

State of Wisconsin\Government Accountability Board

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JUDGE TIMOTHY L. VOCKE
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the October 22, 2013 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel
Government Accountability Board

Prepared and Presented by:
Sherri Ann Charleston
Voting Equipment Elections Specialist
Government Accountability Board

SUBJECT: Engineering Change Order Approvals for ES&S and Dominion Voting

This memorandum is intended to apprise the Board of Engineering Change Order requests that Director and General Counsel Kevin J. Kennedy has approved pursuant to Wis. Adm. Code GAB §7.03(1) and with authorization granted by the Board at its January 14, 2013 Meeting.

Sections GAB 7.01(1)(f) and 7.03(1), Wis. Adm. Code, require vendors to notify the Board of all jurisdictions using the voting system as well as of any modification to a previously approved voting system. This notification is accomplished in writing, with specific Engineering Change Orders (hereafter "ECO") identifying modifications. The notification is accompanied by supporting reports from Voting System Test Laboratories (hereafter "VSTLs"), determining whether a modification is *de minimis* and including full reports where a modification may be more than *de minimis* in nature. In order for a modification to qualify as a "*de minimis*" change, it must maintain, unaltered, the reliability, functionality, capability and operability of a voting system.

At the March 23-24, 2009 Board meeting, the Board authorized Director and General Counsel Kennedy to approve applications for *de minimis* modifications to systems previously approved for use in Wisconsin, provided that the modifications were not substantial in nature. The following ECO's have been approved by Director and General Counsel Kennedy since the August 13, 2013 Board Meeting:

- Dominion Voting Systems, Updated Digital Certificate for GEMS 1.18.24 Software
- Election Systems and Software, Engineering Change Orders for *De Minimis* Changes to ES&S DS200 Tabulator

Dominion Voting Systems

Dominion Voting Systems requested that the Board allow certificate updates for GEMS1.18.24 election management software. GEMS and the voting system's component products transfer data (for downloads and uploads) using the Open SSL (Secure Socket Layer) protocol. The SSL protocol encrypts the data and also allows both ends of the communication channel to authenticate each other using digitally signed certificates. The Client certificates have an expiration date that is approximately five-years from their creation date and they are replaceable

through a special certificate install file. To replace a Client certificate, the application software version does not need to change. Dominion last replaced the client certificates in 2008 to replace original Client certificates, which were expiring on January 31, 2009. Those replacement Client certificates (created in 2008) expired on July 3, 2013. Therefore, Dominion requested approval to update the Client SSL certificate for GEMS 1.18.24. Director and General Counsel Kennedy granted approval for these ECO's on August 21, 2013.

Election Systems and Software

Election Systems and Software (ES&S) requested that Board approve eleven (11) ECO's for *de minimis* modifications to the DS200 tabulator. The DS200 tabulator has been approved for use with the ES&S 3.2.0.0 Rev 3, ES&S Unity 3.4.0.0, and conditionally approved for use with the ES&S Unity 3.4.0.1. These ECO's will apply to DS200 tabulators within these systems. The submitted ECOs are part of new hardware revisions and ES&S will make these system changes for new orders of equipment. ES&S has no need or intention to make any changes to the DS200 units already in the state. They will remain in their current configuration. Director and General Counsel Kennedy granted approval for these ECO's on September 13, 2013.

The G.A.B. staff memorandum for each of the approvals as well as the letters of approval from Director and General Counsel Kennedy are attached to this memorandum for informational purposes.

Attachments

- ✓ Memorandum recommending approval of Dominion Voting ECO Application
- ✓ Letter of Approval to Dominion Voting regarding ECO Application
- ✓ Memorandum recommending approval of ES&S ECO Application
- ✓ Letter of Approval to ES&S regarding ECO Application

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JUDGE TIMOTHY L. VOCKE
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: October 14, 2013

TO: Kevin J. Kennedy
Director and General Counsel
Wisconsin Government Accountability Board

FROM: Sherri Ann Charleston
Voting System Elections Specialist

Ross Hein
Elections Supervisor

SUBJECT: Updated Digital Certificate for GEMS1.18.24 software

Issue

Dominion Voting Systems has requested the Wisconsin Government Accountability Board (G.A.B.) to allow certificate updates for GEMS1.18.24 election management software and the AccuVote-TSX.

Description

GEMS and the voting system's component products transfer data (for downloads and uploads) using the Open SSL (Secure Socket Layer) protocol. The one exception is the older AccuVote-OS unit which uses a proprietary authentication protocol. The SSL protocol encrypts the data and also allows both ends of the communication channel to authenticate each other using digitally signed certificates. There are two types of certificates used in the Premier product line: Client certificates and Root certificates. The Client certificates must be valid and digitally signed by the issuer to have both ends authenticate each other. Client certificates are validated using a Root certificate, which is embedded in the application software that is already installed on the device (i.e., GEMS, BallotStation).

The Client certificates have an expiration date that is approximately five-years from their creation date and they are replaceable through a special certificate install file. To replace a Client certificate, the application software version does not need to change. Dominion last replaced the client certificates in 2008 to replace original Client certificates, which were expiring on January 31, 2009. Those replacement Client certificates (created in 2008) expired on July 3, 2013.

SSL was introduced into the Premier product line in 2004 as a means of implementing a more secure method of transmitting data between a voting system product and the GEMS host server, whether communicating directly or remotely. It is used in the following products:

- GEMS
- AccuVote-TS R6 (TSR6)
- AccuVote-TSX (TSX)
- AccuVote-OSX (OSX)
- Premier Central Scan (PCS)
- Election Media Processor (EMP)

Independent Testing Performed

SLI Global Solutions, a U.S. EAC accredited Voting System Test Lab (VSTL) was contracted as an independent testing authority by Dominion Voting Systems to verify the authenticity of new Premier/Dominion SSL digital certificates. The SLI lab report was issued March 15, 2013. SLI Global Solutions completed the review of modified source code and Trusted Build process for the Dominion application and determined that the Trusted Build process successfully produced a working version of GEMS 1.18.24D.

Recommended Action by Dominion Voting Systems

Jurisdictions will require a solution for allowing the upload/download between GEMS and their touchscreens units after the Client SSL certificates expired on July 3, 2013. Hence, the vendor's recommended action is to:

1. Update the Client SSL certificate for GEMS 1.18.24.
2. Leave the touchscreens as they are with BallotStation 4.6.3 and their old SSL certificates, and
3. configure the GEMS databases to disable the SSL Authentication (but keep the SSL encryption enabled).

The touchscreens would not require any update because, in GEMS the application can be configured to disable the SSL Authentication so it is not affected by the expired Client SSL certificates in the touchscreens. Dominion would have to update at least the GEMS Client SSL certificate in BallotStation because there is no method in that application software to disable the SSL Authentication so it is not affected by an expired Client SSL certificate on the GEMS server.

This solution would allow the use of the system until the Root SSL certificates expire on January 28, 2014. After the Root SSL certificates expire, a new version of the application software (i.e., GEMS 1.18.24D, BallotStation 4.6.4D) will have to be installed. G.A.B. staff will conduct testing of the BallotStation 4.6.4D according to Administrative Code Chapter 7.

If no action is taken prior to the February 2014 Spring Primary, the digital certificates will expire and the GEMS server will not be able to download information from the AccuVote-TSX. Election officials will not be able to modem election night results into the GEMS server and the results will need to be manually entered into the election management system.

States that have given approval of the new SSL certificates

Arizona, California, Colorado, Illinois, Kansas, Missouri, Virginia, Texas, Utah, and Wyoming

WI (Premier) Dominion Counties/Municipalities

Calumet County (17 municipalities)
Dodge County (42 municipalities)
Door County (19 municipalities)
Green County (22 municipalities)
Kenosha County (13 municipalities)
Ozaukee County (16 municipalities)
Sauk County (37 municipalities)
Vilas County (15 municipalities)
Walworth County (28 municipalities)
Washington County (21 municipalities)
Winnebago County (21 municipalities)
City of Mauston in Juneau County
Town of Marion in Waushara County
City of Wautoma in Waushara County

Financial Impact

There will be no cost to the municipality/county for the SSL certificate upgrades from Dominion Voting Systems, unless assistance is required from Dominion to conduct the upgrade. At no cost, a Dominion representative will send the new SSL certificate upgrade to the municipality/county to be uploaded. The customer can complete the update without charge from Dominion (the software is without charge). If the customer requests Dominion technicians to complete the update, the cost is \$2000/day for that labor. It is estimated that it should take no longer than 15 minutes per machine to perform the SSL certificate upgrade.

Recommended Action

G.A.B. staff recommends that the Director and General Counsel of the Government Accountability Board grant approval of the SSL certificates upgrades for the GEMS1.18.24 software.

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JUDGE TIMOTHY VOCKE
Chair

KEVIN J. KENNEDY
Director and General Counsel

Via email only

August 21, 2013

Mr. Ed Smith
Vice President, Certification and Compliance
Dominion Voting
1201 18th Street, Suite 210
Denver, CO 80202

Dear Mr. Smith:

The Government Accountability Board has granted authority to me as Director and General Counsel to approve Applications for modifications to systems previously approved for use in Wisconsin, pursuant to Wis. Adm. Code GAB §7.03(1). The G.A.B. has received your Application for Modification to the Client Certificates for GEMS 1.18.24D. Staff has reviewed your application and, based on staff recommendation, I have granted approval.

Dominion Voting Systems has requested the Wisconsin Government Accountability Board (G.A.B.) allow Client SSL certificate updates for GEMS1.18.24 election management software and the AccuVote-TSX. The Client SSL certificates must be valid and digitally signed by the issuer to have both ends authenticate each other. The Client SSL certificates have an expiration date that is approximately five-years from their creation date and they are replaceable through a special certificate install file. Dominion last replaced the client certificates in 2008 to replace original Client SSL certificates, which were expiring on January 31, 2009. Those replacement Client SSL certificates (created in 2008) expired on July 3, 2013. Hence, in order for jurisdictions to upload/download between GEMS and their touchscreens units after the Client SSL certificates expired on July 3, 2013, Dominion Voting will have to update the Client SSL certificate for GEMS 1.18.24.

This approval will enable the following jurisdictions to replace the 2008 Client SSL certificates:

- Calumet County (17 municipalities)
- Chippewa County (31 municipalities)
- Dodge County (42 municipalities)
- Door County (19 municipalities)
- Green County (22 municipalities)
- Kenosha County (13 municipalities)
- Ozaukee County (16 municipalities)
- Sauk County (37 municipalities)
- St. Croix County (26 municipalities)
- Vilas County (15 municipalities)
- Walworth County (28 municipalities)
- Washington County (21 municipalities)

Winnebago County (21 municipalities)
City of Mauston in Juneau County
Town of Three Lakes in Oneida County
Town of Marion in Waushara County
Town of Wautoma in Waushara County

The G.A.B. strongly encourages Dominion Voting to act as quickly as possible to ensure the jurisdictions identified above have operable equipment for upcoming elections. If Dominion Voting becomes aware of additional jurisdictions needing operable equipment, please forward the below information to G.A.B. staff for each locality affected.

Please note that for all remedial maintenance with ECO parts, Dominion Voting must report the following to the G.A.B.:

- A. Jurisdiction in which repair was made and date servicing was provided.
- B. Specific type of remedial maintenance performed, including identification of the specific part involved (part number and description of function.)
- C. Identification of specific equipment upon which a modification was made.

We thank you for your continuing cooperation. If you have questions, please contact Voting Equipment Elections Specialist Sherri Ann Charleston at sherri.charleston@wi.gov (608) 267-0714.

Sincerely,

Wisconsin Government Accountability Board



Kevin J. Kennedy
Director and General Counsel

cc:

Michael Haas
Elections Division Administrator
Government Accountability Board

Shane W. Falk
Staff Counsel
Government Accountability Board

Sherri Ann Charleston
Voting Equipment Elections Specialist
Government Accountability Board

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JUDGE TIMOTHY L. VOCKE
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: October 14, 2013

TO: Kevin J. Kennedy
Director and General Counsel
Wisconsin Government Accountability Board

FROM: Sherri Ann Charleston
Voting System Elections Specialist

SUBJECT: ES&S Engineering Change Orders for De Minimis changes to ES&S DS200 tabulator

Issue

Election Systems and Software (ES&S) has submitted eleven Engineering Change Orders (ECO) for de minimis modifications to the DS200 tabulator. The DS200 tabulator has been approved for use with the ES&S 3.2.0.0 Rev 3, ES&S Unity 3.4.0.0, and conditionally approved for use with the ES&S Unity 3.4.0.1. These ECO's will apply to DS200 tabulators within these systems.

Description

ES&S has submitted the following ECO's for Board review and approval.

- *881*- USB Flash Media
Description: USB flash media plastic housing color change
Reason for change: Customers requested different colors for flash media

- *1158* – DS200
Description
 1. Replace paper suppression tray
 2. Replace rear cover
 3. Increased boss height of switch panelReason for change:
 1. Extended paper suppression tray makes it harder to feed the ballot at an angle (skew)
 2. Rear cover with docket pockets will be required for future ballot box docking designs
 3. Increased boss height of switch panel, corrects a tolerancing issue

- *1160*- DS200
Description: Remove Kapton tape from transport, replace counterfeit sensor board and add bracket to BOM
Reason for change:
 1. Kapton tape did not reliably provide consistent improvement
 2. Counterfeit sensor is end of life (EOL). Replacement not same size
 3. The sensor bracket is required to provide internal shielding for the sensor

- *1251- DS200 Plastic Carry Case*
Description: Additional gas strut; new interior foam, new lid
Reason for change:
 1. Dual strut reduces the torque on single strut
 2. New foam needed to accommodate the secondary strut
 3. Removed the intElect logo

- *1266- DS200 Carrying Case*
Description: Change to the carrying case latch bracket to include alignment tabs
Reason for Change: Alignment bracket keeps the security seal loops aligned

- *1281- DS200*
Description: Redesigned / fit adjustments to internal parts, beveled CIS, and add ultrasonic sensor shield/grommet
Reason for change:
 1. Tighten gaps between components
 2. Removed edge for more robust ballot feeding
 3. Provides better shielding
 4. New linkage prevents the slamming of the transport
 5. Better tolerance improves fit and manufacturability

- *1346- DS200*
Description: Add second EAC compliant logo and remove intElect logos
Reason for change: EAC request

- *1351- DS200 Carrying Case*
Description: Replace cross recess screws and Torx head screws and revised latch alignment
Reason for change:
 1. Torx head screws provide an added level of security
 2. Design enhancements that were incorporated in the retrofit cracket were inadvertently misses on the latch
 3. The torx screw has a different countersink angle than the cross recess

- *1388-DS200 Carrying Case*
Description: Add a hinge reinforcement bracket to the DS200 Carrying Case
Reason for change: The bracket is needed to reinforce the hinges on the lid and to strengthen the plastic on the carrying case.

- *1398- DS200*
Description: Apply plug for antenna and revised tolerance on the printer lever extension
Reason for change: To prevent the scrapping good parts that have had the antenna plug knocked out.
Tolerances were changed to match the “as molded” condition.

- *1400- DS200*
Description: Remove battery from BOM. New patent label
Reason for change:
 1. Eliminating battery improves warehouse management and allows for approved second source
 2. New label eliminated the need for constant updates

Independent Testing Performed

Wyle Laboratores, a U.S. EAC accredited Voting System Test Lab (VSTL) was contracted as an independent testing authority by ES&S to verify that the changes were de minimis and did not negatively impact the ES&S Unity 3.2.0.0 Rev 3, Unity 3.4.0.0 or EVS 5.0 systems certified by the EAC.

Wyle Laboratories completed the review of the engineering changes and determined that the changes were de minimis and did not negatively impact the operation of the DS200 within ES&S Unity 3.2.0.0 Rev 3, Unity 3.4.0.0, or EVS 5.0.

Recommended Action by ES&S

Submitted ECOs are part of new hardware revisions and ES&S will make these system changes for new orders of equipment. ES&S has no need or intention to make any changes to the DS200 units already in the state. They will remain in their current configuration.

States that have given approval of the ECO's

As of September 12, 2013, this same group of ECO's has also been approved in the following states: Florida, Idaho, Illinois, Iowa, Minnesota, Missouri, North Carolina, and Virginia.

WI ES&S Affected Counties/Municipalities

ECO's will be shipped with new orders of equipment.

Currently Purchasing Counties

Brown County
Dane County

Financial Impact

There will be no cost to the purchasing municipality or county.

Recommended Action

G.A.B. staff recommends that the Director and General Counsel of the Government Accountability Board grant approval of the ES&S Application for Modification and Approval of existing system related to Engineering Change Order numbers 881,1158,1160,1251,1266,1281,1346,1351,1388,1398, and 1400.

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JUDGE TIMOTHY VOCKE
Chair

KEVIN J. KENNEDY
Director and General Counsel

Via email only

September 16, 2013

Mr. Mark Manganaro
Wisconsin State Certification Manager
Election Systems and Software
11208 John Galt Blvd.
Omaha, NE 68137

Dear Mr. Manganaro:

The Government Accountability Board has granted authority to me as Director and General Counsel to approve Applications for modifications to systems previously approved for use in Wisconsin, pursuant to Wis. Adm. Code GAB §7.03(1). The G.A.B. has received your Application for Modification to the DS200 tabulator. Staff has reviewed your application and, based on the staff's recommendation, I have granted approval.

Election Systems and Software (ES&S) has requested the Wisconsin Government Accountability Board (G.A.B.) approve eleven Engineering Change Orders (ECO) for de minimis modifications to the DS200 tabulator. The DS200 tabulator has been approved for use with the ES&S 3.2.0.0 Rev 3, ES&S Unity 3.4.0.0, and conditionally approved for use with the ES&S Unity 3.4.0.1. These ECO's will apply to DS200 tabulators within these systems. The submitted ECOs are part of new hardware revisions and ES&S will make these system changes for new orders of equipment. I understand that ES&S has no need or intention to make any changes to the DS200 units already in the state. They will remain in their current configuration.

The G.A.B. strongly encourages ES&S to act as quickly as possible to ensure jurisdictions interested in purchasing the DS200 have operable equipment for upcoming elections. If ES&S becomes aware of additional jurisdictions needing modifications to existing equipment, please forward the below information to G.A.B. staff for each locality affected.

Please note that for all remedial maintenance with ECO parts, ES&S must report the following to the G.A.B.:

- A. Jurisdiction in which repair was made and date servicing was provided.
- B. Specific type of remedial maintenance performed, including identification of the specific part involved (part number and description of function.)
- C. Identification of specific equipment upon which a modification was made.

We thank you for your continuing cooperation. If you have questions, please contact Voting Equipment Elections Specialist Sherri Ann Charleston at sherri.charleston@wi.gov (608) 267-0714.

Sincerely,

Wisconsin Government Accountability Board

A handwritten signature in black ink that reads "Kevin J. Kennedy". The signature is written in a cursive style with a large, prominent "K" at the beginning.

Kevin J. Kennedy
Director and General Counsel

cc:

Michael Haas
Elections Division Administrator
Government Accountability Board

Shane W. Falk
Staff Counsel
Government Accountability Board

Sherri Ann Charleston
Voting Equipment Elections Specialist
Government Accountability Board

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JUDGE TIMOTHY L. VOCKE
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the October 22, 2013 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel
Government Accountability Board

Prepared and Presented by:
Sherri Ann Charleston
Voting Equipment Elections Specialist
Government Accountability Board

SUBJECT: Update on Prime III Voting System Project

This memorandum is intended to keep the Board apprised of the G.A.B. staff's efforts to explore new and accessible voting technology for potential use in the State of Wisconsin. This includes staff's current exploration of the Prime III voting system. Prime III is the result of a three-year, \$4.5 million project funded by the U.S. Election Assistance Commission (U.S. EAC) to increase the accessibility of new, existing, and emerging technological solutions in the design of voting systems. This grant was aimed at supporting the development of a system that utilizes open source technology and would ultimately be made available to state election officials and voting equipment vendors. Though the system is designed as an accessible voting solution, it has an interface that can be used by all voters. This memorandum will serve as an update on the project, which the Board approved at the August 13, 2013 Board meeting.

G.A.B. Elections and IT staff have begun to collaborate with Dr. Juan Gilbert of Clemson University and his Prime III team to explore how the software might be able to interface with current G.A.B. applications, including MyVote Wisconsin and the Canvass Reporting System. Staff sent Dr. Gilbert's team three sample XML files with the goal of determining the best method of transferring data to Dr. Gilbert's team without providing them direct or indirect access to our systems.

G.A.B. staff is continuing to work on identifying a location for the pilot program. Staff has not received any commitments to date, but has been in conversation with the following municipalities and counties:

- City of Milwaukee
- Town of Brunswick
- Town of Sun Prairie

- Milwaukee County
- Kenosha County
- Manitowoc County
- Sheboygan County

Once a municipality or county is selected for the pilot, G.A.B. staff will collaborate with the municipality and/or county to develop the Prime III for use in 15-20 polling locations during the April 1, 2014 election. Staff will identify a pilot location based on interest from participating clerks as well as the population of voters with disabilities. The potential costs of conducting the pilot depend primarily on the scale. If the pilot is relatively small, there may be little or no cost to the Government Accountability Board.

G.A.B. staff has developed a timeline for continuing to explore the potential for Prime III to be utilized by clerks within the State of Wisconsin. At the December Board meeting, staff intends to present a detailed report of research and potential implementation plans for the Prime III. At that time, staff will also apprise the Board as to whether staff intends to request the Board authorize a pilot election using the Prime III in select polling places during the April 2014 election.

This memorandum is for informational purposes only. No action is required by the Board at this time.

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JUDGE TIMOTHY L. VOCKE
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the October 22, 2013, Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel
Government Accountability Board

Prepared and Presented by:
Sherri Ann Charleston
Voting Equipment Election Specialist
Government Accountability Board

SUBJECT: Dominion Voting
Petition for Approval of Electronic Voting System
BallotStation 4.6.4D and Memory Card Device for the AccuVote-OS

I. Summary

No electronic voting equipment may be offered for sale or utilized in Wisconsin unless the Government Accountability Board (Board) first approves it. Wis. Stat. §5.91. The Board has also adopted administrative rules detailing the approval process. Wis. Admin. Code GAB Ch. 7. The Board has received a voting equipment application from Dominion Voting Systems for Wisconsin's approval of the Ballot Station 4.6.4D software for use with the AccuVote-TS/TSX. Dominion also requested approval of a new memory card device to be used in the AccuVote-OS. Ballot Station 4.6.4D will update the AccuVote-TS/TSX, a touchscreen voting system already in place in many counties, and the new memory card is a replacement part for the current memory cards that are no longer being manufactured by the original company. This is not a new voting system.

The AccuVote-TS/TSX is a touch screen direct recording electronic voting machine that records votes on internal flash memory. The AccuVote-OS is a precinct and central accumulation optical scan voting system that collects and reports election results. Voters make their selections and then insert their ballots directly into the AccuVote-OS at the polling place. Both systems operate using the Global Elections Management Software (GEMS) software. The AccuVote-TS/TSX, AccuVote-OS, and GEMS 1.18.24 were approved by the National Association of State Election Directors (NASED), the precursor to the current U.S. Election Assistance Commission (U.S. EAC) and most recently were certified by the State Elections Board in 2006. Director and General Counsel Kevin J. Kennedy subsequently approved *de minimis* modifications in 2010 and 2013.¹ This is not a new voting system, but rather a previously-approved voting system with updates that are more than *de minimis* and which require new approval.

¹ The Board granted Director and General Counsel Kennedy authority to approve Engineering Change Order (ECO) applications for *de minimis* voting system modifications to systems previously approved for use in Wisconsin, pursuant to Wis. Adm. Code GAB §7.03(1). The approval of modifications to the previously certified AccuVote-TS/TSX was granted on August 21, 2013.

Based on the federal testing and certification of this system and on Board staff's own functional testing of this equipment, Board staff is recommending approval of the Ballot Station 4.6.4D to upgrade the AccuVote-TS/TSX. Staff also recommends approval of the new memory card for use in the AccuVote-OS. More detailed recommendations are listed on pages 11-12, following the analysis of the functional testing.

II. Background

The AccuVote-TS/TSX and AccuVote-OS were initially part of the Premier/Diebold line of products. Dominion Voting secured rights to several Premier/Diebold products in 2010, including the system presently under consideration. The software version for which Dominion is requesting approval is BallotStation 4.6.4D. Updating the expired software is necessary in order for jurisdictions to upload and download between their GEMS central server installation and the AccuVote-TS and/or TSX touchscreen voting machines for use at the polling place.

