

Meeting of the Board

Tuesday, December 17, 2013

Agenda
Open Session

9:00 A.M.

Government Accountability Board Offices

212 East Washington, Third Floor

Madison, Wisconsin

Tuesday, December 17, 2013

9:00 A.M.

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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.

J. Director's Report

- 1. Ethics and Accountability Division Report – campaign finance, ethics, and lobbying administration. 94**
- 2. Elections Division Report – election administration. 98**
- 3. Office of Director and General Counsel Report – agency administration. 106**

K. 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 Monday, January 14, 2014 at the Government Accountability Board offices, 212 East Washington Avenue, Third Floor in Madison, Wisconsin beginning at 9:00 a.m. The meeting will be conducted by teleconference.

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 Avenue
Madison, Wisconsin
October 22, 2013
9:00 a.m.

Open Session Minutes

<u>Summary of Significant Actions Taken</u>	<u>Page</u>
A. Reaffirm Approval Conditions for ES&S Unity 3400 and 3401 Systems	2
B. Approve Dominion Voting Systems Ballot Station 4.6.4D and Memory Card Device for the AccuVote-OS	4
C. Approve Staff Interpretation of Election Inspector Nomination Statute	5

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

Staff present: Kevin Kennedy, Jonathan Becker, Michael Haas, Shane Falk, Nathan Judnic, Sharrie Hauge, Sherri Ann Charleston, Diane Lowe, Zach Robinson, Brian Bell and Reid Magney

A. Call to Order

Judge Vocke called the meeting to order at 9:02 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 Meetings

August 13, 2013 Meeting
September 25, 2013 Meeting
October 2, 2013 Meeting

MOTION: Approve the Open Session minutes of the meetings of August 13, September 25 and October 2, 2013. Moved by Judge Deininger, seconded by Judge Barland. Motion carried unanimously.

D. Personal Appearances from Members of the Public

Brown County Clerk Sandy Juno of Green Bay appeared to discuss agenda Item E4. Clerk Juno was joined by **Aaron Frailing** of her staff, and both provided oral and written testimony. Clerk Juno asked the Board to provide Brown County with an exemption from the certification requirements for ES&S Unity 3400 and 3401 systems that specify the software must run on hardened computers, and not be connected to the county's existing network. Brown County is planning to purchase one of the voting systems, but does not want to spend additional funds for new computers. She said Brown County has never had a computer security breach, and described the requirement to purchase separate computers as an unfunded mandate.

Discussion. Judge Cane asked for their response to the staff memorandum.

Mr. Frailing said that neither of the solutions proposed by staff are applicable to Brown or any other county for the Unity 3401 system, which uses modems to transmit unofficial results on election night. He said Brown County would need at least two computers, a server and a firewall to comply.

Judge Vocke asked if Brown County is currently using an unhardened system. Mr. Frailing said they are. Judge Vocke asked if there were any disadvantages to using a hardened system other than money. Clerk Juno and Mr. Frailing said the additional cost could range from \$15,000 to \$25,000, beyond which there would have to be changes to administrative procedures, such as the use of thumb drives to transfer election night results from the hardened system to the county's network for publication on the website, as well as setting off work space in the office.

Further discussion of reasons for hardening and how many other counties are in the same situation. Mr. Frailing said La Crosse and Jefferson counties are in similar situations.

Karen McKim of Waunakee appeared on behalf of the Wisconsin Grassroots Network Election Integrity Action Team. She suggested the Board could grant an exemption to requirements for hardened computer system if the county agreed to additional paper ballot and hand count post-election auditing. She said post-election auditing is a deterrent to election tampering.

E. Voting Equipment Certification Issues

4. Request Regarding ES&S Unity 3.4.0.0/1 System Requirements

(This item was taken out of order.)

Elections Specialist Sherri Ann Charleston presented a verbal and written report located on page 52 of the October Board Meeting materials regarding Brown County's request for an exemption from requirements to have a hardened computer system for the ES&S Unity 3.4.0.0/1 systems. She said the staff has several concerns, including that the U.S. Election Assistance Commission requires hardening. The system must stand alone, and not be connected to other county processes so it cannot be accessed by anyone outside or inside county government in ways that cannot be detected. The system contains not only election results, but is also used to program ballots and voting equipment. While the results could be tampered with, information could also be inadvertently erased. Ms. Charleston said the Unity 3.4.0.0/1 systems have not been tested on open computer systems, and that granting an exception for Brown County would effectively void the certification. She said she spoke to the vendor, and was advised hundreds of other jurisdictions use the software on hardened systems.

Judge Barland asked whether the Board has imposed new requirements that no one would have been aware of at the time they purchased voting equipment. Ms. Charleston said the requirement for hardened equipment has been in place, and that any system approved by the US-EAC would have such a requirement. She said the county was aware, or should have been aware, of the requirement. She said ES&S gave the county a quote for the equipment, after which they began an inventory of their IT infrastructure and determined they would need extra equipment. Judge Barland commented that the county should have known about the requirement for a hardened system.

Ms. Charleston said that Dane County has already moved ahead to purchase the Unity 3.4.0.1 system, including a server and a hardened system. Jefferson County has also purchased a hardened system, though they already had a server.

Director Kennedy asked about steps the G.A.B. would have to take to test individual non-hardened systems in each county. Ms. Charleston said if the Board allowed open systems, each would be different. She also said G.A.B. staff does not have the expertise to test security on open systems. Director Kennedy noted that if the Board left it to counties to self-certify security of open systems, it would be abdicating its responsibility.

Judge Brennan asked about firewall security. Ms. Charleston said that while intrusion from outside is an issue, staff is particularly concerned about intrusion from within, not necessarily due to malicious intent, but from haphazard, unintentional activities that could damage the system.

Staff Counsel Shane Falk said that the 2002 and 2005 Voluntary Voting System Guidelines require a hardened system, and that any system coming before the Board will have that requirement.

Further discussion of hardware requirements for the system.

Clerk Juno stated that Brown County began looking at ES&S's DS200 ballot tabulators five years ago, and thought they had telecommunications/modem capabilities. She said

she thought the guidelines were voluntary, and was surprised to learn of requirements for a hardened system. Nobody told them they had to do something different, she said.

Judge Deininger asked about the projected cost of Brown County's system. Clerk Juno said the county had bonded for \$600,000. Judge Deininger noted that the cost for additional computers would add 4 percent to the cost.

Further discussion of hardening requirements and the county's ability to run other software on the computers.

MOTION: Reaffirm the Board's 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. Moved by Judge Deininger, seconded by Judge Brennan. Motion carried unanimously.

3. Dominion Voting Systems Request for Approval of Ballot Station 4.6.4D and Memory Card Device for the AccuVote-OS

(This agenda item was taken out of order.)

Donna Serwas appeared on behalf of Dominion Voting Systems to discuss the request for approval. She said the existing equipment certified in 2006 needs to be upgraded, including a security update in the touchscreen and the software. In addition, the upgrade fixes a bug that sometimes affected whether audio files for the touchscreen were automatically transferred to the voting equipment, or whether they had to be transferred manually. She also described a new memory card, which does not require a battery so there is no chance of losing data.

Discussion of details of the upgrade. Ms. Charleston said staff found no problems when it retested the equipment.

MOTION: Adopt 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 in the memorandum on Page 46 and 47 of the Board materials. Moved by Judge Cane, seconded by Judge Barland. Motion carried unanimously.

1. Report on Approval of Elections Systems & Software and Dominion Voting Systems Engineering Change Orders

Ms. Charleston provided an oral and written report, found on pages 22 and 23 of the Board meeting materials, for information only. Based upon staff's analysis and recommendation, Director Kennedy has approved Engineering Change Orders for:

- 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

2. Report on Prime III Voting System Pilot Program

Ms. Charleston presented an oral and written report, found on page 35 of the Board meeting materials, regarding staff's efforts to implement a pilot program for testing the Prime III Voting System. She said staff has sent the developer three sample files so they can modify their system to present results that can be read by Wisconsin's canvass system. Additionally, staff is working to identify a location for the pilot program. Judge Cane asked about the number of pilot locations. Ms. Charleston said the staff would like 10 to 15 polling places, but it depends on the size of the county or municipality chosen.

F. Election Inspector Nomination Process

Elections Division Administrator Michael Haas said that political parties have not often exercised their ability to nominate election inspectors, but are becoming more active. He introduced Lead Elections Specialist Diane Lowe, who presented an oral and written report on two issues staff wanted to bring to the Board's attention. Ms. Lowe said this is the time of year when parties begin assembling lists to give to municipalities so they can appoint election inspectors. Municipalities make appointments in December of odd-numbered years for two-year terms. She said statutes are clear about to whom the parties submit nominees – the city mayor, village president or town chairperson – but in most cases they are submitted to the municipal clerk, who may be more accessible than the city mayor, village president or town chair. On some occasions, municipalities have not honored the nominations if they are given to the clerk, she said.

Judge Cane asked where the ambiguity is in statutes. Ms. Lowe said it is in practice, because the parties are used to dealing with the clerks. She said the second issue is that statutes say that in the City of Milwaukee, nominations are to be made by the committeeman or committeewoman of the aldermanic district party. However, staff has found that political parties are no longer organized at that level, and that nominations come from county parties.

Discussion.

MOTION: Approve 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. Moved by Judge Nichol, seconded by Judge Cane. Motion carried unanimously.

Judge Vocke called a recess at 10:34 a.m. The Board resumed at 10:45 a.m.

Division Administrator Haas introduced Zach Robinson to the Board. Mr. Robinson was recently hired as a Geographic Information Systems (GIS) Elections Specialist. Previously, he was a limited-term employee, and worked on redistricting issues in the Statewide Voter Registration System.

G. Legislative Status Report

Director Kennedy and Elections Data Manager Brian Bell made a verbal and written report. Director Kennedy reviewed the Legislature's upcoming schedule. He said a number of election-related bills are ready to go, and may be approved before the holidays.

Discussion regarding statutes and court cases regarding the definition of a serious crime and removal from office as implicated by an Assembly Joint Resolution to amend the Wisconsin Constitution regarding recalling state officials.

H. Director's Report

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

Written report from Division Administrator Jonathan Becker and Division staff was included beginning on Page 85 of the Board meeting packet.

Elections Division Report – election administration

Written report from Division Administrator Mike Haas and Division staff was included beginning on Page 89 of the Board packet.

Office of General Counsel Report – general administration

Written report from Kevin Kennedy, Sharrie Hauge, and Reid Magney was included beginning on Page 105 in the Board packet.

Judge Cane said that because the Director's Report contained no recommendations for action, Board approval was not needed.

I. Closed Session

Adjourn to closed session as required by statutes 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), 19.85(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 Barland, seconded by Judge Deininger.

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

Motion carried unanimously. The Board recessed at 11:02 a.m. and convened in closed session at 11:14 a.m.

M. Adjourn

The Board adjourned in closed session at 1:33 p.m.

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The next regular meeting of the Government Accountability Board is scheduled for Tuesday, December 17, 2013. The meeting will be held at the Government Accountability Board offices in Madison, Wisconsin beginning at 9:00 a.m.

October 22, 2013 Government Accountability Board meeting minutes prepared by:

Reid Magney, Public Information Officer

November 8, 2013

October 22, 2013 Government Accountability Board meeting minutes certified by:

Judge Michael Brennan, Board Secretary

December 17, 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 New Member Orientation

212 East Washington Avenue
Madison, Wisconsin
November 19, 2013
10:00 a.m.

Open Session Minutes

Present: Judge Timothy L. Vocke, Judge Harold Froehlich and Judge Elsa Lamelas

Staff present: Kevin Kennedy, Jonathan Becker, Michael Haas, Shane Falk, Nathan Judnic, Sharrie Hauge, Ross Hein and Reid Magney

A. Call to Order

Judge Vocke called the meeting to order at 10:04 a.m. and welcomed Judge Froehlich and Judge Lamelas to the Government Accountability Board.

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. While a quorum would not be present, staff felt it important to give public notice of the meeting. No members of the public were in attendance.

C. New Board Member Orientation

Director Kennedy asked staff members in attendance to introduce themselves to Judge Froehlich and Judge Lamelas.

Staff briefed the new members on several topics, including voting equipment, post-election audits and recounts.

Judge Vocke explained the statutory process for selecting a Board Chair and other officers each January by lot.

Director Kennedy discussed the contents of a briefing binder to the new members, which included meeting dates, Board Member contact information, and a staff organizational chart. There was a discussion of the reports on Election Day Registration and the Systematic Alien Verification for Entitlements (SAVE) Program and its potential use for

determining citizenship of voters. Judge Lamelas asked questions regarding the integrity of the Statewide Voter Registration System list, and staff explained the monthly matching program to remove convicted felons and deceased individuals from the list.

Judge Lamelas raised the issue of the delay in Senate confirmation of four Board Members, and said she has communicated to the Governor's office her desire for an up-or-down vote by the Senate. Board Members and staff discussed opportunities to communicate with the Senate regarding confirmation and possible timetables.

Director Kennedy continued discussing the contents of the briefing binder, including the PEW Center on the States Election Performance Index which rated Wisconsin the best of all 50 states in 2008 and eighth overall in 2010. He also referred to the article by Professor Tokaji of Ohio State University calling the G.A.B. "America's Top Model" for non-partisan election administration.

Judge Lamelas asked Director Kennedy if staff could provide a handbook of recent court decisions on election law. He said staff would compile one for Board Members.

Judge Vocke reviewed when Board Members receive their meeting materials and how meetings typically proceed. Judge Lamelas asked whether the number of scheduled meetings in 2014 would be sufficient to handle all the issues that may arise during an election year. Judge Vocke explained that the Board typically holds a number of additional special meetings each year as needed.

D. Closed Session

At 11:38 a.m., Judge Vocke said the meeting would move into closed session so new members could be briefed on matters that are required by statutes §§5.05(6a), 19.85(1)(h), 19.85(1)(g), and 19.85(1)(c) to be discussed by the Board in closed session: requests for advice under the Code of Ethics for Public Officials and Employees, lobbying law, and campaign finance law; investigation of possible violations of Wisconsin's lobbying law, campaign finance law, and Code of Ethics for Public Officials and Employees; pending litigation; and performance evaluation data of a public employee over which it exercises responsibility.

E. Adjourn

The Board adjourned in closed session at 2:45 p.m.

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The next regular meeting of the Government Accountability Board is scheduled for Tuesday, December 17 2013. The meeting will be held the Government Accountability Board offices in Madison, Wisconsin beginning at 9:00 a.m.

November 19, 2013 Government Accountability Board New Member Orientation meeting minutes prepared by:

Reid Magney, Public Information Officer

November 8, 2013

November 19, 2013 Government Accountability Board New Member Orientation meeting minutes certified by:

Judge Michael Brennan, Board Secretary

December 17, 2013

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 Meeting of December 17, 2013

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel

Prepared and Presented by:
Sherri Ann Charleston

SUBJECT: 2008 – 2012 Voting Equipment Audit Report

Attached is the report prepared by Board staff summarizing the results of voting equipment audits conducted by local election officials as well as Board staff following the general elections of 2008, 2010, and 2012. The voting equipment audits are completed pursuant to Wis. Stat. §7.08(6), in order to determine that the error rate of voting systems in counting ballots is within acceptable limits established by the federal government.

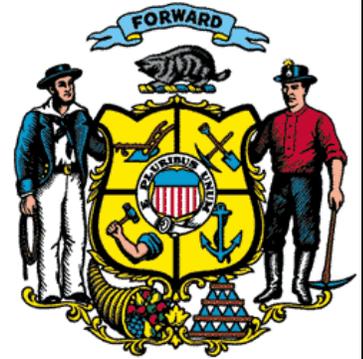
Due to other agency priorities which arose following the 2008 and 2010 general elections, Board staff was unable to previously present reports summarizing those audit results and has combined those findings with the report of the 2012 voting equipment audit. As the report finds, voting equipment in Wisconsin, some of which is nearly twenty years old, continues to accurately record the votes of Wisconsin electors.

Recommended Motion:

The Board accepts the attached 2008 – 2012 Voting Equipment Audit Report.



State of Wisconsin Government Accountability Board



2008-2012 Voting Equipment Audit Report

October 2013



Wisconsin Government Accountability Board

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Executive Summary

The most effective response to any threat aimed at our electoral process is to honor the democratic principles of freedom on which this country is founded by preparing for the conduct of a transparent and fair election. The Post-Election Voting Equipment Audits and the effective monitoring of Wisconsin's aging voting equipment are an essential step in this direction and provide an essential benefit in maintaining public confidence in the integrity of our election process.

The State of Wisconsin specifically distinguishes the post-election audit requirement as separate from the required pre-election tests of electronic voting systems. The pre-election test of electronic voting system, defined by §5.84, Wisconsin Statutes, uses a pre-determined set of ballots to ensure that the voting system is properly programmed prior to Election Day. The post-election audit, on the other hand, is designed to assess how the electronic voting system performed on Election Day using the actual votes cast by electors.

Since 2006 the Board has conducted voting equipment audits on Wisconsin's voting equipment. The Board continued to conduct voting equipment audits in the midst of several high turnout elections, during the historic recall efforts of 2011, and following the high turnout 2012 election. As the report that follows indicates, the voting equipment in Wisconsin, some of which is nearly 20 years old, continues to accurately record the choices of Wisconsin voters.

Ultimately, the spectrum of election-related processes culminates in providing our citizens with the opportunity to fully participate in an open and fair election. This honorable feat could not be accomplished without the dedicated efforts of county and municipal election officials and thousands of hardworking poll workers throughout the State of Wisconsin. The Government Accountability Board would also like to extend its gratitude to the county and municipal clerks who provided information for this report and the Board staff who contributed to this report.



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

Introduction

Wis. Stat. § 7.08(6) is the state embodiment of § 301(a)(5) of the Help America Vote Act (HAVA). Wis. Stat. § 7.08(6), requires the Government Accountability Board (G.A.B.) to audit each voting system that is used in this state following each General Election:

(6) Enforcement of federal voting system standards. Following each general election, audit the performance of each voting system used in this state to determine the error rate of the system in counting ballots that are validly cast by electors. If the error rate exceeds the rate permitted under standards of the federal election commission in effect on October 29, 2002, the board shall take remedial action and order remedial action to be taken by affected counties and municipalities to ensure compliance with the standards.¹ Each county and municipality shall comply with any order received under this subsection.

This law was passed in 2005 and became effective January 1, 2006. Following the November 2006 general election, the first post-election audit was conducted in the State of Wisconsin. Wisconsin has required 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” since April 2004. Wis. Stat. § 5.91(18).

The State of Wisconsin specifically distinguishes the post-election audit requirement as separate from the required pre-election tests of electronic voting systems. The pre-election test of electronic voting system, defined by §5.84, Wisconsin Statutes, uses a pre-determined set of ballots to ensure that the voting system is properly programmed prior to Election Day. The post-election audit, on the other hand, is designed to assess how the electronic voting system performed on Election Day using the actual votes cast by electors.

The Wisconsin Government Accountability Board established detailed procedures for meeting the post-election audit requirement. Post-Election Audits fulfill many goals including:

- creating an appropriate level of public confidence in the results of an election;
- deterring fraud against the voting system;
- detecting and providing information about large-scale, systemic errors;

¹ The current federal standard is 1 in 500,000 ballots. Accordingly, auditing teams must reconcile the Voter Verified Paper Record with ballots or records tabulated and recorded by equipment and eliminate any potential non-tabulation related sources of error including printer malfunctions, voter generated ballot marking errors, poll worker errors, or chief inspector errors.

- providing feedback that will allow jurisdictions to improve voting technology and election administration in future years;
- providing additional incentives and benchmarks for elections staff to reach higher standards of accuracy; and
- confirming, to a high level of confidence, that a complete manual recount would not change the outcome of the race.

The effectiveness of the audit is enhanced by several features, including:

- Use of a completely transparent and random selection process for choosing reporting units to be audited;
- Conducting audits at both the local and state levels;
- Ensuring a minimum number of reporting units for each model of equipment is represented in the audited reporting units;
- Use of counting methods that include overvotes, undervotes, blank ballots, and spoiled ballots;
- Auditing of all ballots tabulated on Election Day including absentee ballots.

Since 2006, the G.A.B. has conducted audits on voting equipment within the state. With the 2006 report, the audit verified that the machine tallying functions on all electronic voting equipment models tabulated correctly. The report also indicated that there were no identifiable bugs, errors, or failures of the direct recording electronic (DRE) equipment used in the 2006 general election.

In 2008, Board staff reformed the audit program given the unsustainably high costs both in terms of personnel and financial expenses. The Board staff began asking municipal clerks to conduct audits at the municipal and county level, and mail audit materials to the Board offices for staff to complete, instead of staff completing the audits onsite. In 2010, the Board continued requiring municipalities to conduct audits at the municipal level with assistance from G.A.B. staff. Municipal and county officials have performed the majority of voting equipment audits following the canvass process. In spite of the considerable demands on their time, most of Wisconsin's clerks in audited jurisdictions have diligently completed the voting equipment audits, providing staff with considerable evidence of the accuracy of the voting equipment used within the state.

The results that follow are for the 2008, 2010, and 2012 audits. As in 2006, municipal and county clerks and Board staff were able to conclude that the audited voting equipment in the State of Wisconsin is tabulating correctly. For each of the races audited, staff determined that a full recount would not have changed the outcome of the election and was therefore not necessary. However, the audits did reveal other matters for future consideration by the Legislature, the Board, the County and Municipal Clerks, as well as concerned citizens. The voting equipment used within the state, while accurate, is aging and beginning to show signs of

wear that many municipalities will need to address. The audit also underscored the necessity of educating voters on the voting process as well as the need to have technology in place that makes the voting experience easily understandable and accessible by all voters.

Overview of Audit Procedures

The Government Accountability Board randomly selects a pre-determined number of reporting units across Wisconsin to target for municipal audits, including a minimum of five (5) reporting units for each voting system used in Wisconsin. The audits are conducted in accordance with the procedures set forth below. Both the municipal and county clerk of reporting units selected for audit are notified of the selection. If fewer than five (5) reporting units for any voting system are selected through the random selection process, then additional reporting units are randomly selected for the voting system until five reporting units per voting system have been selected. Any reporting unit selected for audit that is subject to a recount is replaced by another reporting unit selected at random by the G.A.B. For good cause, the G.A.B. may identify other reporting units to be audited.

In addition to the municipal audits, the G.A.B. may audit a selected number of reporting units, not to exceed one percent (1%) of the reporting units in the state. The reporting units included in the audit will be selected randomly by the G.A.B. In the event that the G.A.B. conducts municipal audits, staff will identify different reporting units than those identified for audit by the municipal clerk.

Pre-Audit Preparations

The audit shall be open to the public. Members of the public may not interfere with the conduct of the audit. The time and location of the audit must be posted at least 48 hours prior to the audit. No audit shall commence until after the period for filing a challenge to a recount of any contest on the ballot has expired. The audit must be conducted, however, no later than two (2) weeks after the Government Accountability Board certifies the election results.

Upon notification by the Government Accountability Board that the municipality shall conduct an audit of a selected reporting unit, the municipal clerk shall make arrangements with the county clerk and the county board of canvassers to preserve and retain the election materials including voter lists, the Inspectors' Statement (GAB-104), Tally Sheets (GAB-105), reports printed or generated by the voting system, ballots and any other required materials that will be used during the audit. All materials subject to audit must be retained in a secure location by either the municipal or county clerk.

