

Meeting of the Board

Wednesday, March 19, 2014

9:00 A.M.

Agenda

Open Session

Government Accountability Board Offices

212 East Washington Avenue, Third Floor

Madison, Wisconsin

Wednesday, March 19, 2014

9:00 A.M.

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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 Wednesday, May 21, 2014 at the Government Accountability Board offices, 212 East Washington Avenue, Third Floor in Madison, Wisconsin beginning at 9:00 a.m.

State of Wisconsin\Government Accountability Board

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JUDGE THOMAS H. BARLAND
Chair

KEVIN J. KENNEDY
Director and General Counsel

Wisconsin Government Accountability Board

212 East Washington Avenue
Madison, Wisconsin
February 25, 2014
1:00 p.m. Teleconference

Open Session Minutes

Present: Judge Michael Brennan, Judge Thomas H. Barland, Judge Harold Froehlich, Judge Elsa Lamelas, Judge Gerald Nichol and Judge Timothy Vocke.

Staff Present: Kevin Kennedy, Jonathan Becker, Michael Haas, Shane Falk, Nate Judnic, Sharrie Hauge, Ross Hein, Sherri Ann Charleston

A. Call to Order

Judge Barland called the meeting to order at 1:08 p.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 the Previous G.A.B. Meetings

January 6, 2014 Meeting

Director Kennedy noted that a correction should be made on Page 2 of the January 6, 2014 meeting minutes to reflect that the Board adjourned from closed session at 11:41 a.m.

MOTION: Approve the minutes of the January 6, 2014 meeting with the change noted by Director Kennedy. Moved by Judge Nichol, seconded by Judge Lamelas. Motion carried unanimously.

Judge Vocke abstained from the vote to approve the January 6, 2014 meeting minutes because he was absent from the meeting.

January 14, 2014 Meeting

Judge Froehlich suggested corrections to the January 14, 2014 meeting minutes relating to the delegation of authority to the Director and General Counsel as follows:

In the discussion on Page 6 and the motion on Page 7 to reflect all contracts under Section 5.05 (2m) require consultation with the Board Chair as well as any contract involving a sum over \$100,000.

MOTION: Make changes to the January 14, 2014 meeting minutes. Change discussion language on Page 6 and the motion on Page 7 relating to the delegation of authority to the Director and General Counsel: “To sign contracts on behalf of the Board, except any contract involving a sum over \$100,000 and any contract as provided in Section 5.05 (2m), the Director must first consult with the Board Chair. In accordance with the foregoing, the Director has the authority to execute and sign contracts.” Moved by Judge Froehlich, seconded by Judge Nichol. Motion carried.

By unanimous consent the Board agreed to correct the minutes on Page 8, to reflect that the Waupaca County Circuit contest is an open seat.

MOTION: Approve the minutes of the January 14, 2014 meeting as amended. Moved by Judge Nichol, seconded by Judge Froehlich. Motion carried unanimously.

D. Approval of Prime III Voting Pilot Program

Sherri Ann Charleston, Voting Equipment Elections Specialist, provided an oral and written report starting on page 13 of the G.A.B. teleconference meeting materials of February 25, 2014. Sherri Ann gave a presentation on the system and how it was tested to determine if we should move forward with the Pilot project.

Judge Lamelas asked if everyone will be encouraged to use the system. Staff responded that all voters would be offered the opportunity to vote using the Prime III system. Paper ballots will be available for those who do not wish to use the system.

Judge Lamelas expressed reservations about how the Prime III system works. She was concerned how the visually impaired and persons with range of motion abilities would use the system. She asked about voter’s privacy and the limited implementation of the system in Oregon. Ms. Charleston provided a description of how the system addresses the concerns raised by Judge Lamelas along with a more detailed explanation of the Oregon experience.

Judge Barland asked if the system is a closed system. He was assured there were no accessible entry points to the equipment at the polling place.

MOTION: Based on the results of Board staff’s functional testing, the Board grants approval of the plan to pilot the Prime III Voting system as set out in the staff memoranda for use at the April 1, 2014 election in the Town of Kossuth and the Town of Newton in Manitowoc County. Moved by Judge Nichol, seconded by Judge Brennan. Motion carried. Judge Lamelas abstained.

Discussion Items

Director Kennedy offered Board members the ability to participate in agency IT Security Training if they desired.

Director Kennedy asked for the Chair to designate someone on the Board to sign the Spring Primary canvass on Friday, February 28, 2014. Judge Lamelas volunteered to come to Madison to sign the canvass. It was recommended that Director Kennedy also explore the option of finding a non-Board member to sign the canvass in the event that a Board member was not able to appear.

Judge Lamelas and Judge Vocke will meet to discuss the per diem policy.

Judge Froehlich asked about the status of the total votes cast vs total votes per municipality. Director Kennedy and Division Administrator Haas have reviewed a report by staff and will be sending the report out soon.

E. 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.

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

Roll call vote:	Barland:	Aye	Brennan:	Aye
	Froehlich:	Aye	Lamelas:	Aye
	Nichol:	Aye	Vocke:	Aye

Motion carried unanimously. The Board convened in closed session at 2:02 p.m.

M. Adjourn

The Board adjourned in closed session at 3:31 p.m.

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The next regular meeting of the Government Accountability Board is scheduled for Wednesday, March 19, 2014, at the G.A.B. office, 212 E. Washington Ave., 3rd Floor, in Madison, Wisconsin beginning at 9:00 a.m.

February 25, 2014 Government Accountability Board meeting minutes prepared by:

Sharrie Hauge, Chief Administrative Officer

February 25, 2014

February 25, 2014 Government Accountability Board meeting minutes certified by:

Judge Michael Brennan, Board Secretary

March 19, 2014

DRAFT

State of Wisconsin\Government Accountability Board

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JUDGE THOMAS H. BARLAND
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the March 19, 2014 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Michael Haas
Elections Division Administrator

Prepared and Presented by:
David Buerger
Elections Specialist

SUBJECT: Electronic Poll Book Research – Final Report

I. Introduction

This memorandum is the final version of the research report commissioned by Director Kennedy on the subject of electronic poll books (see Appendix A). This report contains background on the subject of electronic poll books as well as Board staff's recommendations as to minimum system requirements and required functionalities. Board staff also propose a testing and approval process for the Board to follow in the event that approval of a system by the Board is requested under Wis. Stat. § 6.79(1m). Finally, Board staff recommends further study and analysis of the costs and benefits of developing an electronic poll book solution and requests the Board to direct staff to conduct such a study.

The Board has no pending requests for approval of an electronic poll book system, and this report is being submitted for the Board's review and feedback as well as further direction. Staff recommends leaving the proposed standards open for the time being, to provide further opportunity for local elections officials, electronic poll book vendors, and the public to provide feedback, and to provide the Board with further time to consider these recommendations.

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?
- Has this person already voted in this election? Is there an absentee ballot outstanding that was issued to this person?
- Does the poll book reflect any unresolved issues regarding this person such as a requirement to provide proof of residence (POR)?

2. Record of Voter Activity on Election Day

- Voters are required to sign the poll book. Wis. Stat. § 6.79(2)(a).
- Election inspectors are required to assign a sequential number to each elector who votes. Wis. Stat. § 6.79(2)(b).
- Election inspectors are required to record notations in the poll book for a variety of special situations (assistance, challenge, extended hours, provisional ballots, etc.) Wis. Stat. §§ 6.82, 6.95, 6.96, 6.97.
- Municipal clerks are required to record who has voted at each election. Wis. Stat. § 7.15(4).

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 – Current Paper Poll Book

NP-1	0014360538	SKINNER, Brian A	Brian A SKINNER	10
WD1		6941 S SOUTHFIELD BLVD APT E7	<input type="text"/>	10
41265-001-4018-1		OAK CREEK, WI 53154		
AL1 CG01 4018 AS21				
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, page 3).

Figure 2 – Electronic Poll Book Systems



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 their electronic voter registration lists.

The Presidential Commission on Election Administration (PCEA) also received testimony from numerous witnesses regarding the “extraordinary value” that they have derived from electronic poll books.² The PCEA noted that in a national survey of election officials, electronic poll books was one of the most frequently identified innovations that respondents desired.³ The PCEA ultimately recommended that “jurisdictions should transition to electronic poll books.”⁴

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 voting 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 set up the equipment the night before the election to ease the burden on poll workers.

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 split a paper poll book into

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.

² Presidential Commission on Election Administration, The American Voting Experience: Report and Recommendations, at 44 (2014), available at: <https://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>.

³ *Id.* at 45.

⁴ *Id.* at 44.

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 would still be required to announce their name and address like they would to check-in at a paper poll book, but instead of an election inspector needing to page through a paper book to find the voter's record, an 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 barcodes or magnetic strips to read identifying information directly from a 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 and printed on a hardcopy receipt or label. Alternatively, 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 provides their signature, the election inspector issues 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 election inspectors 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 sequential 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 document 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 page 2, 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 the Statewide Voter Registration System (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 ten 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 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 information 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 contacted 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. Board staff contacted election officials in many states, but found the responses of officials in Iowa, Michigan, Ohio, and Minnesota most useful for this analysis.