On May 29, 2013, Board staff received an Application for Approval of a Modification to a previously approved system from Dominion Voting, which included requests for updates to both the GEMS 1.18.24 and BallotStation 4.6.4 software.² Board staff rejected Dominion's initial request because staff determined that the changes to the Ballot Station software were more than *de minimis*. The updated certificate applied to base version 4.6.4, not to 4.6.3 as currently certified in Wisconsin. The base system, BallotStation 4.6.4., had not received an initial approval by the Board and was, therefore, not eligible to be upgraded. Accordingly, Board staff instructed Dominion to seek Board approval for the BallotStation 4.6.4D. The changes to the GEMS 1.18.24 were *de minimis* and allowed to proceed via the Engineering Change Order (ECO) Process. The ECO approvals have been discussed in a separate memorandum included with the Board materials.

If approved by the Board, the BallotStation 4.6.4D will allow Dominion to update SSL certificates that enable jurisdictions to upload and download between their GEMS central server installation and the AccuVote -TS and/or TSX touchscreen voting machines. There are two types of certificates used in the Premier product line: Client certificates and Root certificates. The Client certificates must be valid and digitally signed by the issuer to have both ends authenticate each other. The Client certificates have an expiration date that is approximately five-years from their creation date and they are replaceable through a special certificate install file. To replace a Client certificate, the application software version does not need to change. The Root certificates (which validate the Client certificates) have an expiration date that is approximately ten years from their creation date. As these Root certificates are embedded in the application software, they can only be updated through the installation of newer versions of the application software. The updates Dominion is currently proposing modify the source code and resulting installation code associated with the SSL certificates.

On July 2, 2013, Dominion resubmitted its request and proposed an interim solution that would allow jurisdictions to continue using their equipment while waiting for the Board's final determination regarding the BallotStation 4.6.4D. This solution would enable jurisdictions to upload/download between GEMS and their touchscreens units after the Client SSL certificates expired on July 3rd, 2013. Dominion Voting proposed to:

1. Only update the Client SSL certificate for GEMS 1.18.24,
2. Leave the touchscreens as they are with BallotStation 4.6.3 and their old SSL certificates (pending the final approval of the 4.6.4D by the Board), and

² GEMS and the voting system's component products transfer data (for downloads and uploads) using the Open SSL (Secure Socket Layer) protocol. The one exception is the older AccuVote-OS unit which uses a proprietary authentication protocol. The SSL protocol encrypts the data and also allows both ends of the communication channel to authenticate each other using digitally signed certificates.

- Configure the GEMS databases to disable the SSL Authentication (but keep the SSL encryption enabled).

Dominion indicated that this solution would allow the use of the system until the Root SSL certificates expire on January 28, 2014. Director and General Counsel Kennedy considered this amended request as part of the ECO review process for the GEMS 1.18.24 Suite.

Dominion Voting then resubmitted an application for approval of *de minimis* changes to the GEMS 1.18.24 software for review via the ECO process. After reviewing the vendor’s materials, Board staff determined that the changes to this software were *de minimis* and satisfactory. On August 19, 2013, Board staff recommended that Director and General Counsel Kevin J. Kennedy grant approval for the GEMS 1.18.24D. On August 22, 2013, with authority delegated to him by the Board, Director and General Counsel Kennedy approved the use of the Updated Digital Certificate for the GEMS 1.18.24. A separate memorandum discussing the approval has been included with the Board materials.

Board staff subsequently scheduled voting system evaluations and demonstrations for the BallotStation 4.6.4D during the week of September 16, 2013. Dominion Voting submitted the following equipment for testing:

Equipment	Hardware Version(s)	Firmware Version	Type
AccuVote-TS/TSX with AccuView Printer Module	Hardware Model D	Bootloader 1.3.3 WinCE 410.3.4	Precinct Touchscreen Tabulator
AccuVote-OS (memory card)	Hardware Model D	Precinct Count (PC) 1.96.6, or Central Count (CC) 2.0.12	Optical Scan Memory Device

This system received certification from the National Association of State Elections Directors (NASED). NASED certified the system under NASED# N-1-06-22-22-002.

The AccuVote-TS/TSX is a touch screen direct recording electronic voting machine that records votes on internal flash memory. Voters insert a “smart-card” into the machine and then make their choices by touching an area on a computer screen. Overvotes and crossover votes cannot occur on this equipment. The system offers a summary page once the voter has sequenced through the entire ballot, giving the voter an opportunity to verify their choices and to vote in any race they missed.

The AccuVote-TS/TSX is configured for each election by inserting a memory card into a slot behind a locked door on the side of the machine. The memory card is a standard PCMCIA flash storage card. Before the election, the file system on the memory card stores the election definition, sound files, translations for other languages, interpreted code that is used to print reports, and other configuration information. As each ballot is cast, the AccuVote-TS/TSX stores an electronic record of the votes associated with that ballot onto a file on the memory card. At the close of polls, the AccuVote-TS/TSX counts all of the votes and prints a summary tape showing the vote tallies. After the election, poll workers remove the memory card from the machine and send it to election headquarters so that the electronic vote records can be uploaded for tabulation. Alternately, poll workers can also modem results directly from the AccuVote-TS/TSX into the central location.

The TSX runs version 4.1 of Microsoft’s Windows CE operating system with modifications written by Diebold. An application called BallotStation runs on top of the operating system and provides the user

interface that voters and poll workers see. BallotStation interacts with the voter, accepts and records votes, counts the votes, and performs all other election-related processing. The TSX also contains a custom bootloader and other low-level support software.

If needed, the AccuVote-TS/TSX can be programmed to generate audio voting instructions that guide a visually impaired voter through the election sequence. The voter wears headphones to hear the spoken instructions. The voter makes his or her selections by pressing on a specially designed switch panel. The voter can adjust the volume and the screen may be “blacked out” to deactivate the LCD screen, to provide enhanced privacy. The voter may adjust the tempo (speed) of the audio instructions and the AccuVote-TS/TSX accommodates a sip-puff device for voters who do not have use of their hands. The AccuVote-TS/TSX can be programmed in multiple languages, although languages other than English are not currently required in most Wisconsin municipalities. The City of Milwaukee is subject to a Spanish language requirement under Section 203 of the Voting Rights Act and the AccuVote-TS/TSX accommodates that requirement.

A. AccuVote-OS Memory Card

Staff performed functional testing on the AccuVote-OS Memory card. The memory card has been developed for use in the AccuVote-OS. The use of the new AccuVote-OS Memory Card is optional for jurisdictions – its use is not required by the manufacturer. Since the previous COTS memory card manufacturer no longer produces the product, Dominion developed a replacement memory card that would perform the same function. This memory card, unlike its predecessor, does not require the use of a battery to retain the memory card’s programming. The new memory card also introduced a finger grip area at the back end of the product so that it could be removed and inserted more efficiently. The use of the new AccuVote-OS Memory Card requires no changes to the software, firmware or hardware currently used by Wisconsin jurisdictions with AccuVote-OS systems. The new AccuVote-OS Memory Card interacts directly with AccuVote-OS units (Models A, B, C and D) using all fielded firmware versions, including version PC 1.96.6 that is currently certified for use in Wisconsin. The AccuVote-OS Memory Card interacts indirectly with GEMS, including version 1.18.24 (or 1.18.24D) that is currently certified for use in Wisconsin, as data is transferred to and from the memory card through the AccuVote-OS unit interfaces.

B. Global Election Management Software (GEMS)

Dominion Voting's GEMS (Global Election Management System) software provides a graphical interface that supports various areas of the election process including ballot tabulation and reporting. The GEMS suite includes the following components, which were verified by staff:

Software	Version Number
GEMS	1.18.24D
BallotStation	4.6.4D
Key Card Tool	4.6.1
Vote Card Encoder	1.3.2

VC Programmer	4.6.1
Cardwriter (for ePollbooks)	1.1.5

III. Functional Testing Overview

A. The AccuVote-TS/TSX

As required by Section GAB 7.02(1), Wis. Adm. Code, Board staff conducted three mock elections with each component of the voting system: a partisan primary, a general election with both a presidential and gubernatorial vote, and a nonpartisan election combined with a presidential preference vote. The mock elections offered an opportunity for staff to perform functional testing to ensure the system conforms to all Wisconsin requirements.

Staff designed a test deck of approximately 1,000 test ballots using various configurations of ballot positions over the three separate mock elections to verify the accuracy and functional capabilities of the system. The AccuVote-TS/TSX hardware and software configurations were tested by marking approximately 500 ballots with six (6) different machines using various ballot marking configurations and ballot styles. Staff determined the results produced by each tabulator matched the expected results from the test plan. The AccuVote-TS/TSX recorded and tabulated all results properly.

G.A.B. staff also completed functional testing on the modeming components of the AccuVote-TS/TSX. Board staff and the Dominion testing team executed testing in Ozaukee County on September 19, 2013. Along with the Ozaukee County Clerk, Julieanne Winkelhorst, G.A.B. staff identified four municipalities in which to conduct testing: Village of Bayside, Village of Grafton, Village of Thiensville, and City of Mequon. In selecting the municipalities for testing, staff considered a number of factors including the clerks' familiarity with the system; their willingness to serve as a test site; the local telephone service companies providing service; and the presence of established analog lines currently used for transmitting unofficial election night results using the AccuVote-TS/TSX or AccuVote-OS.

The G.A.B. sent one staff member to each of the four municipalities in Ozaukee County for the testing campaign. Dominion provided a two-member field team and four (4) AccuVote-TS/TSX tabulators equipped with modems, and a portable election management environment, which included a SFTP (Secure File Transfer Protocol) client, firewall, and Election Reporting Manager software. Dominion arrived in Ozaukee County ahead of Board staff to check the telecommunications infrastructure in the Ozaukee County Clerk's office and in each municipality. Dominion then set up the TSX for testing in each location.

Per the testing protocols, the G.A.B. testing team completed a performance accuracy test and a load test. The performance accuracy test determined whether the results were accurately transmitted, while the load test assessed the equipment's performance in simulated election night conditions. Staff also completed security testing to determine whether the system would allow results to be uploaded to a phone line that was not part of the network.

The AccuVote-TS/TSX was able to accurately transmit results from each of the four selected municipalities into the central polling location. During the load test, staff attempted to repeatedly send results packets during a scheduled thirty minute window. G.A.B. staff encountered some failed attempts due to busy signals on the lines, but were ultimately able to transmit results accurately multiple

times in each location during load portions of the test. The security test was also successful; the system was unable to transmit to a server outside of the network.

Municipality	Able to connect	Able to transmit	(Load) Success rate <i>Connects/attempts</i>
Village of Bayside	Yes	Yes	5/17 ³
Village of Grafton	Yes	Yes	5/45 ⁴
Village of Thiensville	Yes	Yes	6/44 ⁵
City of Mequon	Yes	Yes	6/30

B. AccuVote-OS Memory Card

Staff designed a test deck of approximately 1,000 test ballots using various configurations over the three separate mock elections to verify the accuracy and memory capabilities of the Memory Card. The memory card accurately recorded the vote totals tabulated by the AccuVote-OS. The results were subsequently successfully transferred into the election management system.

IV. Wisconsin Election Administration Council Demonstration

On September 19, 2013 from 11:00 a.m. – 1:00 p.m., the Wisconsin Election Administration Council (WI-EAC), which is made up of municipal and county clerks, representatives of the disability community, and community advocates, participated in a demonstration by the manufacturer and evaluated the equipment. The meeting was held in Ozaukee County to accommodate Dominion customers, many of whom are located in closer proximity to Ozaukee County. Three county clerks familiar with the operation of the system were present: Julianne Winkelhorst (Ozaukee County Clerk), Kimberly Bushey (Walworth County Clerk), and Karen Gibson (Dodge County Clerk). These county clerks noted several improvements:

- The improved ease with which audio could be programmed onto the machines for use by voters requiring accessible functionality.
- Increased lifespan of the memory cards.

Comments from the WI-EAC are included in the appendices.

V. Public Demonstration

Following the WI-EAC meeting, an evening public demonstration of the voting system was conducted September 19, 2013 from 5:00 – 7:00 p.m. at the Ozaukee County Administrative Center in Port Washington. The public demonstration allowed members of the public the opportunity to use the system and provide comment. No members of the public attended.

VI. Board Staff’s Feedback

The GEMS software successfully programmed each of the six hardware versions of the AccuVote-TS/TSX DRE and two AccuVote-OS precinct tabulators. Dominion demonstrated within GEMS how to program the election/ballots onto the touch screens and tabulators for each given election. After the

³ Village of Bayside: Low number of tests due to operator error. Tester failed to initiate transmission.
⁴ Village of Grafton. This number includes successful transmissions where the machine correctly rejected the results as duplicates.
⁵ Village of Thiensville. This number includes successful transmissions where the machine correctly rejected the results as duplicates.

equipment counted the ballots, Dominion demonstrated the tabulation of the election results within Unity. Staff visually verified the version numbers for each component of the GEMS 1.18.24D by checking the component’s configuration display.

A. AccuVote-TS/TSX

- The AccuVote-TS/TSX accurately recorded votes and transmitted unofficial election night results.
- The AccuVote-TS/TSX arguably does not provide absolute privacy and independence for voters with disabilities, especially voters with dexterity or motor disabilities, as voters may need assistance inserting the voter card, removing the card and placing the headphones onto their person. However, it does provide substantial compliance with these objectives.
- This is a legacy system approved under NASED which has the ability to “modem-in” results to a central office for tabulation. The current system retains this functionality.
- The system provides descriptive error messages to the clerks when modeming results. For example, when the system was unable to transmit due to a busy line or because the results had previously been updated, the system detailed the source of the transmission error.

B. AccuVote-OS Memory Card

The Memory Card performed as expected.

C. Statutory Compliance

Wis. Stat. §5.91 provides the following requirements voting systems must meet to be approved for use in Wisconsin. Please see the below text of each requirement and staff’s compliance analysis related to the BallotStation 4.6.4D for use in the AccuVote-TS/TSX.

§ 5.91 (1)
The voting system enables an elector to vote in secret.
Staff Analysis
The Dominion voting system meets this requirement by allowing a voter to vote a ballot in the privacy of a voting booth or at the accessible voting station without assistance. However, voters may still need assistance operating the AccuVote-TS/TSX.

§ 5.91 (3)
The voting system enables the elector, for all elections, except primary elections, to vote for a ticket selected in part from the nominees of one party, and in part from nominees from other parties and write-in candidates
Staff Analysis
The Dominion voting system allows voter to split their ballot among as many parties as they wish during any election that is not a partisan primary.

§ 5.91 (4)
The voting system enables an elector to vote for a ticket of his or her own selection for any person for any office for whom he or she may desire to vote whenever write-in votes

are permitted.
Staff Analysis
The Dominion voting system allows write-ins where permitted.

§ 5.91 (5)
The voting systems accommodate all referenda to be submitted to electors in the form provided by law.
Staff Analysis
The Dominion voting system meets this requirement.

§ 5.91 (6)
The voting system permits an elector in a primary election to vote for the candidates of the recognized political party of his or her choice, and the system rejects any ballot on which votes are cast in the primary of more than one recognized political party, except where a party designation is made or where an elector casts write-in votes for candidates of more than one party on a ballot that is distributed to the elector.
Staff Analysis
The Dominion voting system is configured not to allow crossover votes.

§ 5.91 (7)
The voting system enables the elector to vote at an election for all persons and offices for whom and for which the elector is lawfully entitled to vote; to vote for as many persons for an office as the elector is entitled to vote for; to vote for or against any question upon which the elector is entitled to vote; and it rejects all choices recorded on a ballot for an office or a measure if the number of choices exceeds the number which an elector is entitled to vote for on such office or on such measure, except where an elector casts excess write-in votes upon a ballot that is distributed to the elector.
Staff Analysis
The voting system meets these requirements with one exception: where the elector casts excess write-in votes in addition to voting for a named candidate. All currently-certified systems will interpret this scenario as an overvote and reject such ballots and require the voter to make the necessary revisions to the ballot. To meet this requirement, election procedures require election inspectors to inspect all ballots for write-in votes that may not be properly counted and separated into the proper receptacle by the voting system; this ensures all ballots are properly accounted for.

§ 5.91 (8)
The voting system permits an elector at a General Election by one action to vote for the candidates of a party for President and Vice President or for Governor and Lieutenant Governor.
Staff Analysis
The Dominion voting system meets this requirement.

§ 5.91 (9)
The voting system prevents an elector from voting for the same person more than once, except for excess write-in votes upon a ballot that is distributed to the elector.
Staff Analysis
The Dominion voting system meets this requirement.

§ 5.91 (10)
The voting system is suitably designed for the purpose used, of durable construction, and is usable safely, securely, efficiently and accurately in the conduct of elections and counting of ballots.
Staff Analysis
The Dominion voting system meets this requirement.

§ 5.91 (11)
The voting system records and counts accurately every vote and maintains a cumulative tally of the total votes cast that is retrievable in the event of a power outage, evacuation or malfunction so that the records of votes cast prior to the time that the problem occurs is preserved.
Staff Analysis
The Dominion voting system meets this requirement.

§ 5.91 (12)
The voting system minimizes the possibility of disenfranchisement of electors as the result of failure to understand the method of operation or utilization or malfunction of the ballot, voting system, or other related equipment or materials.
Staff Analysis
The Dominion voting system meets this requirement by rejecting attempted overvotes and crossover ballots.

§ 5.91 (13)
The automatic tabulating equipment authorized for use in connection with the system includes a mechanism which makes the operator aware of whether the equipment is malfunctioning in such a way that an inaccurate tabulation of the votes could be obtained.
Staff Analysis
The Dominion voting system meets this requirement.

§ 5.91 (14)
The voting system does not use any mechanism by which a ballot is punched or punctured to record the votes cast by an elector.
Staff Analysis
The Dominion voting system does not use any such mechanism to record votes.

§ 5.91 (15)
The voting system permits an elector to privately verify the votes selected by the elector before casting his or her ballot.
Staff Analysis
The Dominion voting system meets this requirement.

§ 5.91 (16)
The voting system provides an elector the opportunity to change his or her votes and to correct any error or to obtain a replacement for a spoiled ballot prior to casting his or her

ballot.
Staff Analysis
The Dominion voting system meets this requirement.
§ 5.91 (17)
Unless the ballot is counted at a central counting location, the voting system includes a mechanism for notifying an elector who attempts to cast an excess number of votes for a single office.
Staff Analysis
The Dominion voting system meets this requirement because it is configured to automatically reject all overvote and crossover ballots.

§ 5.91 (18)
If the voting system consists of an electronic voting machine, the voting system generates a complete, permanent paper record showing all votes cast by the elector, that is verifiable by the elector, by either visual or nonvisual means as appropriate, before the elector leaves the voting area, and that enables a manual count or recount of each vote cast by the elector.
Staff Analysis
The Dominion voting system meets this requirement.

The Help America Vote Act of 2002 (HAVA) also provides the following applicable requirements that voting systems must meet:

HAVA § 301(a)(1)(A)
The voting system shall: <ul style="list-style-type: none"> (i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted; (ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and (iii) if the voter selects votes for more than one candidate for a single office – <ul style="list-style-type: none"> (I) notify the voter that the voter has selected more than one candidate for a single office on the ballot; (II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and, (III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted
HAVA § 301(a)(1)(C)
The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.
HAVA § 301(a)(3)(A)
The voting system shall— <ul style="list-style-type: none"> (A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as other voters

Staff Analysis

The Dominion voting system meets these requirements. However, concerns were raised regarding the accessibility and privacy of the AccuVote-TS/TSX because the entire voting process is not completely accessible. The measurements of the stand accompanying the TSX only allows for a parallel or side approach to the machine. This limitation is within accessibility guidelines established by the ADA, but limits options for machine set up in a polling place. The stand can, however, be configured to allow the machine to rest on an ADA-compliant table that would allow for a forward approach to the machine. The AccuVote voting system for which approval is being sought, does not change the degree of accessibility currently provided by previously approved AccuVote systems. Accessibility was determined by the former Elections Board to apply to the act of voting, not the insertion or removal of the ballot into the marking device and placing the ballot into the ballot box or optical scan voting system.

VII. Conclusion

To determine whether a voting system should be approved for use in Wisconsin, the following recommendations are based upon three goals.

1. Can the voting system successfully run an open, fair and secured Wisconsin election in compliance with Wisconsin Statutes?

Staff's Response: Yes. Each system accurately completed the mock elections and was able to accommodate the voting requirements of the Wisconsin election process.

2. Does the system enhance access to the electoral process for individuals with disabilities?

Staff's Response: This system does not enhance access to the electoral process for individuals with disabilities over previously approved Dominion voting systems, and neither does it reduce or mitigate access for disabled voters. The current scope and degree of accessibility remains substantially the same as previously approved Dominion voting systems. However, clerks with this system should be aware that the stand on which the AccuVote-TS/TSX only allows for a parallel or side approach to the machine. This limitation is within accessibility guidelines established by the ADA, but limits options for machine set up in a polling place. The stand can, however, be configured to allow the machine to rest on an ADA-compliant table that would allow for a forward approach to the machine.

3. Does the voting system meet Wisconsin's statutory requirements?

Staff's Response: Yes. The voting system complies with all applicable state and federal requirements.

VIII. Recommendations

1. Board staff recommends approval of this Dominion voting system and components set forth in the tables on pages 3 through 5 above. The system accurately completed the mock elections and was able to accommodate the voting requirements of the Wisconsin election process.
2. Board staff recommends that as a continuing condition of the Board's approval, that Dominion Voting may not impose customer deadlines contrary to requirements provided in Wisconsin Statutes, as determined by the Board. In order to enforce this provision, local jurisdictions purchasing Dominion equipment shall also include such a provision in their respective purchase contract or amend their contract if such a provision does not currently exist.

3. Board staff recommends that as a continuing condition of the Board's approval, that this system must always be configured to include the following options:
 - a. Automatic rejection of overvoted ballots with no opportunity for the voter to override.
 - b. Automatic rejection of crossover ballots with no opportunity for the voter to override.
 - c. Automatic rejection of all improper ballots except blank ballots.
4. Board staff recommends election inspectors shall remake all absentee ballots automatically rejected so that the ballot count is consistent with total voter numbers.
5. As part of the approval, only systems included in this approval are allowed to be used together to conduct an election in Wisconsin. Previous versions that were approved for use by the former state Elections Board are not compatible with the new Dominion voting system, and are not to be used together with the equipment versions seeking approval by the Board, as this would void the approval. If a jurisdiction upgrades to BallotStation 4.6.4D, it shall upgrade each and every component of the system to the requirements of what is approved herein.
6. Board staff recommends that as a condition of approval, Dominion Voting shall abide by applicable Wisconsin public records laws. If, pursuant to a proper public records request, the customer receives a request for matters that might be proprietary or confidential, customer will notify Dominion, providing the same with the opportunity to either provide customer with the record that is requested for release to the requestor, or shall advise Customer that Dominion objects to the release of the information, and provide the legal and factual basis of the objection. If for any reason, the Customer concludes that Customer is obligated to provide such records, Dominion shall provide such records immediately upon Customer's request. Dominion shall negotiate and specify retention and public records production costs in writing with customers prior to charging said fees. In absence of meeting such conditions of approval, Dominion shall not charge customer for work performed pursuant to a proper public records request, except for the "actual, necessary, and direct" charge of responding to the records request, as that is defined and interpreted in Wisconsin law, plus shipping, handling, and chain of custody.

IX. Proposed Board Motion

MOTION: The Government Accountability Board adopts the staff's recommendation for approval of Dominion Voting's Application for Approval of BallotStation 4.6.4D and the AccuVote Memory Device for use in the AccuVote-OS to be sold or used in Wisconsin, including the conditions described above.

Attachments

- ✓ Appendix 1: Wisconsin Election Administration Council Feedback
- ✓ Wisconsin Statutes § 5.91
- ✓ Wisconsin Administrative Code GAB 7

APPENDIX 1: Wisconsin Election Administration Council’s Feedback
 These comments were provided via a structures feedback form.

1. How would you rate the functionality of the equipment?

Very Poor	Poor	Fair	Good	Excellent
			3	2

- Appears very user-friendly. Based on comments from those who program equipment, upgrade greatly improves audio programming.
- The machine seems easy if using the touchscreen. It sounds like voters like it.
- The ability to now program the audio without a glitch is such an important feature.

2. How would you rate the accessible features?

Very Poor	Poor	Fair	Good	Excellent
		2	2	1

- Audio (and ability to switch to screen use) is excellent; however, use of card does not seem easily accessible to voter.
- The accessibility components seem a bit cumbersome. The keypad is complicated and audio is long. If you just use the machine as a touchscreen it seems easy. There is no braille. The stand is not fully accessible if the machine is not tilted.
- Feature of ability to hear only is a great feature/or ability to view is only is great
- Pin pad could be changed to QWERTY. Pressing multiple times to come up with write in could be difficult.