Upon agreement of the municipality and county, the county clerk or county board of canvassers may perform the audit of the selected reporting unit(s) in lieu of the municipality. In this instance, the county would be entitled to any reimbursement provided by the Government Accountability Board.

General Procedures

1. The municipality shall acknowledge receipt of their selection for the post-election voting system audit and confirm with the G.A.B. the following information for each reporting unit selected:
 - a. Voting System Type
 - b. Voting Equipment Model
 - c. Accessible Voting Equipment Model

2. Four (4) contests shall be audited, including the top contest on the ballot (either gubernatorial or presidential). The other audited contests shall be selected randomly by the Government Accountability Board from the other state contests that appear on the ballot.
3. The clerk shall publicly post notice of the time and location for the voting system audit at least 48 hours prior to the scheduled audit.
4. A minimum of two individuals shall participate in the audit. Votes shall be tallied by hand for the contests included in the audit. For some voting systems, this will require counting the votes listed on the voter-verified paper audit trail generated by the voting system on Election Day. At least two auditors shall each determine an independent total for each contest. These totals shall then be compared to each other. If the auditors' totals agree, the totals are then compared to the results generated by the voting system and any discrepancies are recorded.
5. If any offices contain an overvote, no vote is counted for that office, and is considered an undervote.
6. Auditors should only count votes as the equipment would have counted them. Voter intent is not a factor. In some cases, it may not be clear exactly how the ballot would have been counted by the voting equipment. Auditors should document in the minutes any ballots where it is unclear how the voting system would count the ballot. The auditors should include in the minutes how they counted the ballot as well as all reasonable alternatives on how the machine may have counted the ballot.

Example: Ballot 93, voter marked both Jane Doe and John Smith and attempted to erase the mark for John Smith. We counted it as a vote for Jane Doe, but the machine may have read this as an overvote in this contest. This may result in our tally having one more vote for Jane Doe and one less undervote in this contest.

It may be possible that the auditors' totals do not match the voting equipment results report, but as long as you can reasonably explain any difference in the totals by reference to specific ballots, this is not considered to be an error with the voting system.

Recommended Audit Procedures

Set-Up

1. Count out ballots into sets of 100.
2. Label stacks-each ballot will have a unique number (1-100, 101-200, 201-300, etc.)

Note: Two people review each ballot. Auditors should rotate the stacks between them – i.e. Person A works on Stack 1-100 while Person B works on Stack 101-200, etc...then they switch. Person A and Person B will each individually go through all the ballots. Keeping the stacks in order allows the auditors to narrow down where

there are discrepancies between them instead of needing to recount all the ballots over and over again.

Each Auditor Individually

1. Tally votes in groups of 20 – the goal is to be able to narrow discrepancies between individual tallies down to the smaller groups of 20.
2. Keep separated in subgroups of 20 while tallying – it is helpful to keep the group of 100 in one stack but to alternate the directions of the subgroups of 20.
3. Add subtotals after 100 ballots are complete.
4. Add subtotals together; confirm total is 100.
5. Repeat 1-4 in sets of 100 until all ballots are counted.

Auditors Jointly

1. Compare individual tallies for each contest audited.
 - a. Circle any discrepancies between the two tallies.
 - b. If tallies do not match, recount the sub-group of 20 to determine which tally is correct. You should use a new tally sheet labeled “Recount [insert Stack Number/Subgroup]”.
2. After any discrepancies are reconciled, add the stack totals together to determine the total vote in each contest audited.
3. Compare to electronic voting machine (EVM) total.
 - a. If the totals match, note that they match on the reporting form.
 - b. If the hand tally and voting equipment tally does not match for a contest, the auditors review the minutes for ballots that were ambiguously marked that could explain the discrepancy. If the discrepancy can be reasonably explained by specific reference to these ballots, record that explanation on the reporting form.
 - c. If the minutes do not provide a reasonable explanation for the discrepancy, calculate the error rate and note the actual difference in votes and the error rate on the reporting form.

Post-Audit Procedures

Each municipality conducting an audit must submit the designated reporting forms and supporting documents from the audit, including tally sheets, to the Government Accountability Board (G.A.B.) to indicate the audit was completed and describe any discrepancies that were found.

The G.A.B. staff may, at its sole discretion, request that the municipality submit all audit materials, including the source documents (ballots, poll lists, etc.) to the G.A.B. for further review. In such a case, the G.A.B. will reimburse the municipality for the associated postage/shipping costs.

In the event that a discrepancy between the machine tally and the paper record tally cannot be reasonably explained, the G.A.B. will request that the voting equipment manufacturer investigate and explain the reasons for any differences between the machine tally and the paper record tally. Should the vendor fail to provide a sufficient written explanation, including recommendations for preventing future occurrences, within 30 days of notification, the G.A.B. will suspend

approval of the affected voting system in Wisconsin. This suspension will be implemented immediately, pending an appeal by the vendor to the Board, which must be filed within 30 days.

Based upon the results of the audit, the Government Accountability Board may, at its sole discretion, choose to re-test the voting system per GAB Chapter 7. Such test would be a condition of continuing approval of said voting system.

Municipal Reimbursement

The Government Accountability Board will reimburse up to \$300 for the cost associated with conducting each audit to those municipalities with reporting units identified for audit. Municipalities will be reimbursed (up to \$300) for actual costs incurred. The Government Accountability Board will not reimburse personnel costs at a rate exceeding \$10 per hour.

Voting Equipment Descriptions

Accessible Equipment

Sequoia Edge

The Board approved Sequoia's AVC-Edge with VeriVote Printer DRE system, version 5.024 on March 22, 2006. This system was approved under NASED # N-1-07-22-22-002. Most municipalities who use the AVC-Edge utilize them to meet accessibility requirements and use another system, usually traditional paper or optical scan, to fulfill the majority of their voting needs.

ES&S iVotronic

The Board approved ES&S's iVotronic DRE with Real Time Audit Log, version 9.1.4.0 on April 26, 2006. This system was approved under NASED # N-2-02-22-22-005. Most municipalities that use the iVotronic utilize it to meet accessibility requirements and use another system, usually traditional paper or optical scan, to fulfill the majority of their voting needs.

AccuVote TSX

The Board first approved Deibold's AccuVote TSX DRE Touch Screen and AccuView Printer Module, version 4.6.3 on March 22, 2006. This system was approved under NASED # N-1-06-22-22-001. Most municipalities that use the AccuVote TSX utilize it to meet accessibility requirements and use another system, usually traditional paper or optical scan, to fulfill the majority of their voting needs.

Populex

Populex Digital Paper Ballot Voting System, version was approved by the State Elections Board at the May 17, 2006 meeting.

Optical Scan Tabulators

ES&S M100/ES&S M550

System assigned NASED # N-2-02-22-22-005. This equipment was approved by the Elections Board April 26, 2006.

ES&S DS200

DS200 digital scanner, version 1.6.1.0, was approved by the Board on August 28, 2012.

Optech Insight

Formerly a Sequoia Product that has been acquired by Dominion Voting, the Optech Insight optical scan ballot reader, version. APXK2.10/HPX K1.42 was assigned NASED system ID # N-1-07-22-22-002. The State Elections Board approved this equipment at the March 22, 2006 meeting.

Optech Eagle

The Optech IIP Eagle originally made by Business Records Corporation and later (as a result of merger and an antitrust decision, by both Sequoia Voting Systems and by Election Systems and Software. It is a legacy piece of equipment.

Diebold/Premier-AccuVote-OS

This was formerly a Diebold Elections System Product that has been acquired by Dominion Voting. The AccuVote-OS (model D) Optical Scan, version 1.96.6, was approved by the State along with a series of security recommendations, at the March 22, 2006 meeting. The system was assigned National Association of State Election Directors (NASSED) system ID # N-1-06-22-22-001.

2008 Voting Equipment Audit Summary

In 2008 Board staff randomly selected a pre-determined number of reporting units across Wisconsin to target for municipal audits, including a minimum of five (5) reporting units for each voting system used in Wisconsin.² G.A.B. staff set a goal to conduct voting equipment audits in fifty-five (55) reporting units. The audits were conducted in accordance with established procedures. Both the municipal and county clerk of reporting units selected for audit were notified of the selection. If fewer than five (5) reporting units for any voting system were selected through the random selection process, then additional reporting units were randomly selected by voting system until five reporting units per voting system were selected. Any reporting unit selected for audit that was subject to a recount was replaced by another reporting unit selected at random by the Government Accountability Board. In addition to the municipal audits, the Government Accountability Board set an arbitrary goal of auditing ten (10) additional reporting units.

The following pieces of Accessible Voting Equipment were audited:

Accessible Voting Equipment	Number Audited
Sequoia Edge	22
AccuVote-TSX	5
iVotronic	2
Populex ³	--

The following pieces of tabulation equipment were audited:

Tabulation Equipment	Number Audited
Sequoia Insight	5
ES&S M100	2
ES&S M150	3
Optech Eagle	12
AccuVote-OS	6
ES&S M550	3

² In the event that there are not five of any one voting system in the State, the number of systems available is generally audited.

³ Only two municipalities use the Populex. It was audited in both 2006 and 2010, but was not audited in 2008.

Accessible Voting Equipment Audit Results Summary

The accessible equipment that was audited, both by Board staff and municipal or county clerks was reconciled with the hand count totals generated by the voting equipment audit teams. The audit team reports indicated that the machine tallying functions on all electronic voting equipment models tabulated correctly. The reports also indicated that there were no identifiable bugs, errors, or failures of the direct recording electronic (DRE) equipment used in the 2008 general election.

The majority of problems noted by the audit teams were not related to vote tabulation but rather equipment operational errors. For example, problems occurred with printing paper ballots when the printer did not advance or paper was improperly inserted into the equipment.

Optical Scan Voting Equipment Audit Results Summary

The optical scan voting equipment that was audited, both by G.A.B. staff and municipal and county clerks was reconciled with the hand count totals generated by the voting equipment audit teams. The audit team reports indicated that the machine tallying functions on all electronic voting equipment models tabulated correctly and performed as expected. In the completed equipment audits, the anomalies between the vote totals generated by the equipment were able to be reconciled with totals generated by the audit teams (to a reasonable degree of certainty) when auditors attempted to reconstruct ballot scanning processes that replicated what votes that the equipment would have counted.

Each optical scan model has specifications for which type of ballot marking devices are to be used in order for voting marks to be detectable by the equipment. In instances where voters used improper marking devices (e.g. colored pens not provided at the polls), or marked ballots incorrectly (e.g. using x's instead of filling in ovals as instructed), the equipment would generally not count improper ballots. In rare instances, the equipment performed better than expected and was able to read ballots, despite voter errors. In these instances, audit teams initially discounted ballots marked improperly as not read. Teams then attempted to narrow down vote totals to a reasonable range of ballots responsible for the vote discrepancies.

Of the audited equipment, teams were able to identify ballots that were likely responsible for the discrepancy in vote totals to a reasonable degree of certainty. The difference in the totals initially developed by teams and the totals generated by the equipment were attributable to voter error and not machine inaccuracy. Questionable voter errors that teams identified as being "not readable" to a reasonable degree of certainty were generally in the range of one to three ballots. The reports indicated that there were no identifiable bugs, errors, or failures of the Optical Scan equipment used in the 2008 general election.

2008 Audit Results

Voting equipment was found to have been performing in accordance with acceptable error rates as specified by state law. In the audited units, the audit teams were not able to detect any fraud against the voting system; identify any indication of large-scale, systemic errors; or find evidence that a complete manual recount would change the outcome of the audited races.

2010 Voting Equipment Audit Summary

In 2010 Board staff randomly selected a designated number of reporting units across Wisconsin to target for municipal audits, including a minimum of five (5) reporting units for each Direct Recording Equipment (DRE) voting system used in Wisconsin. G.A.B. staff set a goal to have municipal clerks conduct voting equipment audits in forty-five (45) reporting units. The audits were conducted in accordance with established procedures. Both the municipal and county clerk of reporting units selected for audit were notified of the selection. If fewer than five (5) reporting units for any voting system were selected through the random selection process, then additional reporting units were randomly selected by voting system until five reporting units per voting system were selected. Any reporting unit selected for audit that was subject to a recount was replaced by another reporting unit selected at random by the Government Accountability Board. In addition to the municipal audits, the Government Accountability Board set the arbitrary goal of auditing ten (10) additional reporting units.

The following pieces of Accessible Voting Equipment were audited:

Accessible Voting Equipment	Number Audited
Sequoia Edge	14
AccuVote-TSX	4
iVotronic	3
Populex	1

The following pieces of tabulation equipment were audited:

Tabulation Equipment	Number Audited
Sequoia Insight	4
ES&S M100	2
ES&S M150	5
Optech Eagle	20
AccuVote-OS	4
ES&S DS200	3

Accessible Voting Equipment Audit Results Summary

The accessible equipment that was audited by municipal or county clerks was reconciled with the hand count totals generated by the voting equipment audit teams. The audit team reports indicated that the machine tallying functions on all electronic voting equipment models tabulated correctly. The reports also indicated that there were no identifiable bugs, errors, or failures of the direct recording electronic (DRE) equipment used in the 2010 general election.

The majority of problems noted by the audit teams were not related to vote tabulation but rather equipment operational errors. For example, problems occurred with printing paper ballots when the printer did not advance or paper was improperly inserted into the equipment.

Optical Scan Voting Equipment Audit Results Summary

The audited optical scan voting equipment was reconciled with the hand count totals generated by the voting equipment audit teams. The audit team reports indicated that the machine tallying functions on all electronic voting equipment models tabulated correctly and performed as expected. In the completed equipment audits, the anomalies between the vote totals generated by the equipment were able to be reconciled with totals generated by the audit teams when they attempted to reconstruct ballot scanning processes that replicated votes that the equipment would have counted.

Each optical scan model has specifications for which type of ballot marking devices are to be used in order for voting marks to be detectable by the equipment. In instances where voters used improper marking devices (e.g. colored pens not provided at the polls), or marked ballots incorrectly (e.g. using x's instead of filling in ovals as instructed), the equipment would generally not count improper ballots. However, in rare instances, the equipment performed better than expected and was able to read ballots, despite voter errors. In these instances, audit teams initially discounted ballots marked improperly as not read. Teams then attempted to narrow down vote totals to a reasonable range of ballots responsible for the vote discrepancies.

Of the audited equipment, teams were able to identify ballots that were likely responsible for the discrepancy in vote totals to a reasonable degree of certainty. The difference in the totals initially developed by teams and the totals generated by the equipment were attributable to voter error and not machine inaccuracy. Questionable voter errors those teams identified as being "not readable" to a reasonable degree of certainty generally were isolated to one or two improper ballots. The reports indicated that there were no identifiable bugs, errors, or failures of the Optical Scan equipment used in the 2010 general election.

2010 Audit Results

Voting equipment was found to have been performing in accordance with vendor specifications. In the audited units, the audit teams were not able to detect any fraud against the voting system; identify any indication of large-scale, systemic errors; or find evidence that a complete manual recount would change the outcome of the audited races.

2012 Voting Equipment Audit Summary

In 2012 Board staff randomly selected a designated number of reporting units across Wisconsin to target for municipal audits, including a minimum of five (5) reporting units for each Direct Recording Equipment (DRE) voting system used in Wisconsin. G.A.B. staff increased the number of units to be audited for 2012, setting the goal to have municipal clerks conduct voting equipment audits in one hundred and seven (107) reporting units. The audits were conducted in accordance with established procedures. Both the municipal and county clerk of reporting units selected for audit were notified of the selection. If fewer than five (5) reporting units for any voting system were selected through the random selection process, then additional reporting units were randomly selected by voting system until five reporting units per voting system were selected. Any reporting unit selected for audit that was subject to a recount was replaced by another reporting unit selected at random by the Government Accountability Board.

The following pieces of Accessible Voting Equipment were audited:

Accessible Voting Equipment	Number Audited
Sequoia Edge	53
AccuVote-TSX	10
iVotronic	4
Populex	2

The following pieces of tabulation equipment were audited:

Tabulation Equipment	Number Audited
Sequoia Insight	8
ES&S M100	8
Optech Eagle	40
AccuVote-OS	17
ES&S DS200	5

Accessible Voting Equipment Audit Results Summary

The accessible equipment that was audited, both by G.A.B. staff and municipal or county clerks, was reconciled with the hand count totals generated by the voting equipment audit teams. The audit team reports indicated that the machine tallying functions on all electronic voting equipment models tabulated correctly. The reports also indicated that there were no identifiable bugs, errors, or failures of the direct recording electronic (DRE) equipment used in the 2006 general election. The majority of problems were generated by Voter Verified Paper Trail machine printer errors.

Optical Scan Voting Equipment Audit Results Summary

The audited optical scan equipment that was audited, both by G.A.B. staff and municipal or county clerks, was reconciled with the hand count totals generated by the voting equipment audit teams. The audit team reports indicated that the machine tallying functions on all electronic voting equipment models tabulated correctly and performed as expected. In the completed equipment audits, the anomalies between the vote totals generated by the equipment were able to be reconciled with totals generated by the audit teams (to a reasonable degree of certainty) when they attempted to reconstruct ballot scanning processes that replicated votes that the equipment would have counted.

Each optical scan model has specifications for which type of ballot marking devices are to be used in order for voting marks to be detectable by the equipment. In instances where voters used improper marking devices (e.g. glue sticks on several absentee ballots or marking pens not provided at the polls), or marked ballots incorrectly (e.g. using x's or circling names rather than filling in ovals as instructed), the equipment would generally not count improper ballots. In rare instances, the equipment performed better than expected and was able to read ballots, despite voter errors. In these instances, audit teams initially discounted ballots marked improperly as not read. Teams then attempted to narrow down vote totals to a reasonable range of ballots responsible for the vote discrepancies.

Of the audited equipment, teams were able to identify ballots that were likely responsible for the discrepancy in vote totals to a reasonable degree of certainty. The difference in the totals initially developed by teams and the totals generated by the equipment were attributable to voter error and not machine inaccuracy. Questionable voter errors that teams identified as being "not readable" to a reasonable degree of certainty were in the range of one to three ballots. The reports indicated that there were no identifiable bugs, errors, or failures of the Optical Scan equipment used in the 2012 general election.

2012 Audit Results

Voting equipment was found to have been performing in accordance with vendor specifications. In the audited units, the audit teams were not able to detect any fraud against the voting system; identify any indication of large-scale, systemic errors; or find evidence that a complete manual recount would change the outcome of the audited races.

Report Conclusions and Recommendations

Ensuring the accuracy of the voting system and maintaining the integrity of the vote is an essential function of the Government Accountability Board. Between 2008 and 2012 the G.A.B. has either performed or assisted in the administration of one hundred and ninety-five (195) municipal audits statewide. In the process, staff has accumulated auditable data for two hundred and sixty-seven (267) independent pieces of voting equipment within the state. These audits provide a sampling of the functioning election equipment within the state and demonstrate both successes and challenges ahead.

The Board set a higher goal in 2012 than it had in previous years, and staff was able to surpass previous goals, completing 107 audits due in large part to the dedication and hard work of municipal and county clerks. With less available staff resources and the demands of the historic Wisconsin recall efforts, the Board targeted and conducted significantly fewer audits due to lack of resources in both 2008 and 2010. Similarly, while the results were submitted and reviewed, Board staff previously had not been able to publish the findings from 2008 and 2010.

The 2008, 2010, and 2012 audit results all indicate that the voting equipment used within the state is performing as expected and according to vendor specifications. The Direct Recording Equipment tabulated without error. The problems that did arise universally came from printer errors. In several instances, poll workers had difficulty advancing the tape on the Voter Verified Paper Record (VVPR) Printers. To rectify the problem and produce the VVPR, auditors were instructed to contact the vendors who were able to instruct them on how to reprint paper ballots. In all instances, the totals were able to be reconciled. One possible means of remedying this issue in the future may be to provide clerks instruction with methods for resolving common problems with voting equipment on Election Day.

The overwhelming majority of problems encountered during the audit process involved the audit of the optical scan equipment and were generally attributable to human error, both during the ballot marking process and during the auditing process. Voter errors were numerous and commonly a result of voters having difficulty filling out ballots properly. Common examples of voter errors include:

- Using improper devices to mark ballots (e.g. glue sticks, colored pens)
- Not marking ballots as specified in the directions (using x marks to fill-in ovals)

Some clerks also had difficulty in completing the audit. In order to assist clerks in conducting the audits, Board staff identified several areas where the process can be improved, including:

- Reformulating the audit instructions and tally sheets
- Providing webinar based training on how to conduct an audit properly

As a result, Board staff is working to clarify instructions and adjust the agency's forms. In the future, staff will also work to utilize our training program and provide webinars on conducting audits.

Voting equipment audit data will continue to be used to identify areas for improvement and to maintain the Board's record of voting equipment used within the state. Board staff will also

continue to develop the audit program to incorporate methods for improving the audit process. Available research will be used to provide additional standards for comparing the voting equipment operating within our state to its performance elsewhere.