1. Iowa

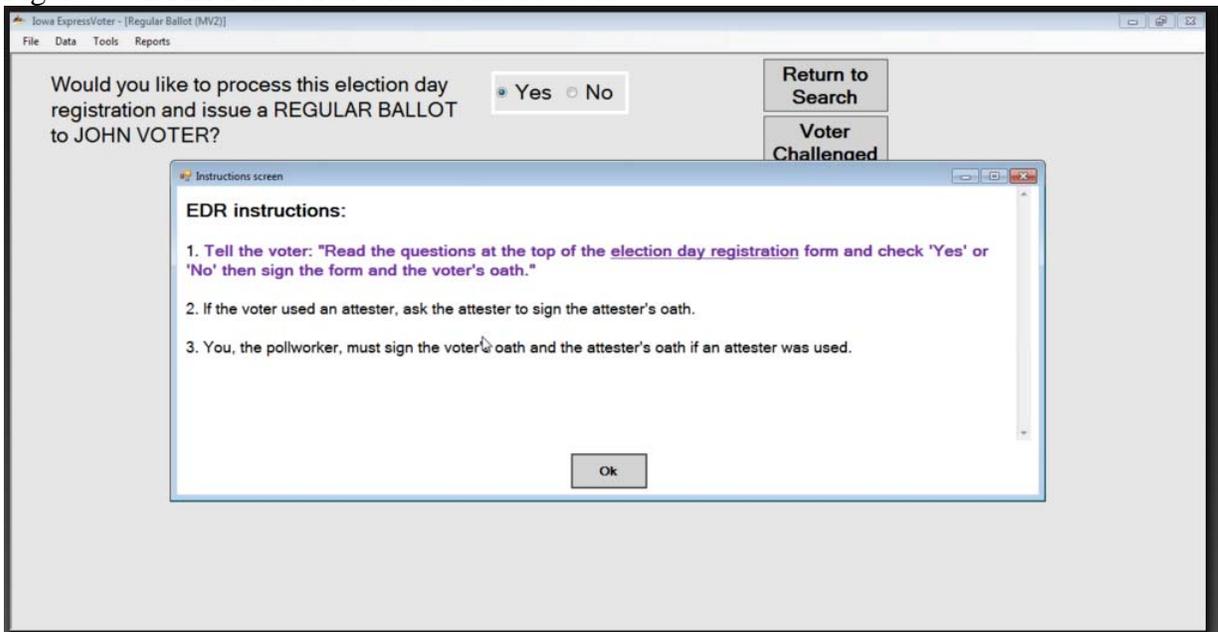
Cerro Gordo County began investigating the use of electronic poll books in 2009 due to troubling observations from the November 2008 election. Election officials noticed that poll workers had difficulty in navigating Iowa's increasingly complex election procedures. This challenge was further compounded by the fact that most poll workers only work two to four 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 of the two systems. 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.

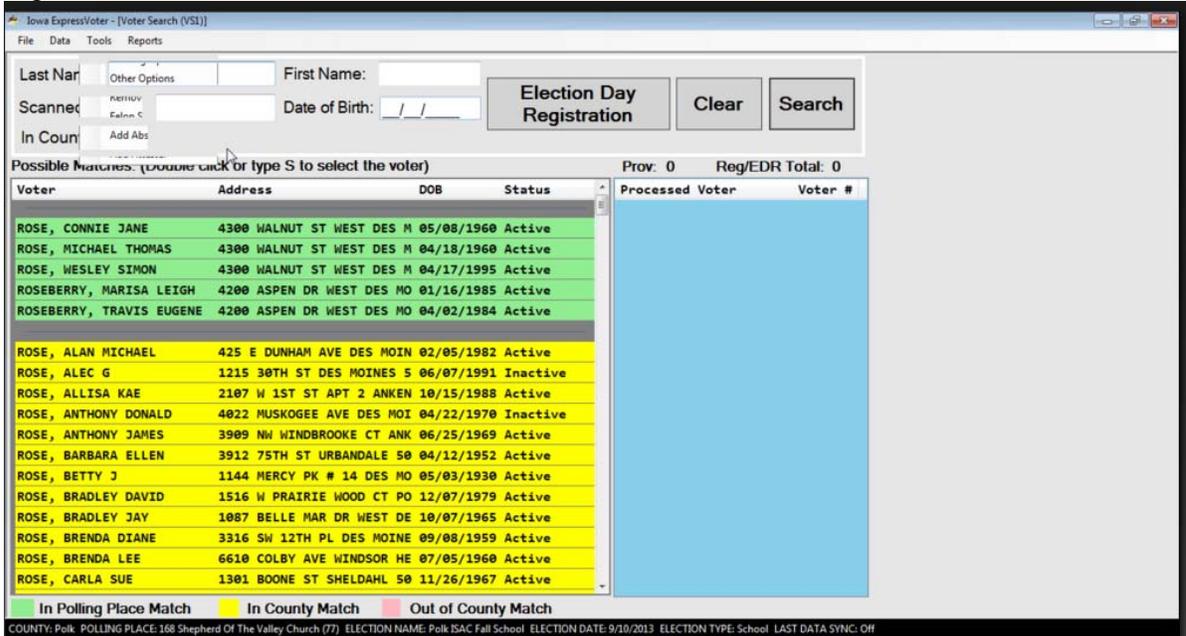
The State's electronic poll book systems were designed to guide poll workers through the process step-by-step via a series of questions and other prompts that ensure poll workers are following the correct procedure for any given scenario, and also provide instant access to the latest editions of training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



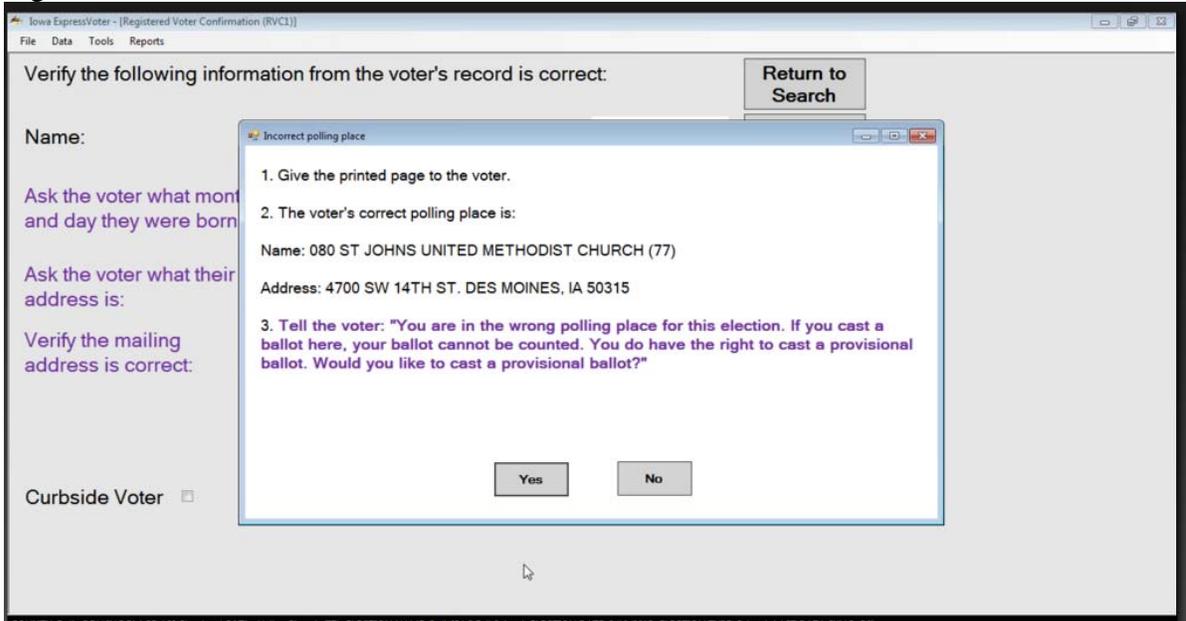
Names of voters on the electronic poll list are color coded according to their registration status (see Figure 4). For example, green voters are registered in the precinct; yellow voters are registered in the county, but not this particular precinct, etc.

Figure 4 – IA EPB Voter List



When 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 – IA EPB Voter Instructions



2. Michigan

The State of Michigan also decided to build their electronic poll book system from scratch. It started the project in 2005-2006, but a full commitment to the project did not begin until 2008. The State purchased the initial equipment for jurisdictions that decided 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 it 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 guide 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 system. They emphasized that, despite representations made by some vendors, electronic poll books are not just "plug and play" systems. Vendor delivered 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 considered 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 choose to purchase an electronic poll book system, but must then integrate it with their voter registration system. 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.⁵ Also, as Ohio requires voter photo 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 determine 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. An open invitation was extended 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 was 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 regarding both the vendor systems being used and how they 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 was very useful 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

⁵ The ES&S ExpressPoll system can program the voter activation cards that are required to use ES&S AccuVote TSX system.

to discern if there was any significant time-savings in the check-in process; however poll workers reported that they believed 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 entered 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.

The Minnesota Secretary of State's Office published its findings and recommendations from both the Electronic Roster Pilot Project and the Electronic Roster Task Force on January 31, 2014 (see Appendices E & F). The reports make a number of Minnesota-specific recommendations and also recommend an expanded study of electronic poll books be conducted at the 2014 General Election to address issues discovered in the 2013 pilot and test the systems at a higher-turnout election. However, there were some general feedback and recommendations with which Board staff agrees:

1. Allow voters to check-in using only the electronic poll book. A separate paper record should only be required if the electronic poll book system has failed.⁶
2. The State should not require that electronic poll book systems use dedicated hardware. However, the state should establish minimum security standards for any such multi-purpose hardware.⁷
3. The State should engage in a "build or buy" analysis regarding electronic poll book software.⁸

⁶ Office of the Minnesota Secretary of State, *Electronic Roster Pilot Project: Legislative Report and Evaluation* (2014), at page 43.

⁷ Office of the Minnesota Secretary of State, *Electronic Roster Task Force: Findings and Recommendations* (2014), at page 12.

⁸ *Id.* at 13.

These recommendations will be further discussed in the Staff Recommendations section below.

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 historically have 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 – Two-dimensional barcode



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, at page 15).

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.

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.
§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. A suggested definition would be "the combination of mechanical, electromechanical, and electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used to access and maintain the electronic poll list."

The Board should also promulgate an administrative rule describing standards for testing and approval of electronic poll books which would be similar to Wis. Admin. Code GAB Chapter 7. 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 an appropriate level of testing and review before being approved for use. See the "Recommendations" section at page 20.