3. Rate your overall impression of the system.

Very Poor	Poor	Fair	Good	Excellent
			3	2

- Don’t care for the end of the ballot appearance (i.e. non-designation) or notion of “cancelled” ballot printing too far away from the printed ballot.
- The improvements sound like they will help the county clerks. This is a good thing.

tronic voting machines are used, the board of canvassers shall perform the recount using the permanent paper record of the votes cast by each elector, as generated by the machines.

(2) Any candidate, or any elector when for a referendum, may, by the close of business on the next business day after the last day for filing a petition for a recount under s. 9.01, petition the circuit court for an order requiring ballots under sub. (1) to be counted by hand or by another method approved by the court. The petitioner in such an action bears the burden of establishing by clear and convincing evidence that due to an irregularity, defect, or mistake committed during the voting or canvassing process the results of a recount using automatic tabulating equipment will produce incorrect recount results and that there is a substantial probability that recounting the ballots by hand or another method will produce a more correct result and change the outcome of the election.

(3) A court with whom a petition under sub. (2) is filed shall hear the matter as expeditiously as possible, without a jury. The court may order a recount of the ballots by hand or another method only if it determines that the petitioner has established by clear and convincing evidence that due to an irregularity, defect, or mistake committed during the voting or canvassing process the results of a recount using automatic tabulating equipment will produce incorrect recount results and that there is a substantial probability that recounting the ballots by hand or another method will produce a more correct result and change the outcome of the election. Nothing in this section affects the right of a candidate or elector aggrieved by the recount to appeal to circuit court under s. 9.01 (6) upon completion of the recount.

History: 1979 c. 311; 1987 a. 391; 2005 a. 92, 451; 2007 a. 96.
Cross-reference: See also ch. GAB 7, Wis. adm. code.

5.905 Software components. (1) In this section, “software component” includes vote-counting source code, table structures, modules, program narratives and other human-readable computer instructions used to count votes with an electronic voting system.

(2) The board shall determine which software components of an electronic voting system it considers to be necessary to enable review and verification of the accuracy of the automatic tabulating equipment used to record and tally the votes cast with the system. The board shall require each vendor of an electronic voting system that is approved under s. 5.91 to place those software components in escrow with the board within 90 days of the date of approval of the system and within 10 days of the date of any subsequent change in the components. The board shall secure and maintain those software components in strict confidence except as authorized in this section. Unless authorized under this section, the board shall withhold access to those software components from any person who requests access under s. 19.35 (1).

(3) The board shall promulgate rules to ensure the security, review and verification of software components used with each electronic voting system approved by the board. The verification procedure shall include a determination that the software components correspond to the instructions actually used by the system to count votes.

(4) If a valid petition for a recount is filed under s. 9.01 in an election at which an electronic voting system was used to record and tally the votes cast, each party to the recount may designate one or more persons who are authorized to receive access to the software components that were used to record and tally the votes in the election. The board shall grant access to the software components to each designated person if, before receiving access, the person enters into a written agreement with the board that obligates the person to exercise the highest degree of reasonable care to maintain the confidentiality of all proprietary information to which the person is provided access, unless otherwise permitted in a contract entered into under sub. (5).

(5) A county or municipality may contract with the vendor of an electronic voting system to permit a greater degree of access to

software components used with the system than is required under sub. (4).

History: 2005 a. 92.

5.91 Requisites for approval of ballots, devices and equipment. No ballot, voting device, automatic tabulating equipment or related equipment and materials to be used in an electronic voting system may be utilized in this state unless it is approved by the board. The board may revoke its approval of any ballot, device, equipment or materials at any time for cause. No such ballot, voting device, automatic tabulating equipment or related equipment or material may be approved unless it fulfills the following requirements:

(1) It enables an elector to vote in secrecy and to select the party for which an elector will vote in secrecy at a partisan primary election.

(3) Except in primary elections, it enables an elector to vote for a ticket selected in part from the nominees of one party, and in part from the nominees of other parties, and in part from independent candidates and in part of candidates whose names are written in by the elector.

(4) It enables an elector to vote for a ticket of his or her own selection for any person for any office for whom he or she may desire to vote whenever write-in votes are permitted.

(5) It accommodates all referenda to be submitted to the electors in the form provided by law.

(6) The voting device or machine permits an elector in a primary election to vote for the candidates of the recognized political party of his or her choice, and the automatic tabulating equipment or machine rejects any ballot on which votes are cast in the primary of more than one recognized political party, except where a party designation is made or where an elector casts write-in votes for candidates of more than one party on a ballot that is distributed to the elector.

(7) It permits an elector to vote at an election for all persons and offices for whom and for which the elector is lawfully entitled to vote; to vote for as many persons for an office as the elector is entitled to vote for; to vote for or against any question upon which the elector is entitled to vote; and it rejects all choices recorded on a ballot for an office or a measure if the number of choices exceeds the number which an elector is entitled to vote for on such office or on such measure, except where an elector casts excess write-in votes upon a ballot that is distributed to the elector.

(8) It permits an elector, at a presidential or gubernatorial election, by one action to vote for the candidates of a party for president and vice president or for governor and lieutenant governor, respectively.

(9) It prevents an elector from voting for the same person more than once for the same office, except where an elector casts excess write-in votes upon a ballot that is distributed to the elector.

(10) It is suitably designed for the purpose used, of durable construction, and is usable safely, securely, efficiently and accurately in the conduct of elections and counting of ballots.

(11) It records correctly and counts accurately every vote properly cast and maintains a cumulative tally of the total votes cast that is retrievable in the event of a power outage, evacuation or malfunction so that the records of votes cast prior to the time that the problem occurs is preserved.

(12) It minimizes the possibility of disenfranchisement of electors as the result of failure to understand the method of operation or utilization or malfunction of the ballot, voting device, automatic tabulating equipment or related equipment or materials.

(13) The automatic tabulating equipment authorized for use in connection with the system includes a mechanism which makes the operator aware of whether the equipment is malfunctioning in such a way that an inaccurate tabulation of the votes could be obtained.

**5.91 ELECTIONS — GENERAL PROVISIONS; BALLOTS & Updated 09–10 Wis. Stats. Database 22
VOTING**

(14) It does not employ any mechanism by which a ballot is punched or punctured to record the votes cast by an elector.

(15) It permits an elector to privately verify the votes selected by the elector before casting his or her ballot.

(16) It provides an elector with the opportunity to change his or her votes and to correct any error or to obtain a replacement for a spoiled ballot prior to casting his or her ballot.

(17) Unless the ballot is counted at a central counting location, it includes a mechanism for notifying an elector who attempts to cast an excess number of votes for a single office that his or her votes for that office will not be counted, and provides the elector with an opportunity to correct his or her ballot or to receive and cast a replacement ballot.

(18) If the device consists of an electronic voting machine, it generates a complete, permanent paper record showing all votes cast by each elector, that is verifiable by the elector, by either visual or nonvisual means as appropriate, before the elector leaves the voting area, and that enables a manual count or recount of each vote cast by the elector.

History: 1979 c. 311; 1983 a. 484; 1985 a. 304; 2001 a. 16; 2003 a. 265; 2005 a. 92; 2011 a. 23, 32.

Cross-reference: See also ch. GAB 7, Wis. adm. code.

5.92 Bond may be required. Before entering into a contract for the purchase or lease of an electronic voting system or any ballots, voting devices, automatic tabulating equipment or related equipment or materials to be used in connection with a system, any municipality may require the vendor or lessor to provide a performance bond with a licensed surety company as surety, guaranteeing the supply of additional equipment, parts or materials, provision of adequate computer programming, preventive

maintenance or emergency repair services, training of election officials and other municipal employees or provision of public educational materials for a specified period, or guaranteeing the security of the computer programs or other equipment or materials to be utilized with the system to prevent election fraud, or such other guarantees as the municipality determines to be appropriate.

History: 1979 c. 311.

Cross-reference: See also ch. GAB 7, Wis. adm. code.

5.93 Administration. The board may promulgate reasonable rules for the administration of this subchapter.

History: 1979 c. 311; 1985 a. 332 s. 251 (1).

Cross-reference: See also ch. GAB 7, Wis. adm. code.

5.94 Sample ballots; publication. When an electronic voting system employing a ballot that is distributed to electors is used, the county and municipal clerk of the county and municipality in which the polling place designated for use of the system is located shall cause to be published, in the type B notices, a true actual-size copy of the ballot containing the names of offices and candidates and statements of measures to be voted on, as nearly as possible, in the form in which they will appear on the official ballot on election day. The notice may be published as a newspaper insert. Municipal clerks may post the notice if the remainder of the type B notice is posted.

History: 1979 c. 311; 2001 a. 16.

5.95 Elector information. The board shall prescribe information to electors in municipalities and counties using various types of electronic voting systems to be published in lieu of the information specified in s. 10.02 (3) in type B notices whenever the type B notice information is inapplicable.

History: 1979 c. 311.

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

Chapter GAB 7

APPROVAL OF ELECTRONIC VOTING EQUIPMENT

GAB 7.01 Application for approval of electronic voting system.
GAB 7.02 Agency testing of electronic voting system.

GAB 7.03 Continuing approval of electronic voting system.

Note: Chapter EIBd 7 was renumbered chapter GAB 7 under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 7., Stats., Register April 2008 No. 628.

GAB 7.01 Application for approval of electronic voting system. (1) An application for approval of an electronic voting system shall be accompanied by all of the following:

(a) A signed agreement that the vendor shall pay all costs, related to approval of the system, incurred by the board, its designees and the vendor.

(b) Complete specifications for all hardware, firmware and software.

(c) All technical manuals and documentation related to the system.

(d) Complete instruction materials necessary for the operation of the equipment and a description of training available to users and purchasers.

(e) Reports from an independent testing authority accredited by the national association of state election directors (NASED) demonstrating that the voting system conforms to all the standards recommended by the federal elections commission.

(f) A signed agreement requiring that the vendor shall immediately notify the board of any modification to the voting system and requiring that the vendor will not offer, for use, sale or lease, any modified voting system, if the board notifies the vendor that the modifications require that the system be approved again.

(g) A list showing all the states and municipalities in which the system has been approved for use and the length of time that the equipment has been in use in those jurisdictions.

(2) The board shall determine if the application is complete and, if it is, shall so notify the vendor in writing. If it is not complete, the board shall so notify the vendor and shall detail any insufficiencies.

(3) If the application is complete, the vendor shall prepare the

voting system for three mock elections, using offices, referenda questions and candidates provided by the board.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

GAB 7.02 Agency testing of electronic voting system. (1) The board shall conduct a test of a voting system, submitted for approval under s. GAB 7.01, to ensure that it meets the criteria set out in s. 5.91, Stats. The test shall be conducted using a mock election for the partisan primary, a mock general election with both a presidential and gubernatorial vote, and a mock non-partisan election combined with a presidential preference vote.

(2) The board may use a panel of local election officials and electors to assist in its review of the voting system.

(3) The board may require that the voting system be used in an actual election as a condition of approval.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

GAB 7.03 Continuing approval of electronic voting system. (1) The board may revoke the approval of any existing electronic voting system if it does not comply with the provisions of this chapter. As a condition of maintaining the board's approval for the use of the voting system, the vendor shall inform the board of all changes in the hardware, firmware and software and all jurisdictions using the voting system.

(2) The vendor shall, at its own expense, furnish, to an agent approved by the board, for placement in escrow, a copy of the programs, documentation and source code used for any election in the state.

(3) The electronic voting system must be capable of transferring the data contained in the system to an electronic recording medium, pursuant to the provisions of s. 7.23, Stats.

(4) The vendor shall ensure that election results can be exported on election night into a statewide database developed by the board.

(5) For good cause shown, the board may exempt any electronic voting system from strict compliance with ch. GAB 7.

History: Cr. Register, June, 2000, No. 534, eff. 7-1-00.

State of Wisconsin\Government Accountability Board

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JUDGE TIMOTHY L. VOCKE
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the October 22, 2013 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel
Government Accountability Board

Prepared and Presented by:
Sherri Ann Charleston
Voting Equipment Elections Specialist
Government Accountability Board

SUBJECT: Request regarding ES&S Unity 3.4.0.0/1 System Requirements

This memorandum is intended to update the Government Accountability Board (Board) on a request Board staff received from Brown County Clerk Sandy Juno on October 7, 2013. Clerk Juno submitted an email and memorandum to Director and General Counsel Kevin J. Kennedy requesting information and clarification on the hardened system requirement, which the U.S. EAC and the Board require as a condition of certification. Among other concerns, Clerk Juno identified the costs (both administrative and financial) associated with complying with the hardened system requirement. The request from Clerk Juno as well as the Board staff's response has been attached to this memorandum.

I. Background and Issue

No electronic voting equipment may be offered for sale or utilized in Wisconsin unless the Board approves it. Wis. Stat. § 5.91. The Board has also adopted administrative rules detailing the approval process. Wis. Admin. Code Ch. GAB 7. In particular, G.A.B. administrative rules require that an application for approval of an electronic voting system shall be accompanied by reports from an independent testing authority accredited by the United States Election Assistance Commission (U.S. EAC) (formerly, National Association of State Election Directors (NASSED)), demonstrating that the voting system conforms to all the standards recommended by the Federal Election Commission (FEC).¹ Wis. Adm. Code 7.01(1)(e). Past interpretation by the Board of Wis. Adm. Code Ch. 7 and policies regarding

¹ Prior to the passage of the Help America Vote Act of 2002 (HAVA), voting systems were assessed and qualified by the National Association of State Election Directors (NASSED), a nonpartisan association consisting of state level election directors nationwide. These voting systems were tested against the 1990 and 2002 voting system standards developed by the Federal Election Commission (FEC). With HAVA's enactment, the responsibility for developing voting system standards was transferred from the FEC to the U.S. Election Assistance Commission (U.S. EAC) and they are now called Voluntary Voting System Guidelines.

the approval of voting equipment require U.S. EAC certification prior to conducting testing for approval for sale or use in Wisconsin.

The U.S. EAC requires that all voting systems seeking federal certification submit to testing to evaluate a system's conformance to the Voluntary Voting System Guidelines (VVSG).² The 2005 Voluntary Voting System Guidelines (VVSG) significantly increased security requirements for voting systems. Currently, vendors seeking U.S. EAC certification of equipment must demonstrate that their equipment complies with the 2005 VVSG requirements. To do so, vendors seeking federal certification must first submit their voting systems to a U.S. EAC accredited test laboratory which will test the equipment against the 2005 VVSG requirements.³

As part of its certification of the system, the US EAC requires all election programming and results reporting to use a "hardened system" for the Unity EMS (Election Management Software) and AIMS (AutoMark Information Management Software). A "hardened system" is a computer that contains only the Unity EMS and / or AIMS program and is used only for programming and results reporting. No other program or application is permitted on the unit; the key reason being that election software running on these systems is vulnerable to unintended effects from other user sessions, applications, and utilities executing on the same platform at the same time as the election software.⁴

There are numerous security concerns facing voting systems that do not run on hardened systems. The U.S. EAC, representatives from the National Institute of Science and Technology (NIST)⁵, and the Technical Guidelines Development Committee (TGDC)⁶ have jointly noted several scenarios that hardened systems help to avoid. These dangers can be mitigated by implementing a closed system. Of particular concern were "simultaneous processes" that should not be allowed to be executed on election night while elections processes are going on. Dangers to be avoided included: unauthorized network connections, unplanned user logins, and unintended execution or termination of operating system processes. An unauthorized network connection or unplanned user login can host unintended processes and user actions, such as the termination of operating system audits, the

² The Help America Vote Act of 2002 (HAVA) instructed the United States Election Assistance Commission (U.S. EAC) to develop voluntary voting system guidelines—a set of specifications and requirements against which voting systems can be tested to determine if the systems provide all of the basic functionality, accessibility and security capabilities required of these systems. 42 U.S.C. § 15481. HAVA also requires that the U.S. EAC provide certification, decertification, and recertification of voting systems and the accreditation of testing laboratories.

³ The U.S. EAC accredits test laboratories (voting system test laboratories or VSTLs) that evaluate voting systems, voting devices, and software against the voluntary voting system guidelines to determine if they provide all of the basic functionality, accessibility, and security capabilities required of these systems. The test laboratory provides a recommendation to the U.S. EAC, and the Commission's executive director makes the determination whether to issue a certification.

⁴ The primary requirements are covered in Volume I of the VVSG v1.0, Sections 2.1.1 on Security, 2.1.5.1 a. regarding Operational Requirements, and 2.1.5.2 pertaining to the Use of Shared Computing Platforms. Additional security and telecommunications requirements are located in Sections 6 and 7.

⁵ NIST is the federal technology agency that works with industry to develop and apply technology, measurements, and standards.

⁶ The TGDC assists U.S.EAC in developing the Voluntary Voting System Guidelines. The chairperson of the TGDC is the director of the National Institute of Standards and Technology (NIST). The TGDC is composed of 14 other members appointed jointly by U.S. EAC and the director of NIST. Visit NIST at <http://www.nist.gov/itl/vote/> or the U.S. EAC at http://www.eac.gov/about_the_eac/technical_guidelines_development_committee.aspx to view TGDC resolutions, meeting minutes and additional information.

termination of election software processes, or the deletion of election software audit and logging data. If any of these processes occurred, they could affect the entire system at a time when that process would detrimentally affect the electoral process (e.g. during tabulation, voting, or vote transmission). Additionally, operating system processes that are in place to check against attacks could be improperly terminated. These processes include system audits (notifying counties of unauthorized users' attempts to manipulate the vote) or malicious code detection (tampering with the programming or tabulation software). To counter these vulnerabilities, hardening protections are required on all such systems on which election software is hosted.

II. Discussion and Recommendations

In Board staff's March 2013 memorandum to the Board requesting approval for the 3.4.0.0., staff identified that the hardened system requirement was a component of U.S. EAC certification. (Page 6 of March 2013 staff memorandum to Board). Board staff in turn tested the 3.4.0.0. as a hardened system as part of US EAC certificate:ESSUnity3400. Furthermore, Elections Systems and Software (ES&S) has indicated that the 3.4.0.0 (the base component for the 3.4.0.1. modem) has received U.S. EAC certification as a hardened system. Hence, clerks and the vendor received notice that those who purchase the 3.4.0.0/1 would need to comply with the requirements of the U.S. EAC certificate number. Additionally, clerks as well as the vendor were notified that in order to maintain approval and remain in compliance, purchasers would be required to conform to U.S. EAC guidelines, including maintaining their software on a local computer network and not the county network. If ES&S were to install a system not in compliance with this requirement, it will void the U.S. EAC certification and the Board's previously granted approval, which was based on the U.S. EAC certification.

Clerk Juno raised concerns to Board staff after realizing that in purchasing the Unity 3.4.0.0/1 from ES&S she would need to have the county's voting system operate on a closed "local" election network. ES&S provided Brown County with a cost estimate for system implementation, which included the cost for hardening the system. Heretofore, Brown County has operated on a fully integrated network, merging their election night reporting with other activity on staff work stations. These work stations are connected to the internet and fully integrated with other county applications and processes. Hence, Brown County's concern is that purchasing the 3.4.0.1 will require the county to purchase a separate computer and servers solely dedicated to election administration and to reconfigure their internal election night procedures.

After evaluating its infrastructure, Brown County determined that the purchase of the ES&S 3.4.0.0/1 posed both financial and administrative costs. If the Board were to eliminate the hardening requirement, Brown County could save \$15,000 of the \$600,000 it has bonded to pay for the system. Additionally, if Brown County must comply with the hardening requirement, it would need to transfer unofficial results to a separate computer with internet access that is not connected to the election equipment in order to post election results. Absent the hardening requirement, the County could post results to the internet without having to transfer results to a separate computer. These circumstances prompted Clerk Juno to request that Board staff clarify whether the hardening requirement was necessary.

After reviewing the request, Board staff looked into this issue and determined that, via its March 2013 approval of the Unity 3.4.0.0 and August 2013 conditional approval of the Unity 3.4.0.1., the Board had required that all systems approved for use be hardened. Board staff communicated this to Clerk Juno via email on October 10, 2013. Board staff subsequently held a follow-up conference call with Clerk Juno, at which time she indicated that she would like to address her request to the Board for further consideration. Board staff, including Director and General Counsel Kennedy and Division Administrator Haas, held a conference call with Clerk Juno as well as Clerk Ginny Dankmeyer (LaCrosse County), and Clerk Barb Frank (Jefferson County), who have an interest in the matter as ES&S customers. The memorandum Brown County submitted for that teleconference has been included with this memorandum.

Brown County's proposal raises several concerns for Board staff. If the Board approves Brown County's request, it would effectively void the Board's previously granted approval to the U.S. EAC certified 3.4.0.0. system. Such an action could require that Board staff, if directed to do so by the Board, retest the Unity 3.4.0.0 without the benefit of the U.S. EAC security testing program. Unlike the recent functional testing of the Unity 3.4.0.1 modem technology, such a testing campaign would extend beyond the current capabilities and technical expertise of Board staff, and has not been attempted previously. Additionally, approval of this request could potentially pose considerable costs to the vendor which would be asked to recertify the equipment for use in Wisconsin. Finally, this would also require the Board to determine whether it will exempt systems from having U.S. EAC certification, since removing the hardening requirement will effectively void the U.S. EAC certificate. The Board has not previously allowed testing of a system that does not have U.S. EAC certification.

While staff is sympathetic to the fact that there are costs involved in securely conducting elections and processing both official and unofficial results, advancements in computing security technology over the past fifteen years have necessitated that election officials take extra precautionary measures to ensure the integrity of elections. Moreover, the county may also have other options available which could mitigate some of the concerns, such as reconfiguring the existing network or buying only a PC and running it as a standalone without a network. While election night results are unofficial, the hardening requirement helps to protect the integrity of elections by preventing tampering with those results. Significant public perception and legal questions arise when election night results are seen as unreliable or prove to vary greatly from official results, even though answers to those questions may be provided in the canvass process.

Given the potential costs of exempting the Unity 3.4.0.0/1 from the requirements of U.S. EAC certification, and the possible security risks associated with removing the hardening requirement, Board staff recommends that the Board reaffirm its previously granted approval of the Unity 3.4.0.0 and the conditional approval of the Unity 3.4.0.1., including all previously stated conditions and requirements.

Recommended Motion:

MOTION: The Board reaffirms its previously granted approval of the Unity 3.4.0.0 and the conditional approval of the Unity 3.4.0.1., including all previously stated conditions and requirements.

Attachments:

- ✓ Email and Memorandum submitted by Clerk Sandy Juno
- ✓ Email Reply from Board Staff to Clerk Sandy Juno
- ✓ Memorandum submitted by Clerk Sandy Juno

Charleston, Sherri A - GAB

From: Juno_SL <Juno_SL@co.brown.wi.us>
Sent: Monday, October 07, 2013 2:02 PM
To: Charleston, Sherri A - GAB
Cc: gdankmeyer@lacrossecounty.org; barbf@jeffersoncountywi.gov; Frailing_AP; Raye, Kevin
Subject: RE: System requirements
Attachments: vvsg memo_20131007123702.pdf

Sherri,

ESS states we need to have our software on a "local" election network and not the "County" network as per the EAC guidelines. However, the County Clerk's don't interpret the EAC guidelines and GAB administrative code the same way as ESS does.

As a result, those of us purchasing the DS-200 and Unity suite are being told that we need to have a separate computer and server just for elections. The election's computer would only have the election software and excel on it. We would not have the internet and thus it would require us to manually move data on thumb drives between elections computers and non-elections computers. Elections computers would need to be "hardened" by ESS. This would involve additional passwords and bear a cost per computer to be hardened (over \$1,000 per unit). In addition, we would need to purchase a separate server for the election computer as well as other hardware for a local network. My cost in Brown County to go from a County Network to a separate election local network will cost at least \$15,000 more; and then I'm sure it will require annual maintenance and service warranties.

The Clerks believe that the Voluntary Voting System Guidelines (VVSG) does not prevent the use of network computers but only deter people from using computers that are attached to network not under their complete control. Whereas, our county Technology Services ensures that our system meets security recommendations. I am attached a memo prepared by Aaron Frailing my Election Specialist regarding this topic for you to review.

Sherri, we are stuck right now as to understanding which direction to go....stay the course on our preferred County Network or purchase a separate election network. We very much would like to meet with GAB to discuss this issue and obtain an opinion. If this needs to be approved by the Board we would like it to be on the October agenda so that it doesn't hold up all of the work and training that needs to take place in preparation for the Spring elections.

Sandy Juno

Brown County Clerk

305 E. Walnut St., Rm. 120

Green Bay, WI 54301

920.448.4021 Tel

920.448.4498 Fax

"Never, Never, Never give up!"