Appendix A

Table 1. Table of 2008 Municipalities Audited

County	Municipality	Reporting Unit	Tabulator	Accessible
Barron	Maple Plain	Ward 1	Optech Insight	Edge II
Barron	Almena	Ward 1	Optech Insight	Edge II
Burnett	Trade Lake	Wards 1 & 2	Paper	Edge II
Calumet	Sherwood	Wards 1 - 8	Accuvote-OS	TSX
Chippewa	Lake Holcombe	Wards 1 & 2	Accuvote-OS	Edge II
Clark	Unity	Ward 1	ES&S 150	iVotronic
Clark	Withee	Ward 1	ES&S 150	iVotronic
Columbia	Wycocena	Ward 1	M 100	AutoMARK
Dunn	Dunn	Wards 1 - 3	Optech Insight	Edge II
Dunn	Grant	Ward 1	Optech Insight	Edge II
Dunn	Tiffany	Wards 1 - 3	Optech Insight	Edge II
Forest	Blackwell	Ward 1	Paper	Edge II
Forest	Popple River	Ward 1	Paper	Edge II
Grant	Cassville	Wards 1 & 2	Paper	Edge II
Jefferson	Fort Atkinson	Wards 7 - 9	Optech Eagle	AutoMARK
Lafayette	South Wayne	Ward 1	Paper	Edge II
Lincoln	Merrill	Ward 2	ES&S 150	AutoMARK
Manitowoc	Whitelaw	Ward 1	M 100	AutoMARK
Marinette	Peshtigo	Wards 1 - 8	Edge II	Edge II
Marinette	Beecher	Wards 1 - 3	Paper	Edge II
Milwaukee	Milwaukee	Ward 96	Optech Eagle	AutoMARK
Milwaukee	Milwaukee	Ward 92	Optech Eagle	AutoMARK
Milwaukee	Milwaukee	Ward 311	Optech Eagle	AutoMARK
Milwaukee	Milwaukee	Ward 95	Optech Eagle	AutoMARK
Milwaukee	Greenfield	Ward 2	Optech Eagle	AutoMARK
Milwaukee	Milwaukee	Ward 314	Optech Eagle	AutoMARK
Milwaukee	Oak Creek	Wards 7 - 9	Optech Eagle	Edge II
Milwaukee	Wauwatosa	Ward 3	Optech Eagle	Edge II
Pierce	Prescott	Wards 1 - 4	Optech Eagle	Edge II
Racine	Caledonia	Wards 13 - 15	Optech Eagle	Edge II
Racine	Racine	Ward 32	Optech Eagle	Edge II
Richland	Richland Center	Ward 7	Paper	Edge II
Sauk	Delton	Wards 1 - 4	Accuvote-OS	TSX
Sawyer	Exeland	Ward 1	Paper	Edge II
Washington	Jackson	Wards 1 - 12	Accuvote-OS	TSX
Washington	West Bend	Wards 1 - 9	Accuvote-OS	TSX
Washington	West Bend	Wards 4, 11, 22 & 29	Accuvote-OS	TSX
Waukesha	Brookfield	Wards 5 & 7	Optech Eagle	Edge II
Waukesha	Oconomowoc	Wards 4 - 6, 14 & 22	Optech Eagle	Edge II
Wood	Auburndale	Ward 1	ES&S 550	AutoMARK
Wood	Vesper	Ward 1	ES&S 550	AutoMARK
Wood	Sherry	Ward 1	ES&S 550	AutoMARK

Appendix A
Table 2. Table of 2010 Municipalities Audited

County	Muni Type	Municipality	Reporting Unit	Voting System Description	
				Vendor	Model Name/Number
BROWN	VILLAGE	ASHWAUBENON	WARDS 11 & 12	Optech	Eagle III-P
ADAMS	TOWN	BIG FLATS	WARD 1	Sequoia	Edge
				Sequoia	Edge
WAUKESHA	TOWN	BROOKFIELD	WARDS 1, 3 & 4	(Left blank)	Eagle
WAUKESHA	CITY	BROOKFIELD	WARD 15	(Left blank)	Eagle
OUTAGAMIE	TOWN	CENTER	WARDS 1-5	Command Central	Insight
				Command Central	Edge
WAUKESHA	TOWN	DELAFIELD	WARDS 9, 10 & 11	(Left blank)	Eagle
				(Left blank)	Edge
CLARK	TOWN	DEWHURST	WARD 1	ES&S	M150
				ES&S	iVotronic
FLORENCE	TOWN	FERN	WARD 1	(Left blank)	Populex
DANE	CITY	FITCHBURG	WARDS 1-3	Optech	Eagle III-PE
FOND DU LAC	CITY	FOND DU LAC	WARD 4	Optech	Eagle III
				Sequoia	Edge
BUFFALO	CITY	FOUNTAIN CITY	WARDS 1 & 2	Sequoia	Edge
CLARK	TOWN	FREMONT	WARDS 1 & 2	ES&S	M150
				ES&S	iVotronic
PIERCE	TOWN	GILMAN	WARD 1	Command Central	Sequoia Edge
				Command Central	Sequoia Edge
TAYLOR	VILLAGE	GILMAN	WARD 1	Central Count - ES&S	M150
OUTAGAMIE	TOWN	GRAND CHUTE	WARDS 2-5	Command Central	Insight
				Command Central	Edge
PORTAGE	TOWN	GRANT	WARD 3	Business Records Corp.	Optech Eagle III-PE
BROWN	CITY	GREEN BAY	WARD 46	(Left blank)	Optech Eagle III-P
MILWAUKEE	VILLAGE	GREENDALE	WARDS 3 & 4	Sequoia	Insight
LA CROSSE	TOWN	HAMILTON	WARDS 1 -3	ES&S	Optech Eagle III-P
ROCK	CITY	JANESVILLE	WARD 14	ES&S	Optech Eagle III-P
DODGE	TOWN	LEROY	WARDS 1 & 2	Dominion	Accu-Vote OS
				Dominion	Accu-Vote TSX
TAYLOR	TOWN	MAPLEHURST	WARDS 1 & 2	ES&S	M150
				ES&S	iVotronic
SHAWANO	CITY	MARION	WARDS 4-6	Command Central	Edge
				Command Central	Insight
FOND DU LAC	TOWN	MARSHFIELD	WARDS 1 & 2	ES&S	Optech Eagle
WINNEBAGO	TOWN	MENASHA	WARDS 9, 11 & 12	Dominion	Accu-Vote TSX
				Dominion	Accu-Vote OS
MILWAUKEE	CITY	MILWAUKEE	WARD 188	ES&S	Optech Eagle 111 PE
MILWAUKEE	CITY	MILWAUKEE	WARD 253	ES&S	Optech Eagle 111 PE
MILWAUKEE	CITY	MILWAUKEE	WARD 38	ES&S	Optech Eagle 111 PE
LANGLADE	TOWN	NORWOOD	WARDS 1 & 2	Sequoia	Edge
WAUKESHA	CITY	OCONOMOWOC	WARDS 1-3 & 21	Optech	Eagle
TREMPEALEAU	TOWN	PIGEON	WARDS 1 & 2	Sequoia	Edge
MARATHON	TOWN	PLOVER	WARD 1	ES&S	M100
PORTAGE	VILLAGE	PLOVER	WARD 10	ES&S	DS200
BROWN	VILLAGE	PULASKI	WARDS 1-3 & 6	Optech	Eagle
RACINE	CITY	RACINE	WARD 14	Optech	Eagle
WOOD	TOWN	SARATOGA	WARDS 1-3	ES&S	DS200
CLARK	TOWN	SEIF	WARD 1	ES&S	M150
PORTAGE	TOWN	SHARON	WARDS 1-3	ES&S	Optech Eagle
DUNN	TOWN	SHERMAN	WARD 1	Sequoia	Edge
				Optech	Eagle
LINCOLN	TOWN	SKANAWAN	WARD 1		DS200
TREMPEALEAU	VILLAGE	STRUM	WARDS 1 & 2	Sequoia	Edge
DODGE	TOWN	THERESA	WARDS 1 & 2	Dominion	Accuvote OS
				Dominion	Accuvote TSX
MANITOWOC	CITY	TWO RIVERS	WARDS 8 & 9	ES&S	Optech Eagle IIIP
MARATHON	TOWN	WIEN	WARD 1	ES&S	M100
WINNEBAGO	VILLAGE	WINNECONNE	WARDS 1-4	Dominion	Accuvote OS
				Dominion	Accuvote TS

Appendix A

Table 3. Table of 2012 Municipalities Audited

County	Muni Type	Municipality	Reporting Unit	Voting System Description	Model Name/Number
				Vendor	
PEPIN	TOWN	ALBANY	Ward 1	Dominion	Eagle
WINNEBAGO	TOWN	ALGOMA	WARDS 1-2, 7-10	Premier	Accuvote O.S.
ASHLAND	CITY	ASHLAND	WARD 10	ES&S	M100
SAUK	TOWN	BEAR CREEK	WARD 1	Dominion	Accuvote O.S.
				Diebold	Accuvote TSX
POLK	TOWN	BEAVER	Ward 1	Sequoia	Edge
ROCK	CITY	BELOIT	WARD 18	Eagle	Eagle
SHAWANO	VILLAGE	BIRNAMWOOD	Ward 1	Sequoia	Edge
WINNEBAGO	TOWN	BLACK WOLF	Wards 1 - 3	Diebold	Accuvote-OS
				(Left blank)	AccuVote-TSX
DODGE	TOWN	CALAMUS	WARDS 1-2	Diebold/Premier	Accuvote O.S.
				Diebold/Premier	Accuvote TSX
TREMPEALEAU	TOWN	CALEDONIA	WARDS 1 - 2	(Left Blank)	Edge
				(Left blank)	Edge
DANE	TOWN	CHRISTIANA	WARDS 1-2	ES&S	Eagle
BARRON	TOWN	DALLAS	Ward 1	HAVA	Edge
PORTAGE	TOWN	DEWEY	Ward 1	ES&S	DS200
RACINE	TOWN	DOVER	WARDS 1-8	HAVA	Eagle
				(Left Blank)	Edge
WALWORTH	TOWN	EAST TROY	WARD 1	Dominion	Accuvote OS
EAU CLAIRE	CITY	EAU CLAIRE	Ward 17	Command Central	Eagle
				Command Central	Sequoia Edge
EAU CLAIRE	CITY	EAU CLAIRE	Ward 30	Command Central	Eagle
				Command Central	Sequoia Edge
EAU CLAIRE	CITY	EAU CLAIRE	Ward 43	Command Central	Eagle
				Command Central	Sequoia Edge
EAU CLAIRE	CITY	EAU CLAIRE	Ward 6	Command Central	Eagle
				Command Central	Sequoia Edge
DUNN	TOWN	EAU GALLE	WARD 1	Sequoia	Insight
				Left Blank	Edge
FOND DU LAC	TOWN	EDEN	Wards 1-2	Command Central	Eagle
				Sequoia	Edge
SHAWANO	VILLAGE	ELAND	Ward 1	Left Blank	Edge
DODGE	TOWN	ELBA	WARD 1	Diebold/Premier	Accuvote OS
				Diebold/Premier	Accuvote TSX
LANGLADE	TOWN	ELCHO	Wards 1-2	Sequoia	Edge
FLORENCE	TOWN	FERN	WARD 1	Populex	Populex
FOND DU LAC	CITY	FOND DU LAC	WARD 21	Left Blank	Eagle Optical Scan
FOND DU LAC	CITY	FOND DU LAC	WARD 24	Left Blank	Eagle Optical Scan
MILWAUKEE	CITY	FRANKLIN	Ward 19	Sequoia	Eagle
				Sequoia	Edge
POLK	VILLAGE	FREDERIC	Wards 1-2	Sequoia	Edge
JACKSON	TOWN	GARDEN VALLEY	WARD 1	Sequoia	Edge
OZAUKEE	VILLAGE	GRAFTON	WARD 11	Dominion/Diebold	AccuVote- TSX
				Dominion	Accuvote OS
LA CROSSE	TOWN	GREENFIELD	Wards 1 & 2	ES&S	Eagle
MILWAUKEE	CITY	GREENFIELD	WARD 9	Optical Scan Tabulating System	Eagle
VERNON	TOWN	GREENWOOD	WARD 1	Sequoia	Edge
WASHBURN	TOWN	GULL LAKE	Ward 1	Populex	Populex
ST. CROIX	VILLAGE	HAMMOND	WARDS 1-4	Global Election Systems	Accuvote OS
				Sequoia Voting Systems	Edge
MARQUETTE	TOWN	HARRIS	WARD 1	Sequoia (Command Central)	Edge
				Sequoia (Command Central)	Edge
MARATHON	TOWN	HARRISON	Ward 1	ES&S	M100
CALUMET	VILLAGE	HILBERT	Wards 1 & 2	Premier	Accuvote OS
ROCK	CITY	JANESVILLE	WARD 17	ES&S	Eagle
				ES&S	Eagle
			WARD 3	ES&S	Eagle
VERNON	TOWN	JEFFERSON	WARDS 1 - 4	Edge	Edge
				Edge	Edge
				Edge	Edge
KENOSHA	CITY	KENOSHA	WARD 26	Diebold	Accuvote OS
KENOSHA	CITY	KENOSHA	WARD 31	Diebold	Accuvote OS
MONROE	TOWN	LAFAYETTE	WARDS 1 & 2	Command Central	Edge TS
BURNETT	TOWN	LINCOLN	WARD 1	Sequoia	Edge
COLUMBIA	TOWN	LOWVILLE	WARDS 1 & 2	ES&S	M100
CLARK	CITY	LOYAL	WARD 1 & 2	ES&S	M100
				ES&S	iVotronic

DANE	CITY	MADISON	WARD 114	ES&S	Eagle
DANE	CITY	MADISON	WARD 15	ES&S	Eagle
DANE	CITY	MADISON	WARD 83	ES&S	Eagle
WAUKESHA	VILLAGE	MENOMONEE FALLS	WARD 7	Optical Scan	Eagle
DUNN	CITY	MENOMONIE	Wards 8 + 9	Sequoia	Optech Insight
				Sequoia	Edge
LINCOLN	CITY	MERRILL	Wards 3-4	(Left blank)	DS200
JACKSON	VILLAGE	MERRILLAN	WARD 1	Sequoia (Command Central)	Edge
WAUKESHA	TOWN	MERTON	Wards, 4, 5, 6, 10	Command Central	Edge
				Command Central	Insight
POLK	VILLAGE	MILLTOWN	Ward 1	Command Central	Edge
MILWAUKEE	CITY	MILWAUKEE	WARD 001	ES&S	Eagle Optical Scan
MILWAUKEE	CITY	MILWAUKEE	WARD 045	ES&S	Eagle Optical Scan
MILWAUKEE	CITY	MILWAUKEE	WARD 054	ES&S	Eagle Optical Scan
MILWAUKEE	CITY	MILWAUKEE	WARD 095	ES&S	Eagle Optical Scan
MILWAUKEE	CITY	MILWAUKEE	WARD 098	ES&S	Eagle Optical Scan
MILWAUKEE	CITY	MILWAUKEE	WARD 199	ES&S	Eagle Optical Scan
MILWAUKEE	CITY	MILWAUKEE	WARD 208	ES&S	Eagle Optical Scan
MARQUETTE	TOWN	MONTELLO	WARDS 1,2,3,4	Command Central	Sequoia Edge
				Command Central	Sequoia Edge
BROWN	TOWN	MORRISON	Wards 1-2	(Left blank)	Eagle
MARATHON	CITY	MOSINEE	WARDS 1,2,6 & 7	ES&S	M100
GRANT	TOWN	MOUNT IDA	WARD 1	Command Central	Sequoia Edge
CRAWFORD	VILLAGE	MT. STERLING	WARD 1	Sequoia	Sequoia
WAUKESHA	CITY	NEW BERLIN	Ward 12	Command Central	Insight
WAUPACA	CITY	NEW LONDON	WARDS 9 & 10	Command Central	Eagle
				Command Central	Edge
FOND DU LAC	VILLAGE	NORTH FOND DU LAC	Wards 1-7	(Left blank)	Eagle
JACKSON	TOWN	NORTHFIELD	WARD 1	Command Central	Edge
WAUKESHA	CITY	OCONOMOWOC	Wards 4-6	Command Central	Optech Insight
				Command Central	Edge
WINNEBAGO	CITY	OSHKOSH	Ward 12	(Left blank)	Accuvote OS
				(Left blank)	Accuvote TSX
COLUMBIA	VILLAGE	PARDEEVILLE	Wards 1-3	ES&S	M100
LANGLADE	TOWN	PARRISH	Ward 1	Sequoia	Edge
CLARK	TOWN	PINE VALLEY	WARD 1 & 2	ES&S	M100
				ES&S	iVotronic
OZAUKEE	CITY	PORT WASHINGTON	WARD 3	Dominion	Accuvote OS
DODGE	TOWN	PORTLAND	WARDS 1-2	Diebold	Accuvote OS
MARINETTE	TOWN	POUND	Wards 1, 2, & 3	Sequoia	Edge
				Sequoia	Edge
				Sequoia	Edge
RACINE	CITY	RACINE	WARD 19	(Left blank)	Eagle
RICHLAND	CITY	RICHLAND CENTER	Ward 7	Sequoia	Edge
				Sequoia	Edge
FOND DU LAC	TOWN	RIPON	Wards 1-2	Command Central	Eagle
				Command Central	Sequoia Edge
LINCOLN	TOWN	ROCK FALLS	WARDS 1-2	(Left blank)	DS200
ONEIDA	TOWN	SCHOEPKE	Ward 1	Sequoia	Edge
SHAWANO	TOWN	SENECA	Ward 1	Sequoia	Optech Insight
				Sequoia	Edge
SHAWANO	CITY	SHAWANO	Wards 1 & 2	(Left blank)	Optech Insight
				Sequoia	Edge
SHEBOYGAN	CITY	SHEBOYGAN FALLS	WARDS 1-2 & 9	Business Records Corp.	Eagle
CLARK	TOWN	SHERMAN	WARD 1 & 2	ES&S	M100
DUNN	TOWN	SHERMAN	WARD 1	(Left blank)	Optech Insight
				Sequoia	Edge
LAFAYETTE	VILLAGE	SOUTH WAYNE	WARD 1	Sequoia	Edge
DANE	TOWN	SPRINGFIELD	WARDS 1-3	ES&S	Eagle
PORTAGE	CITY	STEVENS POINT	WARDS 13 - 15	ES&S	DS200
DANE	CITY	STOUGHTON	WARDS 3 - 4	ES&S	Eagle
RUSK	TOWN	STUBBS	WARDS 1-2	Command Central	Sequoia Edge

LINCOLN	CITY	TOMAHAWK	WARD 1-2	(Left blank)	DS200
OCONTO	TOWN	UNDERHILL	Ward 1	Command Central	Sequoia Edge
DANE	TOWN	VERONA	Wards 2 - 4	(Left blank)	Eagle
WINNEBAGO	TOWN	VINLAND	Ward 1B	(Left blank)	Accuvote TSX
CLARK	TOWN	WARNER	WARD 1 & 2	ES&S	iVotronic
DODGE	CITY	WATERTOWN	Wards 5 - 6	Global Election Systems	Accuvote TSX
					AccuVote-OS
MARINETTE	TOWN	WAUSAUKEE	Wards 1 & 2	Sequoia	Edge
				Sequoia	Edge
MILWAUKEE	CITY	WAUWATOSA	WARD 1	Command Central	Sequoia Insight
MILWAUKEE	CITY	WEST ALLIS	Ward 9	ES&S	Eagle
SAUK	VILLAGE	WEST BARABOO	Wards 1 & 2	(Left blank)	Accuvote-OS
					AccuVote-TSX
DODGE	TOWN	WILLIAMSTOWN	WARDS 1-3	Diebold	Accuvote OS
					AccuVote-TSX
WOOD	CITY	WISCONSIN RAPIDS	Wards 1 - 5	ES&S	Eagle
CLARK	TOWN	YORK	WARD 1 & 2	ES&S	iVotronic

Appendix B

Audit Program Costs

In 2006, G.A.B. (Elections Board) staff traveled to each municipal location and conducted the audits on-site. This method was eliminated, due to the high costs of conducting on site audits. When the costs were calculated based on staff hours, availability for other agency functions, and actual financial costs, G.A.B. staff concluded that it did not have the financial or personnel resources necessary to continue conducting on site audits. The total estimated daily cost for two auditors in travel status was \$244 per day and would require each staff member to be out of the office for one week. The cost for traveling to these locations has proven to be more expensive than having the municipality send the audit materials to G.A.B. headquarters.

In 2008, the municipalities were asked to conduct the audits, with G.A.B. staff conducting a limited number of audits. At that time, the cost for sending the audit materials was approximately \$25-\$75, depending on the number of ballots involved in the audit, plus the same expected cost to deliver the audit materials back to the municipality when the audit is complete (\$25-\$75). The total expected cost for the G.A.B. to return the materials was approximately \$50-\$150 per municipality.

In 2010, the Board required municipalities to conduct audits at the municipal level with guidance from G.A.B. staff. Given the time required from Board staff, which averaged one week or more, Board staff did not have the staff available to complete all of the targeted audits. Given the expertise and time necessary for auditing the Optical Scan equipment in particular, it was both time and fiscally prohibitive to hire temporary staff to fill this need.

In 2012, the Board began requiring that the audits be performed completely at the municipal level by municipal and county staff. Each municipality conducting the audit was required to submit the designated reporting forms and supporting documents from the audit, including tally sheets, to the G.A.B. to indicate the audit was completed and describe any discrepancies that were found. G.A.B. staff reviewed the data and identified whether appropriate explanation was provided that eliminated the possibility of voting equipment error.

The G.A.B. staff may, at its sole discretion, request that the municipality submit all audit materials, including the source documents (ballots, poll lists, etc.) to the G.A.B. for further review. In such a case, the G.A.B. will reimburse the municipality for the associated postage/shipping costs. In the event that a discrepancy between the machine tally and the paper record tally cannot be reasonably explained, the G.A.B. will request that the voting equipment manufacturer investigate and explain the reasons for any differences between the machine tally and the paper record tally.

The Board continues to reimburse municipalities \$300 per reporting unit for costs associated with conducting the audit. Appropriate documentation detailing actual costs incurred by the party conducting the audit is required for municipalities or counties to receive this reimbursement.

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JUDGE TIMOTHY L. VOCKE
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the December 17, 2013 Board Meeting

TO: Members, Government Accountability Board

FROM: Michael Haas
Elections Division Administrator

Prepared and Presented by:
David Buerger
Elections Specialist

SUBJECT: Electronic Poll Book Research – Interim Report

I. Introduction

This memorandum is intended to provide the Board with a preview of the research being conducted by staff into the subject of electronic poll books. In July 2013, Director Kennedy formed a team to research a number of questions regarding electronic poll books and their potential for use in Wisconsin (see Appendix A). In particular, Director Kennedy asked the team to recommend standards for approval of electronic poll books, as approval of a system by the Board is required under Wis. Stat. § 6.79(1m) before any electronic poll book system may be used in Wisconsin.

Board staff plans to present a final report on its research along with recommendations at the March 19, 2014 Board meeting.

II. Background

The poll book is the primary resource for administering elections at the polling place. At its core, the poll book serves three primary functions:

1. Eligibility Check
 - Is this person registered to vote?
 - Have they already voted in this election? Is there an absentee ballot outstanding that was issued to this voter?
 - Does the poll book reflect any unresolved issues regarding this voter such as a requirement to provide proof of residence?
2. Record of Voter Participation
 - Legal requirement to remove inactive voters based upon documentation from poll book. Wis. Stat. § 6.50.

3. Audit Trail

- Increases confidence by identifying the voters (by name, address, and signature) who were issued ballots for an election for post-election follow-up as necessary.
- Can also serve as a diagnostic tool for resolving discrepancies between ballots issued and ballots counted.

The poll book contains a listing of all registered electors in the reporting unit by name and address. It is where election officials record the serial number assigned to each elector who votes at an election. It is also where voters are required to sign before receiving their ballot. Finally, it is where a number of special notations may be recorded such as POR required, Absentee, Challenged, Assisted, etc. that indicate for election officials when special action is necessary or was taken on Election Day (see Figure 1).

Figure 1

NP-1	0014360538	SKINNER, Brian A	Brian A SKINNER	10
WD1				
41265-001-4018-1		6941 S SOUTHFIELD BLVD APT E7		10
AL1 CG01 4018 AS21		OAK CREEK, WI 53154		
Notes:				

Electronic poll books bring the traditional paper poll book into the digital era. Depending on the system, an electronic poll book may appear as a dedicated, proprietary piece of hardware (much like voting equipment) or simply a common laptop or tablet that has the electronic poll book software loaded on it for Election Day and can be re-used for other purposes the rest of the year (see Figure 2).

Figure 2



Electronic poll books are a relatively new tool for election administrators, but are already being used in at least part of 24 states for checking-in pre-registered voters, recording voter signatures, processing Election Day registrations, updating voting history, or looking up a voter’s correct polling place.¹ Election officials in several states report that electronic poll books facilitate faster check-in by pre-registered voters and significant time-savings post-election due to the ability to upload voter registrations and voter participation directly into SVRS.

Typically electronic poll books are loaded with voter registration information in the days immediately preceding the election to capture any last minute voter registration or absentee activity. The systems are then deployed to the polling place with other polling place supplies, materials, or voting equipment. If the system requires significant setup (running extension cords, connecting to local networks, etc.) staff from the clerk’s office may choose to setup the equipment the night before the election to ease the burden on poll workers.