E. Integration of an Electronic Poll Book System with SVRS

The specific technical requirements for integration of an electronic poll book system with SVRS 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)?

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 states.⁹ 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 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 lower than the costs to localities to purchase vendor systems.

Potential advantages of building an electronic poll book system include creating a customized solution specific to Wisconsin's needs, reduced overall cost, ability to improve the system based on user feedback, and ease of integration with the statewide voter registration system. The primary disadvantage would be the software development costs incurred at the state level, which are unknown at this time. Board staff recommends further analysis of the potential costs and benefits. This analysis must also include whether to allow local clerks to purchase and use vendor e-poll book solutions while a state system is being developed, and whether to continue to allow vendor systems to be used after the state system is implemented. See the "Recommendations" section below at page 22.

Advantages of allowing counties or municipalities to purchase vendors solutions include more choices, quicker implementation, less overall state-level technical costs (simply integrating with vendor solutions as opposed to developing the electronic poll book solution itself), and costs being kept at the local level. Potential disadvantages include lack of optimization for Wisconsin election procedures, increased overall costs, and state costs to integrate vendor solutions into SVRS.

⁹ 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.

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?

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 from and export to the statewide voter registration system. Compliance with state standards may be a requirement for certification.

Key advantages of allowing multiple vendors include allowing counties and municipalities greater choice in the system they want (subject to state standards) and potentially lower costs due to competition between vendors. Potential disadvantages include the complexity of integrating multiple vendor systems with the statewide voter registration system, greater difficulty in supporting them at the state level, and a more complex process to add or change features if changes to the law are made.

Advantages to approving only a single vendor include consistency and uniformity, lower costs to integrate with SVRS, and a single point of contact if modifications need to be made to support changes in Wisconsin law. Potential disadvantages include increased cost (no competition), lack of choice at the local level, and dependence on a single vendor.

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?

In Board staff's review of standards from other states that use electronic poll books, a common requirement is that the system must import and export the data in a format specified by the state. Such a standard would potentially reduce state-

level SVRS integration costs in a multiple vendor scenario, but may also hamper certification of some systems.

IV. Recommendations

Board staff has developed recommendations as to minimum system requirements, required functionalities, a testing and approval process for the Board to follow in the event that approval of a system by the Board is requested under Wis. Stat. § 6.79(1m), and some initial standards for implementation if a system is approved. Additionally, Board staff recommends further study and analysis of the costs and benefits of developing an electronic poll book solution and requests the Board to direct staff to conduct such a study.

As indicated above, no electronic poll book system is currently pending approval, and no final action is required at this time on these proposed standards. Leaving the proposed standards open at this time also provides further opportunity for local elections officials, electronic poll book vendors, and the public to provide feedback and permits the Board with further time to consider these recommendations. Board staff's recommended motions are included in the conclusion of this section.

A. Minimum System Requirements

1. **Documentation** – The electronic poll book and any peripheral devices must include documentation which fully describes the system, how to use the system, and the steps to access the various features of the system. This documentation may include, but is not limited to, system overview, software and hardware descriptions, user guides and technical manuals, and security procedures.
2. **Safety** – The electronic poll book and any peripheral devices must be designed and built with components that limit the risk of injury or damage to any individual or hardware and minimize the risk of fire or electrical hazards.
3. **Accessibility** – The electronic poll book and any peripheral devices must be designed for easy handling and use by all election officials and voters. This includes the weight of the pieces of the system, ergonomics of the pieces, screen size and shape, screen contrast, and typeface and size.
4. **Durability** – The electronic poll book and any peripheral devices must be designed to withstand continuous use on Election Day.
5. **Data Encryption** – The electronic poll book system must encrypt all data stored locally as well as transmitted across a network.
6. **Voting System Isolation** – The electronic poll book and any peripheral devices must not communicate or be connected to the voting system used at the polling place.

7. **Device Security** – Any components of the electronic poll book system that are used for other purposes prior to Election Day should be purged of any software and/or data not related to the upcoming election prior to being placed into service for an election.
8. **Network Security** – The electronic poll book system should be capable of transmitting data across a network to a central server or other electronic poll books. The system must be configured to prohibit connections to or from any network other than the authorized network.
9. **Audit Log** – The electronic poll book system should produce a record of all user actions.
10. **Data Backup** – The electronic poll book system should be configured to allow for data recovery in the event of a system failure.
11. **Power Backup** – The electronic poll book system should be designed to allow for continued use in case of battery failure or loss of electricity and including sufficient battery power, if applicable, and the ability to charge the battery quickly, if applicable.
12. **Data Transfer** – The electronic poll book system should be capable of import and export of data with the Statewide Voter Registration System (SVRS) in a data format specified by the Board. Specific requirements include:
 - a. Ability for the e-poll book to accept a file of pre-registered voters in the State standard format that can be loaded into the e-poll book directly by the election official without requiring additional manipulation.
 - b. Ability for the e-poll book to accept a file containing updates (including late registrations and absentee ballot requests processed after the initial e-poll book load) in the State standard that can be loaded directly into the e-poll book by the election official without requiring additional manipulation.
 - c. Ability for the e-poll book to export a file of election participation, in the State format, which includes all of the State-specified fields, which can be loaded directly into SVRS by the election official without requiring additional manipulation. The file must include both pre-registered voters that were loaded onto the e-poll book ahead of the election, as well as supplemental voters that were added after the e-poll book was loaded (election day registrations and late registrations received after the e-poll book was loaded)
 - d. Ability for the e-poll book to export a file of Election Day registrations, in the state standard format, which includes all of the state-specified fields, and which can be imported into the SVRS directly by the election official without requiring additional manipulation.

B. Required Functionalities

1. **Ease of Use** – The procedures for set up, use, and shutting down the electronic poll book system must be reasonably easy for an election official to learn, understand, and perform.
2. **List Storage** – The electronic poll book system must have the capability to store a list of voters, street addresses, polling locations, and ineligible persons adequate to support any jurisdiction in Wisconsin.
3. **Name/Address Search** – The electronic poll book system must have the capability to quickly search a list of voters by name or street address to support any jurisdiction in Wisconsin.
4. **Polling Place Lookup** – The electronic poll book system must be able to accurately determine a voter's ward and correct polling place by name or street address and, if the voter is not eligible to vote in that polling place, generate a locally-configurable notice to the voter containing the name and address of the voter's correct polling place.
5. **Reading of Identification Cards** – The electronic poll book system must have the capability to read information from either a magnetic strip or barcode and automatically search the voter list using that information to find the correct voter registration record, if any. If an associated voter registration is not found, the electronic poll book system must have the capability to import any relevant information from the magnetic strip or barcode consistently and correctly into a new voter registration record.
6. **Capture of Electronic Signatures** – The electronic poll book system must have the capability to capture an electronic signature.
7. **Election Day Registration** – The electronic poll book system must have the capability to accept new voter registrations and update existing voter registrations on Election Day.
8. **Customizable Embedded Training** – The electronic poll book system must provide embedded training opportunities to the user that are locally customizable.
9. **Ineligible List Matching** – The electronic poll book system must be able to compare new and updated voter registrations against the ineligible person list and notify the election inspector of a potential match.
10. **Incident Reporting** – The electronic poll book system must allow for detailed notes to be recorded for each voter record to document incidents and must be able to print any associated documentation.

11. **Election Documentation** – The electronic poll book system must be capable of producing necessary post-election documentation for retention as required.
12. **Audit Trail** – The electronic poll book system must be capable of providing a user-readable, printable audit trail/record of all user actions.
13. **Confidential Voters** – The electronic poll book system must be capable of maintaining a separate list of confidential voters and withholding confidential information related to those voters.

C. Testing and Approval Procedures

As part of its research, staff reached out to election officials in jurisdictions that are currently using electronic poll books to find examples of testing and approval processes. Of the states examined, the majority do not have a formal certification process in place. The exception is the State of Indiana, where the Indiana Code provides detailed functional and technical requirements for the electronic poll books that will be certified. Furthermore, the legislation requires that the State's Voting System Technical Oversight Program (VSTOP) perform or evaluate testing on the electronic poll books (see Appendix D).

As electronic poll books will utilize information contained in the Statewide Voter Registration System (SVRS) for purposes of conducting elections at the municipal polling places, Board staff would recommend that the Board require an appropriate level of testing and review to ensure that all systems used in the State of Wisconsin comply with minimum system requirements and required functionalities, as prescribed by the Board.