-Winston Churchill

From: Charleston, Sherri A - GAB [<mailto:Sherri.Charleston@wisconsin.gov>]
Sent: Monday, October 07, 2013 1:34 PM

COUNTY CLERK

Brown County

305 E. WALNUT STREET, ROOM 120
P.O. BOX 23600
GREEN BAY, WI 54305-3600

SANDRA L. JUNO

PHONE (920) 448-4016

FAX (920) 448-4498

juno_sl@co.brown.wi.us

COUNTY CLERK

MEMORANDUM

DATE: October 2, 2013

TO: Sandra L. Juno
County Clerk
Brown County, Wisconsin

FROM: Aaron P. Frailing
Election Specialist
Brown County, Wisconsin

SUBJECT: Statutory and Federal Guideline Network Compatibility for the ES&S 3.4.0.1 Unity Voting System in Wisconsin

Brown County is currently attempting to finalize the purchase and implementation of the Electronic Systems & Software (ES&S) DS200 3.4.0.1. voting equipment. In a discussion regarding this process with La Crosse County Clerk Ginny Dankmeyer, it was discovered that according to ES&S that the computer that the electronic voting system will operate off of must be a 'un-networked' computer or server and must use the local C:/ drive only. This information is different than any current procedures being used by Brown County. Currently, the Unity Suite of Election Management software is fully imbedded into the Brown County network. Inquiries to ES&S regarding this requirement resulted in an response email sent from ES&S representative Tim Vlach to the Brown County Clerk. This response stated that the software must be used on a 'local' computer and whose '*...primary requirements [are] covered in Volume I of the VVSG v1.0, Sections 2.1.1 Security, 2.1.5.1a. operational requirements, and 2.1.5.2 Use of Shared Computing Platforms where the three operating system protections are described.*'

In researching this, the Brown County Clerk's office could only find one direct correlation between the aforementioned U.S. E.A.C. VVSG requirements, other U.S. E.A.C. materials, Wisconsin State Statutes, Wisconsin Government Accountability Board Administrative Rules, or Wisconsin Government Accountability Board informal opinions and the requirement for the Unity software to be operated on a 'local' server or computer. The single correlation was found in chapter 2 of the U.S. Election Assistance Commission Election Management Guidelines. Particularly this information directly addresses 'Networking'. These guidelines from the U.S. E.A.C Management Guidelines do not prevent the use of a network computer but only deter people from using computers that are attached to networks not under their complete control. However, the network the computer that would be used in this case is under complete control by the Brown County Technology Services team and therefore doesn't fall into this preventative measure.

This research has provided no other sources with any clear statement directing the prohibition of use of a computer attached to a network and simultaneously operating the ES&S Unity software suite.

Charleston, Sherri A - GAB

From: Charleston, Sherri A - GAB
Sent: Thursday, October 10, 2013 4:23 PM
To: 'Juno_SL'
Cc: Kennedy, Kevin - GAB; Haas, Michael R - GAB; Hein, Ross D - GAB
Subject: RE: System requirements
Attachments: 2012.3.12 Unity 3400 Board Memo Final.pdf

Clerk Juno,

Thank you for your email and memorandum requesting information and clarification on the hardened system requirement. As we understand your issue, ES&S has indicated that clerks need to have their software on a "local" election network and not the "County" network, and as a result will have to purchase a separate computer and server for elections. Staff has looked into this issue and discussed it with Director and General Counsel Kennedy as well as Division Administrator Haas and determined that this interpretation is correct.

As part of its certification of the system, the US EAC requires all election programming and results reporting to use a "hardened system" for the Unity EMS and AIMS. A "hardened system" is a computer that contains only the Unity EMS and / or AIMS program and is used only for programming and results reporting. No other program or application is permitted on the unit. In our memorandum to the Board requesting approval for the 3.4.0.0. we identified this requirement for U.S. EAC certification. (Please see page 6). Board staff in turn tested the 3.4.0.0. as a hardened system as part of US EAC certificate: ESSUnity3400. If ES&S were to install a system not in compliance with this requirement, it would void the certification.

While we are aware that Brown County currently operates elections using the Eagles from the County's computers, security experts have determined that this is not the safest means of conducting elections. Advancements in computing security technology over the past 25 plus years have necessitated that election officials take extra precautionary measures to ensure the integrity of elections. While we understand and are sympathetic to the fact that there are costs involved in using a separate system to conduct elections, the Board has taken action to certify the 3.4.0.0. based on the manufacturer's claim to ensure election security, which has included the hardened system requirement. If you would like to ask the Board to reconsider its approval of the 3.4.0.0. at the October meeting, please let us know. Similarly, if you would like to discuss this matter further, I would be happy to set up a conference call with Division Administrator Haas tomorrow afternoon. We will both be tied up for the majority of the morning. In the meantime, I have attached the 3.4.0.0 approval memo for your review.

Sincerely,

Sherri Ann Charleston

From: Juno_SL [mailto:Juno_SL@co.brown.wi.us]
Sent: Tuesday, October 08, 2013 9:23 AM
To: Charleston, Sherri A - GAB
Subject: RE: System requirements

Thanks Sherri. If you need additional information please feel free to call me. I appreciate you help in getting this matter resolved.

COUNTY CLERK

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juno_sl@co.brown.wi.us

SANDRA L. JUNO

COUNTY CLERK

MEMORANDUM

Date: October 14, 2013

To: Sandy L. Juno
Brown County Clerk

From: Aaron P. Frailing
Brown County Elections Specialist

Subject: Internal Talking Points Regarding Purchase & Implementation of
ES&S 3.4.0.1 Unity Electronic Voting Equipment

This memorandum is regarding the informal decision of the staff of the Wisconsin Government Accountability Board (G.A.B.) on network requirements of any newly purchased electronic voting equipment. The informal decision of the G.A.B. upholds the interpretation of the United States Election Assistance Commission (E.A.C.) 2005 & 2002 Voluntary Voting System Guidelines (V.V.S.G.) which dictates that the use of any electronic voting system software package, in this case the Election System and Software (ES&S) Unity 3.4.0.1 Election Management Software (EMS), must be done on a computer that is on a 'local' network and the computer must have 'hardening' scripts which prevent the use of any extemporaneous computer software that would have an effect upon the operation of the said electronic voting equipment software, firmware or hardware.

The Brown County Clerk's office views this interpretation as an unnecessary hurdle in preparing for an election and processing unofficial election results. The Brown County Clerk's office has been preparing for and processing unofficial election results under the current technological arrangement for more than a decade without issue and view the change from an automated system to a manual system as an easily avoidable administrative obstacle.

The Brown County Clerk's office was made aware of the decision on the afternoon of October 10, 2013 and after acknowledging the decision during a conversation on the morning of October 11, 2013, the Brown County Clerk's office requested a meeting with the Government Accountability Board staff which is scheduled for 2:30pm on Monday, October 14, 2013. The Brown County Clerk's office also requested to have this matter brought in front of the entire Government Accountability Board at the October 22, 2013 meeting. This memorandum will document the concerns and talking points of the Brown County Clerk's office regarding the informal decision of the G.A.B.

BACKGROUND

EAC Certified system configurations require that all EMS be put on a computer that has hardened scripts and are on a 'local' network. The information below is the configurations to comply with this option.

- Standalone system
 - Each computer configuration is a single, dedicated, EMS workstation.

NEXT →

- This configuration will not work with the Election Day processes currently in place at the Brown County Clerk's office. This configuration will not work because a computer, one that is different than the computer used to program the electronic voting equipment MUST be used to receive fax modem transmissions.
- Peer-to-Peer
 - A closed networked system that combines a peer-to-peer file server with one or more EMS workstation
- Locally networked EMS
 - A closed networked system that combines a client server with one or more EMS workstations.

The computer system can also use password complexity requirements for each step of access. The password should meet the following minimum requirements:

- Not contain the user's account name or parts of the user's full name that exceed two consecutive characters
- Be at least twelve characters in length
- Contain Characters from three of the following four categories
 - English uppercase characters (A through Z)
 - English lowercase characters (a through z)
 - Base 10 digits (0 through 9)
 - Non-alphabetic characters (for example, !, \$, #, %)

CONCERNS: CERTIFICATION

After several months of discussions with the G.A.B. and several instances of testing the equipment in several Wisconsin Counties, the Unity 3.4.0.1 EMS was conditional approval by the Government Accountability Board at its August 13, 2013 board meeting. At the time of this approval, the only direct mention of the requirements for the computer designated to be used for elections programing and results to be on a 'local' network or to have 'hardening' scripts on the computer was in the G.A.B. memorandum on the certification of the 3.4.0.0 prepared for the March 20th and March 21st Board meeting. The requirements for hardening are based out of the 2002 & 2005 U.S. E.A.C. Voluntary Voting System Guidelines.

The explanation of the requirements, were explained to the Brown County Clerk's office by the Wisconsin G.A.B. and ES&S. These requirements require any election related computer within the Unity environment to be 'local' and 'hardened' in order to protect itself from outside interference.

Currently, the Brown County Clerk's office does not abide by this requirement and all computers currently operating election management software including the computer that intakes election results via modem during public tests and on election night are currently protected by the Brown County internal network. Since this program has been implemented, Brown County has had no problems with or breaches of security of any kind. This is the same network reviewed by the Electronic Voting Equipment Voting Specialist Sherri Ann Charleston. The Brown County network provides a top level fully encrypted technologically advanced network to protect its information and resources. The removal of the election related processes from the protection of Brown County Information services provides no more added security than keeping it on the network.

Since the existing network has proven sufficient for a less technologically advanced system and the improvement of this system only greater increases security, we encourage the G.A.B. and it's staff to reverse its decision as allowed in Wisconsin Government Accountability Board Administrative Code Chapter 7 and

allow the use of an electronic voting equipment system in the state of Wisconsin without hardening scripts and without a local network.

CONCERNS: COMPROMISE – SECURITY WITH FLEXIBILITY

Per the interpretation of the E.A.C. V.V.S.G.s, computers used to operate electronic voting equipment system software, such as Unity EMS, are required to have hardening scripts and NOT be connected to a computer network. The hardening scripts are to other computer processes from interfering with the Unity Software system. The local network requirement is to prevent access to the system from unauthorized personnel. ES&S, upon request of Brown County, investigated the possibility of having a computer that is running hardening scripts integrated into a network. ES&S stated that hardening scripts could be modified in such a way to harden a computer yet to allow it to remain on the network. Keeping the computer used to prepare for elections on an open network would keep the infrastructure costs low to Brown County taxpayers as the Brown County Clerk's office wouldn't be required to purchase the extraneous equipment, would maintain current sufficient security on the system and would allow the Brown County Clerk's office to maintain its current system of automated election night processing of unofficial election results.

CONCERNS: COSTS

Per the VVSG requirements upheld by the G.A.B. decision, the election computer, the associated servers and other election related computer technology of the Brown County Clerk's office would have to be overhauled. Such an overhaul would include the purchasing of several new workstations and the equipment required for the operation of the electronic voting equipment on those workstations as well as the technology required to network them together. Preliminary costs for such an investment are upwards of \$15,000. This would be an additional \$15,000 on top of the \$600,000 plus that Brown County is already paying for the purchase of the DS200 Electronic Voting Equipment. The \$15,000 cost was not previously budgeted for and would subsequently put pressure on an already strained budget.

CONCERNS: ELECTION NIGHT PROCESSES

Should the G.A.B. decision be upheld, it not only would increase the cost upon Brown County Taxpayers but the decision would also result in a change of election night processes. These election night processes would require numerous manual transfers of data from the local computer to a 'networked' computer to upload the data to either the public or to the G.A.B. for the requested but unnecessary election night reporting.

With the new process it would require new election night processes to be drafted and it would require a delay in the time that new election night unofficial results were made available to the public. This new election night process would also pose the risk of forgetting election night results in the final unofficial posting.

INCONSISTENCIES BETWEEN CERTIFICATION AND IMPLEMENTATION REQUIREMENTS

Information in the 2005 V.V.S.G provided by the E.A.C. states that no other software, including Microsoft office, may be installed on a computer previously installed with any EMS. However, in the finalized purchase order provided by ES&S, it was requested that the Brown County clerk's office purchase a license for both Microsoft Excel and Adobe Acrobat. Although the uses of these two items are important to current election related reporting, it does not make sense why there is an inconsistency between E.A.C. requirements, ES&S requirements and the actual operation of the equipment.

State of Wisconsin \ Government Accountability Board

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JUDGE TIMOTHY L. VOCKE
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the October 22, 2013 Board Meeting

TO: Members, Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel
Government Accountability Board

Prepared and Presented by:
Michael Haas, Elections Division Administrator
Diane Lowe, Lead Elections Specialist

SUBJECT: Election Inspector Nomination Process

Section 7.30(4) of the Wisconsin Statutes governs the appointment of election inspectors by municipal governing bodies (and the City of Milwaukee Election Commission) to staff polling places for two-year terms. That provision contemplates a role for the two dominant political parties to nominate individuals to serve as election inspectors as representatives of the respective political party. In general, municipalities must appoint individuals from the lists provided by the political parties if the individuals qualify to serve. If sufficient names are not submitted by either or both of the political parties to fill the positions required, the municipality may appoint individuals who are not affiliated with either party.

In many parts of the state the political parties often have not taken advantage of the opportunity to nominate individuals to serve as election inspectors, but they have become more active in this process in recent elections and the parties and local election officials have paid more attention to the details of the process and the statutory requirements. As a result of this trend as well as specific inquiries of clerks and the political parties, Board staff recently disseminated more specific guidance related to the nomination of election inspectors. The issue is timely because the deadline for political parties to submit nominations is November 30th and municipalities must appoint election inspectors in December. A copy of the guidance which Board staff posted on the agency website is attached to this memorandum. Also attached are copies of Wis. Stats. §§ 7.20, 7.30(4) and 8.17. In addition to informing the Board of this emerging trend related to election administration, Board staff is requesting the Board's direction regarding two specific issues that have arisen.

First, the political parties and several clerks have asked whether the political party lists may be submitted to clerks rather than to the head of the governing body. Wis. Stat. § 7.30(4)(b)2.a provides that the political party lists shall be submitted "to the mayor, president, or chairperson of the municipality" in municipalities outside of Milwaukee County. Wis. Stat. § 7.30(4)(b)2.b

provides that the lists shall be submitted to the mayor or village president in Milwaukee County municipalities other than the City of Milwaukee. Nominations for election inspectors in the City of Milwaukee are made to the City's Election Commission pursuant to Wis. Stat. § 7.30(4)(b)1.

In the past, political parties have sometimes submitted their nomination lists to municipal clerks rather than to the chief elected official (mayor, village president, town board chair), because the clerk is the municipality's chief election official. Clerks often accept and honor those lists, but the statutes do not seem to require that they do so, which may cause disputes if a nomination list is filed with the clerk's office but the clerk does not forward it to the governing body for consideration. Similarly, issues arise if a nomination list is submitted to a mayor, village president, or town board chair and it is not forwarded to the municipal clerk for processing. As noted in the attached guidance, Board staff has advised that, while providing a copy of the political party's list to the municipal clerk may help to facilitate the process, the statutes seem to be clear in requiring that the lists be submitted to the head of the governing body. Because this interpretation has been questioned in the past, Board staff is requesting that the Board affirm this application of Wis. Stat. § 7.30(4).

Second, Board staff is seeking to provide clarification regarding the political party representative who is authorized to submit the nomination list to the City of Milwaukee Election Commission. Section 7.30(4) contains references to the detailed political party structure which is described in Wis. Stat. § 8.17, including county party committees, municipal committees, and aldermanic district committeeman and committeewomen, as well as party committees based on congressional or assembly districts. These units and roles may not necessarily exist in the current structure of the political party organizations. As a result, the renewed focus on the appointment process has revealed some uncertainty regarding the submission of the nomination lists in the City of Milwaukee.

In municipalities outside of Milwaukee County, the Statutes require that the list is to be submitted by the chairperson of the city committee if the political party is organized in subdivisions of a city. If there is no municipal committee, the list shall be submitted by the chairperson of the county or legislative district committee, although the Statutes do not specify whether a legislative district committee refers to a congressional or assembly party committee. The list must contain the signatures of the committee chairperson as well as its secretary. Wis. Stat. § 7.30(4)(b)2.a. Regarding municipalities in Milwaukee County other than the City of Milwaukee, the Statutes require that the list is to be submitted by the aldermanic district or village committeeman or committeewoman for the ward where each polling place is located. If there are no aldermanic district or village party committees, the nominations proceed as in municipalities outside of Milwaukee County, through the county or legislative district committee. The list must contain only the signature of the chairperson of the submitting committee. Wis. Stat. § 7.30(4)(b)2.b.

In the City of Milwaukee, the Statutes provide only that the list is to be submitted by the aldermanic district committeeman or committeewomen of the political parties, and there is no provision stating which party representative must sign the list. Wis. Stat. § 7.30(4)(b)1. While the political party's county committee is authorized to submit lists in municipalities other than the City of Milwaukee where no aldermanic or municipal committee exists, the provisions related to the election inspector nominations for the City of Milwaukee do not specify that a county committee has the same authority when a political party is not organized

as an aldermanic committee or municipal committee. The lack of a structure that includes an aldermanic or city committee for a political party raises the question as to whether a political party retains the statutory right to submit nominations or forfeits that right.

It is the opinion of Board staff that the statutory language specifying the roles of party committees based on aldermanic districts or municipal boundaries is a remnant of a history that required party representatives to be chosen at regular elections. That system no longer exists. However, the right of political parties to nominate election inspectors remains, as illustrated by Wis. Stat. § 7.30(4)(b) which states that “The 2 dominant parties, under sub. (2), are each responsible for submitting a list of names from which all appointees to inspector positions, other than [greeters], shall be chosen. . . .”

While the Statutes are not definitive on this point, the consensus of Board staff is that political parties do not forfeit their right to nominate election inspectors solely because they are not organized into the specific subdivisions that are described by the Statutes. To conclude otherwise would seem to elevate the significance of the form of the political party structure over the substance of the party’s right to nominate election inspectors. Staff is mindful that the major political parties in Wisconsin are currently organized at the county level, and that the Statutes described above grant county-level political committees the authority to submit nomination lists when no aldermanic or municipal committee exists in all other Wisconsin municipalities.

In addition, Wis. Stat. §7.20 authorizes the county party committees to exercise a similar role related to City of Milwaukee election administration by submitting nominees for the City of Milwaukee Election Commission, from which the mayor must select Commission members. Finally, Board staff has been advised by Neil Albrecht, Executive Director of the City of Milwaukee Election Commission, that nomination lists of both the Republican Party and the Democratic Party have routinely been submitted by their respective county party officials because neither party maintains a municipal-level committee.

Given these factors, Board staff believes that the proper application of the law is to permit a political party’s county committee to submit nomination lists for City of Milwaukee election inspectors in the absence of an aldermanic or city committee for the party. Consistent with the statutes applying to other Milwaukee County municipalities, Board staff believes that the list must be signed only by the political party’s county committee chairperson. Board staff also recognizes, however, that this is a legal and policy question which would benefit from the Board’s perspective and directive. Therefore, Board staff recommends that the Board affirm this application and interpretation of the Statutes pertaining to the nomination of election inspectors, or direct staff to issue any alternative guidance.

Recommended Motion: The Board approves staff’s application of Wis. Stat. § 7.30(4) to require that political party lists of election inspector nominees be submitted to the head of the municipal governing body in municipalities other than the City of Milwaukee. In addition, the Board affirms the staff’s analysis above and its conclusion that Wis. Stat. § 7.30(4) permits a political party that is not organized at the aldermanic or municipal level in the City of Milwaukee to submit its list of election inspector nominations through the chair of its Milwaukee County committee, and that the submission shall contain the signature of the committee chairperson.

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TIMOTHY L. VOCKE
Chair

KEVIN J. KENNEDY
Director and General Counsel

TO: Wisconsin Municipal Clerks
City of Milwaukee Election Commission
Wisconsin County Clerks
Milwaukee County Election Commission

FROM: Michael Haas
Elections Division Administrator

Diane Lowe
Lead Elections Specialist

DATE: October 10, 2013

SUBJECT: Appointment of Election Inspectors from Lists Submitted by Political Parties

December 31, 2013 marks the end of the current term of election inspectors (poll workers). At a meeting in December, but not later than December 31, 2013, the municipal governing body shall appoint election inspectors for a two-year term which begins January 1, 2014 and ends December 31, 2015.

Submission of Inspector Nominee Lists by Political Parties

No later than November 30, 2013, the two major political parties whose candidates for governor or president at the last general election received the largest number of votes at an *individual polling place* (generally, the Democratic and Republican parties) may submit a certified list of election inspector nominees to the municipal governing body. The party which received the largest number of votes at each polling place is entitled to one more inspector than the party receiving the next largest number of votes. For inspector appointments made this December, the election used to determine the two dominant parties and which party is entitled to the extra poll worker at each polling place is the November 6, 2012 Presidential Election.

Example: Five election inspectors are to be placed at a polling place. Mitt Romney received the most votes at the polling place in November 2012. The Republican Party may nominate three people and the Democratic Party may nominate two people. The parties are entitled to 3 and 2 inspectors respectively. They can nominate at least as many names as there are needed appointees from that party.

In addition to being a qualified elector of the ward or district in which they serve¹, being able to read and write the English language, and otherwise being capable and of good understanding, each party may establish additional criteria that a prospective nominee must meet in order to be included on the list submitted by the party. This may include a requirement to be a member of the party or to belong to an organization affiliated with the party.

Currently, the Democratic and Republican Parties are actively working to assemble and submit lists of election inspector nominees to as many municipalities as possible. You may receive a communication from one or both parties asking you to list your inspectors and their party affiliations. **Unless your current inspectors were appointed from party lists, the response to this request is that your inspectors are “unaffiliated.”**

¹ The municipal clerk may reassign an inspector to another polling place to assure adequate staffing at all polling places. Wis. Stat. § 7.15(1)(k)

Delivery/Transmission of Lists

Wis. Stat. § 7.30(4), provides that the lists are to be submitted to the Mayor, Village President or Town Board Chairperson. (In the City of Milwaukee, the lists are to be submitted to the City of Milwaukee Board of Election Commissioners.) Though not required, the parties have been advised to also provide a copy to the municipal clerk in order to facilitate the process. Letters have been sent to the Republican and Democratic state parties reminding them of the local parties' responsibility to submit lists of poll worker nominees. Copies of the letters accompany this correspondence.

The deadline for submission of lists by the Parties is November 30, 2013, which is a Saturday. If the clerk's office is not open on Saturday, the deadline extends to Monday, December 2, 2013. Lists of inspector nominees may be submitted by personal delivery or electronically (by fax or email) no later than close of business on the deadline. If the list is submitted electronically, the list containing the original signature(s) of the appropriate party affiliate must follow, postmarked no later than the deadline. Wis. Admin. Code GAB § 6.04.

If Lists are Received from One or Both Parties

When lists of election inspector nominees are submitted by one or both Parties, appointments must be made from the lists submitted by the Party for as long as election inspector positions are available. If party lists have been timely received, positions must be filled from the lists until the names on those lists have been depleted. The lists may also designate individuals as "first-choice" nominees, who must be appointed if they qualify and so long as positions are available. If the governing body has good cause not to appoint an individual whose name is submitted as a "first-choice" nominee, it may request the G.A.B. authorize non-appointment.

If Lists are Received but are Insufficient

If a Party's list is insufficient to fill the positions available for that party's nominees, the remaining positions are filled without regard to party affiliation.

Example: Seven inspectors are to be placed at a polling place. Barack Obama received the most votes at the polling place in November 2012. If sufficient lists from both parties were submitted, four names would be appointed from the Democratic list and three names would be appointed from the Republican list. In this example however, there are only three names on the Democratic list and no Republican list was submitted. The governing body appoints the three Democratic names and the Mayor, Village President or Town Board Chairperson nominates other qualified individuals, regardless of party affiliation, and submits the names to the governing body for appointment to the remaining four "unaffiliated" positions. If the Republican Party submitted a list with two names in this example, then only two unaffiliated positions would be appointed.

If No Lists are Received

If no lists are submitted, the Mayor, Village President or Town Board Chairperson nominates other qualified individuals, regardless of party affiliation, and submits the names to the governing body for appointment. All appointments are made without regard to party affiliation.

Please refer to the Election Official section of the [Election Administration Manual](#) for additional information. If you have questions, please contact the G.A.B. Help Desk at (608) 261-2028, or gabhelpdes@wi.gov. Thank you.

7.20 Board of election commissioners.

(1) A municipal board of election commissioners and a county board of election commissioners shall be established in every city and county over 500,000 population.