¹ U.S. Election Assistance Commission, Election Administration and Voting Survey (2012), available at http://www.eac.gov/research/election_administration_and_voting_survey.aspx

On Election Day, election officials use the electronic poll book in a similar manner to a paper poll book except that instead of needing to divide a paper poll book into alphabetically-divided sections to provide multiple stations for voters to check-in, each electronic poll book can check-in any voter. Additionally, electronic poll books offer more ways for pre-registered voters to check-in. A voter can announce their name and address like they would to check-in at a paper book, but instead of needing to page through a paper book to find the voter's record, the election inspector can simply type in the first few characters of the name or address to find the voter's record. Another alternative that synergizes well with voter photo identification requirements is scanning driver license barcodes or magnetic strips to read identifying information directly from the driver license or other ID card.

Once the voter is verified as being registered, the voter is directed to sign the poll book. Using an electronic poll book, the voter can sign using a digital signature pad similar to using a credit card at a store or they can sign directly on the screen of the device. The signature can be digitally captured, printed on a hardcopy receipt or label, or a receipt or label can be generated with a line for the voter to sign in order to capture a "wet" signature.

After the voter has been checked-in and provided their signature, they are issued a voter number. This number is typically written on paper poll books and has proven to be a potential source of confusion at the polling place when poll workers inadvertently skip a number or use the same number more than once. An electronic poll book eliminates the potential for human error at this stage by automatically assigning voter numbers.

Once a voter number has been recorded, a voter is typically given a slip of paper bearing their voter number and ballot style to exchange at another station for their ballot. Electronic poll books can provide a similar slip by printing a receipt with the voter number as well as an indication of the voter's ballot style if multiple types of ballots are available. These printed receipts can also serve as a useful auditing tool to ensure that the number of voters recorded as voting in the poll book balances with the number of ballots issued at the polling place, which should also match the number of ballots in the ballot box.

Poll books are also the place where a variety of notations are recorded for special situations at the polls such as a voter receiving assistance with voting, challenges to a voter's eligibility, etc. In a paper poll book, these notations are often squeezed into the small space available for notes (see Figure 1). With an electronic poll book, these notations are not constrained by physical space. Additionally, electronic poll books can guide election inspectors through these special situations step-by-step while simultaneously creating a record showing that proper procedures were followed in that special situation.

Electronic poll books also offer other features outside of their function as poll books. Electronic poll books can be used to process Election Day voter registrations, allowing for speedy upload of those voter registrations to SVRS instead of time-consuming data entry, which also introduces human errors into the process. Electronic poll books can also automate the process of entering voter participation into SVRS. Instead of the traditional hand-recording of individual voters from a paper poll book, an electronic poll book can simply generate a file which can be quickly uploaded directly into SVRS to update each voter record accordingly. In many jurisdictions which use electronic poll books, election officials upload voter participation immediately on Election Night. This feature would be especially useful for quick upload and tracking of outstanding provisional ballots issued on Election Day and could eliminate the laborious practice of maintaining a separate provisional ballot log.

Electronic poll books can also serve as a resource to voters who show up at the wrong polling place. Traditionally, if a voter appeared at the wrong polling place for their address they could only be redirected if the election inspectors at that polling place knew the proper polling place or had access to another resource (e.g., MyVote.wi.gov, ward map combined with the Type D notice, etc.) Many

electronic poll books can serve as that resource and can print directions from the current polling place to the correct polling place for the voter.

Wisconsin law currently permits the use of electronic poll books if the system used is approved by the Government Accountability Board. Wis. Stat. § 6.79(1m). At this time, no municipality uses electronic poll books for their elections, although a few municipalities have inquired about the possibility. Approximately 10 municipalities have used computers in select polling places during higher turnout elections so they can use the online assisted voter registration capability of the MyVote.WI.gov website. MyVote's online assisted voter registration process is functionally similar to the Election Day Registration functionality of an electronic poll book in that it eliminates the need for post-election data entry of the voter registration form, but the voter must still be manually added to the paper poll list.

III. Analysis

Board staff has pursued a number of paths in researching and preparing for the potential use of electronic poll books in Wisconsin including interviewing election officials in states currently using electronic poll books, surveying Wisconsin election officials, reviewing existing commercially-available electronic poll book systems, examining the relevant legal framework, and discussing with the Board's IT staff the technical options and feasibility of either integrating a commercial product with SVRS or creating a Wisconsin-specific electronic poll book system.

A. Interviews of Election Officials Using Electronic Poll Books

As part of its research, Board staff made contact with several election officials in jurisdictions that are currently using electronic poll books. Board staff asked a broad range of questions to elicit details about system configuration, initial and ongoing costs, training needs, and overall satisfaction with the system by clerks, election inspectors, and voters. To date staff has contacted election officials in Iowa, Michigan, Ohio, and Minnesota.

1. Iowa

Cerro Gordo County began investigating the use of electronic poll books in 2009 due to troubling observations from the November 2008 election. Election officials noticed that poll workers had difficulty in navigating Iowa's increasingly complex election procedures. This challenge was further compounded by the fact that most poll workers only work 2-4 times per year, so opportunities to put training into practice were limited.

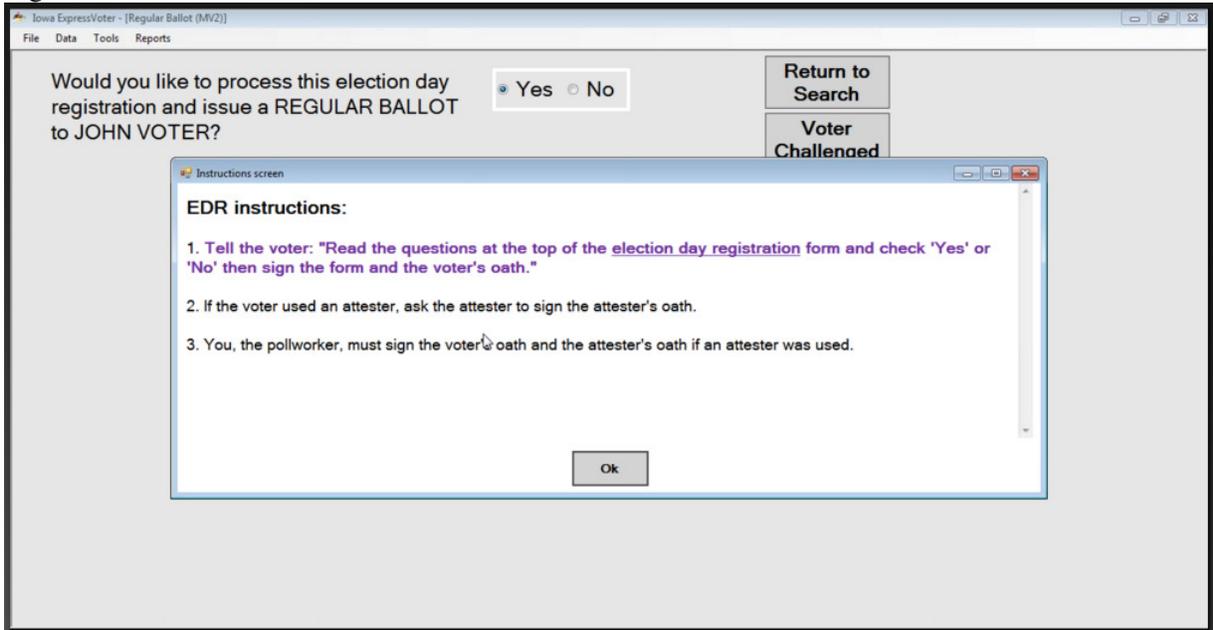
In 2009, Iowa started using electronic poll books as part of a pilot study in Cerro Gordo County. By the end of 2010, approximately 40 counties were using the first State-built electronic poll book system. Iowa has built and utilizes two electronic poll book systems; one managed by a consortium of counties, the other by the Iowa Secretary of State's office. Currently, over half of the state's 99 counties are using one or the other system. The State provided financial incentives to the counties to use electronic books. Initial costs were relatively modest and ongoing costs are minimal. The Iowa Secretary of State predicts 70 counties will be using one of the systems by the 2014 fall elections.

Iowa initially experienced some resistance to the idea of using electronic poll books from poll workers, primarily from those with limited experience with computers. To address this concern, Iowa used small group training classes focused on teaching poll workers basic computer proficiencies, such as how to navigate with a mouse or read the electronic poll book screen.

The State's electronic poll book systems were designed to guide poll workers through the process step-by-step via a series of questions and other prompts that ensure poll workers are following the correct procedure for any given scenario, and also provide instant access to the latest editions of training

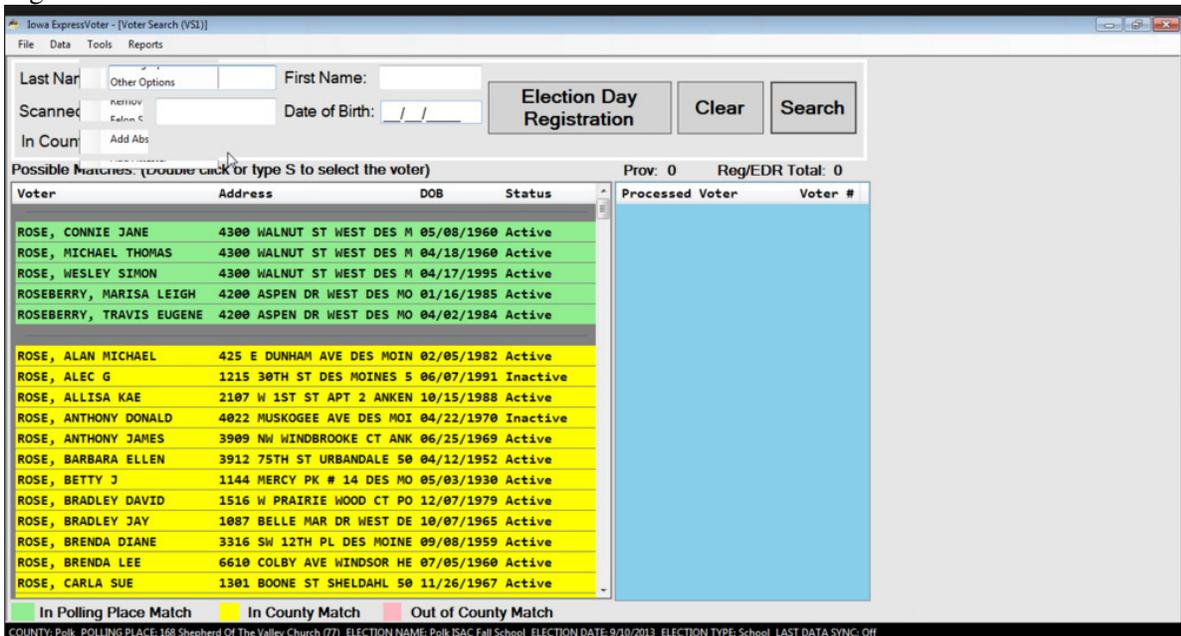
resources if more information is needed (see Figure 3). The system can walk the poll worker through almost every election-related scenario possible with detailed instructions, from processing an Election Day registration to issuing a provisional ballot. The system also identifies voters who may need specialized assistance, generating a help ticket with more details, and directs those voters to a different line or table for processing.

Figure 3



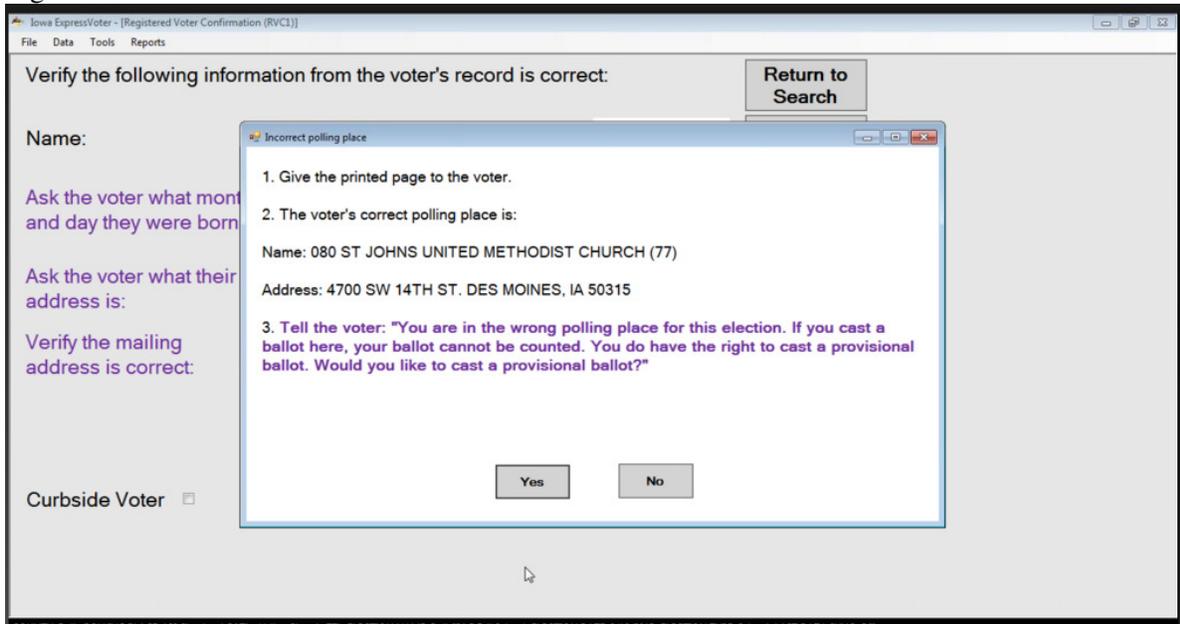
Names of voters on the electronic poll list are color coded according to their registration status (see Figure 4). For example, green voters are registered in the precinct; yellow voters are registered in the county, but not this particular precinct, etc.

Figure 4



Once the voter’s name is displayed, instructions in purple tell the poll worker what information needs to be verified and instructions provided to voters (see Figure 5). Once verified, a ballot number is issued. The system prints a voter eligibility slip that the voter signs. The slips are kept for record retention and reconciliation purposes, if needed.

Figure 5



2. Michigan

The State of Michigan decided to build their electronic poll book system from scratch. They started the project in 2005-2006, but a full commitment to the project did not start until 2008. The State purchases the initial equipment for jurisdictions that decide to use the electronic poll books using federal funds provided by the Help America Vote Act (HAVA), but ongoing maintenance and replacement costs are borne at the local level. Michigan had funding available primarily because they already had a statewide voter registration system in place when HAVA was enacted. Approximately 80% of jurisdictions are now using the electronic poll books, including almost all of the largest jurisdictions.

Michigan estimates that it pays about \$600 per laptop computer and costs for development of the electronic poll book system were less than \$100,000. State and local officials are very pleased with the system, particularly because it is tailored to their needs. It has generally improved efficiency at the polling place and saves local election officials significant time by allowing for upload of voter participation directly into the statewide voter registration system.

Michigan officials report that, while some poll workers were initially hesitant about the electronic poll books, they have become comfortable with the use of the new technology, and now would resist going back to paper poll books. Like Iowa’s system, the Michigan electronic poll books include on-screen instructions that walk the poll workers through the process, based on state laws. Michigan officials also noted that they feel that current commercially-available electronic poll book products are too generic and require considerable work to link with their statewide voter registration systems. They emphasized that contrary to the sales pitch from most vendors, electronic poll books are not just “plug and play” systems. Electronic poll books require significant effort to initially configure and deploy, as well as additional effort to update as election laws and procedures change.

3. Ohio

Ohio is a “bottom-up” state, meaning that each county operates its own voter registration system, which in turn integrates with the statewide registration system. This decentralization applies to many aspects of election administration in Ohio, including the use of electronic poll books. Individual counties can purchase electronic poll book systems if they choose to, and these systems must then integrate with the county’s voter registration system. Each county chooses its own electronic poll book system and is responsible for its costs. Currently 12 out of 88 Ohio counties are using electronic poll books. The City of Dayton is the largest municipality using electronic poll books at all polling places. The City of Cleveland has conducted a pilot and plans to implement electronic poll books before the next election.

Counties can select from any vendor, but the most popular system in Ohio has been the ES&S ExpressPoll system because of its synergy with ES&S-supported voting equipment. Also, as Ohio requires voter identification, election officials also appreciated the ability to swipe the magnetic strip of the driver license through a card reader to quickly and easily identify the correct voter record.

Thus far, the State has not been involved in the purchasing, development, or management of electronic poll books. However, a recent state law now requires the Ohio Secretary of State’s office to certify electronic poll book systems and the State is beginning the process of developing these certification standards (see Appendix B).

The counties using electronic poll books have generally been very satisfied with them. Election workers overall have also been supportive after they have familiarized themselves with the new system. Ohio also tries to use its high school and college student election workers whenever possible to set up the electronic poll books to ease the burden on election workers who are less comfortable with new technology.

4. Minnesota

The State of Minnesota conducted an electronic poll book pilot in conjunction with its November 5, 2013 elections. The pilot was authorized by an act of the Minnesota Legislature, which is considering further legislation regarding electronic poll books. The act also established an Electronic Roster Task Force to examine broader issues with electronic poll books including data security, statewide networking, and the possibility of importing DMV photos into the electronic poll book for use on Election Day.

Minnesota had some limited experience with electronic poll books, but this was the first state-level pilot. The pilot was originally planned to see how electronic poll books could be used to facilitate Election Day Registration, but was expanded to include having pre-registered voters check in using electronic poll books. There was an open invitation to vendors to participate in the pilot and ultimately five vendors chose to participate. A diverse group of five municipalities (large, small, urban, rural) were selected for the pilot. Prior to Election Day, participating vendors presented training to the participating election officials.

Board staff requested permission to observe the Minnesota pilot and were authorized by the Minnesota Secretary of State’s office to observe at the various pilot polling locations. Board staff visited 10 polling places participating in the electronic poll book pilot to gather information on the vendor systems being used, as well as how the systems were used. Board staff interviewed election officials at the municipal, county, and state level to gather information on the pilot and the lessons learned from using electronic poll books. The hands-on experience gained visiting the polling sites and meeting with Minnesota election officials resulted in obtaining very helpful information and their cooperation is appreciated.

In all pilot sites, voters were checked in using both the electronic poll book as well as a paper roster, which served as the official record. This redundant process made it difficult to discern if there was any significant time-savings in the check-in process; however poll workers reported that they believe the electronic process was faster, particularly if the voter presented an ID. Poll workers also stated that they liked the ability to check-in any voter at any station instead of having voters queue up according to sections of the alphabet.

Poll workers also liked the systems that were capable of handling Election Day registrations as it meant that voters did not need to be redirected to another station and could be issued their voter number immediately after registering rather than having to wait in line a second (or third) time. As this was a pilot, poll workers would enter the Election Day registration into the electronic poll book, but then printed out the application on paper and voters signed the paper form as the official record. Due to the relatively low-turnout election, Board staff did not get an opportunity to observe the Election Day registration process at each polling place, but did interview poll workers about their experience with the functionality when possible.

Voter participation in the pilot was voluntary, but nearly all voters that Board staff observed chose to participate and appeared to respond positively to the new electronic process despite being asked to sign twice, once on paper and once digitally. Formal voter feedback on the process was obtained via a short survey that was handed out as voters were leaving the polling place.

While the Minnesota Electronic Roster Task Force and Secretary of State's office are still compiling their final report, due January 31, 2014, preliminary indications are that individual counties would prefer to choose if they want to use an electronic poll book or not, and what vendor to select. The Minnesota Secretary of State's office does not plan at this time to develop an electronic poll book in-house. However, this remains an option for the Minnesota Legislature to require. At a minimum, the Secretary of State's office is looking to set standards for electronic poll book systems to ensure that they can interface with the statewide voter registration system, import the voter list from SVRS, and export the participation history and Election Day registrations back into SVRS.

Minnesota will be publishing additional information regarding the electronic poll book pilot as well as the work of the Electronic Roster Task Force, which has a broader charge, in the coming months and Board staff will include any further information regarding the pilot in a final report to the Board.

B. Survey of Wisconsin Election Officials

The introduction of electronic poll books to the landscape of Wisconsin elections would automate a number of processes that have historically only been performed manually. Doing away with manual processes that are rife with opportunities for human error would help to ensure accurate election documentation, increase the efficiency of election inspectors, accelerate and enhance the voting experience, and ease the post-election workload for municipal clerks.

Board staff works in partnership with local election officials and regularly seeks their input before making decisions or recommendations that will impact them or the process at the local level. To gauge their receptiveness to the possibility of utilizing electronic poll books as well as attempt to identify areas of concern, Board staff asked municipal clerks to answer a short survey.

Table 1

Do you have a preference for a paper poll book vs. an electronic poll book?		
Answer Options:	Response Percent	Response Count
Paper poll book	50.9%	444
Electronic poll book	7.7%	67
No preference	7.1%	62
I don't have enough information to form an opinion	34.3%	299

The survey results show a strong preference for paper poll books over electronic poll books (see Table 1). However, roughly one-third of respondents indicated a need for more information, which suggests that at least some clerks who indicated a preference for paper poll books may have done so primarily due to a lack of familiarity with electronic poll books.

Table 2

How do you think your poll workers will feel about using electronic poll books?						
Positive	Mostly Positive	Neutral	Mostly Negative	Negative	Rating Average	Response Count
17	75	205	393	182	3.74	872

While Board staff did not survey election inspectors directly, clerk responses indicate that they believe their election inspectors would not have a positive reaction to using electronic poll books (see Table 2). Again, this may be due in-part to a lack of familiarity. However, it may also be an accurate assessment of poll worker attitudes towards new technology or procedures. A common complaint from election officials is that election procedures are changing too rapidly or without sufficient time for training.

Table 3

What do you think are the possible advantages of electronic poll books? Please select your top five advantages from the following

	Answer Options	Directions to correct polling place	Processing of EDRs	Upload to SYRS	Greater accuracy	Post-election auditing	Photos in e-poll book	Electronic supplemental poll list	Electronic ineligible voter list	Provisional ballot tracking	Embedded training	Electronic signatures	Response Count
1	38	288	119	99	48	26	18	27	8	14	33	718	
2	25	124	149	121	64	43	59	30	6	21	41	683	
3	25	81	60	104	88	55	89	61	16	19	53	651	
4	36	44	45	78	77	52	90	73	18	44	57	614	
5	27	43	34	47	59	42	66	84	26	61	93	582	

In assessing possible advantages and disadvantages, responses suggest that clerks are aware of and appreciate the benefit electronic poll books offer with respect to processing election-day registrations and recording voter participation. However, cost and anticipated resistance from inspectors top the list of disadvantages.

Table 4

What do you think are the possible disadvantages of electronic poll books? Please select your top five disadvantages from the following

	Answer Options	Initial implementation costs	Ongoing costs	Poll workers not comfortable with technology	Perceived risk of fraud, hacking, etc.	Learning curve and associated problems/delays	Potential for system breakdowns	Observer concerns regarding transparency	List not being maintained in duplicate	Response Count
1	391	65	246	35	21	53	7	17	835	
2	135	254	176	65	95	71	12	21	829	
3	81	115	175	102	139	154	23	33	822	
4	65	87	55	88	174	211	51	64	795	
5	44	89	46	108	101	182	84	115	769	

C. Review of Commercially-Available Electronic Poll Books

To better understand how electronic poll books could be used in Wisconsin, Board staff set out to survey the market to determine the capabilities and functionalities of existing commercially-available electronic poll books. Board staff contacted electronic poll book vendors and reviewed vendor websites and other information to develop a matrix of features (see Appendix C). Please note this review was limited to the features reportedly available from each product and Board staff is not recommending approval of any system for use in Wisconsin at this time.