At a minimum, Board staff would recommend that the evaluation of an electronic poll book contain the following levels of review:

1. **Administrative Review of Application Documents** – The electronic poll book vendor/manufacture should be required to submit an application to the G.A.B. for evaluation. The application shall include the following information and any other information deemed necessary by Board:
 - a. Description of electronic poll book system
 - b. Manufacturer's affirmation that the Board shall be notified of any modification prior to making any offer to use, sell, or lease equipment
 - c. Production of a full and redacted set of the following:
 - i. Equipment specifications
 - ii. All technical manuals and documentation related to the system
 - iii. Complete instructional materials
 - d. Reports from voting systems testing laboratories (VSTL) either accredited by the U.S. EAC or a VSTL approved by the Board indicating compliance with Wisconsin's minimum system and functional requirements
 - e. A list of municipalities, counties, or states using the system

- f. If any portion of the application or materials provided to the Government Accountability Board is copyrighted, trademarked, or otherwise trade secret, the application shall include written assertion of any protected interests and redacted versions of the application and all materials consistent with any properly asserted protected interests. Simply identifying the entire electronic poll book system or even an individual item as “proprietary” is not sufficient. Any assertion of proprietary rights must include detailed specifics of each item protected, the factual and legal basis for protection, whether there is anything public within the protected item, and if there is, how to extract it along with a statement whether there are costs to do so
 - g. Manufacturer’s agreement to prepare the electronic poll book system for a test of the functionality or usability of the system developed by Board staff
 - h. Manufacturer’s agreement to keep the Board informed of all hardware, firmware and software changes and all jurisdictions using the electronic poll book system as a condition of maintaining the Board's approval for the use of the electronic poll book system
 - i. Manufacturer’s agreement to escrow, at its expense, a copy of the programs, documentation and source code used for any election in the state with an agent approved by the Board
 - j. Manufacturer’s attestation that the system meets the minimum system and functional requirements for use in Wisconsin
 - k. Manufacturer’s agreement to pay all costs incurred by the state related to testing the electronic poll book
2. **Functional Configuration Audit** – After receipt of the electronic poll book system from the vendor/manufacturer, Board staff will examine the system to ensure that it performs in accordance with the vendor/manufacturer’s specifications.
3. **Telecommunications Test** – G.A.B. staff will test the ability of the electronic poll book to transmit and receive data electronically and communicate with a poll list server.
4. **Acceptance Testing** – After certification, each county or municipality which has contracted for an electronic poll book will conduct an acceptance test at the time of delivery. This acceptance test will focus primarily on the ability of the electronic poll book to communicate with the (County/State) server in downloading and uploading appropriate data. Approval of the electronic poll book may be revoked if it fails the acceptance test.

Board staff also recommends that for good cause shown, the Board may exempt any electronic poll book system from strict compliance with the above standards.

D. Other Recommendations

1. A paper record of each voter's signature should only be required as part of a contingency plan in the event the electronic poll book system fails.
2. Specific implementation standards should be developed for clerks who choose to use an approved e-poll book, to include (but not limited to) the following:
 - a. Staff should do further analysis and study regarding the safety issues of networking poll books together within a single location, across locations, and between polling locations and central servers.
 - b. Staff should do further analysis and study regarding security, storage, and other technical and business implications of loading multiple jurisdictions' data (such as neighboring municipality's, countywide, or statewide) on e-poll books to facilitate better routing of voters to correct polling places.
 - c. Staff should do further analysis and study regarding the procedure and appropriate timeline for voter lists to be updated with data from late registrants and last minute absentee voting activity.
3. The Board should direct staff to engage in an analysis of the costs and benefits of developing custom electronic poll book software for use in Wisconsin.

V. Conclusion & Recommended Motions

Board staff would again like to thank the many election officials nationwide who contributed to this research project. Electronic poll books are a rapidly developing technology and offer many potential benefits to election administration, but like any tool, must be fully understood before they can be used most effectively.

Board staff recommends extending an invitation to election officials, vendors, and other interested parties to review this research, and particularly the proposed requirements, and to provide their feedback so that these standards can be further refined. As such, no final action is requested on those standards at this time. Board staff recommends the following two motions:

Recommended Motion: The Board directs staff to solicit and review feedback on the recommendations presented in this report and to further develop procedures, standards, and proposed legislative changes related to electronic poll books, and to report to the Board at a future meeting.

Recommended Motion: The Board directs staff to conduct an analysis of the costs of developing a custom electronic poll book solution for use in Wisconsin and to not accept applications for approval of any electronic poll book system until the Board has had an opportunity to consider this analysis.

Appendix A
State of Wisconsin \ Government Accountability Board

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JUDGE TIMOTHY VOCKE
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

DATE: July 24, 2013

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.



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ADVISORY 2013-04

August 14, 2013

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			ipad only
QR Code containing ballot preference produced for electronic voting unit	X			

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					

Appendix D

booths or compartments for marking paper ballots, whenever either or two (2) of these voting systems are used;

(2) ensure that the portion of the room set apart for the precinct election board includes a door at which each voter appears for challenge; and

(3) provide a method or material for designating the boundaries of the chute, such as a railing, rope, or wire on each side, beginning a distance equal to the length of the chute (as defined in IC 3-5-2-10) away from and leading to the door for challenge and to the room in which the election is held.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.253; P.L.69-2003, SEC.4; P.L.221-2005, SEC.65.

IC 3-11-8-8

Poll time on election day

Sec. 8. The polls in each precinct open at 6 a.m. and close at 6 p.m. on election day.

As added by P.L.5-1986, SEC.7.

IC 3-11-8-9

Proclamation of opening and closing of polls

Sec. 9. The inspector of each precinct shall proclaim the opening and closing of the polls to the people outside the polls in a loud tone of voice.

As added by P.L.5-1986, SEC.7.

IC 3-11-8-10

Precinct record to be made by poll clerks; contents

Sec. 10. The poll clerks of each precinct shall make a record of:

- (1) the inspector's proclamation of the closing of the polls; and
- (2) the time the proclamation was made.

The poll clerks shall enter the record required by this section on the tally papers. After the record has been made no more voters may vote except as provided in section 11 of this chapter.

As added by P.L.5-1986, SEC.7.

IC 3-11-8-10.3

Electronic poll list; requirements

Sec. 10.3. (a) As used in this section, "electronic poll list" refers to a poll list that is maintained in a computer data base.

(b) An electronic poll list must satisfy all of the following:

- (1) An electronic poll list must be programmed so that the coordinated action of two (2) election officers who are not members of the same political party is necessary to access the electronic poll list.

(2) An electronic poll list may not be connected to a voting system.

(3) An electronic poll list may not permit access to voter information other than:

- (A) information provided on the certified list of voters

- prepared under IC 3-7-29-1; or
- (B) information concerning any of the following received or issued after the electronic poll list has been downloaded by the county election board under IC 3-7-29-6:
- (i) The county's receipt of an absentee ballot from the voter.
 - (ii) The county's receipt of additional documentation provided by the voter to the county voter registration office.
 - (iii) The county's issuance of a certificate of error.
- (4) The information contained on an electronic poll list must be encrypted and placed on a dedicated, private server to secure connectivity between a precinct polling place or satellite absentee office and the county election board. The electronic poll book must have the capability of:
- (A) storing (in external or internal memory) a local version of the data base; and
 - (B) producing a list of audit records that reflect all of the idiosyncrasies of the system, including in-process audit records that set forth all transactions.
- (5) The electronic poll list must permit a poll clerk to enter information regarding an individual who has appeared to vote to verify whether the individual is eligible to vote, and if so, whether the voter has:
- (A) already cast a ballot at the election;
 - (B) returned an absentee ballot; or
 - (C) submitted any additional documentation required under IC 3-7-33-4.5.
- (6) After the voter has been provided with a ballot, the electronic poll list must permit a poll clerk to enter information indicating that the voter has voted at the election.
- (7) The electronic poll list must transmit the information in subdivision (6) to the county election board so that the board may transmit the information immediately to every other polling place or satellite absentee office in the county in which an electronic poll list is being used.
- (8) The electronic poll list must permit reports to be:
- (A) generated by a county election board for a watcher appointed under IC 3-6-8 at any time during election day; and
 - (B) electronically transmitted by the county election board to a political party or independent candidate who has appointed a watcher under IC 3-6-8.
- (9) On each day after absentee ballots are cast before an absentee voter board in the circuit court clerk's office, a satellite office, or a vote center, and after election day, the electronic poll list must permit voter history to be quickly and accurately uploaded into the computerized list.
- (10) The electronic poll list must be able to display an electronic image of the signature of a voter taken from the

voter's registration application, if available.

(11) The electronic poll list must be used with a signature pad, tablet, or other signature capturing device that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10). An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.

(12) The electronic poll list must include a bar code reader or tablet that:

- (A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader or tablet; and
- (B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.

(13) The electronic poll list must be compatible with:

- (A) any hardware attached to the poll book, such as signature pads, bar code scanners, and network cards;
- (B) the statewide voter registration system; and
- (C) any software system used to prepare voter information to be included on the electronic poll list.

(14) The electronic poll list must have the ability to be used in conformity with this title for:

- (A) any type of election conducted in Indiana; or
- (B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.

(15) The procedures for setting up, using, and shutting down an electronic poll list must:

- (A) be reasonably easy for a precinct election officer to learn, understand, and perform; and
- (B) not require a significant amount of training in addition to the training required by IC 3-6-6-40.

(16) The electronic poll list must enable a precinct election officer to verify that the electronic poll list:

- (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.

(17) The electronic poll list must include the following documentation:

- (A) Plainly worded, complete, and detailed instructions sufficient for a precinct election officer to set up, use, and shut down the electronic poll list.
- (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.
- (C) Failsafe data recovery procedures for information included in the electronic poll list.
- (D) Usability tests:
- (i) that are conducted by the manufacturer of the electronic poll list using individuals who are representative of the general public;
 - (ii) that include the setting up, using, and shutting down of the electronic poll list; and
 - (iii) that report their results using the ANSI/INCITS -354 Common Industry Format (CIF) for Usability Test Reports approved by the American National Standards Institute (ANSI) on December 12, 2001.
- (E) A clear model of the electronic poll list system architecture and the following documentation:
- (i) End user documentation.
 - (ii) System-level documentation.
 - (iii) Developer documentation.
- (F) Detailed information concerning:
- (i) electronic poll list consumables; and
 - (ii) the vendor's supply chain for those consumables.
- (G) Vendor internal quality assurance procedures and any internal or external test data and reports available to the vendor concerning the electronic poll list.
- (H) Repair and maintenance policies for the electronic poll list.
- (I) As of the date of the vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12(2), the following:
- (i) A list of customers who are using or have previously used the vendor's electronic poll list.
 - (ii) A description of any known anomalies involving the functioning of the electronic poll list, including how those anomalies were resolved.
- (18) The electronic poll list and any hardware attached to the poll book must be designed to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.
- (19) The electronic poll list 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 subdivision requires the mapping of the data life cycle of the voter registration record as processed by the electronic poll list.
- (20) The electronic poll list must successfully perform in accordance with all representations concerning functionality, usability, security, accessibility, and sustainability made in the vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12(2).
- (21) The electronic poll list must have the capacity to transmit

all information generated by the voter or poll clerk 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 on the dedicated private server maintained by the county election board for the period required by Indiana and federal law.