(2) Each board of election commissioners shall consist of 3 members, each member being chosen from lists of at least 3 names each, selected and approved by the county committee of the 2 political parties receiving the most votes for governor in the county in the case of the county board of election commissioners, and receiving the most votes for governor in the city in the case of the city board of election commissioners, in the last general election. The county executive, for the county board of election commissioners, shall select from the list 2 persons from the majority party and one person from the next highest party in the county. The mayor, for the city board of election commissioners, shall select from the list 2 persons from the majority party and one person from the next highest party in the city.

(3) The persons chosen shall be qualified electors and residents of the state and county and, for the city board of election commissioners, of the city.

(4) Before beginning their duties as election commissioners each appointee shall take and file the official oath.

(5) Each board of election commissioners shall choose its own chairperson. An act of a majority of the board is an act of the board.

(6) The election commissioners shall not hold any other public office and are ineligible for any appointive or elective public office, except the office of notary public, during their term.

(7) The term of office shall be 4 years, and until successors have been commissioned and qualified, beginning on July 1 each year following a presidential election. Successors shall be appointed the same way.

History: [1973 c. 334](#); [1975 c. 124](#); [1983 a. 484 s. 172 \(1\)](#); [1993 a. 184](#).

7.30 Appointment of election officials.

....

(4) APPOINTMENTS.

(a) Except in cities where there is a board of election commissioners, the mayor, president or board chairperson of each municipality shall nominate to the governing body no later than their last regular meeting in December of each odd-numbered year the necessary election officials for each polling place and any election officials required under s. [7.52 \(1\) \(b\)](#). If no regular meeting is scheduled, the mayor, president or chairperson shall call a special meeting for the purpose of considering nominations no later than December 31.

(b) The 2 dominant parties, under sub. (2), are each responsible for submitting a list of names from which all appointees to inspector positions, other than appointees to inspector positions authorized under sub. (1) (b), shall be chosen as follows:

1. In cities where there is a board of election commissioners, the aldermanic district committeemen or committeewomen under s. [8.17](#) of each of the 2 dominant recognized political parties shall submit a certified list no later than November 30 of each odd-numbered year containing the names of at least as many nominees as there are inspectors from that party for each of the voting wards in the aldermanic district. For inspectors serving under s. [7.52 \(1\) \(b\)](#), the aldermanic district committeemen and committeewomen under s. [8.17](#) of the 2 dominant recognized political parties shall jointly submit a certified list of nominees containing at least twice as many nominees as there are inspectors from that party who are to be appointed under s. [7.52 \(1\) \(b\)](#). The chairperson may designate any individual whose name is submitted as a first choice nominee. The board of election commissioners shall appoint, no later

than December 31 of odd-numbered years, at least 5 inspectors for each ward. The board of election commissioners shall appoint all first choice nominees for so long as positions are available, unless nonappointment is authorized under par. (e), and shall appoint other individuals in its discretion. The board of election commissioners may designate such alternates as it deems advisable.

2. a. In municipalities other than cities and villages located in counties having a population of more than 500,000, the committees organized under s. 8.17 from each of the 2 dominant parties under sub. (2) shall submit a list containing at least as many names as there are needed appointees from that party. The list shall be submitted by the chairperson of each of the 2 committees to the mayor, president, or chairperson of the municipality. If committees are organized in subdivisions of a city, the list shall be submitted through the chairperson of the city committee. If there is no municipal committee, the list shall be submitted by the chairperson of the county or legislative district committee. Except as provided in par. (c), only those persons submitted by the chairperson of each committee under s. 8.17 may act as election officials. The chairperson may designate any individual whose name is submitted as a first choice nominee. The list shall contain the signature of the chairperson and secretary of the submitting committee.

b. In cities or villages located in counties having a population of more than 500,000, other than cities where there is a board of election commissioners, the aldermanic district or village committeeman or committeewoman for the ward or wards where each polling place is located, if there is one, or for inspectors serving under s. 7.52 (1) (b), the committeemen and committeewomen for the municipality acting jointly, shall submit a list containing at least as many names as there are needed appointees for inspector positions from the party represented by the committeeman or committeewoman or by the committeemen and committeewomen acting jointly. For appointments of inspectors in cities and villages where there is no aldermanic district or village committeeman or committeewoman, nominations shall proceed in the same manner as in municipalities located in counties having a population of 500,000 or less. The list shall be submitted to the mayor or president. Except as provided in par. (c), only those persons whose names are submitted as provided in this paragraph may act as election officials. The committeeman or committeewoman may designate any individual whose name is submitted as a first choice nominee. The list shall contain the signature of the aldermanic district or village committeeman or committeewoman or the chairperson of the appropriate committee.

c. Upon submission of each nominee's name, the governing body shall appoint each first choice nominee for so long as positions are available, unless nonappointment is authorized under par. (e), and shall appoint other nominees in its discretion. If any nominee is not appointed, the mayor, president, or chairperson of the municipality shall immediately nominate another person from the appropriate lists submitted and continue until the necessary number of election officials from each party is achieved at that meeting.

(c) Except with respect to inspectors who are appointed under sub. (1) (b), for so long as nominees are made available by the political parties under this section, appointments may be made only from the lists of submitted nominees. If the lists are not submitted by November 30 of the year in which appointments are to be made, the board of election commissioners shall appoint, or the mayor, president or chairperson of a municipality shall nominate qualified persons whose names have not been submitted. If an insufficient number of nominees appears on the lists as of November 30, the board of election commissioners shall similarly appoint, or the mayor, president or chairperson shall similarly nominate sufficient individuals to fill the remaining vacancies. In addition, the mayor, president, or board chairperson of the municipality shall similarly nominate qualified persons to serve in the inspector positions authorized under sub. (1) (b). Any appointment which is made due to the lack of availability of names submitted under par. (b) may be made without regard to party affiliation.

(d) A party committee or aldermanic district or village committeeman or committeewoman under s. 8.17 may submit additional names for inclusion in its list of nominations under this section at any time for the purpose of filling vacancies that occur during a term of office. However, an appointment need at no time be delayed because of the lack of availability of party nominees.

(e) If an appointing authority believes that, for good cause, it should not appoint an individual whose name is submitted as a first choice nominee under par. (b), it may request the board to authorize nonappointment. The board may permit nonappointment of an individual for cause demonstrated by an appointing authority.

8.17 Political party committees.

(1) (a) Political parties qualifying for a separate ballot under s. 5.62 (1) (b) or (2) shall elect their party committeemen and committeewomen as provided under sub. (5) (b). The function of committeemen and committeewomen is to represent their neighborhoods in the structure of a political party. Committeemen and committeewomen shall act as liaison representatives between their parties and the residents of the election districts in which they serve. Activities of committeemen and committeewomen shall include, but not be limited to, identifying voters; assistance in voter registration drives; increasing voter participation in political parties; polling and other methods of passing information from residents to political parties and elected public officials; and dissemination of information from public officials to residents. For assistance in those and other activities of interest to a political party, each committeeman and committeewoman may appoint a captain to engage in these activities in each ward, if the election district served by the committeeman or committeewoman includes more than one ward. In an election district which includes more than one ward, the committeeman or committeewoman shall coordinate the activities of the ward captains in promoting the interests of his or her party.

(b) Each political party shall elect one committeeman or committeewoman from each election district. In this section, each village, each town and each city is an "election district"; except that in cities having a population of more than 7,500 which are divided into aldermanic districts, each aldermanic district is an "election district"; and in cities having a population of more than 7,500 which are not divided into aldermanic districts and villages or towns having a population of more than 7,500, each ward or group of combined wards under s. 5.15 (6) (b) constituting a polling place on April 15 of the year in which committeemen or committeewomen are elected is an "election district". To be eligible to serve as its committeeman or committeewoman, an individual shall be, at the time of filing nomination papers or at the time of appointment under this section, a resident of the election district which he or she is chosen to represent and shall be at least 18 years of age.

(4) The term of office of each committeeman or committeewoman shall end on the date of the meeting held under sub. (5) (b) following each partisan primary.

(5) (a) The county committee of each political party shall consist of the duly elected committeemen and committeewomen and appointed committeemen and committeewomen residing in the county.

(b) A combined meeting of the county committee and members in good standing of the party in the county shall be held no sooner than 15 days after the partisan primary and no later than April 1 of the following year. At this meeting, the party committeemen or committeewomen and the county committee offices of chairperson, vice chairperson, secretary and treasurer shall be filled by election by the incumbent committeemen, committeewomen and other party members present and voting, each of whom is entitled to one vote. At this meeting, the county committee shall elect the members of the congressional district committee as provided in sub. (6) (b), (c) and (d). The secretary of the county committee shall give at least 7 days' written notice of the meeting to party and committee members. Individuals elected as county committee officers or as congressional district committee members may be, but are not required to be, committeemen or committeewomen. They are required to be party members in good standing. The terms of committeemen and committeewomen, county committee officers and congressional district committee members begin during the meeting immediately upon completion and verification of the voting for each office.

(bm) A county committee may require that candidates for party committeemen and committeewomen file nomination papers with the county committee prior to the combined meeting under par. [\(b\)](#). The form, content and circulation and filing deadlines of the nomination papers shall be established by the county committee.

(c) The secretary of the county committee shall notify the county clerk in writing of the name and address of the elected county committee chairperson within 10 days of his or her election.

(d) The chairperson of the county committee shall notify the chairperson of the state committee of the names and addresses of the individuals elected as congressional district committee members within 10 days of their election.

(e) Except as authorized in this paragraph, all county committee meetings shall be called by the chairperson of the county committee. The secretary of the county committee shall give at least 7 days' written notice of each meeting to the committee members. A majority of committee members may, upon petition to the chairperson signed by all of them, demand that the chairperson call a meeting. If after 3 days the chairperson has failed to do so, the demanding members may designate one of them to call and preside at a meeting, also upon at least 7 days' written notice to all committee members. The member so designated shall provide the notice. Meetings called in either manner have equal standing.

(f) Any of the county committee officers named in par. [\(b\)](#) may be removed from office at any meeting of the committee if at least two-thirds of the committeemen or committeewomen are present; at least 7 days' written notice of the meeting is given to members of the party in the county; the notice discloses that discussion of the removal of one or more officers is on the agenda; and the notice includes and identifies this paragraph. Any such removal, and subsequent filling of a vacancy, shall be by vote of the committeemen, committeewomen and party members present and voting, each of whom is entitled to one vote.

(g) Any vacancy in any county committee office, except the offices named in par. [\(b\)](#) shall be filled by the county committee, except that the county committee chairperson may temporarily fill any vacancy.

(h) The county committee may appoint a committeeman or committeewoman for any election district in which no one was elected. An appointed committeeman or committeewoman has the same responsibilities and may engage in the same activities as an elected committeeman or committeewoman.

(i) Each committee and its officers shall have the powers usually exercised by committees and their officers.

(6) (a) The congressional district committee shall consist of members elected by the county committee or committees under pars. [\(b\)](#) and [\(c\)](#).

(b) For each assembly district lying wholly within one county, the county committee shall elect 2 persons from each assembly district as members of the congressional district committee.

(c) For each assembly district lying partially within one county, the county committee shall elect one person as a member of the congressional district committee, except that the county committee may elect additional members so that the county has at least 2 members on the committee of each congressional district in which it lies.

(d) County committees may elect alternate members to congressional district committees on the same basis and in the same numbers as they are entitled to elect under pars. [\(b\)](#) and [\(c\)](#).

(e) At least once every year, the chairperson of the congressional district committee shall call, with at least 30 days' notice in writing to the chairperson of the county committee, or committees lying within the district, for a caucus of members of the party in the district. Committee offices of chairperson, vice chairperson, secretary, and treasurer shall be filled by a caucus in the time and manner prescribed by the constitution of either the district committee or the state committee. Individuals elected to these offices may be, but are not required to be, members of the congressional district committee. The secretary shall provide notice of all meetings of the congressional district committee.

(7) (a) Duly elected or appointed committeemen and committeewomen residing in any political subdivision or assembly district may organize a committee for their area upon presenting a petition

therefor to the congressional district committee, which petition shall be signed by at least 25% of the committeemen and committeewomen who reside in that same area. Upon filing such a petition:

1. The chairperson of the congressional district committee shall call the first meeting within 10 days of delivery of the petition.

2. The secretary of the congressional district committee shall give at least 5 days' advance written notice of the meeting to all committeemen, committeewomen and party members residing in the area of the new committee.

3. Committee offices of chairperson, vice chairperson, secretary and treasurer shall be filled by election in the same manner as that provided for the county committee, and may be filled by individuals who are not committeemen or committeewomen.

4. Additional meetings may be called in the same manner as that provided for the county committee under sub. [\(5\) \(e\)](#).

5. Holders of committee offices may be removed and subsequent vacancies filled in the same manner as that provided for the county committee under sub. [\(5\) \(f\)](#).

6. Committeemen and committeewomen who are members of committees organized in any political subdivision or assembly district retain their status as members of the county committee.

(b) Assembly district committees shall also include as members those individuals elected by the county committee under sub. [\(6\)](#) as members of the congressional district committee.

(8) (a) The congressional district committee shall elect at least 2 individuals to become members of the state committee. Those elected may be, but are not required to be, members of the district committee.

(b) The state committee may consist solely of members elected under par. [\(a\)](#) or may consist of those members and as many other members called for and chosen in the manner prescribed in the constitution of the state committee.

(9) (a) If a county has no committee as provided by sub. [\(5\) \(a\)](#), residents of that county may voluntarily form a committee, which, upon approval of the state committee and certification by the secretary of the state committee to the board and the county clerk or board of election commissioners, shall then become the county committee with equal standing as if it had been organized under sub. [\(5\) \(a\)](#). This standing shall remain unless and until a committee is organized under sub. [\(5\) \(a\)](#).

(b) Members of a committee organized under par. [\(a\)](#) are not, and shall not be known as, committeemen and committeewomen.

(10) Committeemen and committeewomen who are members in good standing of their county parties, by virtue of their offices, shall be granted credentials for participation in any caucus or convention called by their congressional district committees or the state committee, and those credentials shall be distributed at least 21 days in advance of the meeting by the secretary of the committee calling the caucus or convention.

(11) The names of the committees shall be that of the identifying name followed by Party of, the blank to be filled with the name of the county, congressional district, or other geographic areas.

(12) The secretary of the state committee of each recognized political party under s. [5.62 \(1\) \(b\)](#) or [\(2\)](#) shall notify the board in writing of the name and address of the elected state committee chairperson within 10 days of his or her election.

History: [1971 c. 304 s. 29 \(1\), \(2\)](#); [1971 c. 336](#); [1973 c. 334](#); [1979 c. 260, 311, 355](#); [1981 c. 116](#); [1983 a. 484, 549](#); [1985 a. 131, 304](#); [1987 a. 391](#); [1991 a. 316](#); [1993 a. 184](#); [1999 a. 182](#); [2003 a. 265](#); [2011 a. 75](#).

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JUDGE TIMOTHY L. VOCKE
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

DATE: For the October 22, 2013 Board Meeting

TO: Members, Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel
Government Accountability Board

Prepared and Presented by:

Brian Bell, Elections Data Manager
Nate Judnic, Campaign Finance Auditor
Ross Hein, Elections Supervisor

SUBJECT: Legislative Status Report

The following is a summary of legislative proposals and legal actions relevant to the agency that staff is monitoring. The title of new proposals and status of any bill that is new or updated since the previous Board meeting is in bold font. This summary is organized into four sections: *new legislation*, *previous legislation – updated status*, *previous legislation – no status change*, and *draft legislation*.

NEW LEGISLATION

1. ***Assembly Bill 54 and Senate Bill 324: limiting the times for voting by absentee ballot in person.***

This bill limits the time period for in-person absentee requests to Monday through Friday between the hours of 7:30 a.m. and 5 p.m. It does not mandate that voting take place during all of those hours and does not require that the clerk's office be open 40 hours a week to receive applications made in person. Assembly Bill 54 also states that the clerk's office or designated site for absentee voting may not be open more than 40 hours a week beginning on the third Monday preceding the election and ending on 5 p.m. on the Friday preceding the election.

Assembly: Referred to the Committee on Campaigns and Elections. Substitute amendment offered by Representative Stroebel to extend end time to 6pm and to allow individuals to make appointments with local clerks to arrange for absentee voting after the prescribed days and times, but not the Saturday and Sunday preceding the election. Incorporated into AB225 (original draft only). **Public hearing held on October 9, 2013. Director Kennedy's testimony:**

<http://gab.wi.gov/publications/other/assembly-committee-testimony-10-9-2013>.

Senate: Referred to the Senate Committee on Elections and Urban Affairs. This bill was drafted based on the substitute amendment submitted for Assembly Bill 54.

2. ***Assembly Bill 298: creation of a Wisconsin election campaign fund, making appropriations, and providing penalties.***

This bill authorizes each individual filing a state income tax return who has a tax liability or is owed a refund to designate that \$1 of general purpose revenue be transferred to an election campaign fund administered by the Government Accountability Board (GAB) and the state treasurer. Under the bill,

any candidate for a partisan state office, except district attorney, who receives at least 6 percent of the total vote cast on all ballots for the office the candidate seeks at the partisan primary and whose name is certified as a candidate in the general election is eligible to receive a grant from the fund to finance campaign expenses.

Assembly: Referred to the Joint Committee on Finance.

3. *Assembly Bill 353: the scope of regulated activity under the campaign finance law, public financing of elections for certain state offices, extending the time for emergency rule procedures, providing an exemption from emergency rule procedures, granting rule-making authority, making appropriations, and providing a penalty.*

This bill imposes registration and reporting requirements on any individual who or organization that makes a communication within 60 days of an election that includes a reference to a candidate for state office, other than court of appeals judge, circuit court judge, district attorney. The individual or organization must also report activity that would have been required to be reported prior to their registration.

This bill would also allow a candidate for state office other than court of appeals judge, circuit court judge, or district attorney to qualify for a grant from the clean elections fund, and establishes specific criteria for qualifying for a grant.

Assembly: Referred to the Committee on Campaigns and Elections.

4. *Assembly Bill 354: political disbursements and obligations by corporations and cooperative associations.*

This bill provides that if a court with jurisdiction in this state finds in a reported decision, whether or not applicable in this state, that a prohibition against the making of political expenditures by corporations or similar entities is not enforceable for constitutional reasons, the Government Accountability Board (GAB) must publish a finding to that effect. A corporation or cooperative would be required to file a document satisfactory to the GAB, demonstrating approval of a majority of its voting shares to make disbursements for the purpose of influencing an election for state or local office, or a statement that it has no shareholders.

The bill also provides that no owner, officer, employee, or agent of a corporation or cooperative may cause or authorize the corporation or cooperative to make a disbursement or to incur an obligation that is prohibited under the bill, and provides a penalty.

Assembly: Referred to the Committee on Campaigns and Elections.

5. *Assembly Bill 378 and Senate Bill 282: reporting of the principal place of employment of certain individuals who make political contributions.*

This bill changes the requirement to report the principal place of employment of individuals whose cumulative contributions in a calendar year exceed \$500 from the current \$100 cumulative contribution threshold.

Assembly: Referred to the Assembly Committee on Campaigns and Elections.

Senate: Referred to the Senate Committee on Elections and Urban Affairs. Public hearing held on October 3, 2013. Director Kennedy's testimony: <http://gab.wi.gov/publications/other/senate-committee-testimony-10-3-2013>.

6. *Assembly Bill 393: residency of election officials.*

This bill provides, with certain exceptions, that an individual who serves as an election official at a polling place on Election Day need be an elector only of a county in which the municipality where the official serves is located. An individual who serves as the chief inspector at a polling place must be a qualified elector of the municipality where he or she serves unless no qualified candidate is available or the chief inspector is appointed to fill a temporary vacancy. A high school pupil who serves as an inspector must continue to meet the current residency requirement. This bill is similar to Assembly Bill 18 and Senate Bill 20, without the provisions related to political party nomination of election officials.

Assembly: Referred to the Committee on Campaigns and Elections. Public hearing held on October 9, 2013. Director Kennedy's testimony: <http://gab.wi.gov/publications/other/assembly-committee-testimony-10-9-2013>.

7. *Assembly Bill 394 and Senate Bill 262: labeling of duplicate ballots.*

This bill requires the election official to uniformly write the identity of duplicate and over-voted ballots on the upper right-hand corner of the ballot.

Assembly: Referred to the Assembly Committee on Campaigns and Elections. Public hearing held on October 9, 2013. Director Kennedy's testimony: <http://gab.wi.gov/publications/other/assembly-committee-testimony-10-9-2013>.

Senate: Referred to the Senate Committee on Elections and Urban Affairs. Substitute Amendment-1 changes the uniform location for marking duplicate ballots to the portion of the ballot for official endorsement and requires the G.A.B. to include markings or spaces for identifying these ballots and writing an identifying serial number. Public hearing held on September 4, 2013. Passage as amended recommended by Elections and Urban Affairs by a vote of 5-0. Passed by the Senate as amended by a vote of 22-11.

8. *Assembly Bill 396 and Senate Bill 297: absentee voting at residential care facilities.*

This bill provides that the clerk or board of election commissioners shall dispatch two special voting deputies to each community-based residential care facility, adult family home, and residential care apartment complex located in the municipality to conduct absentee voting in person for occupants upon application by one or more qualified electors who are occupants of the facility, home, or complex, and there are at least five registered electors who are occupants.

This bill also changes the requirement to post a notice of the visit from at least 24 hours in advance to at least five working days in advance. This bill also requires clerks to provide the public notice to a local news medium and to those news media who have filed a written request to receive such notices, at least five working days in advance. Those municipalities who maintain an Internet site must also post the notice on the Internet.

Assembly: Referred to the Assembly Committee on Campaigns and Elections.

Senate: Referred to the Senate Committee on Elections and Urban Affairs. Public hearing held on October 3, 2013. Director Kennedy's testimony: <http://gab.wi.gov/publications/other/senate-committee-testimony-10-4-2013>.

9. *Senate Bill 261: witness address required for valid absentee ballot.*

Under current law, in order to vote using an absentee ballot, an individual must complete a certificate, which certifies that the individual is a qualified elector. The individual must sign the certificate in the presence of a witness who must also sign the certificate and provide his or her name and address. Under this bill, an absentee ballot may not be counted if the certificate is missing the address of a witness.

Senate: Referred to the Committee on Elections and Urban Affairs.

10. *Senate Bill 263: challenging an elector's registration during recount proceedings.*

This bill provides that, in determining the number of voting electors, the board of canvassers must hear and decide any objection to the validity of the registration of an elector who registered on Election Day. Under the bill, if the board of canvassers determines that the registration of an elector who registered on Election Day is invalid, the board reduces the number of voting electors by one in performing the drawdown of voted ballots, whenever a drawdown is required.

Senate: Referred to the Committee on Elections and Urban Affairs.

11. *Senate Bill 264: securing the ballot container.*

Under this bill, only the chief inspector and one other inspector whose party affiliation is different than the chief inspector's party affiliation may secure the ballot container.

Senate: Referred to the Committee on Elections and Urban Affairs. Public hearing held on September 4, 2013. Passage recommended by Elections and Urban Affairs by a vote of 5-0. Passed by the Senate by a vote of 19-14.

12. *Senate Bill 265: party representation for election officials serving at polling places.*

This bill provides that whenever two or more inspectors are required to perform a function within a polling place and both parties that are entitled to submit nominees have done so, the chief inspector must assign, insofar as practicable, an equal number of inspectors from the nominees of each party.

Senate: Referred to the Committee on Elections and Urban Affairs. Public hearing held on September 4, 2013. Passage recommended by Elections and Urban Affairs by a vote of 5-0. Passed by the Senate by a vote of 18-15.

13. *Senate Bill 266: the procedure for recounting ballots when electors voting in person are required to sign the poll list and fail to do so.*

This bill provides that, for purposes of a recount, an elector shall not be considered to be a voting elector if he or she is required to sign the poll list and does not do so.

Senate: Referred to the Committee on Elections and Urban Affairs.

14. *Senate Bill 267: recording the type of identifying document provided by an elector as proof of residence.*

This bill requires the municipal clerk, clerk's agent, and other individuals authorized to accept receipt of a registration form from an elector to enter on the registration form or poll list, and in some cases both the registration form and poll list, the type of identifying document submitted by the elector as proof of residence when proof of residence is required of the elector.

This bill also requires the board to include on the official registration list an indication of whether an elector was required to provide proof of residence and, if so, the type of identifying document submitted by the elector as proof of residence.

Senate: Referred to the Committee on Elections and Urban Affairs. Public hearing held on September 4, 2013. Substitute Amendment-1 requires recording both the type and issuing entity and institution of the identifying document. Senate Amendment-2 requires recording the type of document and the issuing entity or institution on both the registration form and the poll list. Senate Amendment-2 also requires recording the account number, if applicable, on the registration form. Senate Amendment-2 was approved by the Committee on Elections and Urban Affairs by a vote of 5-0. Passage as amended recommended by the Committee on Elections and Urban Affairs by a vote of 3-2. Passed by the Senate by a vote of 18-15.