The most common feature of all electronic poll books surveyed was the ability to scan driver license and identification cards to quickly identify or populate a voter registration record. The exact method by which the ID is scanned varies. Some systems use a magnetic strip reader while others use a camera to decode a two-dimensional barcode such as those on the back of Wisconsin driver licenses (see Figure 6). However, no product that staff reviewed had the capability to read other forms of identification such as student or veteran’s ID cards. It is believed that such flexibility is possible, but not currently supported by the vendors surveyed.

Figure 6



Another common feature was the ability to import and export voter data to and from the electronic poll book in a format that could be downloaded from and uploaded into SVRS to eliminate the need for costly data entry and other manual processes. Please note that all systems would require some initial configuration and development by Board IT staff to integrate with SVRS (see Section E below).

Features that enhanced flexibility were among the more uncommon features. Only one product allowed for changes in policies and procedures through the user interface. Only two were built with an open architecture that would allow compatibility with both existing legacy voting systems and newer technology in voting equipment. Systems with multilingual support, FIPS-level encryption, and the ability to interface with other databases such as the Department of Correction’s ineligible voter list were also relatively rare. Lastly, no product surveyed currently supports a “confidential voter” option, which is likely to be a requirement for a Wisconsin electronic poll book to comply with Wis. Stat. § 6.47.

In its final report, Board staff will further examine what specific features should be required of electronic poll books in Wisconsin.

D. Statutory Framework

While Wis. Stat. § 6.79 provides that the poll list may be maintained electronically, that statute as well as several other provisions would benefit from revision to maximize the cost-savings that can be realized by using an electronic poll book and otherwise account for the fact that the poll list may be maintained in an electronic format. Suggested revisions include the following:

Statute	Relevant Text	Suggested Revision
§ 6.45(1)	The municipal clerk shall make copies of the list for election use.	While this language can be read to include “electronic” copies, it clearly contemplates a time when lists were physically photocopied and not simply printed from SVRS. Also there is a need for corrective legislation in this section in any event to fix an error resulting from 1999 Act 49.
§ 6.46(2)	If a copying machine is not accessible, the clerk shall remove the lists from the office for the purposes of copying...	Strike “if a copying machine is not accessible” and replace with “if producing copies of the lists at the clerk’s office is not possible”
§ 6.79(1m)	Two election officials at each election ward shall be in charge of and shall maintain 2 separate poll lists...	With electronic poll books, two election officials maintaining two separate lists is unnecessary. Also, such a requirement seems to be at odds with subsection (2).
§ 6.79(1m)	If the lists are maintained electronically, the board shall prescribe a supplemental list that contains the full name, address, and a space for the entry of the signature of each elector...	Electronic poll books can capture a signature electronically; there is no need for a separate physical supplemental list. Requiring such a list would remove much of the benefit of having an electronic poll book.

Statute	Relevant Text	Suggested Revision
§ 7.23(1)(e)	Poll lists created for any election may be destroyed 22 months after the election at which they were created.	Add, “Electronic poll books may be cleared or erased after the latest day for the filing of a petition for a recount under § 9.01 for any office on the ballot. Before clearing or erasing the electronic poll book, a municipal clerk shall transfer all data required to reproduce the voter list to a disk or other recording medium which may be erased or destroyed 22 months after the election for which the list was created.”

Additionally, provisions should be added to Chapter 5 of the Statutes to define “electronic poll books” separately from voting systems and require the Board to promulgate standards for testing and approval of electronic poll books. As electronic poll books do not count votes, it is not anticipated that the testing and approval process should mirror the process of voting equipment testing and certification. However, these devices will be repositories for sensitive information and serve as an important check on the voting system and should be subject to a level of testing and review before being approved for use.

E. Integration/Creation of an Electronic Poll Book System

The specific technical requirements for electronic poll books will vary greatly depending upon how electronic poll books are implemented. Several factors will determine these requirements, including:

1. Build versus Buy: Should Wisconsin develop its own electronic poll book based on Wisconsin-specific requirements (like Iowa or Michigan did), or should Wisconsin allow counties or municipalities to purchase vendor solutions (like Ohio and Minnesota)?
2. Single Vendor or Multiple Vendors: If the Board chooses to approve commercial electronic poll book systems for local jurisdictions to purchase, should the Board limit its approval to a single vendor or allow multiple vendors?
3. Accommodate vendor data formats or require vendors to use G.A.B. data formats: If multiple vendor solutions are purchased, should the Board write separate import and export functions for each vendor poll book based on their capabilities, or should vendors be required to comply with a standard import and export schema in order to be certified?

Each approach involves unique considerations as well as advantages and disadvantages. From the states that were researched by Board staff, there were two main approaches used when implementing electronic poll books:

1. Build Your Own: Two of the states interviewed by Board staff (Iowa and Michigan) chose to build an electronic poll book themselves based on their own state’s statutory and business process requirements. In both states, use of electronic poll books is optional, but all jurisdictions that use electronic poll books use the systems developed by the states². These states were able to customize their electronic poll books around their unique statutory requirements and business processes, and are able to adapt their solutions based on feedback

² Iowa has two systems available but both were built as custom Iowa solutions. One that was developed jointly with the Iowa Secretary of State’s office and a participating county, and one that was developed solely by the Secretary of State’s office.

from their election officials. The Iowa system even includes instructions to poll workers that are specific to Iowa's laws. Both states reported a very high level of satisfaction with their systems, both at the state and the local levels. Both states also reported that the cost to develop the state system was dramatically smaller than the costs to localities to purchase vendor systems.

Key advantages of this approach include creating a customized solution specific to a state's needs, reduced cost, ability to improve the system based on user feedback, and ease of integration with the statewide voter registration system.

Potential disadvantages include costs being incurred at the state level rather than the local level, and a lack of choice for local election officials in the electronic poll book they can use.

2. Allow Counties to Pick their Own Vendor: Two of the states interviewed by Board staff (Ohio and Minnesota) have a more decentralized model where they allow each county to choose any electronic poll book vendor. Use of electronic poll books is optional in both of these states. In Ohio, the electronic poll books interface directly with the county-level voter registration systems and not the statewide voter registration system, so each county must do the necessary technical work to import and export data between the electronic poll book and their local voter registration system. However, most localities in Ohio have selected the same electronic poll book vendor, so there may be some re-use of technical work between counties. Ohio is also in the process of setting standards at the state level, which may include requirements that the vendors be able to interface with the statewide voter registration system in a consistent manner.

In Minnesota, electronic books have only been piloted, but the current intention is to allow counties to select the appropriate vendor, and require all vendors to comply with the state's standards for import and export to the statewide voter registration system. Compliance with state standards may be a requirement for certification.

Key advantages of this approach include allowing localities to select whatever system they want subject to state standards, and less state-level technical work (simply integrating with vendor solutions as opposed to developing the electronic poll book solution).

Potential disadvantages include the complexity of integrating multiple vendor systems with the statewide voter registration system, potentially higher cost to localities to purchase the systems, lack of customization to state-specific election law requirements, and a more complex process to add or change desired features.

Specific technical recommendations will be developed as part of the final report to the Board.

IV. Recommendations

Board staff continues to research this issue and plan to present its recommendations at the March 19, 2014 Board meeting. No Board action is requested at this time.

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JUDGE TIMOTHY VOCKE
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

DATE: July 24, 2013 Appendix A

TO: Electronic Poll Book Team Members

FROM: Michael Haas
Elections Division Administrator

CC: Kevin J. Kennedy
Director and General Counsel

SUBJECT: Electronic Poll Book Research Charge

Thank you for agreeing to take on the task of researching and preparing for the potential use of electronic poll books in Wisconsin. As you know, Director Kennedy has asked that the Elections Division analyze how electronic poll books could be used at Wisconsin voting locations, and to recommend standards for their approval. Division staff that have agreed to participate in this task are:

Brian Bell	David Buerger	Jason Fischer
Sherri Ann Charleston	Allison Coakley	Sarah Whitt
Ross Hein	Diane Lowe	Ann Oberle

All of you bring valuable knowledge and experience to this team. I have asked David to take responsibility for serving as the team lead on this project. I have also left it up to Sherri's discretion as to the level and timing of her participation, given other voting equipment projects she is completing. Please include me on meeting invitations and I will provide any legal support that may be needed, at least for the time being.

Several vendors have approached the G.A.B. and municipal clerks seeking to introduce electronic poll book technology into the election process. The use of electronic poll books in Wisconsin is governed by Wis. Stat. §6.79, which states:

6.79 Recording electors.

(1m) Separate poll lists. Two election officials at each election ward shall be in charge of and shall maintain 2 separate poll lists containing information relating to all persons voting. The municipal clerk may elect to maintain the information on the lists manually or electronically. If the lists are maintained electronically, the board shall prescribe a supplemental list that contains the full name, address, and space for the entry of the signature of each elector, or if the elector is exempt from the signature requirement under s. 6.36 (2) (a), the word "exempt". If the lists are maintained

electronically, the officials shall enter the information into an electronic data recording system that enables retrieval of printed copies of the lists at the polling place. The system employed is subject to the approval of the board.

Electronic poll books have not been used previously in Wisconsin, and several factors must be addressed prior to the Government Accountability Board providing approval for their use. Please use the following questions as a starting point and guide for your analysis and final product:

1. How are electronic poll books used at a polling place?
2. What are the features of electronic poll books currently being offered by vendors? What features do they have in common and what features are different?
3. What are the benefits and disadvantages of using electronic poll books?
4. What is required to ensure that the data entered into electronic poll books may be transferred into the Statewide Voter Registration System?
5. What, if any, statutory or administrative rule changes would be necessary to accommodate the use of electronic poll books?
6. What standards should the Board establish for the approval of electronic poll books, and what process should be used to request and obtain that approval?
7. What should the Board establish as its initial and long-term approaches to requests by vendors and clerks to permit the purchase and use of electronic poll books?

The team may develop other questions or issues which warrant analysis during this project. We can discuss what form the final work product should take, but the ultimate goal is to recommend standards and a process that the Board may consider for approving the use of electronic poll books in Wisconsin. Director Kennedy has identified several states that the team may wish to consult about the use of electronic poll books. One vendor has also offered to forward contact information for staff at the State of Indiana responsible for overseeing the use of electronic poll books there. The team may also wish to accept the offer of vendors to demonstrate their versions of electronic poll books and to discuss issues surrounding them.

The team should feel free to start on this project immediately. I expect that Director Kennedy will want to attend one of your early meetings, but it is not necessary to wait until confirming meeting times with his schedule before beginning your work. I would like to discuss with the team what a reasonable timeline would be for completion of this assignment so that we can be on the same page regarding expectations, and that may also require some initial research and further refinement of the issues to be explored.

Thank you again for your willingness to take on this task. I look forward to working with this group and to the results of your efforts. Please let me know if you have any questions.



Jon Husted
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ADVISORY 2013-04

August 14, 2013

Appendix B

To: All County Boards of Elections
Directors, Deputy Directors, and Board Members

Re: Electronic Pollbooks

SUMMARY

A number of counties have publicly expressed interest in procuring electronic pollbooks (e-pollbooks) for use in an in-person absentee voting environment on Election Day, or both. In order to assist counties as they look toward the possible purchase of e-pollbooks, this Advisory establishes minimum system requirements and functionalities for e-pollbooks and procedures that county boards of elections should adopt when procuring them.

As you are aware, the General Assembly is currently considering Senate Bill 109, which includes testing and certification requirements for the use of e-pollbooks. While the General Assembly continues their work, this Advisory provides instructions that will be the basis of such a system should the legislation pass.

While it is my hope that legislation is enacted, I believe that while you continue your work to improve elections in your county, it is important that you have clear and consistent guidelines – particularly when considering such a significant investment.

For boards of elections that already use e-pollbooks, the instructions contained in this Advisory for other counties should be followed or implemented. To the extent this is not practical, please work with your elections attorney to discuss the issue and resolve it.

INSTRUCTIONS

A. System Requirements

1. An e-pollbook must be programmed so that the coordinated action of two precinct election officials who are not members of the same political party is necessary to start-up and close-down the e-pollbook.

2. The information contained on an e-pollbook must be encrypted.
3. If networked with the county voter file, the data contained in the county voter file for the network must be located on a private server with secure connectivity between the voting location or satellite absentee voting location and the county voter file.
4. If the e-pollbook is to be used at an absentee voting location other than the board of elections' office, its communication capabilities must be demonstrated to provide secure, reliable transmission of voter and election information.
5. The e-pollbook must be compatible with:
 - a. The voter registration system used in the county and any software system (middle ware) used to prepare the list of registered voters for use on the e-pollbook;
 - b. Any hardware attached to the e-pollbook, such as signature pads, barcode scanners, printers, and network cards; and
 - c. The statewide voter registration system.
6. The e-pollbook must have the capability to:
 - a. Store a local version of the database that serves as a backup; and
 - b. Produce a list of audit records that reflect all of the actions of the system, including in-process audit records that set forth all transactions.

All audit and transaction records must be retained by the board of elections for at least six years.

7. The e-pollbook must have the capacity to transmit all information generated by the voter or precinct election official as part of the process of casting a ballot, including the time and date stamp indicating when the voter voted and the electronic signature of the voter, for retention by the county election board for at least six years.
8. The e-pollbook must have the capability to interface with a peripheral signature pad, tablet, or other signature capturing device that permits the voter to make an electronic signature for comparison with the signature on file as displayed by the e-pollbook. The image of the electronic signature must be archived for at least six years for post-election reproduction by the board of elections and inclusion in the county's voter registration system if desired.
9. The e-pollbook must include the following documentation:
 - a. Clearly-worded, complete, and detailed instructions that allow a precinct election official to set up, use, and shut down the e-pollbook.

- b. Training materials that:
 - i. May be in written or video form; and
 - ii. Must be in a format suitable for use at a polling place, such as simple "how to" guides; and
 - c. Fail-safe data recovery procedures for information included in the e-pollbook.
10. The e-pollbook must adhere to known best practices of manufacturing and quality assurance.
11. The e-pollbook and any hardware attached to it must be designed to:
- a. Limit risk of injury or damage to any individual or hardware, and
 - b. Prevent fire and electrical hazards.
12. The e-pollbook must have the ability to manage any known implementation of an Ohio election including, but not limited to a general, primary, special, municipal, and concurrent election (example: when both a county and municipality are holding their elections on the same date, in the same space). This capability should be evaluated as part of acceptance testing.

B. Required Functionalities

1. The procedures for setting up, using, and shutting down an e-pollbook must be reasonably easy for a precinct election official to learn, understand, and perform.
2. The e-pollbook must enable a precinct election official to verify that the e-pollbook:
 - a. Has been set up correctly;
 - b. Is working correctly so as to verify the eligibility of the voter;
 - c. Is correctly recording that a voter has voted; and
 - d. Has been shut down correctly.
3. The e-pollbook must be capable of searching the county's list of voters, street segments, precincts, and voting locations to determine the voter's correct precinct and voting location and, if the voter is not eligible to vote at that precinct and voting location, generate a locally-configurable notice to the voter containing the name and address of the voter's proper precinct and voting location.
4. The e-pollbook must include a barcode or magnetic strip reader that:
 - a. Permits a voter who presents a valid Ohio driver's license or state identification card to scan or swipe the license or card; and

- b. Has the capability to display the voter's registration record upon processing the information contained within the barcode or magnetic strip on the license or card.
5. The e-pollbook must permit a precinct election official to enter information regarding an individual who has appeared to vote and verify whether the individual is eligible to vote, and if so, whether the voter has:
 - a. Already cast a ballot in the election at that polling place;
 - b. Requested an absentee ballot; or
 - c. Is in a confirmation status that requires the voter to cast a provisional ballot.
6. The e-pollbook must be able to display an electronic image of the signature of a voter taken from the voter's registration record, if available, and other electronic images, if necessary.
7. The e-pollbook must:
 - a. Permit a voter to sign a poll list even when there is a temporary interruption in network connectivity; and
 - b. Provide for the uploading of each signature and its assignment to the voter's registration record.
8. After a voter's eligibility has been determined, the e-pollbook must permit a precinct election official to enter information indicating that the voter has voted in the election and, if applicable, the party/ballot selected by the voter.
9. The e-pollbook must be capable of generating a locally-configurable "authority to vote" notice or transmittal slip displaying the voter's party (if relevant), voting jurisdiction(s) and/or districts and/or ballot style.
10. The e-pollbook must be capable of generating a locally-configurable report to be exported at least three times per Election Day (6:30 a.m., 11:00 a.m., and 4:00 p.m.) listing all registered voters for that precinct and/or polling place that includes an indicator of which registered voters have cast a ballot (including an absent voter's ballot prior to Election Day) as of the date/time the report is exported.
11. After Election Day, the e-pollbook must permit voter history to be quickly and accurately uploaded into the county voter registration system.

C. Procurement and Testing Requirements

1. An e-pollbook should only be used in the county after a pilot project is run in that county that demonstrates the functionality of the e-pollbook as it will be used in the county. Before the pilot project is run, the county must have objective goals for the project by which the e-pollbook can be evaluated and determined to be appropriate for countywide deployment.
2. The system should be delivered with end user documentation, system-level documentation, and a clear model of the system's architecture.
3. The vendor shall make a declaration of its supply chain and provide detailed information on system consumables.
4. The source code and related documentation, together with any periodic updates as they become known or available, but not including variable codes created for specific elections or data from the county's voter registration system, must be placed in escrow with an independent escrow agent.
5. All repair and maintenance policies must be provided and reviewed.
6. References, including customer lists and known anomalies in prior implementations (and their resolution), should be disclosed prior to purchase.
7. Training materials should be reviewed as part of the procurement process. This should include providing the training materials to staff and precinct election officials prior to purchase to evaluate the ease of use of both the system and the training materials. As part of acceptance testing, the county must provide a copy of the training materials to the testers for use in testing.
8. The internal quality assurance procedures of the vendor, as well as any internal or external test data, including test plans, test data, test results, and any subsequent reports, must be provided and reviewed.
9. Acceptance testing of the e-pollbook should demonstrate its compatibility with any hardware that may be attached to it: network cards, barcode scanners, ballot-on-demand printers, etc.

10. Acceptance testing of the e-pollbook should demonstrate the correct handling of every record in the list of electors and how the record's contents are used, transformed, stored, and transmitted by the e-pollbook.
11. The e-pollbook must demonstrate that it correctly processes all activity regarding each voter registration record included on the list, including the use, alteration, storage, and transmittal of information that is part of the record. Compliance with this must include the mapping of the data life cycle of the voter registration record as processed by the e-pollbook.
12. Acceptance testing should validate all of the vendor's assertions regarding functionality, usability, security, accessibility, reliability, and sustainability.

If you have any questions regarding this Advisory, please contact the Secretary of State's elections attorney assigned to your county at (614) 466-2585.

Sincerely,



Jon Husted

Appendix C

POLL Book Vendor Feature List	AsKED	ES&S		
		Bridgepoint	Centralpoint	ExpressPoll
<i>E-Poll Book Features</i>				
Systematically allows changes in policies and procedures				
Auditing and recount assistive capability		X		
ID Card readers				
<i>Accepts a range of cards</i>				
Ability to integrate with existing legacy systems and newer systems (open architecture)	X			
Ability to synchronize results between multiple locations	X			
Voter history upload	X			
Early voting capable	X			
Multilingual support	X			
Signature pad				
<i>External Signature Pad</i>	X			
<i>Internal Signature Pad</i>				X
Bar code reader	X			
Supports the live transfer of data into the poll-book		X	X	X
Encryption level- FIPS or higher/ secure dedicated server access				
Connected to a voting system				X
Audit records	X	X		
Allows clerk to control polling places remotely			X	
Section for confidential voters				
Can handle multiple Wards/Districts			X	X
EDR Processing	X			X
Interface with DOC ineligible list	X			
Alerts pollworkers to issues and walks them through resolutions	X			
Software based system, dedicated hardware not required	X			
QR Code containing ballot preference produced for electronic voting unit				

Appendix C

POLL Book Vendor Feature List	Everyone Counts	DataCard	KnowInk-PollPad	VRSystems
<i>E-Poll Book Features</i>				
Systematically allows changes in policies and procedures				
Auditing and recount assistive capability	X	X		
ID Card readers		X	X	X
<i>Accepts a range of cards</i>				
Ability to integrate with existing legacy systems and newer systems (open architecture)		X		
Ability to synchronize results between multiple locations			X	X
Voter history upload		X	X	X
Early voting capable		X		
Multilingual support	X			
Signature pad				
<i>External Signature Pad</i>		X		X
<i>Internal Signature Pad</i>	X		X	
Bar code reader		X	X	X
Supports the live transfer of data into the poll-book	X	X		X
Encryption level- FIPS or higher/ secure dedicated server access		X		
Connected to a voting system	X			X
Audit records				
Allows clerk to control polling places remotely			X	
Section for confidential voters				
Can handle multiple Wards/Districts				X
EDR Processing		X		
Interface with DOC ineligible list		X		
Alerts pollworkers to issues and walks them through resolutions		X		
Software based system, dedicated hardware not required	X			
QR Code containing ballot preference produced for electronic voting unit	X		ipad only	

Appendix C

POLL Book Vendor Feature List	DecisionSupport	EAVote	Vote Votec	Hart	Quest
<i>E-Poll Book Features</i>					
Systematically allows changes in policies and procedures	X				
Auditing and recount assistive capability					X
ID Card readers	X	X		X	
<i>Accepts a range of cards</i>					
Ability to integrate with existing legacy systems and newer systems (open architecture)					
Ability to synchronize results between multiple locations			X		
Voter history upload	X	X			
Early voting capable			X		
Multilingual support					
Signature pad					
<i>External Signature Pad</i>			X	X	
<i>Internal Signature Pad</i>					
Bar code reader	X	X			X
Supports the live transfer of data into the poll-book	X	X			
Encryption level- FIPS or higher/ secure dedicated server access	X				
Connected to a voting system					
Audit records					X
Allows clerk to control polling places remotely	X		X		
Section for confidential voters					
Can handle multiple Wards/Districts	X				X
EDR Processing	X	X			
Interface with DOC ineligible list					
Alerts pollworkers to issues and walks them through resolutions	X			X	
Software based system, dedicated hardware not required		X			
QR Code containing ballot preference produced for electronic voting unit					

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JUDGE TIMOTHY L. VOCKE
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the Meeting of December 17, 2013

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel

Prepared and Presented by:
Shane Falk, Staff Counsel

SUBJECT: Administrative Code Chapter GAB 5, Security of Ballots and Electronic Voting Equipment

At its meeting of August 13, 2013, the Board approved a Statement of Scope to revise Chapter GAB 5 of the Wisconsin Administrative Code, related to the security of ballots and electronic voting equipment and directed staff to proceed with promulgation of a permanent rule. Attached is the proposed rule language for which staff is seeking the Board's approval.

The proposed rule language is identical to a draft rule that was approved by the Board in 2009, which followed a two-year effort to update the existing administrative rule. The proposed rule would enhance and improve the measures relating to the security of ballots and electronic voting security systems, as well as balance security concerns with the costs and resources needed for compliance.

Board staff worked extensively with municipal and county clerks, and obtained input from members of the public during the process. Board staff created an ad hoc committee of local election officials to assist in the drafting and review of the proposed rule. In 2008 and 2009 Board staff and the Board made revisions to the rule in response to public comments at a public hearing and at several Board meetings, and after vetting proposed language with members of the Wisconsin Election Administration Council (WI-EAC).