(22) The electronic poll list must:

- (A) permit a voter to sign the poll list even when there is a temporary interruption in connectivity to the Internet; and
- (B) provide for the uploading of each signature and its assignment to the voter's registration record.

As added by P.L.1-2011, SEC.2. Amended by P.L.271-2013, SEC.17; P.L.258-2013, SEC.75; P.L.219-2013, SEC.40.

IC 3-11-8-10.5

Recording name of voters who sign poll list; requirements

Sec. 10.5. A poll clerk may record the names of individuals who have signed the poll list and make that record available to a watcher or pollbook holder who requests the information. However, the poll clerk must ensure that:

- (1) a voter is not delayed in casting the voter's votes as a result of the preparation of the record, or by providing the information; and
- (2) the poll clerk does not engage in electioneering (as defined under IC 3-14-3-16) in providing this information.

As added by P.L.9-2004, SEC.18.

IC 3-11-8-11

Closing of polls; persons permitted to vote; extension of voting hours by order; provisional ballots

Sec. 11. (a) When the hour for closing the polls occurs, the precinct election board shall permit all voters who:

- (1) have passed the challengers and who are waiting to announce their names to the poll clerks for the purpose of signing the poll list;
- (2) have signed the poll list but who have not voted; or
- (3) are in the act of voting;

to vote. In addition, the inspector shall require all voters who have not yet passed the challengers to line up in single file within the chute. The poll clerks shall record the names of the voters in the chute, and these voters may vote unless otherwise prevented according to law.

(b) This subsection applies if a court order (or other order) has been issued to extend the hours that the polls are open under section 8 of this chapter. As provided in 42 U.S.C. 15482, the inspector shall identify the voters who would not otherwise be eligible to vote after the closing of the polls under subsection (a) and shall provide a provisional ballot to the voters in accordance with IC 3-11.7.

As added by P.L.5-1986, SEC.7. Amended by P.L.209-2003, SEC.129; P.L.221-2005, SEC.66.

IC 3-11-18.1-9

Notice of vote center locations

Sec. 9. The county executive shall publish notice of the location of each vote center in accordance with IC 3-11-8-3.2.

As added by P.L.1-2011, SEC.3.

IC 3-11-18.1-10

Administration of election according to laws and plan

Sec. 10. Except as otherwise provided by this chapter, the county shall administer an election conducted at a vote center in accordance with federal law, this title, and the plan adopted with the county election board's order under section 3 of this chapter.

As added by P.L.1-2011, SEC.3. Amended by P.L.225-2011, SEC.70.

IC 3-11-18.1-11

Casting absentee ballots at vote centers located at satellite offices

Sec. 11. Notwithstanding any other law, a voter who resides in a vote center county is entitled to cast an absentee ballot at a vote center located at a satellite office of the county election board established under IC 3-11-10-26.3 in the same manner and subject to the same restrictions applicable to a voter wishing to cast an absentee ballot before an absentee board located in the office of the circuit court clerk or board of elections and registration.

As added by P.L.1-2011, SEC.3.

IC 3-11-18.1-12

Electronic poll lists at vote centers; application for certification; examination by VSTOP; report; approval of certification; expiration of certification

Sec. 12. (a) Notwithstanding any other law, the electronic poll list used at each vote center must:

- (1) comply with IC 3-11-8-10.3; and
- (2) be approved by the secretary of state in accordance with this section.

(b) A person who wishes to market, sell, lease, or provide an electronic poll book for use in an election in Indiana must first file an application for certification with the election division on a form prescribed by the secretary of state.

(c) The secretary of state shall refer the application to the person or entity conducting the voting system technical oversight program (VSTOP) established by IC 3-11-16-2.

(d) The VSTOP shall examine the electronic poll book with its accompanying documentation and file a report with the secretary of state indicating:

- (1) whether the electronic poll book would operate in compliance with this title;
- (2) any recommendations regarding the acquisition or use of the electronic poll book; and
- (3) whether VSTOP recommends that the secretary of state approve the electronic poll book under this section, including

any recommended restrictions that should be placed on the secretary of state's approval.

(e) After the report required by subsection (d) is filed, the secretary of state may approve the application for certification permitting the electronic poll book to be used in an election in Indiana.

(f) A certification under this section expires on December 31 of the year following the date of its issuance, unless earlier revoked by the secretary of state upon a written finding of good cause for the revocation.

As added by P.L.1-2011, SEC.3. Amended by P.L.271-2013, SEC.25.

IC 3-11-18.1-13

Voter right to cast vote at any vote center in county

Sec. 13. Notwithstanding any other law, including IC 3-11-8-2 and IC 3-14-2-11, a voter who resides in a vote center county is entitled to cast a ballot at any vote center established in the county without regard to the precinct in which the voter resides.

As added by P.L.1-2011, SEC.3.

IC 3-11-18.1-14

Separation of ballots at vote center by precinct

Sec. 14. The precinct election board administering an election at a vote center shall keep the ballots cast in each precinct separate from the ballots cast in any other precinct whose election is administered at the vote center, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined and included on the statement required by IC 3-12-4-9.

As added by P.L.1-2011, SEC.3.

IC 3-11-18.1-14.5

Repealed

(Repealed by P.L.219-2013, SEC.58.)

IC 3-11-18.1-15

Amendment of county vote center plan

Sec. 15. (a) A county may amend a plan adopted with a county election board's order under section 3 of this chapter.

(b) For a county to amend its plan:

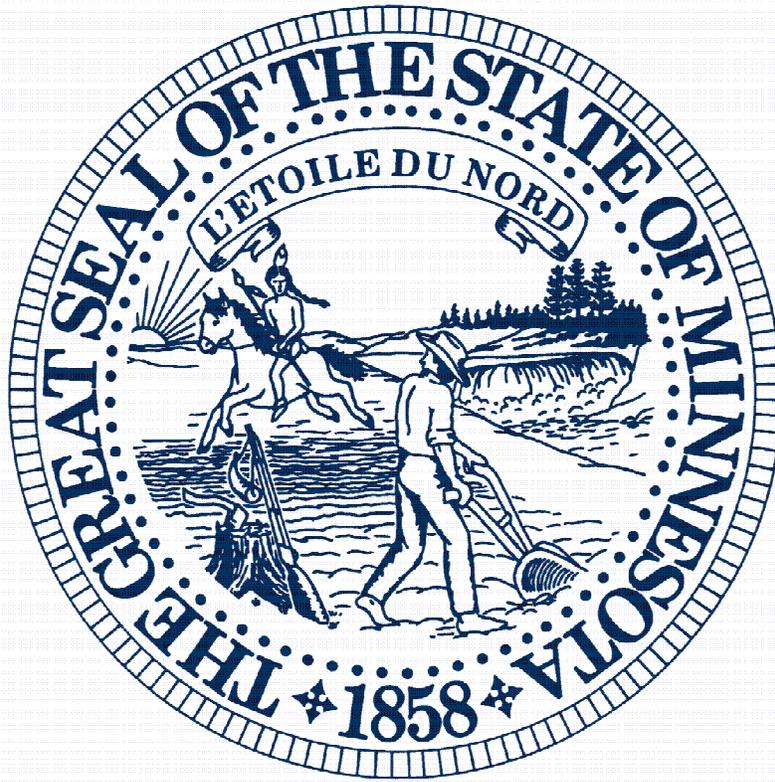
(1) the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4), by unanimous vote of the entire membership of the board, must approve the plan amendment;

(2) all members of the board must sign the amendment; and

(3) the amendment must be filed with the election division.

(c) A plan amendment takes effect immediately upon filing with the election division, unless otherwise specified by the county election board.

As added by P.L.1-2011, SEC.3. Amended by P.L.225-2011, SEC.71.



Electronic Roster Pilot Project

Legislative Report and Evaluation

Office of Minnesota Secretary of State

1/31/2014

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I. Introduction

The electronic roster pilot project was established to examine and test the use of electronic rosters in Minnesota polling locations. Electronic rosters, also known as “electronic poll books” or “ePollbooks,” are an electronic version of the paper polling place roster. This report by the Office of the Secretary of State was prepared using feedback from election judges, cities, and counties participating in the 2013 electronic roster pilot project.

Prior to the 2013 pilot project, the only municipality utilizing electronic roster technology was Minnetonka. Many other states have utilized electronic rosters and report election administration benefits from the electronic rosters both on election day and in the post-election processing of data. In order to evaluate the use and potential benefits of electronic rosters in Minnesota elections, the pilot project examined five different types of electronic rosters in five different cities conducting 2013 municipal elections. As reflected in this report, the experiences of the municipalities using the electronic rosters varied greatly based on the type of electronic roster used.

Due to the information learned in the 2013 pilot project, the Office of the Secretary of State recommends an expanded study of electronic rosters in the 2014 general election. This expanded study would provide a test of the electronic rosters in a high-turnout general election, provide an opportunity for vendors and participating municipalities to improve upon the training and the technology using their 2013 pilot project experiences, and would allow additional jurisdictions to participate in the study in order to better examine the potential use of electronic rosters across the state.

II. Enabling Legislation

In the 2013 omnibus elections bill, the legislature established a pilot project to “explore the use of electronic rosters in conducting elections.” Jurisdictions participating in the pilot project were permitted to “use electronic rosters to process election day registration, to verify the registration status of preregistered voters, or both.” Because the pilot project was for the 2013 election year, the pilot project only applied to general elections for home rule charter or statutory cities. Minnesota Laws, Chapter 131, Article 4, Section 1.