15. *Senate Bill 268: nominees submitted by the Government Accountability Board candidate committee.*

Under current law, the governor appoints members of the Government Accountability Board (board) from nominations submitted by the board's candidate committee. Current law requires the candidate committee to submit at least two nominations to fill one vacancy on the board, three nominations to fill two vacancies, five nominations to fill three vacancies, six nominations to fill four vacancies, and seven nominations to fill five vacancies on the board. This bill doubles the number of nominations the candidate committee must submit to the governor.

Senate: Referred to the Committee on Elections and Urban Affairs. Public hearing held on September 4, 2013. Senate Amendment-1 offered to change the number of nominations required based on the number of vacancies. Senate Amendment-1 was not adopted by the Committee on Elections and Urban Affairs by a vote of 2-3. Passage recommended without amendment by Elections and Urban Affairs by a vote of 3-2.

PREVIOUS LEGISLATION - UPDATED STATUS

16. *Assembly Joint Resolution 25 and Senate Joint Resolution 24: proposed constitutional amendment to limit the grounds for the recall of an incumbent congressional, judicial, or legislative elective officer or any county elective officer specified in the Wisconsin Constitution (elective officer).*

Under this amendment, an elective officer may be recalled only if he or she has been charged with a serious crime or if a finding of probable cause has been made that he or she violated the state code of ethics. The amendment also requires the filing officer to determine that the petition for recall demonstrates sufficient grounds for recalling the elected official. The amendment also requires the legislature to establish a code of ethics for government officials and a board to administer the code.

Assembly: Referred to the Committee on Campaigns and Elections. Public hearing held on June 4, 2013. Executive session held on October 9, 2013. Passage recommend by the Committee on Campaigns and Elections by a vote of 6-3.

Senate: Referred to the Committee on Elections and Urban Affairs.

17. Assembly Bill 89 and Senate Bill 94: the method of reporting election returns by municipalities.

These bills would allow any municipality having a population of 35,000 or more may provide that election returns for any ward having a population of 20 or less combined with returns for any adjacent ward, unless separate returns are required to determine the results of an election. A municipality, however, may not combine wards if the total population of the combined wards would exceed the applicable population range for wards in that municipality. The bill allows the municipal clerk to estimate ward populations for the purpose of combining returns if the population cannot be determined from census results.

Assembly: Referred to the Committee on Campaigns and Elections. Incorporated into Assembly Bill-225 (original and substitute amendment). **Executive session held on October 9, 2013.**

Amendment-1 approved by the Committee on Campaigns and Elections by a vote of 9-0.

Passage recommend by the Committee on Campaigns and Elections by a vote of 9-0.

Senate: Referred to the Committee on Elections and Urban Affairs. Public hearing held on October 3, 2013. Director Kennedy's testimony: <http://gab.wi.gov/publications/other/senate-committee-testimony-10-3-2013>.

18. Assembly Bill 91 and Senate Bill 90: communications by members of the legislature.

This bill creates an exemption to the so-called "50 piece" rule. This bill exempts the cost of materials or distribution of a communication made by a member of the legislature to their constituents during the 45-day period following a declaration of a state emergency by the governor affecting any county in which the legislator's district is located if the communication relates solely to the subject of the emergency.

Assembly: Referred to the Committee on Campaigns and Elections. Incorporated into Assembly Bill-225 (original and substitute amendment). **Public hearing held October 9, 2013. Director Kennedy's testimony: <http://gab.wi.gov/publications/other/assembly-committee-testimony-10-9-2013>.**

Senate: Referred to the Committee on Elections and Urban Affairs. Incorporated into Assembly Bill-225 (original and substitute amendment).

19. Assembly Bill 128 and Senate Bill 114: recall petition requirements.

Under current law, a petition for the recall of a city, village, town, town sanitary district, or school district officer, in addition to other requirements, must indicate a reason for the recall that is related to the officer's official responsibilities. Under this bill, any person who wishes to circulate a petition for the recall of a city, village, town, town sanitary district, or school district officer must include with the person's registration under the campaign finance laws a statement indicating that the officer for whom the recall is sought has been charged with committing a crime or violating a code of ethics law applicable to local officials. The person must also include a copy of the criminal or civil complaint alleging the crime or violation.

Assembly: Referred to the Committee on Campaigns and Elections. Incorporated into Assembly Bill-225 (original draft only). **Executive session held on October 9, 2013. Passage recommend by the Committee on Campaigns and Elections by a vote of 6-3.**

Senate: Referred to the Committee on Elections and Urban Affairs.

20. Assembly Bill 202: certification of election observers

This bill requires the chief inspector and the municipal clerk to designate an observation area for election observers that is within three feet of the table at which electors announce their name and address to be issued a voter number and within three feet of the table at which a person may register to vote. Under the bill, the chief inspector or municipal clerk may permit an election observer to sit at either table, provided the observer is not permitted to observe confidential information. The bill also requires each election observer to print his or her name and sign and date a log maintained for the polling place.

Assembly: Referred to the Committee on Campaigns and Elections. Public hearing held on May 21, 2013. Incorporated with amendment into Assembly Bill-225 (original draft only). **Amendment offered to eliminate the provision to allow observers to sit at a table with election inspectors, and to change the observer area to three to eight feet. Executive session held on October 9, 2013. Amendment-2 approved by the Committee on Campaigns and Elections by a vote of 6-3. Passage recommend by the Committee on Campaigns and Elections by a vote of 6-3.**

21. Assembly Bill 225: various changes to campaign finance, lobbying, ethics, and elections laws.

This bill makes several changes related to campaign finance, lobbying, ethics, and elections. There are some provisions in the original draft of the bill, the substitute amendment, or both. Additional information on Assembly Bill 225 and the related substitute amendment is included in the supplemental materials.

Assembly: Passed and messaged to the Senate.

Senate: Referred to the Senate Committee on Elections and Urban Affairs.

PREVIOUS LEGISLATION – NO STATUS CHANGE

22. Assembly Joint Resolution 23: establishing competitive election criteria for redistricting the legislature (first consideration).

This is the first consideration of a proposed constitutional amendment to define demographic and political standards for the drawing of legislative districts and establishes criteria for the drawing of legislative districts. Following the canvass of the general election in each year that is divisible by ten, the amendment requires the superintendent of public instruction to determine the mean percentage of the vote received by candidates of the two major political parties for certain statewide offices in the prior decade and to certify those mean percentages to the legislature.

Assembly: Referred to the Committee on Campaigns and Elections.

23. Senate Joint Resolution 35: requiring the legislature to enact laws requiring reasonable notice of and public access to meetings of governmental bodies including the legislature (first consideration).

This constitutional amendment, proposed to the 2013 legislature on first consideration, requires the legislature to enact laws requiring reasonable notice of and public access to meetings of governmental bodies including the legislature.

Senate: Referred to the Committee on Government Operations, Public Works, and Telecommunications.

24. Assembly Bill 18 and Senate Bill 20: residency of election officials.

These bills provide that an individual who serves as an election official at a polling place on election day need be an elector only of a county in which the municipality where the official serves is located, except as the law currently permits the individual to reside elsewhere. Assembly Bill 18 and Senate Bill 20 make no change, however, to the residency requirement applicable to a high school pupil who serves as an inspector.

These bills also permit, for up to 50 percent of the positions to be filled, a political party officer to specify the ward for which an individual is nominated to serve. The bills require municipalities to appoint individuals who are nominated to serve in a specified ward in the ward for which they are nominated for at least 50 percent of the positions to be filled, unless the G.A.B. or the attorney general permits non-appointment for good cause shown. The bills permit a nominee whose non-appointment is authorized by the G.A.B. to appeal the decision to the attorney general, who may affirm or reverse the decision of the G.A.B.

Assembly: Referred to the committee on Campaigns and Elections. Incorporated into AB225 (original and substitute amendment).

Senate: Referred to the Committee on Elections and Urban Affairs.

25. Assembly Bill 24 and Senate Bill 14: the method of recounting votes cast with automatic tabulating equipment.

These bills permit the board of canvassers conducting a recount to determine to conduct the recount of a specific election by hand unless a court orders the recount to be conducted by another method.

Assembly: Passed by the Committee on Campaign and Elections. Referred to the Committee on Rules. Incorporated into AB225 (original and substitute amendment).

Senate: Bill referred to the Committee on Elections and Urban Affairs.

26. Assembly Bill 26: fees charged for access to public records.

This bill amends the public records law to provide that an authority may impose a fee upon a requester for the actual, necessary, and direct cost of deleting, redacting, or separating information that is not subject to disclosure from a record.

Assembly: Public hearing held 2/27/13.

27. Assembly Bill 40: state finances and appropriations, constituting the executive budget act of the 2013 legislature.

This bill is the "executive budget bill" under section 16.47 (1) of the statutes. It contains the governor's recommendations for appropriations for the 2013-2015 fiscal biennium.

Assembly: Passed 55-42;

Senate: Passed 17-16;

Enacted as 2013 Wisconsin Act 20; published July 1, 2013

28. *Assembly Bill 51 and Senate Bill 33: employment by a former member of the legislature as a lobbyist.*

These bills prohibit any individual who serves as a member of the legislature, for 24 months following the date on which the individual ceases to hold office, from being employed as a lobbyist. Violators of the prohibition are subject to a forfeiture of not more than \$5,000 for each violation. Intentional violators are guilty of a misdemeanor and are subject to a fine of not less than \$100 nor more than \$5,000 or imprisonment for not more than one year, or both, for each violation.

Assembly: Referred to the Committee on Government Operations and State Licensing.

Senate: Referred to the Committee on Government Operations, Public Works and Telecommunications.

29. *Assembly Bill 85: changing the compensation structure by which a Milwaukee County supervisor may be paid, changing the term length of a Milwaukee County supervisor, affecting the right of an annuitant under the Milwaukee County Employee's Retirement System to be rehired by Milwaukee County, limiting the authority of Milwaukee County to enter into certain intergovernmental agreements, removing and clarifying some authority of the Milwaukee County board, increasing and clarifying the authority of the Milwaukee County executive, deleting obsolete statutory references, and requiring a referendum.*

This bill would require a referendum be held in Milwaukee County in April 2014 on several provisions of this bill. The bill would also change the term of Milwaukee County Supervisors from four years to two years. This bill prohibits the Milwaukee County Board from scheduling a referendum on any matter that is subject to the approval of the electors of a county under this bill to be held concurrently with the election at which the question of approval is presented to the electors.

The text of Engrossed 2013 Assembly Bill 85 consists of the bill, as passed by the assembly on May 8, 2013, as affected by the following Assembly Amendments adopted in the assembly on April 17, 2013: Assembly Amendments 1, 2, and 3. Enacted as 2013 Wisconsin Act 14.

30. *Assembly Bill 141: notice of certain political contributions made to a judge or justice.*

This bill provides that whenever an interested contributor makes a political contribution to a court of appeals, circuit, or municipal judge or supreme court justice in a pending civil or criminal action or proceeding over which the judge or justice is presiding, or to the personal campaign or authorized support committee of a judge or justice, the contributor must, within five days of the date that the contribution is made, notify the judge or justice and every party other than the interested contributor to the action or proceeding, in writing, of the fact that the contribution has been made and the date and amount of the contribution. The bill also provides a definition for an "interested contributor."

Assembly: Referred to the Committee on Campaigns and Elections.

31. Assembly Bill 185 and Senate Bill 163: legislative and congressional redistricting.

These bills create a new procedure for the preparation of legislative and congressional redistricting plans. The bill directs the Legislative Reference Bureau (LRB) to draw redistricting plans based upon standards specified in the bill and establishes a Redistricting Advisory Commission to perform certain tasks in the redistricting process. The bill requires that the names of appointees to the Commission be filed with the Government Accountability Board. The bill also makes various other changes to the laws governing redistricting.

Assembly: Referred to the Committee on Government Operations and State Licensing.

Senate: Referred to the Committee on Elections and Urban Affairs.

32. Assembly Bill 189: incorporations of villages and cities involving more than one town.

Under this bill, if the territory to be incorporated includes portions of more than one town, the electors of each town must approve the referendum for the incorporation to take effect. In addition, the majority that is required to approve the referendum in the territory with the smallest population, that is located solely in one of the towns, is 75 percent.

Assembly: Referred to the Committee on Elections and Urban Affairs. Public hearing held on May 21, 2013. Passed as amended by the Committee on elections and Urban Affairs 8-0. Referred to the Committee on Rules.

33. Assembly Bill 235 and Senate Bill 198: appointment and training of special registration deputies by county clerks and boards of election commissioners.

This bill permits a county clerk or board of election commissioners to appoint one or more individuals to serve as a special registration deputy. The bill also permits an individual to be appointed to serve more than one county by more than one county clerk or board of election commissioners. Under the bill, a deputy who is appointed by the clerk or board may register any qualified elector of the county for which he or she is appointed. The bill makes a county clerk or board of election commissioners responsible for the training of any special registration deputies appointed by that clerk or board and permits that clerk or board to delegate responsibility for providing training to certain other county or municipal officials or employees. Under the bill, a municipal clerk retains the ability to appoint special registration deputies for the municipality. This bill provides, in addition, that no person who employs an individual to serve as a special registration deputy may require the individual, as a condition of employment, to obtain an express or implied quota of new registrants within a given period.

Assembly: Referred to the Committee on Campaigns and Elections.

Senate: Referred to the Committee on Elections and Urban Affairs.

34. Assembly Bill 268: legislative vacancies.

This bill changes the statutes to specify that the special election to fill a vacancy that occurs before the specified second Tuesday in May must be ordered within 60 days after the vacancy occurs, subject to the current exception related to legislative session scheduling. Current statutes require the vacancy to be filled "as promptly as possible."

Assembly: Referred to the Committee on Government Operations and State Licensing.

35. *Senate Bill 6: prohibiting the use of telephone automatic dialing-announcing devices for political messages and providing a penalty.*

This bill prohibits any caller from using an automatic dialing-announcing device to disseminate a prerecorded or synthesized voice message that has a political purpose. This practice is commonly known as "robo-calling". The prohibition applies to a voice message that has a "political purpose," defined under current state campaign finance law. The bill applies to any interstate or intrastate voice message that is received by a person in this state.

The bill requires the Department of Agriculture, Trade and Consumer Protection to investigate violations of the bill and bring enforcement actions for violations. The bill also creates a civil forfeiture of no more than \$100 for each violation of the bill.

Senate: Referred to the Committee on Government Operations, Public Works and Telecommunications.

36. *Senate Bill 91: alternate sites for absentee voting in person.*

Currently, the governing body of a municipality may designate a single alternate site for absentee voting in person by electors of the municipality. If designated, this site serves in lieu of the office of the municipal clerk or board of election commissioners as the site where absentee voting is conducted for the election at which the designation is made.

This bill permits the governing body of a municipality to designate more than one alternate site for absentee voting in person by electors of the municipality. Under the bill, an alternate site may be used for absentee voting in addition to or in lieu of use of the office of the municipal clerk or board of election commissioners. The bill also directs a municipality that designates an alternate site for absentee voting at an election to notify the Government Accountability Board in writing of its designation.

Senate: Referred to the Committee on Elections and Urban Affairs.

37. *Senate Bill 98: reporting of information by nonresident registrants under the campaign finance law.*

Under this bill, for campaign finance reporting purposes, non-resident registrants are treated the same as resident committees and are required to file a report containing information required by Wis. Stats. 11.06(1). This bill changes the previous requirement of non-resident registrants only being required to report contributions from Wisconsin sources and disbursements made relating to Wisconsin contests.

Senate: Referred to the Committee on Elections and Urban Affairs.

38. *Senate Bill 158: authorization for electors to vote in the primary of more than one political party.*

This bill permits a voter in a partisan primary to "split tickets," designating the candidate of his or her choice for each office, including the offices of governor and lieutenant governor, regardless of party affiliation. The bill also allows a voter to vote for independent candidates for one or more state offices in a partisan primary, in addition to party candidates for one or more state or county offices. Under the bill, a voter may still vote for only one candidate for each office. The voting procedure at

the general election and other partisan elections is unaffected by the bill. The bill initially applies to voting at the 2014 partisan primary election.

Senate: Referred to Committee on Elections and Urban Affairs.

39. *Senate Bill 166: political disbursements and obligations by corporations, cooperative associations, and labor organizations and the scope of regulated activity and reporting of certain activity under the campaign finance law.*

This bill imposes additional registration and reporting requirements on any person who within 60 days of an elections, makes any mass communications, including an electronic communications, a mass distribution, or a mass telephoning, that includes a reference to a clearly identified candidate at that elections. In addition, it requires the person who becomes subject to the registration requirements because of making the mass communications to report, upon registration, the information that would have been required to be reported has they been registered. The bill does not apply to communications made by a corporation, cooperative, or nonpolitical voluntary association and is limited to the corporation's, cooperative's, or association of members, shareholders, or subscribers. Reportable activity under this bill also applies to contribution and disbursement limitations and restrictions by causing reportable "contributions," "obligations," and "disbursements" to include the cost of all reportable communications. This bill extends 24-hour reporting of mass communication expenditures of \$500 cumulatively since the date of the registrant's last report.

Senate: Referred to the Committee on Elections and Urban Affairs.

40. *Senate Bill 173: durational residency requirement for voting and deadlines for late registration and absentee voting in person.*

This bill decreases the durational residency requirement for voter registration to ten consecutive days. This bill changes the deadline for late registration made in person and at the office of a municipal clerk or board of election commissioners to vote in an election and deadline for absentee voting in person at the office of a municipal clerk or board of election commissioners to the day before the election at 5pm or the close of business, whichever is later.

Senate: Referred to the Committee on Elections and Urban Affairs.

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JUDGE TIMOTHY VOCKE
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the October 22, 2013 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy, Director and General Counsel
Wisconsin Government Accountability Board

Prepared by: Jonathan Becker, Nathan Judnic, Cindy Kreckow, Adam Harvell, Molly Nagappala, Richard Bohringer and Colleen Adams
Ethics and Accountability Division

SUBJECT: Ethics and Accountability Division Program Activity

Campaign Finance Update

Richard Bohringer, Nate Judnic, Adam Harvell, Molly Nagappala and Colleen Adams
Campaign Finance Auditors

July Continuing 2013 Reports

Five committees have yet to file their reports. All have been contacted, and sent a settlement offer letter for \$125 and the missing report. Staff continues to follow-up with these committees.

Upcoming Campaign Finance Reports

The Governor issued Executive Orders calling for special elections in the 21st and 69th Assembly Districts on November 19, with the Primary on October 22, 2013. Notices were sent to the 12 candidates registered as well as all registered PACs, Parties, Conduits, and Independent Expenditure committees that finance reports are due October 15 and November 12, 2013 for all committees making contributions or disbursements in these elections.

Campaign Finance Audits

Staff conducts various audits on campaign finance data received through the many reports filed with our office. An audit is one tool used to ensure compliance with campaign finance laws enforced by the G.A.B. An update on the status of ongoing audits is provided below:

- \$10,000 annual individual limit: 24 individuals were initially contacted. 19 cases were closed with no violation being found. 5 individuals have paid penalties for exceeding the limit, totaling \$4,267.50.
- Campaign period limit for individual office holders (where applicable): 81 committees were initially contacted. 46 committees were cleared of any violations. 24 committees have admitted to a violation and \$12,737.01 in forfeitures has been collected to date. 11 committees are still outstanding.

- Employer and occupation information provided for contributions from an individual exceeding \$100: 17 committees with substantial compliance issues were initially contacted. 16 of these committees have amended past reports to include this information and have been closed. No financial penalties have been assessed to date. 1 committee is still outstanding.
- Corporate contributions: 21 committees were initially identified as accepting contributions from businesses. 19 committees have amended their reports and were closed with no violation. 2 committees have paid forfeitures totaling \$300. 4 businesses were given an official warning letter and closed with no forfeiture assessed. One business has asked to appeal its \$300 forfeiture to the board.
- Registered lobbyist contributions outside the allowable window: 97 lobbyists were originally identified as contributing to state-level partisan candidates outside of the allowable window. 59 lobbyists were cleared based on a variety of factors and no violation occurred. 38 lobbyists have admitted to contributing outside the allowable window and a total of \$9,663.00 has been forfeited to date.
- Committee contribution limits audit (45%/65% and individual committee limits): 47 committees were originally identified with a possible violation of committee contribution limits. 17 committees amended their reports and were closed with no violation. 17 committees have admitted to a violation and forfeited a total of \$7903.92. 15 committees are still outstanding.
- Termination request audits: From 2010-2013, over 400 committees have requested to be terminated. GAB staff audited these reports to verify cash balance totals, problems with reporting, and non-compliant transactions. All but 69 of these committees has been audited and terminated.

This is not an exhaustive list as other audits are triggered by complaints or from issues discovered by staff review of reports on their face. G.A.B. staff continues to work with our software vendor and our in-house IT staff to automate the audits we conduct.

Lobbying Update

Molly Nagappala and Nate Judnic
Campaign Finance Auditors

Statement of Lobbying Activities and Expenditures Reports – January-June 2013

All registered lobbying principals were required to file a 6-Month Statement of Lobbying Activities and Expenditures (SLAE) report covering lobbying activities from January 1 through June 30, 2013. The report was due July 31, 2013. As of October 8, 2013, all principals have filed the report. Seventeen principals were sent warning letters due to violating the 15-day reporting requirement, and 4 principals with egregious violations were asked to pay a forfeiture of \$25 per item reported late. As these letters were sent the week of September 30, no forfeitures have been received as of October 8, 2013. G.A.B. staff will be following up with these 4 principals to obtain the forfeitures.

Eye on Lobbying Website Project Update

David Grassl and Kavita Dornala continue general technical support and system enhancements for the Eye on Lobbying website. G.A.B. staff met with the technical team to give a broad overview of the previous FOCUS subscription service the old lobbying site used to provide. We intend to design a more simplified and user friendly interface for this functionality by early next year. G.A.B. staff sent out updates to all users outlining the recent changes to the system. These changes included streamlining the reporting of lobbyist time by adding a one-click menu option, creating more printer-friendly versions of screens most commonly used, formatting lobbyist time reports to fit on one page and improved saving capabilities for 6-month SLAE reporting. Based on valuable feedback we have received from legislative staff, the lobbying community and the general public, G.A.B. staff is

committed to making the site as user friendly as possible and intend to incorporate as much feedback as we can.

Staff continues to assist the public, lobbying principals and lobbyists as we transition from the old site to the new site.

Lobbying Registration and Reporting Information

G.A.B. staff continues to process 2013-2014 lobbying registrations, licenses and authorizations and will continue to do so throughout the session. Processing performance and revenue statistics related to the 2013-2014 session so far are provided in the table below.

2013-2014 Legislative Session: Lobbying Registration by the Numbers (Data Current as of October 8, 2013)			
	Number	Cost	Revenue Generated
Organizations Registered – Full Lobbying	673	\$375	\$252,375
Organization Registered – Limited Lobbying	12	\$20	\$240
Lobbyists Licenses Issued (Single)	504	\$350	\$176,400
Lobbyists Licenses Issued (Multiple)	112	\$650	\$72,800
Lobbyists Authorizations Issued	1301	\$125	\$162,625

Financial Disclosure Update

Cindy Kreckow, Ethics and Financial Disclosure Specialist

Statements of Economic Interests – Ongoing and Annual Filing

Statements continue to be received on an ongoing basis for Governor Appointees as well as new state officials who are required to file them. Staff has been in contact with all of the Wisconsin technical colleges to identify those positions that each college’s board determines are required to file a Statement of Economic Interests. Staff will also be working in the next month or so to identify active reserve judges in order to mail pre-printed copies of their Statements of Economic Interests to them in early December. Reserve judges are required to file a Statement of Economic Interests with the G.A.B. within 21 days of taking a case, so their statements are sent out prior to the annual filing statements. All state court and municipal judge candidates are required under Chapter 19.43(4), *Wisconsin Statutes*, to file a Statement of Economic Interests with the Government Accountability Board in order to have their name appear on the ballot for the spring election. In late November, pre-printed Statements of Economic Interests will be mailed out to incumbent judges who are up for re-election in the spring of 2014. GAB staff will be preparing for the 2014 Statement of Economic Interests annual filing period throughout the month of November. Database records, forms, instructions and reports will be updated to reflect the upcoming filing year.

Governor Appointments

Appointments are received and processed on an ongoing basis, to include securing statements of economic interests from all appointees who have not already filed this calendar year, and referring copies of their statements to the Senate for future confirmation hearings.

State of Wisconsin Investment Board Quarterly Transaction Reports

Ethics and Accountability staff sent out 53 quarterly financial disclosure reports to State Investment Board members and employees on September 30th. The 2013 third quarter reports are due on or before October 31st. Once received, copies of the reports will be delivered to the Legislative Audit Bureau for their review and analysis.