Unfortunately, due to other Board priorities which arose after the final rule language was approved, the required legislative report and proposed rule were not forwarded to the Legislature as required under Wisconsin Statutes in sufficient time for the rule to be considered. In the event the attached proposed rule is approved by the Board, staff will proceed with the remaining steps in the process, which include its submission to the Legislative Council Clearinghouse for its technical review of the rule language and any suggested modifications, along with the required economic impact analysis.

Recommended Motion:

Approve the attached proposed administrative rule Chapter GAB 5, related to security of ballots and electronic voting equipment, and direct staff to proceed with promulgation of the permanent rule.

Chapter GAB 5

BALLOT AND ELECTRONIC VOTING SYSTEM SECURITY

GAB 5.01 Ballot security. (1) In this section:

- (a) “Absentee voting materials” include un-voted and voted absentee ballots, completed absentee ballot applications, certificate envelopes, carrier envelopes and containers containing ballots, absentee ballot logs, and chain-of-custody logs.
- (b) “Ballot” has the meaning given in s. 5.02 (1e), Stats.
- (c) “Board” means the government accountability board.
- (d) “Certificate of performance compliance” means the document provided by voting equipment vendors certifying that the equipment complies with the performance requirements of s. 5.91, Stats.
- (e) “Chain-of-custody” means the recorded movement and location of programmed memory devices used with electronic voting systems from the time of delivery of said devices to the municipal clerk or board of election commissioners until the devices are no longer in use.
- (f) “Custodian” means the election official who is authorized by chs. 5 to 12 to take possession and control of the ballots from the time of delivery of the ballots to the clerk or board of election commissioners until destruction of the ballots is authorized under s. 7.23, Stats.
- (g) “Electronic voting system” has the meaning given in s. 5.02(4m), Stats.
- (h) “Firmware” means the computer software stored in read-only memory or programmable read-only memory.
- (i) “Memory device” means any prom pack, memory card, or any other removable memory device that functions or may be programmed to store and transfer ballot images or tabulation data
- (j) “Modem” means a device for transmitting data between two computers over telephone or other communication lines.
- (k) “Results report” means the print-out of voting data by a piece of electronic voting equipment.
- (l) “Software” has the meaning given in s. 5.905(1), Stats.

- (2) Local election officials shall take reasonable and necessary steps to secure absentee ballots and absentee voting materials during the period of absentee voting. Prior to the start of the absentee voting period, the clerk or board of election commissioners shall create written policies and procedures for securing absentee ballots and absentee voting materials, taking into consideration available resources, staffing, and facilities. The policies and procedures shall address security of and access to absentee voting materials during and after office hours, documenting on the absentee ballot log those absentee ballots that are delivered to and returned by voters, and documenting the secure delivery of absentee ballots to the polling place or board of absentee ballot canvassers. The policies and procedures shall be made available to the board upon its request.
- (3) Within the requirements of s. 7.51(3), Stats., the terms “secure” and “seal” shall be interpreted together to mean that the voted ballot container must be closed in such a manner that no ballot may be removed, nor any ballot added, without visible evidence of interference or damage to the ballot container.
- (4)
 - (a) Within the requirements of s. 7.51(3) (a), Stats., a ballot container shall be considered “sealed” or “locked,” only if no ballot may be removed from or deposited into the container, and no other form of access to the ballots inside may be gained without leaving visible evidence of that entry or access into the container.
 - (b) Ballot bags shall be sealed with a tamper-evident, serialized numbered seal. The serial number shall be recorded on the signed ballot container certification attached to the bag. Serial numbers of the seals also shall be recorded on the inspectors’ statement. Ballot boxes or containers shall have all potential openings secured in such a manner that no ballot may be removed, nor any ballot added, without visible evidence of interference or damage to that ballot container. Ballot boxes or containers shall have attached a signed ballot container certification.
- (5) A sealed ballot container shall not be considered “secured” unless it is stored in a manner in which access to the container is limited only to the clerk of the election district, board of election commissioners, or to persons authorized by the clerk or the board of election commissioners, and access to which is not available to any other person.
- (6) Whenever the custodian is required to open the ballot container and unseal the ballots as part of a central count proceeding under s. 5.86, Stats., board of canvass proceeding under Ch. 7, Stats., audit of electronic voting equipment after an election under s. 7.08(6), Stats., recount or an appeal of a recount under s. 9.01, Stats., or as part of a public records request under s. 19.35, Stats., before opening the container the custodian shall record in

the minutes of the proceeding whether the container is sealed and shall record the serialized number of the seal. The custodian shall make a record of the entry and of the ballot review. Upon completion of the review, the custodian shall re-secure the ballots in the manner provided in s. 7.51, Stats., unless destruction is authorized under s. 7.23, Stats.

- (7) Security of the ballots and the ballot container shall be maintained as provided under s. 7.51, Stats., until destruction of the ballots is conducted under s. 7.23, Stats. Destruction of the ballots authorized under s. 7.23, Stats., requires shredding, incineration, or some other form of obliteration of the ballots.
- (8) At the time of a recount, the serial numbers on the seals of the ballot container shall be compared with the serial numbers written on the signed ballot container certification. All containers shall be compared in a recount. The ward numbers and the results of the serial number verification shall be recorded in the minutes of the recount.
- (9) The municipal clerk or board of election commissioners shall securely maintain all ballots from the time of receipt from the printer or county clerk through delivery to the polling place.

Note: The ballot container certification is form GAB-101. Copies of GAB-101 can be obtained by calling (608) 266-8005 or from the following web address: <http://gab.wi.gov/forms/gab-101>.

Note: The inspectors' statement is form GAB-104. Copies of GAB-104 can be obtained by calling (608) 266-8005 or from the following web address: <http://gab.wi.gov/forms/gab-104>.

5.02 General Electronic Voting System Security Procedures

- (1) The procedures under this section apply to all electronic tabulating voting equipment memory devices.
- (2) Throughout the life of the electronic voting system, the municipal or county clerk shall maintain control of all memory devices in a secure manner at all times. With the agreement of the municipal clerk or board of election commissioners, the county clerk or county board of election commissioners may store memory devices in a secure location. The municipal clerk or board of election commissioners shall secure all keys to the electronic voting equipment.
- (3) For each election, there shall be a separate, written chain-of-custody record for each programmed memory device used with an electronic

voting system. Each transfer shall be logged in the written chain-of-custody record.

- (4) Each programmed memory device shall have or be assigned a unique and permanent serial number. If the memory device does not have a permanent serial number affixed by the manufacturer, a clerk shall, if possible, affix to the device a serial number or unique identifier.
- (5) The municipality shall use controlled, serialized seals that are tamper-evident and resistant to accidental breakage along with a written record of all seals and associated serial numbers.
- (6) For each election, the municipal clerk shall record on the inspectors' statement which memory devices and which serialized tamper-evident seals are assigned to particular voting stations or units.

Note: The inspectors' statement is form GAB-104. Copies of GAB-104 can be obtained by calling (608) 266-8005 or from the following web address: <http://gab.wi.gov/forms/gab-104>.

5.03 Pre-election procedures

- (1) The clerk who has possession of the electronic voting systems or memory devices shall ensure that the equipment and memory devices have been secured properly since the previous election.
- (2) (a) Memory devices shall be programmed to print a list of the software and firmware versions of the electronic voting system on each beginning-of-election-day zero report under s. 5.84(2), Stats.

(b) For electronic voting systems that cannot accommodate this requirement, the software and firmware information shall be recorded from the system start-up screen, either by municipal or county staff during the pre-election testing under s. 5.84(1), Stats., or by election inspectors on election day under s. 5.84(2), Stats.
- (3) The records for the pre-election test under s. 5.84, Stats., pre-recount test under s. 5.90, Stats., and election day reports under ss. 7.51 and 7.53, Stats., must be maintained by the appropriate clerk or board of election commissioners.
- (4) Except when necessary to program, test, or operate the electronic voting or programming equipment, any point by which access may be gained to the system controls shall be closed and locked or secured with a tamper-evident seal that may be tracked using a unique and permanent serial

number. The appropriate clerk shall maintain a written record of the serial numbers required by this subsection.

- (5) (a) After a memory device is programmed, tested, and delivered to the municipal clerk for the election, it shall be immediately and continuously maintained in a secure location with controlled access limited only to users authorized by the clerk or board of election commissioners.

(b) Upon insertion of a memory device into its assigned unit, it shall be sealed against unauthorized access with a serialized, tamper-evident seal that may be tracked using a unique and permanent serial number. The municipal clerk or board of election commissioners shall record the serial numbers on the inspectors' statement.
- (6) When applicable, for each election the municipal or county clerk or board of election commissioners shall obtain a signed "Certificate of Performance Compliance: Memory Device Security" from each voting equipment manufacturer that provides programming services or memory devices to the municipality or county.
- (7) The municipality shall take reasonable precautions to ensure the security of the equipment between the time it leaves the possession of the clerk or board of election commissioners to be delivered to the polling place, and the time the chief inspector assumes possession at the polling place on election day.

Note: The inspectors' statement is form GAB-104. Copies of GAB-104 can be obtained by calling (608) 266-8005 or from the following web address: <http://gab.wi.gov/forms/gab-104>

5.04 Election-day procedures

- (1) Before any ballots are cast on any piece of voting equipment, the integrity of the tamper-evident seals shall be verified by the chief election inspector verifying that the tamper-evident seal serial number on the inspectors' statement matches the tamper-evident seal serial number contained on the electronic voting equipment. Any irregularity or discrepancy between the two numbers shall be reconciled before using the equipment.
- (2) After the polls have opened, ballot removal from an optical scan machine or paper roll removal or replacement on a direct recording electronic machine shall be conducted with at least two election inspectors or other sworn election team members appointed by the municipal clerk or board of election commissioners present. The removal process, the names of the election inspectors or sworn election team members, and the time of removal shall be recorded on the inspectors' statement.

- (3) After the polls have closed, election officials shall print a results report before breaking any seal on the equipment and before the removal of the memory device from any piece of voting equipment. If additional reports other than the results reports are required, these reports shall also be printed before breaking any seal on the equipment and before the removal of the memory device.
- (4) The chief election inspector shall compare the serial numbers of all security seals, then verify by initialing the inspectors' statement. Any additional seals used during the election shall also be recorded on the inspectors' statement.
- (5) The memory device shall be secured in a separate, tamper-evident sealed container or envelope by the chief election inspector. The memory devices shall be promptly returned to the municipal or county clerk or board of election commissioners.
- (6) If vote results are transmitted by modem, the municipal clerk or board of election commissioners may access the memory device for transmission of those results, but shall reseal the memory device in a secured envelope or container.
- (7) If removal of the memory device is not required, the device may remain sealed in the voting equipment. The serial numbers of the security seals shall be verified and initialed on the inspectors' statement.

Note: The inspectors' statement is form GAB-104. Copies of GAB-104 can be obtained by calling (608) 266-8005 or from the following web address: <http://gab.wi.gov/forms/gab-104>.

5.05 Post election procedures

- (1) After each election, the clerk or board of election commissioners responsible for storing the voting equipment shall conduct an inspection to ensure all system access points are closed, locked, and secured.
- (2) At each post-election meeting of the municipal board of canvassers, the members shall verify that the tamper-evident serial numbers from the voting equipment have been recorded on five inspectors' statements or 10% of the total statements, whichever is greater, and have been initialed by the chief election inspector. The county board of canvassers shall verify ten inspectors' statements. All inspectors' statements shall be verified by the appropriate board of canvassers in a recount. The board of canvassers shall document actions taken pursuant to this subsection in the meeting minutes.

Note: The inspectors' statement is form GAB-104. Copies of GAB-104 can be obtained by calling (608) 266-8005 or from the following web address: <http://gab.wi.gov/forms/gab-104>.

5.06 Alternate Security Procedures

- (1) The board recognizes the need for flexibility when implementing the procedures under this chapter, and acknowledges that alternative means may be used to achieve and ensure an acceptable level of electronic voting equipment security.
- (2) The board shall consider requests from counties to implement alternative security procedures as follows:
 - (a) The county clerk, or the municipal clerk or board of election commissioners through the county clerk or county board of election commissioners, shall submit a written request to implement alternative security procedures to the board's director and general counsel.
 - (b) The request shall describe the proposed security procedures in detail and include any documentation such as logs, flow charts, and certification forms.
 - (c) The director and general counsel may approve the use of alternative security procedures for one election cycle.
 - (d) The board shall review the director and general counsel's approval of any alternative security procedures and may authorize continued use of those procedures past the election cycle authorized by the director and general counsel.

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JUDGE TIMOTHY VOCKE
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KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the December 17, 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, Adam Harvell
Ethics and Accountability Division

SUBJECT: 2013 Campaign Finance Audit Overview

Campaign Finance Audits

In addition to auditing filers for late reports and payment of the yearly filing fee, 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.
- 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. Four businesses were issued formal warnings, and one business has been assessed a penalty which is still outstanding.
- Employer and occupation information provided for contributions from an individual exceeding \$100: 17 committees with substantial compliance issues were initially contacted. All 17 of these committees have amended past reports to include this information and have been closed. No financial penalties were assessed.

- Registered lobbyist contributions outside the allowable window: 98 lobbyists were originally identified as contributing to state-level partisan candidates outside of the allowable window. 5 lobbyists were issued a formal warning. 55 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 has been forfeited to date.
- Campaign period limit for individual office holders (where applicable): 77 committees were initially contacted. 46 committees were cleared of any violations. 6 committees received formal warnings and no forfeiture was sought. 27 committees have admitted to a violation and \$17,086.01 in forfeitures has been collected to date. 5 committees are still outstanding.
- Committee limits audit: This included contributions from individual committees and 45%/65% committee limit violations. 47 committees were originally identified, 1 received a formal warning for a violation of \$50 or under. 18 committees have been cleared of any violation. 20 committees have admitted to a violation and paid forfeitures totaling \$10,590.92. 8 committees are still outstanding.
- A separate list of forfeitures collected in 2013, including forfeitures from the lobbying and financial interests programs, is attached.

Year	Name	Amount	Program Area	Reason
2013	Joel Kleefisch	\$50.00	Ethics	Late SEI
2013	Spencer Coggs	\$50.00	Ethics	Late SEI
2013	Grant Abert	\$675.00	Campaign Finance	Exceed annual aggregate contribution limits
2013	Anthony Bryant	\$555.00	Campaign Finance	Exceed annual aggregate contribution limits
2013	David DeBruin	\$187.50	Campaign Finance	Exceed annual aggregate contribution limits
2013	Henry Lord	\$1,875.00	Campaign Finance	Exceed annual aggregate contribution limits
2013	William Lynch	\$975.00	Campaign Finance	Exceed annual aggregate contribution limits
2013	Friends of Scott Walker	\$150.00	Campaign Finance	Improper corporate contribution
2013	Rally in the Fox Valley	\$150.00	Campaign Finance	Improper corporate contribution
2013	Morris Andrews	\$500.00	Lobbying	Improper Lobbyist Contribution
2013	Richard Badger	\$270.00	Lobbying	Improper Lobbyist Contribution
2013	Michael Bare	\$50.00	Lobbying	Improper Lobbyist Contribution
2013	Denny Caneff	\$100.00	Lobbying	Improper Lobbyist Contribution
2013	John Engel	\$150.00	Lobbying	Improper Lobbyist Contribution
2013	David Fladeboe	\$50.00	Lobbying	Improper Lobbyist Contribution
2013	Scott Froehlke	\$100.00	Lobbying	Improper Lobbyist Contribution
2013	Karen Geiger	\$50.00	Lobbying	Improper Lobbyist Contribution
2013	John Grabel	\$20.00	Lobbying	Improper Lobbyist Contribution
2013	Jodi Habush Sinykin	\$250.00	Lobbying	Improper Lobbyist Contribution
2013	Mark Hazelbaker	\$750.00	Lobbying	Improper Lobbyist Contribution
2013	John Hendrick	\$148.00	Lobbying	Improper Lobbyist Contribution
2013	Charles Higley	\$550.00	Lobbying	Improper Lobbyist Contribution
2013	Frank Jablonski	\$35.00	Lobbying	Improper Lobbyist Contribution
2013	Peter Jaskoski	\$500.00	Lobbying	Improper Lobbyist Contribution
2013	Ted Kanavas	\$100.00	Lobbying	Improper Lobbyist Contribution
2013	Kristin Kerschensteiner	\$360.00	Lobbying	Improper Lobbyist Contribution
2013	Kira Loehr	\$50.00	Lobbying	Improper Lobbyist Contribution
2013	Jeffrey Lord	\$2,500.00	Lobbying	Improper Lobbyist Contribution
2013	CharlesLuthin	\$100.00	Lobbying	Improper Lobbyist Contribution
2013	Salli Martyniak	\$250.00	Lobbying	Improper Lobbyist Contribution
2013	Susan McMurray	\$20.00	Lobbying	Improper Lobbyist Contribution
2013	George Meyer	\$100.00	Lobbying	Improper Lobbyist Contribution
2013	Allison Miller	\$75.00	Lobbying	Improper Lobbyist Contribution
2013	Katie Nekola	\$100.00	Lobbying	Improper Lobbyist Contribution

2013	Brian O'Connell		\$250.00	Lobbying	Improper Lobbyist Contribution
2013	William Perkins		\$110.00	Lobbying	Improper Lobbyist Contribution
2013	Robert Peterson		\$410.00	Lobbying	Improper Lobbyist Contribution
2013	Scott Peterson		\$900.00	Lobbying	Improper Lobbyist Contribution
2013	John Reinemann		\$50.00	Lobbying	Improper Lobbyist Contribution
2013	Karen Royster		\$50.00	Lobbying	Improper Lobbyist Contribution
2013	Nicole Safar		\$25.00	Lobbying	Improper Lobbyist Contribution
2013	Anne Sayers		\$150.00	Lobbying	Improper Lobbyist Contribution
2013	Jeffrey Spitzer-Resnick		\$50.00	Lobbying	Improper Lobbyist Contribution
2013	Kerry Thomas		\$40.00	Lobbying	Improper Lobbyist Contribution
2013	Jessica Ulstad		\$150.00	Lobbying	Improper Lobbyist Contribution
2013	Nicholas Zavos		\$200.00	Lobbying	Improper Lobbyist Contribution
2013	Ramie Zelenkova		\$100.00	Lobbying	Improper Lobbyist Contribution
2013	Cowles for Senate		\$1,750.00	Campaign Finance	Individual Limits
2013	Friends of Steve Doyle		\$240.00	Campaign Finance	Individual Limits
2013	Friends of Julie Lassa		\$70.00	Campaign Finance	Individual Limits
2013	Friends of Sam's Kerkman Klub		\$354.00	Campaign Finance	Individual Limits
2013	Comm to Elect Lena C. Taylor		\$925.00	Campaign Finance	Individual Limits
2013	Citizens for Tiffany		\$250.00	Campaign Finance	Individual Limits
2013	People for Kleefisch		\$600.00	Campaign Finance	Individual Limits
2013	Friends and Neighbors of Robin Vos		\$650.00	Campaign Finance	Individual Limits
2013	Citizens for Kramer		\$696.00	Campaign Finance	Individual Limits
2013	Tranel for Assembly		\$750.00	Campaign Finance	Individual Limits
2013	Friends of Jessica King		\$1,718.00	Campaign Finance	Individual Limits
2013	Taxpayers for Marklein		\$250.00	Campaign Finance	Individual Limits
2013	Friends of Tom Larson		\$350.00	Campaign Finance	Individual Limits
2013	Janet Bewley for Assembly		\$250.00	Campaign Finance	Individual Limits
2013	People for Rebecca		\$500.00	Campaign Finance	Individual Limits
2013	Friends of Sarah Ann Shanahan		\$150.00	Campaign Finance	Individual Limits
2013	Friends of Kathy Bernier		\$66.70	Campaign Finance	Individual Limits
2013	Friends of Brett Hulsey		\$254.00	Campaign Finance	Individual Limits
2013	Forward with JoCasta		\$100.00	Campaign Finance	Individual Limits
2013	Roger Rivard for Assembly		\$500.00	Campaign Finance	Individual Limits
2013	Rick Gudex for Senate		\$1,350.00	Campaign Finance	Individual Limits
2013	Committee to Elect Lori Compas		\$100.00	Campaign Finance	Individual Limits

2013	Friends of Pat Snyder	\$200.00	Campaign Finance	Individual Limits
2013	Citizens for Eric Toney	\$113.31	Campaign Finance	Individual Limits
2013	Mary Czaja for Assembly	\$300.00	Campaign Finance	Individual Limits
2013	Nancy VanderMeer 4 Wisconsin	\$1,000.00	Campaign Finance	Individual Limits
2013	Steven Harvey for DA	\$99.00	Campaign Finance	Individual Limits
2013	Scott Fitzgerald for Senate	\$1,500.00	Campaign Finance	Individual Limits
2013	Scott Krug for Assembly	\$1,500.00	Campaign Finance	Individual Limits
2013	Jim Steineke for Assembly	\$500.00	Campaign Finance	Individual Limits
2013	Friends of Steve Nass	400.00	Campaign Finance	Committee Limits
2013	Friends of Robert W. Wirth	347.35	Campaign Finance	Committee Limits
2013	Mary Williams for 87th District Assembly	537.00	Campaign Finance	Committee Limits
2013	Citizens for Tiffany	390.00	Campaign Finance	Committee Limits
2013	Friends of Donna Seidel	500.00	Campaign Finance	Committee Limits
2013	Mursau for Assembly	337.00	Campaign Finance	Committee Limits
2013	Friends of Andy Jorgenson	1,187.00	Campaign Finance	Committee Limits
2013	Friends of Jessica King	280.00	Campaign Finance	Committee Limits
2013	Janet Bewley for Assembly	250.00	Campaign Finance	Committee Limits
2013	Weininger for Assembly	87.00	Campaign Finance	Committee Limits
2013	Roger L Rivard for Assembly	87.00	Campaign Finance	Committee Limits
2013	Friends of Mike Kuglitsch	250.00	Campaign Finance	Committee Limits
2013	Stroebel for Assembly	350.00	Campaign Finance	Committee Limits
2013	Billings for Assembly	500.00	Campaign Finance	Committee Limits
2013	Smith for the 75th	798.78	Campaign Finance	Committee Limits
2013	Citizens for Smruga	1,839.79	Campaign Finance	Committee Limits
2013	Justin Pluess for Assembly	950.00	Campaign Finance	Committee Limits
2013	Fallone for Justice	650.00	Campaign Finance	Committee Limits
2013	Scott Fitzgerald for Senate	\$1,225.00	Campaign Finance	Committee Limits
2013	Friends of Van Waangaard	\$275.00	Campaign Finance	Committee Limits
2013	Wisconsin Family Action	\$475	Lobbying	Late reporting of lobbying interests
2013	State Rep. Hesselbein	\$200.00	Ethics	Use of state resources for political purpose
2013	Buchanan for Assembly	\$50.00	Campaign Finance	Late January 2013 Continuing Report
2013	HMS Holdings Corp. PAC	\$125.00	Campaign Finance	Late July 2013 Continuing Report
2013	National Rifle Association of America - IE Group	\$125.00	Campaign Finance	Late July 2013 Continuing Report
2013	WindPAC	\$200.00	Campaign Finance	Late payment of 2012 Filing Fee*
2013	Assn of State Prosecutors-PAC	\$200.00	Campaign Finance	Late payment of 2012 Filing Fee*

2013	Defending Wisconsin PAC	\$200.00	Campaign Finance	Late payment of 2012 Filing Fee*
2013	United Association Local 118 PAC	\$200.00	Campaign Finance	Late payment of 2012 Filing Fee*
2013	The Conservative StrikeForce - Wisconsin Fund	\$200.00	Campaign Finance	Late payment of 2012 Filing Fee*
2013	Voces de la Frontera Action Committee	\$200.00	Campaign Finance	Late payment of 2012 Filing Fee*
2013	Working America	\$200.00	Campaign Finance	Late payment of 2012 Filing Fee*
2013	GOPAC Wisconsin	\$200.00	Campaign Finance	Late payment of 2012 Filing Fee*
2013	Wisconsin for Falk	\$200.00	Campaign Finance	Late payment of 2012 Filing Fee*

*Late payment of a filing fee is not a forfeiture, simply an increased fee. Payments go to program revenue rather than the common school fund.