1. Participating Counties and Cities

The legislation specified that the cities participating in the project would be Dilworth (Clay County), Minnetonka (Hennepin County), Moorhead (Clay County), Saint Anthony (Hennepin and Ramsey Counties), and Saint Paul (Ramsey County). The legislation did not require that the

cities use electronic rosters in all precincts, but instead allowed the city election officials to designate specific precincts where the technology would be used.

2. Technological Requirements

The legislation specified the technological requirements for any electronic rosters used in the 2013 pilot project. Specifically, electronic rosters used in the pilot project must:

- (1) be able to be loaded with a data file that includes voter registration data in a file format prescribed by the secretary of state, to the extent feasible;
- (2) allow for data to be exported in a file format prescribed by the secretary of state;
- (3) allow for data to be entered manually or by scanning a Minnesota driver's license or identification card to populate a voter registration application that would be printed and signed and dated by the voter;
- (4) provide for a printed voter's signature certificate, containing the voter's name, address of residence, date of birth, voter identification number, the oath required by Minnesota Statutes, section 204C.10, and a space for the voter's original signature;
- (5) immediately alert the election judge if the electronic poll book indicates that a voter has already voted, the voter's registration status is challenged, or it appears the voter resides in a different precinct;
- (6) provide immediate instructions on how to resolve a particular type of challenge when a voter's record is challenged; and
- (7) perform any other functions necessary for the efficient and secure administration of participating election, as determined by the secretary of state.

Minnesota Laws, Chapter 131, Article 4, Section 1. For those precincts using electronic rosters only for election day registration, the legislation specified that the electronic roster technology need not comply with the requirements set out in clauses (4), (5), or (6). However, if precincts used the electronic rosters to verify registration status of preregistered voters, the legislation

required that the election judges also have the voter sign-in on the paper roster. Minnesota Laws, Chapter 131, Article 4, Section 1.

The legislation required that “[a]ll voter’s signature certificates and voter registration applications printed from an electronic poll book shall be retained pursuant to Minnesota Statutes, section 204B.40. Data on election day registrants must be uploaded to the statewide voter registration system for processing by county auditors.” Minnesota Laws, Chapter 131, Article 4, Section 1.

3. Evaluation Requirements

The legislation specified the evaluation requirements for the pilot project, requiring that the Office of the Secretary of State evaluate the project and report to the legislative committees with jurisdiction over elections by January 31, 2014. The report must include:

- (1) a description of the technology that was used and explanation of how that technology was selected;
- (2) the process used for implementing electronic poll books;
- (3) a description of training that was conducted for election judges and other election officials in precincts that used electronic poll books;
- (4) the number of voters who voted in each precinct using electronic poll books;
- (5) comments, feedback, or recommendations from election judges and others in a precinct using electronic poll books;
- (6) the costs associated with the use of electronic poll books, broken down by precinct;
- (7) comments, feedback, or recommendations from the participating cities and counties regarding data transfers and other exchanges of information; and
- (8) any other feedback or recommendations the secretary of state believes are relevant to evaluating the pilot project.

Minnesota Laws, Chapter 131, Article 4, Section 1. The Office of the Secretary of State submits this report in compliance with the statutory requirements.

III. Pilot Project Development

1. Selection of Vendors

The Office of the Secretary of State met with the participating municipalities and counties on May 29, 2013, and following that meeting sent a notice on June 3, 2013, to potential vendors informing them of their ability to participate in the pilot project. This information was simultaneously posted on the Office's website. In order to evaluate and ensure the functionality of the responding vendor's electronic rosters, the Office of the Secretary of State created a checklist of required and optional functionality for the electronic rosters. To participate in the pre-registered voter portion of the pilot, the Office required that the electronic rosters must:

- Be able to be loaded with a data file that includes voter registration data in a format prescribed by the Secretary of State to the extent feasible;
- Allow for the data to be exported in a file format prescribed by the Secretary of State;
- Allow for voter record to be searched and retrieved by scanning or swiping a Minnesota driver's license or Minnesota identification card;
- Provide for a printed voter's signature certificate, containing the voter's name, address of residence, date of birth, voter identification number, the oath required by Minnesota Statutes, section 204C.10, and a space for the voter's original signature;
- Immediately alert the election judge if the electronic roster indicates that a voter has already voted, the voter's registration status is challenged; and
- Provide immediate instructions on how to resolve a particular type of challenge when a voter's record is challenged.

In order for a vendor to participate in the election day registration portion of the pilot, the electronic roster must:

- Allow for the data to be exported in a file format prescribed by the Secretary of State;
- Allow for data to be entered manually or by scanning a Minnesota driver's license or identification card to populate a voter registration application that would be printed and signed and dated by the voter;
- Must provide for a printed voter's signature certificate, containing the voter's name, address of residence, date of birth, the oath required by Minnesota Statutes, section 204C.10, and a space for the voter's original signature; and
- Must immediately alert the election judge if the electronic roster indicates that a voter has already completed an election day registration and voted in the precinct on election day.

The Office requested that vendors respond to the participation survey by June 28, 2013. Eight vendors responded to the notice, and the vendors were divided among the participating municipalities on July 8, 2013.

The participating jurisdictions worked closely with the vendors in preparing for election day. Throughout this process, three vendors withdrew from the pilot project. The remaining vendors participating in the pilot project were ES&S, KNOWiNK, Hart InterCivic, SOE and Election Administrators.

2. SVRS Programming Development

The funding available for programming updates to SVRS was provided to Office of Secretary of State on July 1, 2013. The Office immediately began the programming for the post-election upload of election day voter registration data in order to ensure that the election day registration information could be queued electronically for post-election processing by the counties. The Office further provided election day registration data-file formats for vendors on July 10, 2013, to assist in the programming of the electronic rosters.

Due to the short timeline between July 1, 2013, and election day, the Office was unable to program SVRS for an electronic upload of the pre-registered voter history data. The Office did provide pre-registered voter data for download into the electronic rosters prior to election day, but the SVRS programming for the electronic upload of pre-registered voter history data will not be completed until the 2014 general election.

The Office provided a sample file of pre-registered voter data to all vendors participating in the pilot project. Before receiving test-files of pre-registered voters, participating vendors were required to sign a nondisclosure agreement. This allowed vendors to prepare their equipment for the loading and use of the actual pre-registered voter data.

3. Pre-election Approval of Experimental Forms

A. Hart

Hart requested authorization from the Office of the Secretary of State to use an experimental voter registration application consisting of a label that measured 4 x 2 ¾ inches that was then attached to a traditional 8 ½ x 11 inch blank voter registration application. This form contained the same information as the traditional paper voter registration application. The Office approved the use of this experimental form for the purpose of the 2013 pilot project.

In addition to the voter registration form, Hart sought and received approval to use an experimental voter oath sheet and certificate for the purpose of the 2013 pilot project. The

experimental sheet incorporated labels containing the voter's information that were attached to a sheet with an oath that voters then signed.

B. ES&S

ES&S requested authorization from the Office of the Secretary of State to use an experimental election day registration application form consisting of a receipt-like printout measuring 4 x 11 inches. The ES&S application form required the same information as the paper voter registration application, and the office approved the use of this form for the purpose of the 2013 pilot project.

4. Final Approval Checklist

The Office of the Secretary of State requested that by September 1, 2013, the counties determine that each participating vendor had successfully completed all portions of the electronic roster functionality checklist provided by the Office. All participating counties notified the Office by October 17, 2013, that the vendors had satisfactorily completed the checklist items and the counties continued working with the vendors for the pilot. The Office then notified all vendors of their continuing participation in the pilot and their ability to use the electronic roster technology in the selected precincts on election day.

IV. Technology Used

1. Hart

The Hart electronic roster is an off-the-shelf netbook operating on Windows 7. The netbook includes a traditional keyboard, as well as touch screen capabilities. In addition, the Hart electronic roster also contained a pivoting screen that could be flipped to allow voters to review their information.

The Hart electronic roster was delivered as a kit including the electronic roster and all of the peripherals: a printer, card reader, label printer and case. The electronic roster connected to a Brother DK-2205 label printer and a driver's license magnetic strip reader. In the polling place, the electronic rosters were networked together via cable and all of the electronic rosters in the precinct were synced with the same voter data.

2. Elections Administrators (EA)

The Election Administrators electronic roster is a tablet operating on the Asus Android platform. The EA Tablet connected to a HP 120 printer allowing for printing of 8 ½ x 11 election

day voter registration applications and used the onboard camera to scan Minnesota driver's license barcodes. A mobile Bluetooth receipt printer manufactured by Citizen also connected to the EA Tablet and was used to print voter certificates. A custom stand manufactured by the vendor was also provided and included an attached stylus pen. For the pilot project, only one EA Tablet was used per precinct. Because only one EA Tablet electronic roster was used per precinct, networking was not needed.

3. SOE

SOE's electronic roster technology was the Clarity electronic roster program. This electronic roster program is capable of running on any PC hardware. For purposes of the pilot project, SOE provided two Dell HP 4-1105dx laptops per polling place. The laptops could be used as a traditional laptop, but also had touch screen capabilities. Also provided for each electronic roster was a HP Office Jet 100 Mobile printer used to print election day registration applications, a Brother QL- 570 printer used to print voter certificate labels and a Datalogic Gryphon GD4430-BKK1 bar code scanner used to scan Minnesota driver's license or identification cards.

The SOE Clarity electronic rosters were connected wirelessly between units within the precinct and within the City of St. Anthony. AT&T Liberate 4G MiFis were provided by the vendor and used to connect each electronic roster wirelessly.

4. KNOWiNK

The KNOWiNK electronic roster technology was an iPad loaded with the KNOWiNK PollPad application. Each device had a stylus, and a stand to hold the iPad. A Star printer (for voter oath receipts) and an HP LaserJet printer (for voter registration applications) were provided by KNOWiNK for the precinct. The printers were connected via Bluetooth to the iPads. The only cords needed were the printer power cords and the cord connecting to the iPad to the battery power source. There were no other peripherals needed because the iPad camera was used to scan the barcode on the back of the driver's license or identification card. The electronic roster was transported in the iPad box.