Other Projects

Staff are working to update the financial disclosure procedures manual to more accurately reflect current procedures and bring it into a more user friendly format. This has turned into a very large undertaking; thanks to Adam for all his hard work!

Ethics, Complaints and Investigations Update

Jonathan Becker, Division Administrator

Division staff continue to answer questions from legislators, legislative staff and the public on various provisions of the State Ethics Code. Division staff intake numerous complaints from various parties and deal with them appropriately according to the Division's standard procedures. Division staff continue to devote time to assist on investigations and the resolution of complaints when called upon by the Division Administrator and/or the Director and General Counsel.

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JUDGE TIMOTHY L. VOCKE
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the October 22, 2013 Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel
Wisconsin Government Accountability Board

Prepared by Elections Division Staff and Presented by:
Michael Haas
Elections Division Administrator

SUBJECT: Elections Division Update

Since its last Update (August 13, 2013) the Elections Division staff has focused on the following tasks:

1. General Activities of Election Administration Staff

Several municipalities and school districts have conducted or will conduct special or referenda elections this year. Staff is assisting clerks with setting up the elections in SVRS, as well as providing support and guidance for conducting elections. The special school district and municipal elections that have been conducted or are scheduled for the remainder of the year are listed below:

<u>Date of Election</u>	<u>Jurisdiction</u>	<u>Type of Election</u>
May 7, 2013	Westby Area S.D.	Referendum
May 21, 2013	Clear Lake S.D.	Referendum
July 23, 2013	City of Appleton	Special Aldermanic Primary
Aug. 20, 2013	City of Appleton	Special Aldermanic Election
Sept.10, 2013	City of Mequon	Special Aldermanic Election
Sept. 10, 2013	Deerfield Community S.D.	Referendum
Sept.10, 2013	Village of Eagle	Referendum
Oct. 1, 2013	Rubicon S.D.	Referendum
Oct. 8, 2013	City of Oconomowoc	Special Aldermanic Primary
Oct. 15, 2013	Berlin S.D.	Referendum
Nov. 5, 2013	Brillion Public S.D.	Referendum
Nov. 5, 2013	City of Elkhorn	Referendum
Nov. 5, 2013	Woods Elementary – Geneva Jt. #4	Referendum
Nov. 5, 2013	Arcadia S.D.	Referendum
Nov. 5, 2013	City of Oconomowoc	Special Aldermanic Election
Nov. 5, 2013	Ithaca S.D.	Referendum

Nov. 5, 2013	Rice Lake S.D.	Referendum
Nov. 5, 2013	Cameron S.D.	Referendum

In addition to these local special elections as well as the special Assembly elections described below, Representative Jeff Stone announced that he will be resigning from the Legislature to accept a position with the Public Service Commission, effective October 14, 2013. Upon the Governor’s order to call a special election, Board staff will work to administer the special election in the 82nd Assembly District and assist local election officials to conduct the election.

The Legislature is again considering several election-related bills this session. Board staff is following the progress of the bills in order to prepare for modifying current procedures and training local officials. The bills include proposals to modify procedures for voter registration, recounts, ballot security, and reporting election returns. Division staff has also completed local fiscal estimates regarding legislation which would increase the number of adult-care facilities required to be served by special voting deputies.

Election Administration staff created and issued the 2013 – 2014 Election and Campaign Event calendar, which is a key tool used by local election officials. Staff also continued regular communications with clerk on a number of topics, including preparation for special elections, training, and guidance related to political parties submitting lists of nominees to serve as election inspectors.

2. Continuing Preparation for the 2014 Spring Election and November General Election

Staff continues to receive and process Campaign Registration Statements (Form GAB-1) and Declarations of Candidacy from candidates intending to run for office at the 2014 Spring and General Elections. Currently 17 candidates are registered for the Spring Election, and 45 candidates are registered for the General Election. One circuit court judge incumbent has filed a Notification of Noncandidacy. Staff expects the volume of candidate registrations to increase sharply in November.

3. Special Elections in Assembly Districts 69 and 21

The resignations of Representatives Scott Suder and Mark Honadel prompted Governor Walker to issue Executive Orders 111 and 113, calling for special elections in Assembly Districts 69 and 21. District 69 is comprised of portions of Clark, Marathon and Wood Counties. District 21 includes the Cities of Oak Creek, South Milwaukee and a portion of the City of Franklin in Milwaukee County. Both special elections will occur on November 19, 2013. The nomination paper deadline was 5 p.m. on September 24, 2013. The minimum number of nomination paper signatures required is 200.

A total of 12 candidates registered for the special elections. Six registered in Assembly District 69 and six registered in Assembly District 21. One candidate filed nomination papers for Assembly District 69 on September 23. The other candidates filed on deadline day, September 24. Below is a table summarizing nomination paper activity.

Dist.	Registered			Date Papers Filed		Qualify for Ballot			Challenge
	Dem.	Rep.	Ind.	9/23	9/24	Dem.	Rep.	Ind.	
69	1	4	1	1	5	1	4	1	1
21	1	5	0	0	6	1	5	0	

Each assembly district will conduct a Republican Party primary on October 22, 2013.

A. Challenge to Nomination Papers

A challenge to the nomination papers of candidate Tim Swiggum was filed late Friday afternoon, September 27, 2013. Mr. Swiggum is an independent candidate for Assembly District 69. The names of independent candidates appear only on the special election ballot. Therefore, the challenge had no effect on the special primary ballot preparation.

The challenge, filed by Joe Fadness of the Republic Party of Wisconsin, cited several alleged deficiencies such as illegible or incomplete dates of signers, signer addresses located outside the 69th assembly district, and that several signers were disqualified electors due to felony convictions.

Candidates for Representative to the Assembly must submit at least 200 valid signatures of qualified voters in the Assembly District. Mr. Swiggum submitted approximately 220 signatures. Staff review found 209 valid signatures. The challenge claimed that 22 signatures were invalid, which would reduce the number of valid signatures to 178. The Board met on Wednesday, October 2, 2013 to rule on the challenge. The Board reduced the number of valid signatures to 206, and granted ballot access to Mr. Swiggum.

B. Primary Ballot Preparation and New Ballot Design

The Certification of Nomination and ballot order listing was transmitted to the Clark, Marathon and Wood County Clerks, and the Milwaukee County Election Commission at 4:30 p.m. on Friday September 27, 2013. Special primary and election ballot samples had been provided with the Type A Notice.

G.A.B. staff is committed to improving the design of ballots with simple, straight-forward instructions and a more intuitive format. As a first step in that process, staff designed a new ballot to be used at the special primaries and elections on October 22 and November 19. Municipal and county clerks have been asked to track comments from voters and to add their own comments and suggestions for G.A.B. staff to consider. Staff also hopes to obtain assistance from experts in ballot design and from usability testing with various voter groups. The new ballot designs used for the special primaries and elections are appended to this memo as Attachment 1.

3. Clerks' Election Administration Workload Concerns Task Force

Board staff has continued to implement the Board directives resulting from recommendations of the Clerk Concerns Task Force. Results of the survey distributed to SVRS provider clerks regarding their agreements with relier municipalities and pricing structures are being analyzed, to help create model agreements and new models of workload-sharing between providers and reliers. In addition, Board staff has made several changes to the form and procedures for local election officials to report election costs, based on feedback from clerks. New cost reporting forms for federal and non-federal elections were posted on the G.A.B. website and a communication was issued to clerks regarding the new forms on October 8, 2013.

At the request of the Task Force, Board staff has produced articles to better inform local officials and governing body members about the costs of administering elections, the work of clerks in managing SVRS and administering elections, and the current effort of Board staff to develop new model provider-reliar agreements. Attached as Attachment 2 is the article published in the League of Wisconsin Municipalities' monthly publication, and a similar article was published by the Wisconsin Towns Association. Board staff appreciates the assistance of these organizations in educating local officials about the importance of intergovernmental cooperation in administering elections in Wisconsin.

4. Electronic Poll Books

Director Kennedy has requested that the Elections Division analyze how electronic poll books could be used at Wisconsin voting locations, and to recommend standards for their approval. Several vendors and municipal clerks have approached Board staff seeking to introduce electronic poll book technology into the election process. A team of Division staff has undertaken a study of how electronic poll books are used in other states, and any benefits or disadvantages they offer for election administration. Wisconsin Statutes permit the use of electronic poll books subject to the approval of the Board. G.A.B. staff has conducted a survey of local election officials to obtain their input, and is planning to observe the implementation of electronic poll books during elections in the State of Minnesota on November 5, 2013. The goal of the staff team is to present a recommendation to the Board regarding standards for approval of electronic poll books in Wisconsin.

5. Voting Equipment Testing and Demonstration

As directed by the Board, staff has worked to develop and implement testing protocols for voting equipment. A detailed analysis of the staff's testing and recommendations is included separately with the Board's meeting materials.

Also as directed by the Board, the G.A.B. IT and election's staff has begun the process of collaborating with Dr. Gilbert and his team to explore how the Prime III software might be able to interface with current G.A.B. applications, including MyVote Wisconsin and the Canvass Reporting System. Staff sent Dr. Gilbert's team three sample XML files with the goal of determining the best method of transferring data to them without providing direct or indirect access to G.A.B. systems. Additionally, G.A.B. staff is continuing to work on identifying a municipal location as a partner for the Pilot Program.

6. The AccessElections! Accessibility Compliance Program

A. Accessibility Advisory Committee

Board staff is in the process of organizing the fall meeting of the Accessibility Advisory Committee. The focus of the meeting will be a discussion of preparations for the 2014 election cycle.

B. Analysis of Accessibility Audit Results

Board staff has reported all audit results from the February and April 2013 elections to the municipalities' clerks and executive officers. There are currently no outstanding audit results that need to be issued to municipalities. To date, staff has received and is processing plans of actions for polling places audited during the December 4, 2012 Special Election for State Senate District 33 and for the 2013 Spring Primary and Spring Election. Staff will continue to process plans of action received from municipalities audited during these elections.

C. 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. In addition, staff arranged for the distribution of 269 grant-funded accessibility supplies to 60 municipalities in response to documented needs. Staff is monitoring the use and effectiveness of previous accessibility grant funding by municipalities. Staff is also working with the agency IT

Development Team to automate multiple aspects of the AccessElections! Compliance Audit administrative process.

7. Education/Training/Outreach/Technical Assistance

Following this memorandum as Attachment 3 is a summary of information on core and special election administration training conducted by G.A.B. staff.

8. Meeting with City of Milwaukee Election Commission

On September 25, 2013, Elections Division staff hosted a meeting with Neil Albrecht, Executive Director of the Milwaukee Election Commission (MEC). Mr. Albrecht provided an overview of current issues and challenges related to election administration in the City of Milwaukee, and engaged in a discussion with staff regarding numerous G.A.B. initiatives and election matters, including ballot design, training, voting equipment, and pending legislation. Claire Woodall, the MEC's SVRS Director, also met with Board staff to discuss several SVRS tasks. The meeting was productive and resulted in several items being identified for follow-up by Board staff and the MEC.

9. IT Projects

Several IT projects are in progress for the Elections Division:

A. SVRS Version 8.5

Testing was completed on the new version of SVRS (version 8.5) on Friday September 20, and it was installed into Production on September 21. This SVRS update includes some enhancements to the mapping features in SVRS to make it easier for clerks to assign voters to the correct districts. An updated training guide for use of the mapping features was published for clerks shortly after, and a webinar training is scheduled for October 23. Thus far the clerk reaction to the mapping changes has been positive. Several clerks participated in the UAT testing and provided comments that helped improve the new version.

B. SVRS Modernization

G.A.B. staff continues to work on gathering the preliminary business requirements for a new, modernized SVRS system. Staff teams are reviewing various areas of election administration (such as voters, ballots, polling places, districts, results, etc.). The teams created conceptual diagrams that break each area into its core components and show how these components are inter-related. Teams are now working on documenting each of the business processes that take place within that area. This documentation will help the IT team develop the core components of the new system, as well as the features that users will need in order to perform the necessary tasks in the new system. A clerk advisory team has been established to help guide G.A.B.'s efforts to modernize SVRS.

C. MyVote Wisconsin

G.A.B. staff began testing for the next version of the MyVote Wisconsin website, version 1.7 in the first two weeks of October. MyVote 1.7 includes some miscellaneous improvements suggested by clerks and voters. Deployment of MyVote 1.7 is scheduled for October 23, 2013.

Staff is also planning for a MyVote 2.0 update which will include more significant changes. Staff plans to conduct a usability assessment of the MyVote Wisconsin website to gather information on how we can streamline the website and make it easier for voters to use. Staff hopes to begin

this project in early Fall of 2013. Board staff has received approval from the Federal Voting Assistance Program to modify its original grant budget to allocate a greater share to IT development instead of additional staff, and to retain assistance from an expert on the usability of election websites.

D. Voter Felon Audit

Wis. Stat. § 6.56(3m) requires the Board to compare the list of voters in an election with the list transmitted to the Board by the Department of Corrections (DOC) containing the names of individuals disqualified from voting due to felony convictions. G.A.B. staff continues to work with the IT team on development of the tool that will be used to automate and track this process. A dashboard has been developed for DOC users to update felon information for potential matches. G.A.B. staff is working with DOC to gather feedback on this portion of the project, and also continues to work on other aspects of the process.

E. Data Request Automation

G.A.B. staff continues working on developing an online application for processing common requests for voter data. This new website will allow candidates, political parties, and the general public to electronically request SVRS voter data including voter participation based on jurisdiction or district, participation in a particular election or elections, or absentee voters. Data request customers will be able submit their requests and download the completed file from this new website. The second phase of this project will add the ability to accept electronic payment for SVRS data, either by credit card or electronic funds transfer (EFT), and completely automating the entire process. The estimated completion date for both phases of this project is mid-November, 2013.

10. Cost-Benefit Analysis Projects

Elections Division staff is working with two teams of students from the UW-Madison LaFollette School of Public Affairs' Cost-Benefit Analysis course, who are analyzing two issues proposed by Board staff. One project is designed to evaluate the costs and benefits of electronic voter registration as compared to a paper-based system, which is the subject of pending legislation and is being adopted by an increasing number of states. The other project is evaluating the costs and benefits of using mass mailings compared to the Postal Service's National Change of Address service for voter list maintenance, as well as variables involved if the maintenance is conducted at the state or county level. Upon their completion, the results of the projects will be presented to G.A.B. staff and possibly to the Board as well.

11. Voter Registration Statistics

The following statistics summarize the statewide voter registration activity since the previous Elections Division Update (August 13, 2013) as of October 4, 2013:

- 3,393,856 active voter registrations.
- 1,211,606 inactive voter registrations.
- 375,369 cancelled voter registrations.
- 2,537 HAVA checks.
- 1,279 merged voter registrations

12. Voter Data Requests

Staff regularly receives requests from customers interested in purchasing electronic voter lists. SVRS has the capability and capacity to generate electronic voter lists statewide, for any county or municipality in the state, or by any election district, from congressional districts to school districts. The voter lists also include all elections that a voter has participated in, going back to 2006 when the system was first deployed. The following statistics demonstrate the activity in this area since the previous Elections Division Update (August 13, 2013) as October 7, 2013:

- 24 SVRS data requests were received.
- 18 electronic voter lists were purchased.
- \$13,725 was collected for SVRS voter data requests which were fulfilled.

13. G.A.B. Customer Service Center

The G.A.B. SVRS Help Desk is supporting over 2,000 active SVRS users, the public and election officials. The Customer Service Center is continuing to upgrade and maintain the two training environments that are being utilized in the field. Staff is monitoring state enterprise network changes and status, assisting with processing data requests, and processing voter verification postcards. Help Desk staff assisted clerks with configuring and installing SVRS and WEDCS (GAB-190) on new computers.

Overall, the majority of inquiries the G.A.B. Customer Service Center received from clerks during this period related to assistance with preparing for the fall special primaries and elections in SVRS; logging into the CRM system; printing ineligible voter lists; tracking absentee and provisional ballots; printing poll books; absentee processing; producing SVRS reports; and related election processes. Help Desk staff assisted in contacting clerks to correct verification postcard addresses that had failed Zip4 processing.

Public and elector inquiries came primarily from the Wisconsin electorate which had questions about absentee voting, registration requirements, registration locations, EDR requirements, acceptable proof of residence documents, and other election-related inquiries.

Calls for this period also consisted of campaign finance reporting issues, lobbyist reporting and the Statements of Economic Interests filing deadline. The Ethics Division's CFIS and Lobbying systems also generated an amount of call traffic prior to the filing deadlines.

Staff assisted with and coordinated the deployment of new G.A.B. staff computer equipment and with testing SVRS improvements. Call volume has been unusually quiet, compared to the consistently high volume experienced over the past two years.

Help Desk staff have been serving on various project teams such as the Staff computer replacement project; the Records Retention Taskforce; the Clerks Concerns Committee; the SVRS Modernization and MyVote Wisconsin teams.

G.A.B. SVRS Help Desk Call Volume
(608-261-2028)

August 2013	299
September 2013	335
October 2013 – incomplete	110
Total Calls for Reporting Period	744

G.A.B. Front Desk Call Volume
(608-266-8005)

August 2013	195
September 2013	187
October 2013 – incomplete	39
Total Calls for Reporting Period	421

14. Voter Outreach Services

Since the G.A.B.'s launch of its Facebook and Twitter accounts in April of 2012 the number of people the agency is able to reach through social media continues to grow.

The G.A.B. Facebook account currently has over 850 likes (people following the page). On average, each post reaches a viral audience of 300 additional people, with the more popular posts generating an additional reach of over 1,000 people. G.A.B. staff typically publishes two or more posts daily on Facebook during the six to eight weeks before an election. During periods of time between elections, the frequency of posts decreases to around three per week.

The G.A.B. Twitter account currently has over 1,000 followers. Additional statistics for reach and viral impact are not available for Twitter. However, a number of news media sources "re-tweet" G.A.B. posts regularly. Because of these "re-tweets" each G.A.B. post reaches additional Twitter users, beyond the 1,000 followers. G.A.B. staff typically publishes two or more posts daily on Twitter during the six to eight weeks before an election. During periods of time between elections, the frequency of posts decreases to around three per week.

15. Staff Recruitment

The Elections Division continues staff recruitment for several vacant positions. In late August, Zachary Robinson was appointed to the position of Elections Specialist – GIS Mapping. Zach had been performing GIS mapping duties and assisting clerks with mapping tasks as a limited term employee with the Board. Recruitment is in the final stages to fill two vacant SVRS Elections Specialist positions.

Official Special Primary Ballot for Partisan Office

Notice to voters: This ballot may be invalid unless initialed by 2 election inspectors. If cast as an absentee ballot, the ballot must bear the initials of the municipal clerk or deputy clerk.

<p>Instructions to Voters:</p> <p>1.) Select your party preference. <i>You may vote in only ONE party at a partisan primary.</i> If you designate a party preference, the vote cast in that party's section will be counted. Votes cast in any other party section will not be counted.</p> <p>If you do not designate a party preference, and you vote in more than one party section, no votes will be counted.</p> <p>2.) Vote for ONE candidate only, in ONE party only. To vote for a name on the ballot, fill in the oval next to the name, like this <input checked="" type="radio"/>. To vote for a name that is not on the ballot, write the name in the space marked "write-in," and fill in the oval next to the name, like this <input checked="" type="radio"/>.</p> <p>3.) If you make a mistake or have a question, see an election inspector. (Absentee Voters: Contact your municipal clerk.)</p>	<p style="text-align: center;">Legislative (cont.)</p> <p style="text-align: center;">Constitution Party Section</p> <p>If you vote in this party section, you may not vote in any other party section.</p> <p><input type="radio"/> Candidate name</p> <p><input type="radio"/> Candidate name</p> <p><input type="radio"/> write-in</p> <hr/> <p style="text-align: center;">Official Special Primary Ballot for Partisan Office</p> <p style="text-align: center;">October 22, 2013</p> <p style="text-align: center;">For</p> <p>..... Municipality and ward #(s)</p> <hr/> <p>Ballot issued by</p> <p>..... (initials of election inspectors)</p> <hr/> <p>Absentee ballot issued by</p> <p>..... (initials of municipal clerk or deputy clerk)</p> <hr/> <p>Certification of Voter Assistance</p> <p>I certify that this ballot was marked by me for a voter who is authorized under the law to have assistance upon request and as directed by the voter.</p> <p>..... (signature of assisting individual)</p>
<p style="text-align: center;">Party Preference Section</p> <p>Fill in the oval next to your party selection, like this <input checked="" type="radio"/>. Choose ONE:</p> <p><input type="radio"/> Democratic</p> <p><input type="radio"/> Republican</p> <p><input type="radio"/> Constitution</p>	
<p style="text-align: center;">Legislative</p> <p>Representative to the Assembly, Dist. _ Vote for one</p> <p style="text-align: center;">Democratic Party Section</p> <p>If you vote in this party section, you may not vote in any other party section.</p> <p><input type="radio"/> Candidate name</p> <p><input type="radio"/> Candidate name</p> <p><input type="radio"/> Candidate name</p> <p><input type="radio"/> write-in</p> <p style="text-align: center;">Republican Party Section</p> <p>If you vote in this party section, you may not vote in any other party section.</p> <p><input type="radio"/> Candidate name</p> <p><input type="radio"/> Candidate name</p> <p><input type="radio"/> Candidate name</p> <p><input type="radio"/> write-in</p>	

Official Special Ballot for Partisan Office

Notice to voters: This ballot may be invalid unless initialed by 2 election inspectors. If cast as an absentee ballot, the ballot must bear the initials of the municipal clerk or deputy clerk.

<p><u>Instructions to Voters:</u></p> <p>To vote for a name on the ballot, fill in the oval next to the name, like this <input checked="" type="radio"/>. To vote for a name that is not on the ballot, write the name in the space marked "write-in," and fill in the oval next to the name, like this <input type="radio"/>.</p> <p>If you make a mistake or have a question, see an election inspector. (Absentee voters: Contact your municipal clerk.)</p>	<p>Official Special Ballot for Partisan Office</p> <p>November 19, 2013</p> <p>For</p> <p>..... (municipality and ward #(s))</p>
<p>Legislative</p>	<p>Ballot issued by</p> <p>..... (initials of election inspectors)</p>
<p>Representative to the Assembly, Dist. _</p> <p>Vote for one</p> <p><input type="radio"/> Candidate name Democratic</p> <p><input type="radio"/> Candidate name Republican</p> <p><input type="radio"/> Candidate name Constitution</p> <p><input type="radio"/> write-in</p>	<p>Absentee ballot issued by</p> <p>..... (initials of municipal clerk or deputy clerk)</p>
	<p>Certification of Voter Assistance</p> <p>I certify that this ballot was marked by me for a voter who is authorized under the law to have assistance upon request and as directed by the voter.</p>

The Management and Funding of Wisconsin Elections

The State of Wisconsin has endured a unique series of political events and extra elections over the past two years, which has focused increased attention on how elections are administered and funded. Municipalities were required to absorb many of the costs of additional elections in their budgets. This article briefly outlines some of the election-related duties of municipal clerks, summarizes statistics regarding the costs of election, and describes a current effort intended to assist municipal and county clerks in determining the most efficient means of managing election data and completing required tasks in the State's election management system.

Wisconsin's system of administering elections at the local level is one of the most decentralized in the nation. There are currently 1,852 municipalities in Wisconsin and each one has an essential role in providing free and fair elections to its residents. Administering elections properly is central to ensuring that voters and citizens remain confident in the integrity of the election results and in the democratic process. In 2012 alone, each Wisconsin municipal clerk conducted six statewide elections, and some conducted additional local elections. As with other municipal functions, an important factor in the success of elections is the level of resources allocated to election budgets to secure sufficient staffing, materials, equipment, and technological tools.

Election Duties of Municipal Clerks

Wisconsin municipalities are responsible for administering both statewide and local elections for their voters. Municipal clerks (and the Election Commission in the City of Milwaukee) recruit and train poll workers, register voters, maintain voter records, prepare ballots, issue absentee ballots, establish and equip polling places with certified voting equipment, and direct the canvass of official results. *See Wis. Stat. Sections 7.15 and 7.53.* Clerks must maintain their own election training certification and keep updated on changes to Wisconsin election laws in order to implement new election standards and procedures so that voters are served properly and consistently throughout the state.

Another important aspect to most municipal clerks' election-related duties is the management of the Statewide Voter Registration System (SVRS) for their voters. The Help America Vote Act of 2002 required the State of Wisconsin to create SVRS to house and maintain all of Wisconsin's voter registration records. SVRS also contains other important data related to absentee ballot management, the printing and management of poll books, the placement of voters into their correct voting districts and wards, and much more. SVRS is the critical backbone of election administration, but the work required to maintain it may not be familiar to many voters and municipal officials other than local clerks.