State of Wisconsin \ Government Accountability Board

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JUDGE TIMOTHY L. VOCKE
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

DATE: For the December 17, 2013 Board Meeting

TO: Members, Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel

Prepared and Presented by:

Brian Bell, MPA
Ethics and Accountability Specialist

SUBJECT: Legislative Status Report

FEDERAL LEGISLATION

In addition to monitoring Wisconsin legislation, Board Staff has also been tracking a proposed amendment to the National Defense Authorization Act (NDAA) named the Safeguarding Elections for our Nation's Troops through Reforms and Improvements Act or SENTRI Act. The reporting provisions of the SENTRI Act would make all states subject to the mandatory reporting requirements that Wisconsin was subject to as pursuant to the 2012 MOVE Act Consent Decree, as a result of some municipal clerks not transmitting UOCAVA ballots in a timely manner. In order to comply with the consent decree requirements Board Staff had devoted substantial resources, including staff time taken away from other tasks and financial resources for temporary staff, in order to collect all of the required information from municipal and county clerks. The attached letter from Director Kennedy to the Deputy General Counsel of the House Committee on Administration provides a more detailed summary of the reporting requirements contained in the bill, as well as outlining the resources the Board had expended to achieve compliance with the consent decree.

WISCONSIN LEGISLATION

The following is a summary of Wisconsin 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*. Some of the information in this report is reproduced from summaries provided by the Legislative Reference Bureau.

NEW LEGISLATION

1. **Assembly Bill 354 and Senate Bill 356:** *political disbursements and obligations by corporations and cooperative associations.*

These bills provide 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.

These bills also provide 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.

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

2. *Assembly Bill 418: fees for election recounts.*

Currently, any candidate who receives votes in an election and any elector who votes in a referendum may petition for a recount of the votes cast. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is at least ten votes if 1,000 or fewer votes are cast or more than 0.5 percent but not more than 2 percent of the total votes if more than 1,000 votes are cast, the petitioner must pay a fee of \$5 per ward or \$5 per municipality if a municipality is not divided into wards. The bill increases that amount to \$25 per ward or \$25 per municipality if a municipality is not divided into wards.

Assembly: Referred to the Committee on Campaigns and Elections. Public hearing held on October 16, 2013. Assembly Amendment-1 offered by Representative Bernier. This amendment changes the threshold for the per-ward charge for a recount from between 0.5 and 2 percent to 0.25 and 1 percent. Assembly Amendment-2 offered by Representative Bernier. This amendment replaces Assembly Amendment-1 and provides additional technical changes regarding the threshold to determine charges for a recount. Director Kennedy's testimony: <http://gab.wi.gov/publications/other/assembly-committee-testimony-10-16-2013>. Executive session held on October 29, 2013. Passage recommended by the Committee on Campaigns and Election by a vote of 9-0. Assembly Amendment-2 adopted on November 14, 2013.

3. *Assembly Bill 419: counting votes for write-in candidates.*

Under current law, generally, every vote at an election is counted for the candidate for whom it was intended, if the elector's intent can be determined from the ballot itself. Under this bill, generally, write-in votes are only counted if no candidates have been certified to appear on the ballot. If a candidate has been certified to appear on the ballot, write-in votes are only counted for candidates who have filed registration statements. If a certified candidate dies or withdraws before the election, all write-in votes are counted. This bill does not establish, nor do current statutes provide, a process for candidates to official withdraw.

Assembly: Referred to the Committee on Campaigns and Elections. Public hearing held on October 16, 2013. Director Kennedy's testimony: <http://gab.wi.gov/publications/other/assembly-committee-testimony-10-16-2013>. Executive session held on October 29, 2013. Passage recommended by the Committee on Campaigns and Election by a vote of 9-0. Passed by voice vote on November 14, 2013. Referred to the Senate Committee on Elections and Urban Affairs.

4. *Assembly Bill 420 and Senate Bill 393: providing a printed name for signers of nomination papers and petitions.*

Under current law, each individual who signs a nomination paper for a candidate to appear on an election ballot, or who signs a referendum or recall petition, must also list the municipality where the individual resides for voting purposes, the street and number, if any, of the address where the individual resides, and the date on which the individual signed the paper. This bill also requires that each individual who signs a nomination paper or petition legibly print his or her name in a space provided next to his or her signature.

Assembly: Referred to the Committee on Campaigns and Elections. Public hearing held on October 16, 2013. Director Kennedy's testimony:

<http://gab.wi.gov/publications/other/assembly-committee-testimony-10-16-2013>. Assembly

Amendment-1 offered by Representative Ott. Executive session held on October 29, 2013.

Passage recommended by the Committee on Campaigns and Election by a vote of 6-3.

Assembly Amendment-1 adopted on November 14, 2013. Passed by the Assembly by a vote of 53-38-2 on November 14, 2013. Referred to the Senate Committee on Elections and Urban Affairs.

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

5. *Assembly Bill 493: exemption of certain electors from the requirement to present proof of identification when voting in an election and use of veterans identification cards as proof of identification.*

Currently, with certain exceptions, an elector who votes in an election must present proof of identification in order to vote. The proof may consist of one of a number of documents specified by law that contains the name of the individual to whom the document was issued, which name conforms to the individual's voter registration, if the individual is registered to vote, and with limited exceptions, that contains a photograph of the individual. With certain exceptions, an elector who casts an absentee ballot by mail must enclose a copy of his or her proof of identification in the envelope containing his or her ballot. One form of acceptable proof of identification is a Wisconsin driver license or identification card issued by the Department of Transportation. An individual who applies for a Wisconsin driver license or identification card may be exempted from the current requirement to be photographed under narrowly defined circumstances.

This bill permits a veterans identification card issued by the Veterans Health Administration of the federal Department of Veterans Affairs to be used as proof of identification if the card contains the name of the individual to whom it is issued and a photograph of the individual.

The bill also exempts an elector from the requirement to provide proof of identification if the elector appears at the polling place serving his or her residence on Election Day and swears or affirms before the chief inspector and submits a signed statement affirming that: +

- 1) He or she considers himself or herself to be indigent and cannot obtain proof of identification without payment of a fee;
- 2) He or she has a religious objection to being photographed; or
- 3) He or she cannot obtain the documentation required to obtain proof of identification.

The bill provides that if an elector submits such a statement, the elector's ballot is marked in the same manner as a challenged ballot and the board of canvassers that determines the election or conducts a recount may review and determine the validity of the elector's ballot. The bill also provides that the municipal clerk or board of election commissioners of the elector's municipality of residence may

investigate the qualifications of any elector who submits a statement under the bill and advise the municipal board of canvassers of his or her findings.

Assembly: Referred to the Committee on Campaigns and Elections. Public hearing held on November 6, 2013. Assembly Amendment-1 offered by Representatives Schraa and Born. Executive session held on November 12, 2013. Assembly Amendment-1 adopted by a vote of 6-3. Passage as amended recommended by a vote of 6-3. Assembly Amendment-1 adopted, and passed as amended by a vote of 54-38-2 on November 14, 2013.

Senate: Assembly Bill 493 referred to the Committee on Elections and Urban Affairs.

6. *Assembly Bill 501: the form and content of certain communications made for political purposes.*

Under this bill, each political communication must include an Internet site or telephone number where the committee, group, or individual making payment or reimbursement or assuming responsibility for the communication may be contacted. Also under the bill, in a radio communication, all information that is currently required, or required under the bill, must be spoken at the beginning and end of the communication; in a television communication, all such information must appear on the screen during the entire communication over the full width of the screen and must be readable by viewers of the communication. Violators are subject to a forfeiture (civil penalty) of not more than \$500 for each violation. Intentional violators are guilty of a misdemeanor and may be fined not more than \$1,000 or imprisoned for not more than six months, or both.

Assembly: Referred to the Committee on Campaigns and Elections.

7. *Senate Bill 377: reporting registration and voting statistics.*

Under this bill, in addition to the other election-related statistics that the municipal clerk must submit to the county, no later than 60 days after an election, the municipal clerk must provide the total number of postcards sent to electors to verify that the addresses they provided on election day are correct, the total number of such postcards returned as undeliverable, and the total number of electors whose status was changed from eligible to ineligible on the registration list as a result of the audit. The bill also requires the GAB to publish this information on its Internet site once it receives it from the county. In addition, if GAB performs the audit, GAB must publish on its Internet site the total number of postcards sent to electors, the total number of postcards returned as undeliverable, and the total number of electors whose status was changed from eligible to ineligible.

Senate: Referred to the Committee on Election and Urban Affairs. Public hearing held on October 31, 2013. Director Kennedy's testimony: <http://gab.wi.gov/publications/other/senate-committee-testimony-10-31-2013>.

8. *Senate Bill 404: voting at the entrance to an in-person absentee voting location by an elector with a disability.*

This bill extends the accommodations available to electors who, as a result of a disability, are unable to enter a polling place on Election Day to electors who, as a result of a disability, are unable to enter a municipal clerk's office or alternate site used for the purpose of absentee voting in person. The responsibilities assigned to election officials under current law are assigned to the clerk or deputy clerk, or to a person designated by and under the employment or control of the clerk or deputy clerk, in this bill.

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

9. *LRB 3344: to require all electors to provide proof of residence to register to vote.*

This bill is still in draft and has not yet been officially introduced.

10. *LRB 3557: to set a referendum on the question of adopting a nonpartisan system for redistricting.*

This bill is still in draft and has not yet been officially introduced.

PREVIOUS LEGISLATION - UPDATED STATUS

11. *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 felony 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. **Adopted by the Assembly by a vote of 53-39-2 on November 14, 2013.**

Senate: Assembly Joint Resolution 25 referred to the Committee on Energy, Consumer Protection, and Government Reform.

12. *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 Assembly Bill 225 (original and substitute amendment).

Senate: Referred to the Committee on Elections and Urban Affairs. Public hearing held on September 4, 2013. **Executive session held on October 31, 2013. Senate Substitute Amendment-1 introduced by committee by unanimous consent. Senate Substitute Amendment-1 not approved by a vote of 2-3. Senate Substitute Amendment 2 adopted by a vote of 4-1. Passage as amended recommended by the Committee on Election and Urban Affairs by a vote of 3-2.**

13. 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: Referred to the Committee on Elections and Urban Affairs. Public hearing held on April 24, 2013. Senate Amendment-1 offered by Representative Gudex. **Executive session held on October 31, 2013. Senate Amendment-1 adopted by a vote of 5-0. Passage recommended by the Committee on Elections and Urban Affairs by a vote of 5-0.**

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

These bills limit in-person absentee voting during the in-person absentee ballot time frame to Monday to Friday between the hours of 7:30 a.m. and 6 p.m., except that a person may make an appointment with the actual city, town, or village clerk for submitting an in-person absentee ballot application. Assembly Bill 54 originally limited in-person absentee voting to 5 p.m., Monday through Friday, and no more than 40 hours per week.

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>. **Assembly Amendment-1 introduced by Representative Stroebel to the original bill. Executive session held on November 12, 2013. Assembly Amendment-2 introduced by Representative Bernier. Assembly Amendment-1 adopted by a vote of 9-0. Assembly Amendment-2 adopted by a vote of 7-2. Passage recommended as amended by a vote of 6-3. Assembly Amendment-3 offered by Representative Stroebel and adopted by the Assembly. Assembly Passed by the Assembly by a vote of 54-39-2 on November 14, 2013. Referred to the Senate Committee on Elections and Urban Affairs.**

Senate: Senate Bill 324 referred to the Senate Committee on Elections and Urban Affairs. This bill was drafted based on the substitute amendment submitted for Assembly Bill 54. **Public hearing held on October 31, 2013. Director Kennedy's testimony:** <http://gab.wi.gov/publications/other/senate-committee-testimony-10-31-2013>.

15. 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>. **Senate Amendment-1 introduced by Senator Leibham. Executive session held on October 31, 2013. Senate Amendment-1 adopted by a vote of 5-0. Passage as amended recommend by the Committee on Elections and Urban Affairs by a vote of 5-0.**

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

These bills create an exemption to the so-called "50 piece" rule. The bills exempt 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>. **Executive Session held on October 16, 2013. Passage recommended by the Committee on Campaigns and Elections by a vote of 8-0. Passed by the Assembly on November 14, 2013 by voice vote.**

Senate: Referred to the Committee on Elections and Urban Affairs. Incorporated into Assembly Bill-225 (original and substitute amendment). **Assembly Bill 91 referred to the Committee on Elections and Urban Affairs.**

17. 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 these bills, 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. **Passed by the Assembly by a vote of 54-38-2 on November 14, 2013.**

Senate: Referred to the Committee on Energy, Consumer Protection, and Government Reform.

18. 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. **Assembly Amendment-2 adopted, and passed as amended by the Assembly by a vote of 54-39 on November 14, 2013.**

Senate: Assembly Bill 202 referred to the Committee on Elections and Urban Affairs.

19. Assembly Bill 378 and Senate Bill 282: reporting of the principle 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. **Public hearing held on October 29, 2013.**

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>.

20. 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>. **Executive Session held on October 16, 2013. Assembly Amendment-1 offered by Representative Bernier. This amendment specifies that municipalities shall give priority to qualified electors of the municipality when nominating election inspectors and no list of nominees was submitted by the political parties. Assembly Amendment-1 adopted by a vote of 9-0. Passage as amended recommended by the Committee on Campaigns and Elections by a vote of 5-4.**

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

These bills require 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>. **Executive Session held on October 16, 2013. Passage recommended by the Committee on Campaigns and Elections by a vote of 9-0.**

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.

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

These bills provide 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.

These bills also change the requirement to post a notice of the visit from at least 24 hours in advance to at least five working days in advance. These bills also require 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. **Public hearing held on October 29, 2013. Assembly Substitute Amendment-1 offered by Representative Bernier. Executive Session held on November 12, 2013. Assembly Substitute Amendment-1 adopted by a vote of 6-3. Passage as amended recommended by a vote of 6-3. Assembly Substitute Amendment-1 adopted, and passed as amended by the Assembly by a vote of 54-39 on November 14, 2013.**

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>. **Assembly Bill 396 referred to the Committee on Senate Organization.**

PREVIOUS LEGISLATION – NO STATUS CHANGE

23. 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 Government Operations and State Licensing. Withdrawn from committee on Government Operations and State Licensing and referred to committee on State Affairs and Government Operations pursuant to Assembly Resolution 19.

24. *Assembly Joint Resolution 50: an advisory referendum on an amendment to the U.S. Constitution.*

In the case of *Citizens United v. F.E.C.*, the U.S. Supreme Court ruled that corporations are "persons" for the purpose of political speech, thus allowing corporations to make unlimited expenditures in political campaigns. The U.S. Constitution grants Congress the power to propose amendments to the Constitution that become effective when ratified by the legislatures of three-fourths of the states. Amendments can have the effect of overturning—in effect repealing—prior decisions of the Supreme Court. This resolution places a question on the November 2014 ballot to ask the people if Congress should propose an amendment to overturn *Citizens United v. F.E.C.*

Assembly: Referred to committee on Government Operations and State Licensing. Withdrawn from committee on Government Operations and State Licensing and referred to committee on State Affairs and Government Operations pursuant to Assembly Resolution 19.

25. *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.

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. Withdrawn from committee on Government Operations and State Licensing and referred to committee on State Affairs and Government Operations pursuant to Assembly Resolution 19.

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. Withdrawn from committee on Government Operations and State Licensing and referred to committee on State Affairs and Government Operations pursuant to Assembly Resolution 19.

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. This bill was 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. Withdrawn from committee on Government Operations and State Licensing and referred to committee on State Affairs and Government Operations pursuant to Assembly Resolution 19.

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 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.

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

These bills permit a county clerk or board of election commissioners to appoint one or more individuals to serve as a special registration deputy. The bills also permit an individual to be appointed to serve more than one county by more than one county clerk or board of election commissioners. Under these bills, 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 bills make a county clerk or board of election commissioners responsible for the training of any special registration deputies appointed by that clerk or board and permit that clerk or board to delegate responsibility for providing training to certain other county or municipal officials or employees. Under these bills, a municipal clerk retains the ability to appoint special registration deputies for the municipality. These bills also provide 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.

35. *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. Withdrawn from committee on Government Operations and State Licensing and referred to committee on State Affairs and Government Operations pursuant to Assembly Resolution 19.

36. *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.

37. *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.

38. *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.

39. *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.

40. 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.

41. 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.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.

49. *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.

50. *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.

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JUDGE TIMOTHY VOCKE
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the December 17, 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, Cindy Kreckow, Adam Harvell, Molly Nagappala,
Richard Bohringer, Colleen Adams, and Brian Bell
Ethics and Accountability Division

SUBJECT: Ethics and Accountability Division Program Activity

Division Staffing

Jonathan Becker
Division Administrator

Since the last report, Nate Judnic has left the Division to accept a position as G.A.B. staff counsel. His knowledge, dedication, and professionalism will be missed. We are excited to welcome Brian Bell, who previously served as Elections Data Manager with the Elections Division. Brian will provide support for campaign finance, ethics and lobbying; monitor and track all legislation related to the agency; and will continue to utilize his data management skills to support all areas of the agency including elections.

At the end of December, Ethics and Financial Disclosure Specialist Cindy Kreckow will be leaving the agency after 9 years with the State Ethics Board and the G.A.B. Cindy is the resident expert on all aspects of the division's financial disclosure program, and assisted with travel arrangements and preparation of board meeting materials. We will miss her and wish her the best in her future endeavors.

Campaign Finance Update

Richard Bohringer, Colleen Adams, Adam Harvell, Molly Nagappala and Brian Bell
Campaign Finance Auditors

Assembly District 21, 69, and 82 Special Election Reports

All candidates required to file finance reports for the Special Elections have filed their finance reports that were due October 15 and November 12, 2013. Candidates on the Election Ballot in the 21st and 69th Assembly will be required to file a Post-Election report on December 19, 2013. Candidates in the 82nd Assembly are required to file a Pre-Election report on December 9, 2013.

July Continuing 2013 Reports

Settlement offer letters were sent to 5 committees that failed to file the report as of 9/28/13. Two committees have filed and paid a \$125 settlement offer, 3 remain outstanding and will be placed on administrative suspension if there is no response by December 17, 2013. Staff is making additional attempts to contact and assist with filing the missing report.

Upcoming Campaign Finance Reports

The next report due for all registrants is the January Continuing 2014 report and is due January 31, 2014. Notices for this filing will be sent to all committees approximately December 27, 2013, with e-mail reminders sent in early and mid-January 2014.

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:

- Information on the \$10,000 Annual Limit Audit, the Corporate Contribution Audit, Employer Information Audit, Lobbyist Contribution Audit, Individual Contributions Limits Audit, and Committee Contribution Limits Audit is provided separately.
- 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. Those committees have until Friday, December 13, 2013 to respond to our requests, otherwise they will be put on administrative suspension.
- Committees on Exemption: All committees on exemption and whose last election was before 2007 were audited to verify committee information. This audit was performed in an effort to verify the accuracy of information and clean up GAB records. The address of the candidate was compared to information in the Statewide Voter Registration System (SVRS). Approximately 454 committees were audited, with over 100 of these committees still having a candidate with an active address in SVRS that matches their campaign finance registration information. Additional follow up by staff to verify these committees would still like to be active could be taken by staff. In addition, 23 candidates were deceased according to a combination of SVRS records and obituaries found online.

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 Brian Bell
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. All principals had filed the report by October 8, 2013. 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. Two of these forfeitures have been received and two remain outstanding. G.A.B. staff will be following up with these 2 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. The lobbying community has continued to provide valuable feedback regarding the site's performance and how it might be improved. Several minor bugs which IT and division staff were unaware of have been fixed after being brought to our attention by website users.

Staff continues to assist the public, lobbying principals and lobbyists regarding access to public information on the website as well as policy and reporting requirement questions from the lobbying community.

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 December 2, 2013)			
	Number	Cost	Revenue Generated
Organizations Registered – Full Lobbying	691	\$375	\$259,125
Organization Registered – Limited Lobbying	12	\$20	\$240
Lobbyists Licenses Issued (Single)	515	\$350	\$180,250
Lobbyists Licenses Issued (Multiple)	113	\$650	\$73,450
Lobbyists Authorizations Issued	1351	\$125	\$168,875

Financial Disclosure Update

Colleen Adams and Adam Harvell
Campaign Finance Auditors and Ethics Specialists

Statements of Economic Interests

Staff have updated the SEI Database, forms, and instructions to prepare for the 2014 filing year. SEI forms and instructions have been mailed to all municipal and multijurisdictional judges, and state-level judges up for election in April 2014. Municipal clerks and county clerks have been provided with SEI forms for local judicial candidates. In early December, an SEI mailing will be sent to reserve judges, excluding Government Accountability Board Members. The annual mailing to all officials required to file will follow in early January. All annual SEI filings are due April 30, 2014.

Governor Appointments

New appointments continue to be processed on an ongoing basis, to include securing statements of economic interests from all appointees and referring copies of their statements to the Senate for future confirmation hearings.

6 Month Legislative Liaison Reports

Government Accountability Board staff work to follow up and process legislative liaison reports that were sent to 101 state agencies and boards required to file such a report with the G.A.B. under Chapter 13, *Wisconsin Statutes*. All state agencies are required to file a liaison report that identifies those agency officials who make lobbying communications with state officials, the percentage of their overall work time spent making such communications, and the official's annual salary. Reports covering activity from January 1 through June 30, 2013 and were due on or before July 31, 2013, and have all been received. Reports covering July 1 through December 31, 2013 will be sent out in late December and due January 31, 2014.

State of Wisconsin Investment Board Quarterly Transaction Reports

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

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
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the December 17, 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 (October 22, 2013) the Elections Division staff has focused on the following tasks:

1. General Activities of Election Administration Staff

Most of the 2013 local special elections and referenda have concluded. Staff has provided support to local election officials and assisted with election set up in SVRS. There are two local special elections remaining this year:

<u>Date of Election</u>	<u>Jurisdiction</u>	<u>Type of Election</u>
Dec. 12, 2013	Rubicon Joint 6 S.D.	Referendum
Dec. 17, 2013	City of Glenwood City	Recall Election-Mayor and two Alderpersons.

On October 15, 2013, Governor Walker ordered a special election for Assembly District 82 resulting from the resignation of Representative Jeff Stone. The election is scheduled for December 17, 2013. Nomination papers were due on October 22nd, and four Republican candidates qualified for ballot placement, triggering a primary which was held on November 19th. Only one Democratic candidate qualified. The primary was certified on November 29, 2013.