At the polling location the electronic rosters were connected through a wireless Bluetooth connection.

5. ES&S

The ES&S electronic roster technology was a proprietary netbook device named the ExpressPoll. Each ExpressPoll had several connected peripherals: a thermal receipt printer, a

driver's license reader, a signature pad, and a USB hub. The electronic roster was stored in a hard case that was similar to a brief case. The peripherals were stored separately.

The ExpressPolls were connected with Ethernet cables. The Ethernet connection ensured that the electronic rosters all had up-to-date voter data.

V. Election Judge Training

1. Hennepin County (Minnetonka and St. Anthony)

A. Hart

The City of Minnetonka worked with Hart to coordinate the needed election judge training. Hart conducted a train-the-trainer session with city and county staff. The Minnetonka city clerk then trained the election judges that would be using the Hart electronic roster. Training was hands-on, using test data from a Minnetonka precinct. The vendor took staff through setting up the unit on election day and preparing it for election day. The training also went through the different voter scenarios election judges were likely to see in the polling place: registered voters, non-registered voters, challenged voters, absentee voters, and voters in the wrong polling place.

Hart also provided a short step-by-step user's guide and Power Point slides that were used to train election judges. Election judges generally reported that the training was adequate.

B. Elections Administrators (EA)

The City of Minnetonka worked with Election Administrators to coordinate the needed training. Election Administrators trained the election judges that would be using the EA Tablet on election day. Election Administrators included printed instructions that were provided to each election judge. At the time election judges were trained, some of the necessary functionality of the EA Tablet was missing. Hennepin County reported that this made training election judges extremely difficult.

Following the election judge training session, a number of concerns were discussed with the vendor. Election Administrators worked to make the necessary changes to the EA Tablet and updated their product to be sure it met the minimum requirements of the pilot project prior to election day. Also, following the training provided by the vendor, Election Administrators modified and corrected the instructions for election judges that were provided. The updated instructions were much more detailed and complete. The City of Minnetonka conducted a

follow up training with election judges after the modifications were made and the new instructions were written. These instructions were available to election judges on election day. Election judges generally reported that the training was adequate.

C. SOE

SOE trained all of the election judges that would be using the Clarity electronic roster on election day. SOE provided a printed instruction booklet which was available for each election judge. For training, the vendor set up multiple electronic rosters, printers and scanners, and took election judges through opening the application on the laptop, features of the laptop and working with the scanners and printers. Using this equipment, the vendor trained judges by using multiple scenarios election judges would likely see on election day: registered voters, non-registered voters, challenged voters, absentee voters, and voters in the wrong polling place.

2. Ramsey County (St. Paul and St. Anthony)

Ramsey County required training for the head and registration (assistant head) judges in the electronic roster precincts. All other judges who served in the electronic roster precincts were given the opportunity to attend the trainings.

Training was hands-on and covered how to process registered and non-registered voters using the electronic rosters. The trainings walked the election judges through different voter situations, including a challenged voter record, how absentee voters would appear, and how to determine if a voter was the correct polling place.

Ramsey County reported that the pre-registered voter data provided for the training was very confusing for the election judges, since all of the addresses were specific to Minnetonka but the precinct finder that was provided for training was specific to Ramsey County. When practicing the process for a non-registered voter, the judges reported being frustrated due to the differences in the data sets.

Written instructions were also provided to election judges on the electronic roster devices. Ramsey County staff created step-by-step voter check-in instructions, a flow chart showing polling place set up for the electronic roster devices, and surveys for the voters and the election judges to complete. All of the documentation was placed into a transfer case, along with additional electronic roster supplies that included surge protectors and extension cords.

A. Hart

Hart conducted a train the trainer seminar for Ramsey County staff, who then trained the election judges.

B. KNOWiNK

KNOWiNK conducted the training for election judges and Ramsey County staff. During and after the training, programming issues were discussed by Ramsey County staff and the KNOWiNK representative, including ways that the processing of a voter could be changed to make the process easier for the election judges. The suggested changes were available and operational on election day.

C. ES&S

ES&S conducted the training for election judges and Ramsey County staff. Ramsey County reported that ES&S staff were unprepared for training. The equipment needed for the training was delivered late and the trainer did not arrive with adequate time to set up and prepare. As a result the training began late, which created some anxiety amongst the election judges. Several programming issues became apparent during training, which added further stress to the election judges.

3. Clay County (Moorhead and Dilworth)

A. Hart

Hart provided onsite training for election officials and judges. Following this training, additional training was provided to the election judges by the county. All election judges reported that they received adequate training on the use of the Hart electronic roster.

B. ES&S

ES&S provided onsite training for election officials and judges. Election judges reported receiving inadequate training on the use of ES&S electronic roster, and that the electronic roster did not function on election day in the manner in which they were trained.

VI. Hennepin County, Minnetonka, and St. Anthony Feedback and Recommendations

Hennepin County had electronic roster pilot project locations in nine precincts, seven in the city of Minnetonka and two in the city of St. Anthony. Hennepin County piloted electronic rosters from Election Administrators (EA), Hart and SOE.

Precinct	Vendor	Location
Minnetonka W1 PB	EA	Old Apostolic Lutheran Church, 5617 Rowland Rd
Minnetonka W2 PA	EA	Minnetonka Community Center, 14600 Minnetonka Blvd
Minnetonka W2 PB	EA	St. David’s Episcopal Church, 13000 St. Davids Rd
Minnetonka W3 PA	EA	Ridgepointe, 12600 Marion Ln W
Minnetonka W3 PD	Hart	St. Luke Presbyterian Church, 3121 Groveland School Rd
Minnetonka W3 PF	EA	Minnetonka United Methodist Church, 17611 Lake St Ext
Minnetonka W4 PF	Hart	The Glenn, 5300 Woodhill Rd
St Anthony P1	SOE	Autumn Woods, 2600 Kenzie Ter
St Anthony P2	SOE	St Anthony Community Center, 3301 Silver Lake Rd

1. Feedback on the Technology That Was Used

A. Hart

Hennepin County and Minnetonka reported that, overall, the Hart electronic roster met the city’s needs and generally performed well on election day. Minnetonka noted specifically that Hart engaged in significant preparatory work prior to the election to ensure Hart understood both Minnesota election law and the general process of voting in Minnesota. Despite this, Hennepin County and Minnetonka reported the following issues with the Hart system:

- Election judges could easily search for a voter using their name or address, however, election judges had difficulty using the driver’s licenses scanning equipment to search for voters. It was unclear if the issues with the driver’s license scanner were a result of election judges not swiping the license correctly or if the software was not programmed correctly to read the information. Minnetonka reported that Hart was able to fix this issue when it was first identified, but that the issue resurfaced later in the day.
- The Hart electronic roster would occasionally freeze. This occurred a few times during training as well as on election day. When the system froze, it required the election judge to reboot the electronic roster, log in to the system again and have the voter start the process from the beginning.
- Although the set up and take down of the Hart electronic roster was done by the vendor, a number of election judges noted the number of cords associated with the

electronic roster and worried they would be unable to set up the equipment on their own.

- If the Hart electronic roster operates too long without a voter, the printer shuts down. Hennepin County reported that this should not be an issue in a large election but election judges needed to be trained on how to handle this when it occurred.
- Finally, Minnetonka reported that the election day registration module prepared by Hart needed additional work in order to be successful. Specifically, the number of election day registrations recorded on the electronic roster were only those new to the precinct. If a voter registering on election day was reregistering because of a change of name or apartment change, that registration was not counted as an election day registration by the electronic roster. Therefore, election judges needed to take additional steps to be sure the number of voters registering and voting on election day balanced at the end of the night.

B. Elections Administrators (EA)

Hennepin County reported that it was neutral on the question of whether the electronic roster provided by EA met the county and city's needs. Although Minnetonka reported that the EA Tablet was easier to learn and use in comparison to touch screen notebooks or laptops, there were several issues with the EA Tablet. The following issues were reported with the EA Tablet electronic roster:

- Hennepin County reported that the largest issue with the EA Tablet was the quality of the HP 120 printer used to print election day registration applications. The printer selected by the vendor took over three minutes to print a registration application once the data had been entered into the electronic roster. This caused delays and frustration in the polling place during a small municipal election, and Hennepin County noted that this is an issue that would only be amplified during a state general election. The delay was disruptive enough that some election judge made the decision to switch to the pen and paper method of registering a voter during the pilot.
- The peripherals used for the EA Tablet were wireless. Although this made the EA Tablet look much cleaner and allowed the election judges and voters to avoid having to deal with cords, the Bluetooth printers created additional issues. Hennepin County reported that the printers and the tablet needed to be turned on in a specific order to function properly. A few election judges also noted some issues with the Bluetooth not connecting to the correct printer when working with election day registration applications.

- Election judges reported issues with the license scanning functionality, and reported having to type in each voter's address, even when a voter presented a license for the purpose of election day registration. In addition to the address, election judges had to type in the ward and precinct and proof of residence used.

C. SOE

Hennepin County reported that the hardware provided by SOE worked very well on election day and met the City of St. Anthony's needs. Although there were no major issues reported with the SOE electronic roster, election judges did report that the HP Office Jet printer accompanying the roster would occasionally shut down due to inactivity. Election judges did not immediately know how to turn the printer back on, and recommended that additional training on this issue would be appropriate.

Hennepin county specifically noted that one advantage to the SOE Clarity electronic roster is that it is hardware agnostic with the exception of iPads. In the future, jurisdictions would be able to choose the hardware they would like to use and would not be limited to what the vendor offered.