Provider-Relier Agreements

When the State (through the former Elections Board, now the Government Accountability Board) created SVRS in 2006, it was recognized that due to vast differences in available staff and technology, not all municipal clerks had the necessary resources to maintain their voter records and complete other important election-management tasks in SVRS. As a result, three categories of clerk SVRS users were created: *self-providers*, *reliers* and *providers*. Clerks who manage voter registration records and other

ballot and election records for their own voters are known as SVRS *self-providers*. Clerks in smaller communities who delegate their SVRS tasks and authority to a county clerk or clerk in another municipality are *reliers*. Clerks in *relier* communities must coordinate the flow of voter and election information with *provider* clerks. To ensure that SVRS tasks are completed, the parties have entered into contracts known as *Provider-Relier Agreements*. There are a variety of such agreements currently in place.

Municipalities which are self-providers exercise greater independence and flexibility when administering elections. Self-providers have immediate access to their voter and election data and can more easily provide services on-demand such as voter registration, absentee voting, and reporting. Provider clerks perform significant SVRS duties and coordinate the work of relier clerks to increase the accuracy of data and the efficiency of election services. In some cases, hybrid agreements exist which allow relier clerks to perform some SVRS tasks rather than delegating all duties to the provider clerk. The majority of relier municipalities compensate the provider pursuant to their negotiated agreements, although the rate of compensation varies based on population, number of elections, amount of work involved, or other factors.

The Elections Division of the G.A.B. is responsible for administering and enforcing Wisconsin's election laws, establishing standards to ensure uniformity, developing best practices and training materials, and safeguarding the votes of all electors. Last year, several provider clerks asked the G.A.B. to study the increasing burdens being placed on them by the Legislature and the G.A.B. to administer SVRS tasks for their reliers. As a result, the G.A.B. created a Clerk Concerns Task Force, and one issue this group is studying is identifying new options for provider-relier relationships. This effort may encourage relier clerks to assume responsibility for some tasks currently being completed by provider clerks, and facilitate that transition, where feasible. The G.A.B. currently is gathering information about the terms contained in various provider-relier SVRS agreements, and creating several sample agreement templates that may be adopted by providers and reliers, or tailored to local circumstances. The G.A.B. will share the results of this effort with municipal and county clerks in the coming months.

Putting Election Costs in Context

2012 was an exceptional year in terms of the number of elections held in Wisconsin. Based on information submitted to the G.A.B., the total costs to municipalities and counties to administer the five statewide elections for which the G.A.B. collected cost data were \$36,628,310.88. For the two statewide elections held in the spring of 2013, the total costs were \$10,095,697.06. Detailed cost reports for each election and each municipality and county are available on the G.A.B. website here: <http://gab.wi.gov/publications/statistics/gab-190>. The following is a breakdown of cost categories related to the 2012 and 2013 elections, as reported by municipal and county clerks:

Election Costs to WI Counties and Municipalities for Five Statewide Elections in 2012

	Total 2012 Costs	2012 Presidential Preference and Spring Election	2012 Recall Primary	2012 Recall Election	2012 Partisan Primary	2012 Presidential and General Election
Total Cost	\$36,628,310.88	\$7,681,685.01	\$6,307,911.11	\$6,710,307.36	\$5,886,104.08	\$10,042,303.32
Training	\$1,754,632.60	\$655,381.62	\$161,250.35	\$245,247.28	\$200,800.75	\$491,952.60
Ballots	\$4,791,337.43	\$957,139.41	\$728,645.81	\$937,205.50	\$739,720.16	\$1,428,626.56
Memory Devices	\$384,606.67	\$90,508.12	\$117,798.05	\$55,924.82	\$46,509.70	\$73,865.98
Programming	\$3,412,734.34	\$771,482.30	\$617,190.90	\$596,031.93	\$764,508.75	\$663,520.46
Ballot Bags	\$92,630.89	\$16,219.14	\$11,618.49	\$10,657.22	\$38,853.65	\$15,282.39
Wages	\$12,264,910.86	\$2,293,251.84	\$2,292,419.91	\$2,371,531.85	\$2,031,914.93	\$3,275,792.33
Staff	\$10,057,368.28	\$1,920,863.97	\$1,758,462.01	\$1,905,206.77	\$1,391,272.53	\$3,081,563.00
Rental	\$142,258.25	\$31,753.17	\$29,188.45	\$21,297.45	\$29,351.00	\$30,668.18
Notices	\$1,321,452.68	\$320,487.90	\$242,705.77	\$245,914.82	\$238,126.45	\$274,217.74
Documents	\$588,770.28	\$148,522.09	\$101,366.65	\$93,241.72	\$92,832.37	\$152,807.45
Misc.	\$1,817,608.61	\$476,075.46	\$247,264.73	\$228,048.01	\$312,213.79	\$554,006.63

Election Costs to WI Counties and Municipalities for the Two Statewide Elections in 2013

	2013 Total Costs	2013 Spring Election	2013 Spring Primary
Total Cost	\$10,095,697.06	\$5,711,912.74	\$4,383,784.32
Training	\$327,446.75	\$177,313.65	\$150,133.10
Ballots	\$1,021,763.82	\$676,458.35	\$345,305.47
Memory Devices	\$77,483.57	\$40,522.14	\$36,961.43
Programming	\$1,274,210.51	\$823,910.86	\$450,299.65
Ballot Bags	\$16,075.68	\$10,081.41	\$5,994.27
Local Election Official Wages	\$3,565,667.79	\$2,000,310.28	\$1,565,357.51
Staff Wages/Salaries	\$2,433,241.50	\$1,295,748.77	\$1,137,492.73
Polling Place Rental	\$52,745.84	\$26,350.67	\$26,395.17
Notices	\$473,742.43	\$280,783.54	\$192,958.89
Polling Place Documents	\$200,290.91	\$101,775.80	\$98,515.11
Miscellaneous	\$653,028.26	\$278,657.27	\$374,370.99

It is important to keep in mind that many municipalities are paying their county or another municipality to provide SVRS services, and those costs were not uniformly included in the figures above. In some cases that may be the most efficient and least costly approach. However, if a municipality is interested in becoming an SVRS self-provider, it should first review its Provider-Relier Agreement. Becoming an SVRS self-provider does require completion of initial, as well as ongoing, SVRS training provided by the G.A.B.

Supporting Election Integrity and Sound Management

Administering elections in Wisconsin has historically been a matter of local control, and, while that is a strength of our system, it can also create challenges, including the responsibility of municipalities to shoulder a significant share of the financial burden. The G.A.B. encourages municipal governing bodies as they develop their annual budgets to consider and appreciate the staff time and resources required to administer elections. This includes the management of SVRS, the continuous training and education required, printing poll books, ballots and notices, and the recruitment and retention of election inspectors. Ensuring that local election officials have access to the resources necessary is a key to conducting successful elections and serving voters well. The G.A.B. regularly consults and works with local election officials as partners, and will continue to provide assistance and support in many ways, including the creation of updated sample Provider-Relier agreements that may be used as a framework for managing elections in the Statewide Voter Registration System. We encourage local clerks to contact our office with any questions or comments. Please send any comments or questions to GAB@wi.gov or call (608) 261-2028.

ATTACHMENT #3

GAB Election Division's Training Initiatives
8/13/2013 – 10/21/2013

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
SVRS "Initial" Application and Election Management/HAVA Interfaces	Instruction in core SVRS functions – how to navigate the system, how to add voters, how to set up elections and print poll books.	16 hours	New users of the SVRS application software.	New SVRS trainers currently conducting internal staff training for education and practice.	0
SVRS "Advanced" Election Management	Instruction for those who have taken "initial" SVRS training and need refresher training or want to work with more advanced features of SVRS.	2 types of classes: Absentee Process; Reports, Labels & Mailings; 4 hours each	Experienced users of the SVRS application software.	New SVRS trainers currently conducting internal staff training for education and practice.	0
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	91
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.	0	0

ATTACHMENT #3

GAB Election Division's Training Initiatives
8/13/2013 – 10/21/2013

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
Election Administration Training Webinar Series	Series of 8 - 12 programs designed to keep local government officers up to date on the administration of elections in Wisconsin.	45 – 120 minute webinar conference hosted and conducted by Elections Division staff.	Clerks and chief inspectors; campaign treasurers and candidates.	2 webinars conducted: Election Administration Training for School District Clerks; Closing out 2013, What Clerks Need to Know.	250
WBETS	Web Based Election Training System. Still under development. Reference materials were made available to the clerks in February; voter registration training made available to clerks 3/24/2008.	Varies	County and municipal clerks and their staff.	Phase 1 of eLearning training plan completed; Phase 2 under discussion.	Site is available for clerks to train temp workers in data entry; relies are also able to access the site upon request.
Other	<ul style="list-style-type: none"> Board staff conducted MCT Core training and gave SVRS and election administration presentations to municipal clerks attending the Wisconsin Municipal Clerks Association Conference in Milwaukee on August 21, 2013. 				

State of Wisconsin\Government Accountability Board

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KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the October 22, 2013 Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy, Director and General Counsel
Wisconsin Government Accountability Board

Prepared by: Kevin J. Kennedy, Director and General Counsel
Sharrie Hauge, Chief Administrative Officer
Reid Magney, Public Information Officer

SUBJECT: Administrative Activities

Agency Operations

Introduction

The primary administrative focus for this reporting period has been on preparing for the Legislative Audit Bureau's Agency Audit, preparing the 2011-13 Biennial Report, financial services activity, procuring goods and services, contract sunshine administration, recruiting staff, communicating with agency customers, and developing legislative and media presentations.

Noteworthy Activities

1. Legislative Fiscal Bureau Agency Audit

In 2013 Wisconsin Act 20, Section 9115 (1d), the Joint Legislative Audit Committee (JLAC) was requested to direct the Legislative Audit Bureau (LAB) to perform a performance evaluation audit of the Government Accountability Board (GAB). On September 10, 2013, the JLAC held a hearing to determine whether to authorize an audit. The LAB gathered background information for the JLAC to use in considering the audit. As a result of the hearing, the committee directed the LAB to conduct a comprehensive evaluation of the G.A.B., which includes:

- Its overall management of governance processes, including those used by the board and its staff to administer its statutorily required functions;
- Its financial oversight, including fiscal controls and trends in expenditures by funding source and function;
- The training, education and consultation it provides to external parties, including that related to elections procedures and the Statewide Voter Registration System; and
- Its process for investigating and resolving complaints.

On September 26, 2013, an Entrance Conference was held with the LAB and G.A.B. staff to discuss the audit process, establish agency audit contacts and to determine the timeline for completion of the report. It is anticipated the release of the report will be spring of 2014.

The audit is now underway. Staff has met with LAB several times to discuss programs areas and to provide data requests. We will keep you apprised as we move through this process.

2. 2011-2013 Biennial Report

On October 15, G.A.B. staff submitted the agency's 2011-2013 Biennial Report to the Governor and Legislature as required by s. 15.04(1)(d), Wisconsin Statutes. The 41-page report provides an overview of the G.A.B. and its history, discusses the agency's program goals and objectives, and describes the activities and accomplishments of the Elections and Ethics & Accountability Divisions and the Office of Director and General Counsel. The report also includes the statutorily-required reports on flexible work schedules and an organizational chart listing the names of all staff members during the biennium.

Chief Administrative Officer Sharrie Hauge and Public Information Officer Reid Magney headed up the Biennial Report Team with valuable contributions from Lead Elections Specialist Diane Lowe, Ethics and Accountability Specialist Colleen Adams and Office Operations Associate Julie Nischik.

A copy of the 2011-2013 Biennial Report is available on the agency website:
<http://gab.wi.gov/publications/biennial-reports>.

3. Financial Services Activity

- Staff finalized the FY-13 Form 78 reconciliations, then approved and timely filed these appropriation certifications with the State Controller's Office, while the GAAP and CAFR fiscal year-end reporting schedules were compiled and submitted to the Financial Reporting Section.
- Staff calculated and booked the third calendar quarter payroll adjusting entries to properly allocate salaries and fringe benefits between federal and state programs; calculated and booked the I.T. service time adjusting entries, to properly allocate outside professional service costs between federal and state programs; and effected several payroll funding changes in the payroll system, to account for federal employee assignment changes, and for staffing transfers between programs.
- Staff entered FY-14 federal operating budgets into the QuickBooks accounting software, then summarized and communicated each program's budget-to-actual operating results for the first fiscal quarter ended September 30, 2013. All federal and state programs remain within budgeted projections for this first fiscal quarter-end.
- Labor costs incurred by G.A.B. staff while working on the ES&S Unity 3.4.0.1 equipment testing and on the Dominion SSL certificate update projects were invoiced to each vendor, per the cost recovery agreement. ES&S was billed \$28,767 and Dominion was billed \$688. The calculations were complicated by the 1 percent state employee rate increase and the fringe benefit percentage changes, both effective for the new biennium starting July 1, 2013.

These cash receipts are accounted for as refunds of expenditure, allocated amongst several appropriations. Staff continues to log employee time worked on the Unity 3.4.0.1 Engineering Change Order, for purposes of later billing these labor costs to ES&S.

- All federally-funded programs were evaluated for any adverse fiscal impacts resulting from the October 1, 2013, federal government shutdown and the subsequent U.S. debt ceiling problem. There's no adverse impact on the federal HAVA 101 and 251 programs because of their cash balance. The federal Section 261 Accessibility program is not expected to be adversely impacted because the G.A.B. is automatically reimbursed for previously-allotted funds by the Federal Cash Management system within a few banking days of paying out program expenditures. The Federal Voting Assistance Program (FVAP) grant could be adversely impacted by non-essential furloughed defense contract management staff that review and approve our vouchers, causing a delay in the normal reimbursement of prior month's expenditures, the receipt for which is not expected until late October. The G.A.B. will be checking with U.S. Department of Defense staff, recently called back to work, as to whether this FVAP program might be affected at our state level. The State Treasury Department currently provides for working capital to pre-fund these weekly FVAP expenditures, in anticipation of monthly reimbursements in arrears.
- Staff claimed reimbursements of \$59,583 for the July, August, and September Federal Voting Assistance Program (FVAP) federal aid expenditures, coordinated accounting for incoming wire transfers with DOA-Treasury staff, prepared journal entries to record revenues received, and followed up with federal personnel on why one receipt was not timely approved. Timely filed the quarterly FVAP report by September 30. Approximately \$960,388 (50 percent) of the \$1,919,864 grant has been expended since its inception in March, 2012, and our agency recently received approval to re-allocate budgeted personnel and fringe funds to contractual IT services.
- Journal entries were prepared and booked to re-class purchasing card expenditure object codes and to properly allocate both monthly interest earnings and mixed server usage charges to their appropriate federal or state programs. Monthly DOA General Service Billing charges were audited prior to payments being processed, while rent allocations were updated for recent payroll funding changes.
- Analyzed ledger accounts for both federal and state payroll and travel balance sheet liabilities, to facilitate the monthly reconciliation of these 50 ledger account balances. Prepared and booked journal entries to correct any balance sheet account coding errors.
- Finalized the DOA-Treasury application forms to provide for electronic receipt of federal voter data list fee revenues. This new e-payment application will provide for both electronic check and credit card options as payment for SVRS voter data lists, and is currently being tested by internal and IT contracting staff.

4. Procurements

Since the August Board meeting, procurement has continued to assist in developing a contract for a usability expert to review the MyVote website. The sole source waiver process was researched and drafted, and approval was given by Director Kennedy. Contract costs will be

funded by the FVAP grant, approval for which was just received by the U.S. Department of Defense.

In May 2013, we ordered new computers for all staff. Prior to distribution, we had to work with DOA/DET to image the computers and install the standard software applications. DET started deploying the new computers in September and several non-standard software programs had to be re-installed. DET also experienced network storage problems that same month, causing delays in day-to-day processing of G.A.B.'s financial transactions.

5. Contract Sunshine

The July-to-September 2013 certification period recently ended, and agencies have been sending in the certification forms. As of October 10, 25 of the required 37 agencies have reported all purchases qualified to be entered in Contract Sunshine have been made.

6. Staffing

- We have made significant progress in our recruitment efforts since the last Board meeting to fill position vacancies. On August 26, 2013, Zachary Robinson was hired to fill an Elections Specialist-GIS position.
- We have conducted two rounds of interviews for our vacant attorney position. Third-round interviews were scheduled to be conducted on Tuesday, October 15. We have narrowed the candidate pool down to three candidates. We are hopeful the position will be filled by mid-November.
- We will conduct first-round interviews for a vacant Office Operations Associate position on Wednesday, October 16.
- We will begin first-round interviews for two-vacant SVRS Elections Specialist positions on Thursday, October 17.
- Julie Nischik transferred from an Operations Program Associate position to a Financial Specialist position on October 6, 2013.
- Effective October 20, 2013, Mike Lauth will be transferring from a HAVA Accountant position to an agency Accountant position. He will manage all of the agency's financial appropriations.

7. Communications Report

Since the August 13, 2013, Board meeting, the Public Information Officer has engaged in the following communications activities in furtherance of the G.A.B.'s mission:

Media: The Board has been in the news recently on several major stories: approval of an agency-wide audit by the Legislative Audit Bureau, proposed legislative changes to election administration and campaign finance laws, preparations for two Special Elections in Assembly Districts 21 and 69, and ethics questions involving legislators. The PIO coordinated several interviews with journalists for Director Kennedy and Division Administrator Becker, and also

gave multiple interviews when they were not available. Between August 1 and October 9, the PIO responded to more than 200 contacts from news media and the public for information and interviews.

Online: As the agency's webmaster, the PIO is continuing with plans to upgrade to the main website (gab.wi.gov). In the meantime, several web pages are being added to the polling place accessibility section (<http://gab.wi.gov/clerks/guidance/accessibility>) to provide clerks and local officials with detailed guidance on making improvements, based on the top 10 problems our accessibility audits have found.

Testimony: The PIO has assisted Director Kennedy in the preparation of testimony for a number of legislative hearings during the Fall Session, as well as testimony in September before the Presidential Commission on Election Administration in Ohio.

Public Records: In addition to responding to routine public records requests, the PIO has been coordinating the agency's response to a few very comprehensive public records requests which involve substantial staff time in locating large numbers of documents. Because of one of the two staff counsel positions has been vacant for at least six months and the remaining staff counsel has been extremely busy responding to other agency priorities, the extensive legal review required prior to release of some records has also been delayed. However, the agency's new legal interns have been assisting staff counsel in reviewing located documents, and they have made substantial progress.

Other: In addition, the PIO has worked on several other projects including responding to concerns from Legislators on a variety of topics and communicating with our clerk partners.

8. Meetings and Presentations

During the time since the August 13, 2013, Board meeting, Director Kennedy has been participating in a series of meetings and working with agency staff on several projects. The primary focus of the staff meetings has been on preparations for legislative hearings, working with the Legislative Audit Bureau and preparation for the voter identification trial this November in federal district court in Milwaukee.

On August 19-21, Director Kennedy participated in a series of meetings sponsored by the Pew Center on the States in New York City. The first meeting was on Pew's Elections Performance Index. The EPI collects a number of statistical measures to evaluate 10 categories of performance of election administration at the state level across the country. Wisconsin has consistently performed at the top of the Index. The 2012 report will be issued later this year.

The second set of meetings involved a new Pew project designed to measure and improve the voting experience. Along with the meeting, members of the Pew working group met with the Co-Chairs and members of the Presidential Commission on Election Administration.

On September 20, 2013, Director Kennedy testified at the invitation of the Presidential Commission on Election Administration (PCEA) in Cincinnati. The testimony focused on the agency's data collection tools along with the polling place accessibility monitoring program. A copy of the Director's testimony can be found at this link: <http://gab.wi.gov/node/2955>. The PCEA also focused on the status of voting equipment in the country, hearing from vendors,

federal, state and local election officials along with academics and test laboratory representatives. Director Kennedy made informal remarks at that hearing which was held on September 19, 2013.

Director Kennedy testified before a number of legislative committees. On September 4, 2013 he testified before the Senate Committee on Elections and Urban Affairs on Senate Bills 20, 262, 264, 267 and 268. On October 3, 2013 he testified before the Senate Committee on Elections and Urban Affairs on Senate Bills 94, 282 and 297. On October 9, 2013 Director Kennedy testified before the Assembly Committee on Campaigns and Elections on Assembly Bills 54, 91, 393 and 394. A link to the Director's legislative testimony can be found at this link: <http://gab.wi.gov/node/2956>. A hearing on additional legislation is scheduled for October 16, 2013 before the Assembly Committee on Campaigns and Elections. The Director generally testifies for information only and does not take positions for or against particular bills unless the legislation was introduced at the request of the Government Accountability Board.

On September 10, 2013 Director Kennedy testified before the Joint Legislative Audit Committee on a budget directive to request the Committee to have the Legislative Audit Bureau (LAB) review a series of election performance measures of the agency. The Committee directed the LAB to conduct a performance audit of the G.A.B. On September 26, 2013, the agency management team along with selected staff held an audit entrance conference with State Auditor Joe Chrisman and the LAB team assigned to conduct the agency audit. Agency management and staff have held a series of meetings with the LAB audit team following the entrance conference. The State Auditor has advised the agency he expects to release the audit report next spring.

On September 9, 2013 Director Kennedy served as a commenter on a paper prepared and presented by former Dane County Circuit Court Judge Moria Kreuger for the Madison Literary Club. Judge Kreuger's paper focused on the history of recall along with her successful challenge to a sitting Dane County court judge in a 1977 recall effort. The Director's comments focused on the 2011-2102 recalls along proposed legislative changes to state and local recall provisions.

On September 17, 18, 2013, Director Kennedy and other staff met with graduate students for the LaFollette School of Public Affairs at the University of Wisconsin-Madison. The students are working on two separate cost benefit analysis of election related projects as part of their fall semester course work. One project is designed to evaluate the costs and benefits of electronic voter registration as compared to a paper-based system. The other project is evaluating the costs and benefits of using large voter confirmation mailings compared to the Postal Service's National Change of Address service for voter list maintenance. Brian Bell, the Elections Division data manager and a LaFollette graduate, has coordinated the interaction with the graduate students and their professor.

On September 18, 2013, Director Kennedy, along with Elections Division Supervisor Ross Hein and SVRS Technical Lead Sarah Whitt, participated in a teleconference with representatives of the Pew Center on the States' Voting Information Project (VIP). The G.A.B. expects to fully participate in the VIP beginning with the February 18, spring primary election. This will enable the agency to leverage its voter lookup tools through integration with Microsoft and Google applications.

On September 25, 2013, Elections Division Administrator Mike Haas and Director Kennedy hosted a meeting with Neil Albrecht, Executive Director of the Milwaukee City Election Commission. Mr. Albrecht provided an overview of current issues and challenges related to election administration in the City of Milwaukee. He engaged in a discussion with staff regarding numerous G.A.B. initiatives and election matters, including ballot design, training, voting equipment, and pending legislation. The meeting was productive and resulted in several items being identified for follow-up by Board staff and the City of Milwaukee.

On September 26, 2013, Director Kennedy was guest lecture at graduate class for students in the Master of Public Administration program at the LaFollette School of Public Affairs taught by Professor Moynihan.

On October 3, 2013, Elections Division Administrator Mike Haas met with the Public Policy Advisory Group of the Wisconsin Catholic Conference in Madison to discuss election administration, voter identification and voter fraud issues.

On October 3, 2013, Director Kennedy made a presentation in New Richmond, Wisconsin to a group of local public officials on ethics and conflicts of interests. The presentation was organized by the Bakke Norman law firm, which provides representation to a number of local government clients.

The Government Accountability Candidate Committee submitted four names to the Governor for consideration for appointment to serve on the Government Accountability Board to fill the vacancy created by the expiration of Judge Thomas Cane's term on May 1, 2013: Judge Gary Carlson of Medford, Judge Harold Froehlich of Appleton, Judge William Jennaro of Milwaukee and Judge Elsa Lamelas of Milwaukee. The Governor's office advised the Director that an appointment before the October 22, 2103 Board meeting was not likely, so Judge Cane will continue to serve until the Governor makes an appointment.

Looking Ahead

The next Board meeting is scheduled for Tuesday, December 17, 2013 at the Board's offices beginning at 9:00 a.m.

The next regularly scheduled election is the Spring primary on February 18, 2014. That is 129 days from the current Board meeting. Special elections have been called to fill three vacancies in the Assembly. The primary election for the 21st and 69th Assembly Districts is Tuesday, October 22, 2013. The special election will be on Tuesday, November 19, 2013. The primary election for the 82nd Assembly District will also be on that day with the special election held on Tuesday, December 17, 2013.

Action Items

Continue to work with the Legislative Audit Bureau to provide information needed for the agency audit.