The special primaries in Assembly Districts 21 and 69 were conducted on October 22nd. Both primaries were certified on November 1, 2013. The special elections were held on November 19, 2013. Both elections were certified by December 2, 2013.

New Ballot Design Follow-Up

As referenced in the previous Election Administration Update, G.A.B. staff introduced a new ballot design for use at the special primaries and elections on October 22 and November 19. The new design contains more straight-forward instructions and a more intuitive format. The affected county clerks were asked to solicit feedback from municipal clerks as far as their reactions to the new design and any comments expressed by voters and inspectors.

Comments so far have been indifferent. Therefore, staff assumes that the new design is at least no worse than the previous one. Whether it is an improvement is still in question. Staff plans to query the clerks formally to obtain a clearer sense of how the ballot design was accepted.

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 (GAB-162) from candidates intending to run for office at the 2014 Spring and General Elections. There are currently 42 candidates registered for state offices for the Spring Election. Circulation of nomination papers began December 1. Nomination papers are due no later than 5 pm on January 7, 2014. In an effort to avoid errors in nomination paper forms that could disqualify the papers entirely, many candidates have submitted nomination paper proofs for staff approval prior to their circulation.

Since the last Board meeting three incumbent circuit court judges have resigned. They are: Judge William Stewart, Dunn County; Judge Charles Kahn, Milwaukee County Branch 24, and Judge John Hoffmann, Waupaca County, Branch 2. A vacancy which occurs on or before December 1st in the office of circuit court judge shall be filled at the succeeding spring election. Wis. Stat. § 8.50(4)(f)1. The Governor appointed Maureen Boyle to the position of Barron County Circuit Court Judge, Branch 3. This office had been vacant since August, due to the resignation of Judge James Babbitt. An amended Type A Notice was sent to the affected county clerks, for publication as soon as possible.

James D. Guolee, Milwaukee County Circuit Court Branch 32, is the only incumbent judge who has filed a Notification of Noncandidacy. Four incumbent Circuit Court Judges have yet to register for the spring election.

There are 64 candidates registered for the November 2014 General Election.

3. Nomination of Election Inspectors by Political Parties

No later than November 30th of an odd-numbered year, 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. This year, November 30th was a Saturday which pushed the deadline to Monday, December 2nd.

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.

The political parties, particularly the Republican Party, were much more active in submitting lists of inspector nominees to municipal governing bodies as compared to previous years. Staff was contacted regularly by the Republican Party of Wisconsin and by county party representatives of both parties concerning interpretation of the statutes relating to this process, and to answer questions that arose to which the statutes provided no definitive answer. Staff was also made aware that, despite attempts to educate the municipal clerks with respect to the procedure, a few clerks were resistant toward county party representatives or demonstrated a total unawareness of the parties' right to make nominations.

Two issues related to this process arose which required the input of staff counsels.

Party Nominees for County Board of Canvassers

The first issue was presented by the Marinette County Clerk. The County Clerk anticipated receiving lists of nominees for county board of canvass members from one or both parties. Wis. Stat. § 7.60(2), provides "...One member of the board of canvassers shall belong to a political party other than the clerk's..." This issue provoked two questions

Question 1: Does the phrase "a political party other than the clerk's," mean one of the two dominant parties, any ballot-status party or any party in general?

Staff counsels agreed that since Wis. Stat. §§7.30(4), 7.52(1)(b) and 6.875(4)(b) (the statutes governing the process for political parties to nominate persons to serve as election inspectors, absentee ballot canvassers and special voting deputies) specifically state the "two dominant political" parties may submit names of nominees, that interpretation is applied to the less specific wording of 7.60(2). If the only list submitted is from the party with which the clerk is affiliated, at least one of the other canvassers would be designated without regard to party affiliation.

Question 2: In the same phrase, does the word "belong," mean the nominee's name must appear on a political party's membership roster, or may the party determine the political persuasion of a nominee, regardless of party membership, as authorized in Wis. Stat. § 7.30(4)?

Staff counsels determined that the specific use of the word "belong" in Wis. Stat. §7.60(2) removes any ambiguity and requires one of the canvassers to actually be a member of a party other than the clerk's. Whether or not an individual belongs to a political party is determined by the requirements of the party organization.

Party Naming all Current Inspectors as Party Nominees

The second issue was brought to staff's attention by a municipal clerk who received a list of inspector nominees from the Republican Party. The list included names of all of the current inspectors for the municipality who had not been affiliated with a political party. When contacted, several of the inspectors were livid that their names appeared on the Republican list of inspectors. None of the inspectors reported contact with the party before submission of the list.

In addition to advising that the clerk should consult with the municipal attorney, staff counsel's recommendation was that the clerk should inform the individuals that their names appear on the Republican list. An individual who declines to serve as a party representative must put their declination in writing. The clerk shall remove the names of the persons who decline and, if the individual is willing to serve as an unaffiliated inspector, shall place the name on an "unaffiliated" list. Both lists are submitted to the governing body, along with the written declinations. The governing body should appoint the appropriate number of Republican inspectors from the revised list, which excludes individuals who do not wish to be identified as partisan inspectors. The remaining positions are filled by appointment of unaffiliated inspectors.

4. Central Count Absentee Survey

Board staff surveyed by e-mail and by phone all 72 county clerks the week of November 4, 2013 to create a current and comprehensive list of municipalities utilizing the central count absentee process under Wis. Stat. § 7.52. This one-question survey requested county clerks to provide a list of municipalities in their county using the central count absentee process. This review identified 12 municipalities with central count absentee ordinances. Board staff has collected and filed copies of these ordinances as well as the procedures used by each municipal board of absentee canvassers. Board staff is reviewing these documents for compliance with central count absentee guidance adopted by the Board at its December 13, 2011 meeting and revisions adopted by the Board at its May 15, 2012 meeting.

5. 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. Staff continues to work toward developing model agreements between SVRS providers and relies to outline alternate models of workload-sharing.

6. Electronic Poll Books

Board staff continues to research and analyze how electronic poll books could be used at Wisconsin voting locations, and to develop recommend standards for their approval. Two members of the Elections Division staff traveled to Minnesota to observe the use of electronic poll books as part of a pilot program during its November election. An interim report regarding staff's research to date is included with the Board materials.

7. 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 at the 2014 Spring Election.

8. The AccessElections! Accessibility Compliance Program

A. Accessibility Advisory Committee

G.A.B. staff conducted the fall meeting of the Accessibility Advisory Committee on November 6, 2013. Representatives from eight different disability advocacy groups participated in the meeting. The status of the audit program, the HAVA 261 budget and pending legislative changes were discussed. A voting equipment overview was presented with Board staff providing background information on the certification and testing process in Wisconsin and an update on the status of the Prime III pilot. The Accessibility Advisory Committee will reconvene after the spring 2014 elections to debrief and organize public education and outreach plans for the November 2014 General Election.

B. Public Education and Outreach Materials

G.A.B. staff continues to create informational material to better serve voters with disabilities and produce materials for use by clerks and poll workers. In an effort to provide an additional resource for voters who use the Accuvote TSX voting machine, Board staff has created a tutorial video that walks users through the voting process and introduces them to the accessibility functions. In addition, Board staff is exploring the possibility of partnering with the Wisconsin Disability Vote Coalition to produce public education materials such as a voter guide for individuals with disabilities and a series of poll worker training videos that focus on interacting with and providing assistance to voters with disabilities.

C. Analysis of Accessibility Audit Results

Board staff conducted 12 audits on October 22nd during the special primaries in Assembly Districts 21 and 69. To date, staff has received and is processing plans of actions for polling places audited during the 2013 Spring Primary and Spring Election. Staff will continue to process plans of action received from municipalities audited during these elections.

D. 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 301 grant-funded accessibility supplies to 65 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.

9. 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.

10. IT Projects

Several IT projects are in progress for the Elections Division:

A. SVRS Updates

A minor release of SVRS (version 8.5 sprint 2) was deployed on October 30, 2013 to fix three minor defects related to SVRS version 8.5 that were found after SVRS 8.5 was deployed.

The death file import process was updated in SVRS on November 27. This new process replaces the existing SVRS interface with the Wisconsin Department of Health Services (DHS) to provide state death records. DHS recently deployed a new death record tracking system which enabled the G.A.B. to improve the interface with SVRS.

B. SVRS Modernization

G.A.B. staff continues to work on gathering the preliminary business requirements for a new, modernized SVRS system. G.A.B. IT staff are beginning to analyze the current SVRS to help identify functionality that should be ported over to the new modernized platform, and what should not. IT staff are also reviewing the initial SVRS requirements created in 2004 when the current SVRS was purchased.

C. MyVote Wisconsin

MyVote 1.7 was deployed on October 30, 2013 along with SVRS 8.5 Sprint 2. This version included several improvements suggested by clerks and voters, to provide better information and instructions for voters.

MyVote 1.7 Sprint 2 is currently in development and addresses four minor defects that were discovered after My Vote 1.7 was deployed. Sprint 2 is scheduled to be deployed in December after the Assembly District 82 Special Election.

Staff also continues to plan for MyVote 2.0 which will include more significant changes to improve ease of use of the website. Staff has had preliminary discussions with Dana Chisnell, a national elections usability expert, to help conduct a usability assessment of the site. Staff is currently drafting a proposed contract with Ms. Chisnell. The changes recommended for My Vote 2.0 will largely result from the usability assessment.

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. The IT team plans to finish development of the new dashboard by the end of December 2013 and begin testing in January 2014.

For the November 6, 2012 Presidential and General Election, G.A.B. staff has used the new matching process to identify potential matches between names on the DOC list and voter records with participation for that election in SVRS. DOC staff has reviewed the initial list and removed offender records that should not have been reported as serving a felony sentence on the date of the election. G.A.B. staff is reviewing the updated DOC list. As part of that review, G.A.B. staff will be contacting clerks to determine whether participation was accurately recorded for that voter and to gather more information on whether the voter and the offender record match. G.A.B. staff will adjust the list of potential matches based upon the information obtained in the clerk review. G.A.B. staff will make a final review of the felon and voter records and any names that have not already been referred to the District Attorney because of other felon matching processes (SVRS Matching and the Ineligible Voter Lists) will be sent to the appropriate District Attorney.

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 to 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 all phases of this project is mid-February, 2014.

11. Cost-Benefit Analysis Projects

Elections Division staff is working with two teams of students from the UW-Madison La Follette 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.

12. Voter Registration Statistics

The following statistics summarize the statewide voter registration activity since the previous Elections Division Update (October 4, 2013) as of December 2, 2013:

- 3,391,039 active voter registrations.
- 1,211,548 inactive voter registrations.
- 378,481 cancelled voter registrations.
- 3,284 HAVA checks.
- 913 merged voter registrations

13. 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 (October 4, 2013) as of December 2, 2013:

- 31 SVRS data requests were received.
- 16 electronic voter lists were purchased.
- \$5,895 was collected for SVRS voter data requests which were fulfilled.

14. 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 Service Center is continuing to upgrade and maintain the two training environments that are being utilized in the field. Staff has started testing a virtual training server located at the datacenter to better facilitate remote SVRS training. 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. Help Desk 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.

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. 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 in 2010 through 2012.

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)

October 2013	459
November 2013	471
Total Calls for Reporting Period	930

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

October 2013	362
November 2013	405
Total Calls for Reporting Period	767

15. 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.

16. Voter ID Trial

During the first two weeks of November, several Elections Division staff members were called to testify at the federal court Voter ID trials. Staff Counsel continued to provide significant assistance to Division staff in compiling documents in response to discovery requests.

17. Agency Audit

Elections Division staff has spent considerable time working with Legislative Audit Bureau staff to provide information related to its ongoing audit of the agency. Staff had participated in several extensive meetings to describe agency programs and initiatives and provided numerous documents and data files to LAB staff.

State of Wisconsin\Government Accountability Board

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KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the December 17, 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 information for the Legislative Audit Bureau's Agency Audit, 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

Since the September 26 Audit entrance conference, staff has met with the Legislative Audit Bureau analysts on numerous occasions to provide information about the agency's Elections, Ethics, Campaign Finance and lobbying programs.

Financial staff has researched and compiled historical IT cost schedules dating back to 2004, in response to the LAB audit information document requests and provided information about the agency's IT infrastructure and staffing.

2. Financial Services Activity

- Staff compiled and reconciled the federal grant schedule for the state fiscal year ending June 30, 2013. This annual schedule is requested by the Legislative Audit Bureau for their use in auditing the federal financial assistance received by the State of Wisconsin, which is then compiled with all other agencies in a statewide Schedule of Expenditures of Federal Awards. Reported on this schedule were federal program revenues of \$ 1,247,078 and expenditures of \$2,393,238 which included \$ 82,133 provided to sub-recipients for the state fiscal year ending June 30th.

- Staff calculated and booked the fourth quarter payroll adjusting entry, 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.
- Additional labor costs incurred by G.A.B. staff, while working on the ES&S Unity 3.4.0.1 Engineering Change Order and on the Dominion update projects, are being tracked for future invoicing to each vendor, per the cost recovery agreements. ES&S reimbursed the GAB \$28,767 and Dominion reimbursed the GAB \$ 688 for voting equipment testing costs. These cash receipts were accounted for as refunds of expenditure, allocated amongst several appropriations, organization codes, and object codes.
- None of the G.A.B. federally-funded programs were adversely impacted by the October 1st federal government shutdown or the subsequent U.S. debt ceiling problem. The federal Section 261 Accessibility program revenues were reimbursed as usual through the Federal Cash Management system, while the Federal Voting Assistance Program (FVAP) defense contract management staff was called back to work, preventing any delay in the normal reimbursement of prior month's expenditures.
- Staff claimed reimbursements of \$ 36,000 for October and November Federal Voting Assistance Program (FVAP) expenditures, coordinated the accounting for incoming wire transfers with DOA-Treasury staff, and prepared journal entries to record revenues received. Financial staff prepared the fourth quarterly SF 425 Report due December 31st for this federal aid grant. Approximately \$ 996,388 (52 percent) of the \$1,919,864 grant has been expended since its inception in March, 2012.
- Staff compiled and reconciled all HAVA Sections 101, 251, and 261 revenue and expenditure amounts for the six annual Federal Financial Reports, due by December 31st for the federal fiscal year ending September 30, 2013. The Section 261 report was filed by October 31st this year, since one of the allotment years was fully expended by July 31st, triggering a 90-day reporting requirement.
- Financial staff has been attending PeopleSoft meetings to learn about the State's new Enterprise Resource Planning system and how to prepare for implementation. Any non-standard process maps need to be prepared and posted to the SharePoint website, while any duplicate or inactive appropriations in WiSMART must be removed or de-activated before February. For example, the extended polling hours reimbursement appropriation was recently de-activated and the related balance sheet accounts were closed out. Staff is also meeting with DET project planners to replace our current WiSMART report writer software vendor and will be testing the new report writer program during the first calendar quarter of 2014.
- Planning meetings were held to discuss budget-to-actual expenditures and cost projections of future program initiatives for the remaining Section 261 federal allotments. For example, Prime III project work performed by staff will be charged to the 261 accessibility program. Other GAB partner costs are also being considered.

- Financial staff are calculating and monitoring GPR salary savings from vacant and reduced positions, for purposes of fiscal year-end budget planning.
- Journal entries were prepared and booked to reclass 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 & utility cost allocations were updated for recent payroll funding changes.
- General ledger accounts for both federal and state payroll and travel balance sheet liabilities were analyzed, to facilitate the monthly reconciliation of these 50 ledger account balances. Prepared and booked journal entries to correct any balance sheet account coding errors.
- Facilitated the development, new user access, and testing phases between DOA-Treasury, U.S. Bank, and our I.T. staff 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 I.T. contracting staff.

3. Procurements

The purchasing section prepared print orders for the January mailing of Statements of Economic Interest, which included envelopes and other print materials. The purchasing section also signed up various employees for CLEs and conferences in the past few months.

4. Contract Sunshine

Since the last board meeting, the certificate process for the July to September period was completed. All 37 of the required agencies required to report qualified purchases returned their certification in a timely manner. The next certification period ends December 31, 2013.

5. Staffing

- We have made significant progress in our recruitment efforts since the last Board meeting to fill position vacancies. On October 21, 2013, Tiffany Schwoerer was hired to fill an Office Operations Associate position.
- We successfully completed the interview process for two-vacant SVRS Elections Specialist positions. Jodi Kitts and Kyle Kundert will begin their appointments on January 13, 2014.
- There are two additional Elections Specialist vacancies that we are beginning to prepare recruitment materials.

6. Communications Report

Since the October 22, 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: the Governor's appointment of two new Board Members and the withdrawal of Judge Deininger's appointment; proposed legislative changes to election administration and campaign finance laws, and preparations for three Special Elections in Assembly Districts 21, 69 and 82. The PIO coordinated interviews with journalists for Director Kennedy, Judge Vocke and Judge Deininger, and also gave multiple interviews when they were not available. Between October 10 and December 6, 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 developed a new online training calendar and reservation system, based on one created last year for lobbying training. Plans for upgrading to the main website (gab.wi.gov) are moving slowly due to other priority assignments.

Testimony: The PIO assisted Director Kennedy in the preparation of testimony for two legislative hearings in late October during the Fall Session.

Public Records: The PIO has responded to several routine public records requests. One comprehensive public records request from late 2012 which involved substantial staff time in locating large numbers of documents remains unfulfilled. While the agency's legal interns have been assisting staff counsel in reviewing located documents, that review has not been completed because staff counsel has been extremely busy responding to other agency priorities.

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.

7. Meetings and Presentations

During the time since the October 22, 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 (LAB) and preparation for the voter identification trial that was conducted the weeks of November 4th and 11th in federal district court in Milwaukee. Agency staff was engaged in a series of meetings with LAB staff to assist them in gathering information as part of the audit. Elections Division staff was also active in a series of district meetings with municipal clerks.

On October 29, 2013 Director Kennedy testified before the Assembly Committee on Campaigns and Elections. The hearing focused on two Assembly bills. 2013 Assembly Bill 378 proposes to eliminate the requirement for candidates and political committees to disclose the names and addresses of employers of people who contribute more than \$100 per year. The legislation also proposes to raise the threshold for disclosing a contributor's occupation to cumulative contributions greater than \$500 in a campaign cycle. 2013 Assembly Bill 396 which would require local election officials to dispatch special voting deputies (SVDs) to certain adult-care facilities to conduct absentee voting instead of allowing discretion in determining whether to dispatch special voting deputies to those facilities. The facilities where such absentee voting would be required, upon the request of an absentee voter, include adult family homes, community-based residential facilities, and residential care apartment complexes. A copy of my testimony can be found on our website at: <http://gab.wi.gov/publications/other/assembly-committee-testimony-10-29-2013>.

On October 31, 2013 Director Kennedy testified before the Senate Committee on Elections and Urban Affairs. The hearing focused on two Senate bills. 2013 Senate Bill 324 would set uniform times during which people could vote absentee in the clerk's office. In-person absentee voting would generally be limited to Monday through Friday of the two weeks preceding an election between the hours of 7:30 a.m. and 6 p.m. 2013 Senate Bill 377 creates requirements for municipalities, counties and the Government Accountability Board (G.A.B.) to make public reports about the number of address verification postcards that are returned as undeliverable after an election. A copy of my testimony can be found on our website at: <http://gab.wi.gov/publications/other/senate-committee-testimony-10-31-2013>.

On October 30, 2013; Director Kennedy participated in a teleconference interview with representatives of the U.S. Government Accountability Office (GAO). The GAO is an independent, nonpartisan agency of the U.S. Congress, which carries out investigations, audits, and program evaluations at the request of congressional committees and members. The GAO was gathering information about the extent of voter wait times at polling places on Election Day in recent elections, as well as factors that affect voter wait times and actions that have been and can be taken to minimize voter wait times. In addition, the GAO is preparing a report on state voter identification (ID) requirements and the availability of federal and state data on voter impersonation fraud, among other issues.

On November 1, 2013, Judge Vocke met with Director Kennedy to sign the special primary election canvass for the 21st and 69th Assembly Districts. On November 29, 2013 Judge Nichol signed the special election canvass for the 21st Assembly District along with the special primary election canvass for the 82nd Assembly District. On December 2, 2013 Judge Nichol signed the special election canvass for the 69th Assembly District.

The two federal voter ID lawsuits were tried together in Milwaukee beginning the week of November 4, 2013. Several staff testified at the trial. Director Kennedy testified on the morning of Thursday, November 7, 2013. Lead Elections Specialist Diane Lowe testified on Friday, November 8, 2013. Staff Attorney Shane Falk and Elections Supervisor Ross Hein testified on Tuesday, November 12, 2013. All were called adversely by the plaintiffs as part of their case. Training Coordinator Allison Coakley, Elections Division Administrator Mike Haas and two local election officials testified on Thursday, November 14, 2013 as part of our case in defense of the legislation. Oral arguments were presented to the court on Friday, November 15, 2013. Final briefs are due to the court on December 20, 2013.

On November 5, 2013, the Senate Committee on Elections and Urban Affairs conducted a confirmation hearing for Governor Walker's nominees to serve on the Government Accountability Board: Judge Harold Froehlich, Judge Elsa Lamelas, Judge Gerald Nichol and Judge Timothy Vocke. All four were recommended for confirmation by the Committee in executive session the following day. It is expected a vote of the full Senate will occur in early January.

On November 13, 2013, Director Kennedy, Elections Division Administrator Mike Haas and elections specialist Brian Bell met with Senator Grothman, members of his staff and staff attorneys from the Legislative Council to discuss possible legislation affecting military voters.

An orientation for new G.A.B. Members Judge Harold Froehlich and Judge Elsa Lamelas was held on November 19, 2013. Board Chair Judge Timothy Vocke also participated in the meeting.

On December 2, 2013 Director Kennedy met with Mary Spicuzza, a reporter from the Wisconsin State Journal, to discuss the status of the G.A.B after five years of operations. She also met with Judge Vocke later in the week.

On December 4, 2013, Director Kennedy met with staff of the Senate Chief Clerk's office and along with other participants in the Senate Scholars Program. The Senate Scholar Program is an intensive week-long educational program offered by the Wisconsin State Senate. Admission to the program is highly competitive and is limited to 33 academically exceptional high school juniors and seniors from around Wisconsin. The G.A.B along with several other agencies will be meeting with Senate Scholars early next year to provide a perspective on government operations as part of the program.

Ethics Division Administrator Jonathan Becker and Director Kennedy participated in the annual conference of the Council on Governmental Ethics Laws (COGEL) in Quebec City from December 8 through December 11, 2013. Administrator Becker hosted a round table discussion on strategic planning for ethics agencies. Director Kennedy participated on the Election Legislation and Litigation Update panel. The panel was moderated by Jacques Drouin, the Chief Electoral Officer for the Province of Quebec. Other participants included Paul Pirani, Chief Legal Officer for the Australian Electoral Commission and Shipra Verma, Chief Electoral Officer, Elections Manitoba. Director Kennedy has been a regular participant presenting the United States overview of trends in election legislation and litigation.

Looking Ahead

The next Board meeting is a teleconference scheduled for Tuesday, January 14, 2014 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 just 63 days from the current Board meeting.

Action Items

Continue to work with the Legislative Audit Bureau to provide information needed for the agency audit. Work with the Legislature on pending and proposed legislation as they wrap up the current session in March of 2014.