2. The Printed Voter Registration Application

A. Hart

For voters registering on election day, the Hart electronic roster was able to scan a driver's license and pre-fill some of the information required on the election day registration application. The remaining election day registration information was required to be entered into the Hart electronic roster by the election judge. The electronic roster then printed a 2 ½ x 4 inch label which was then attached to an 8 ½ x 11 voter registration application. The label was an experimental form approved by the Office of the Secretary of State for use during this pilot project.

The experimental form created by Hart eliminated the need for a full 8 ½ x 11 printer in the polling place. However, Hennepin County reported that the printed label did not always print all of the information needed on the election day registration application. Therefore, in some instances, the voter's driver's license numbers needed to be hand written onto the election day registration application.

Hennepin County reported that there were some adjustments that could be made to improve the election day voter registration label. For example, the label used would be improved if the font on the printed label were larger and if the information was more spread out. In particular,

those using the Hart electronic roster reported that when no information is provided for a field, it would be very helpful if blank spaces were inserted between each field type. This would make the data entry of the information easier following the election.

B. Elections Administrators (EA)

The EA Tablet used the onboard camera to scan a Minnesota driver's license and populate the voter's name and date of birth onto the registration application. However, the driver's license scan was unable to capture the voters address information. Election judges manually keyed in the data entry of the required information on the registration application into the EA Tablet and printed the application from the HP printer onto a full-sized voter registration application for the voter to sign.

Because the scan captured only the voter's name and date of birth, election judges manually entered most of the information needed on the election day registration application. To make the voter registration process more efficient, Hennepin County reports that the EA Tablet needed the capability to capture more information from a scan of the voter's driver's license. Minnetonka and Hennepin County reported that the process of registering a voter and the need to hand key a majority of the necessary information took much too long and, with the additional time the printer took to print the application, the registration process was causing delays in the polling place.

C. SOE

The SOE Clarity electronic roster used a scanner to scan a Minnesota driver's license or ID card and populate the voter's name, date of birth and driver's license number into the Personal Data tab of the electronic roster and the voter's address into the Address tab. The election judge completed the entry of the remaining personal information and address information into the electronic roster. The voter was then added into the electronic roster and the election judge printed a voter registration application on a full sized voter registration application for the voter to sign.

By scanning a voter's driver's license or ID card, election judges were able to capture a significant amount of the voter's data without having to manually enter information. Additionally, the Clarity electronic roster captured the voter's school district, county, phone and email address as well as if the voter was a US citizen and if the voter would be 18 years of age on or before the next election.

After printing the voter registration application, election judges also needed to ‘post voter’ in order for the voter to receive a voter certificate label and for the voter to receive credit for voting on election day. Hennepin County reported that it took election judges several new registrants to get used to this step.

3. The Voter Certificate Form

A. Hart

The Hart voter certificate for pre-registered voters was printed on a 1 ½ x 2 ¾ inch label. The label included the voter’s name, address, date of birth, precinct, ballot style and voter identification number. The label was then affixed to the sign-in sheet containing a place for the voter certificate label, the voter’s signature and the voter certification oath.

Hennepin county reported that the voter certificate label produced by the Hart electronic roster worked well, and Hart created the sign-in sheet that the label was affixed to. The only negative comment regarding this system was that working with labels was an adjustment for election judges. Some election judges had difficulty peeling the label off, but overall the process was reported as easy to use and understand.

B. Elections Administrators (EA)

The Elections Administrators voter certificate for pre-registered voters was a ticket-type document measuring approximately 2 ¼ x 8 ½ inches. The voter certificate contained the voters name, address, date of birth, precinct, ballot style, voter identification number and polling place information. The voter certificate also contains the voter certification oath required to be on each page of the polling place roster. Voters read the oath on the printed certificate and signed at the bottom of the certificate.

Election judges reported liking the speed of the Citizen printer used for printing the voter certificate and that the voter oath was printed directly on the certificate. However, the certificates were hard for election judges to manage once they had been printed. The printer paper tended to curl and because the paper was so thin, it made counting voter receipts difficult. Election judges reported using a lot of printer paper during election day and needed to change the roll of paper on the Citizen printer often, however judges reported that it was easy to put in a new roll of printer paper.

Election judges also found that some of the pens provided did not work on the voter certificate paper. This issue may be resolved if electronic rosters are allowed to capture an electronic

signature. Elections Administrators' EA Tablet electronic roster has the capacity to capture electronic signatures.

C. SOE

The SOE electronic roster voter certificate was printed on two identical labels that were approximately ½ x 4 inches each. The voter certificate contained the voter's name, address, precinct, date of birth and voter identification number. One of the labels was affixed to a sign-in sheet that contained a location for the voter certificate label, the voter's signature and the voter certification oath. The second label was affixed to the voter's receipt.

Hennepin County reported that a number of vendors produce similar voter certificate labels; however SOE is the only vendor that produces two identical labels. The two label system allowed election judges a second opportunity to reconcile voter counts if necessary. Although it required peeling two labels, election judges reported liking the ability to have the "back up" information.

One issue identified was that the printed voter certificate included the voter's precinct information but it did not include the voter's school district information. While this was not an issue because the City of St. Anthony is only located in one school district, if the SOE Clarity electronic roster were used in other jurisdictions, this information would need to be added to the voter certificate in order for election judges to provide the correct ballot style.

4. Updating with Supplemental Absentee Ballot Report

A. Hart

The Hart vendor representative handled the upload of supplemental absentee ballot information on election day. Under the Hart system, updating a voter's record to reflect an accepted absentee ballot is an administrative function of the electronic roster that could be completed by the vendor, election judge or county staff.

The options for updating the electronic rosters from supplemental absentee reports were not tested during this pilot, but instead were handled by the vendor.

B. Election Administrators

Absentee ballot records were manually updated in each EA Tablet by entering the absentee voter's voter ID number into the Poll Worker module of the EA Tablet. This process was

sufficient for this election; however election judges were not familiar with using voter ID numbers to identify absentee voters and preferred to identify absentee voters by name.

While working with Election Administrators, the capability of the EA Tablet to upload absentee voter information wirelessly was discussed; however this technology was not tested as part of the pilot project.

C. SOE

Absentee ballots records in the SOE electronic roster were updated by the city clerk from city hall. The clerk logged into the Clarity electronic roster system as an administrator and was able to mark voters with accepted absentee ballots as voted. Since the electronic rosters were networked, the electronic rosters in the polling place were updated immediately with the new information. The city clerk was very impressed with this function. St. Anthony reported that this functionality would be a tremendous time saver for clerks on election day.

5. Experience in the Polling Location

A. Hart

Overall, the Hart electronic roster was well received by election judges, though election judges expressed concerns about their ability to set up and take down the electronic roster on their own. This was due primarily to the number of cords required for the peripherals.

Election judges noted how easy it was to search for voters using their name or address, however they were not pleased with the limited success of the driver's license scanner. Additional work needs to be done with this functionality to ensure it is compatible with Minnesota driver's licenses and identification cards.

According to Hennepin County, as election judges became more familiar with the electronic roster and its screens and scenarios, they increasingly became more comfortable with the technology and more optimistic about the positive impact it could have on the election day experience for judges and voters in the future.

B. Election Administrators (EA)

Overall, election judges found the EA Tablet easy to set up and easy to use. Judges commented on how simple it was to search for pre-registered voters and believed searching for a voter on the electronic roster was faster than searching for a voter on the paper roster.

Only one EA Tablet was provided in each precinct, and election judges would have preferred to have more than one EA Tablet in each precinct.

The biggest concerns and issues on election day came with the election day registration module. Election judges noted how long it took to enter all of the required data and, in conjunction with the overarching printer issues, the election day registration process as a whole on the EA Tablet was ineffective – it took far too long and did not make the process more accurate.

In the election judge surveys, judges did note the positive reactions that were received from voters using the EA Tablet.

C. SOE

Overall, election judges found the Clarity electronic roster easy to use. The SOE vendors were on hand throughout election day and performed the actual set up and take down of the units. However, election judges reported that they would be able to do this if and when they needed to and that the directions provided by the vendor were very easy to follow.

Election judges had great success using the electronic roster to search for pre-registered voters using the name search function or the driver's license scan option. Judges felt less comfortable working with voters who needed to register on election day. Election judge comfort level increased significantly after they were able to go through the process multiple times. With additional training prior to election day, election judges reported that they did not feel that this would continue to be an issue.

Election judges and voters agreed that having the option for any voter entering the polling place to be able to be checked in at any electronic roster regardless of their last name or their voter registration status was very helpful.

Since the electronic rosters were networked, election judges were complimentary of the ability to periodically check the voter counts against the ballot counter throughout the day. This added functionality provided another level of confidence in the electronic roster product and the election day process in the polling place.

6. Security Issues Regarding Electronic Rosters

Only voter data for the specific polling location where the electronic roster was used was loaded onto the electronic roster. There were mixed feelings on whether or not it would be better to load voter data for the whole city onto each electronic roster.

For the purpose of helping voters find their correct polling location, a citywide address range file was also provided for the electronic rosters.

A. Hart

The electronic rosters were delivered to Minnetonka directly and returned to the vendor after election day.

The voter data was loaded by the city onto the electronic rosters. While the electronic rosters were at city hall, they were locked in their cases. The locked electronic roster cases were picked up by each head election judge the day before the election and keys to the cases were delivered on election day.

B. Election Administrators (EA)

The electronic rosters were delivered to Minnetonka directly and returned to the vendor after election day. While the electronic rosters were at city hall, they were locked in their cases. The locked electronic roster case was picked up by each head election judge the day before the election and keys to the cases were delivered on election day.

C. SOE

The electronic rosters were delivered to St. Anthony directly and returned to the vendor after election day. The data was loaded by the city onto the electronic rosters which were locked in the city clerk's office until they were set up on election day. The electronic rosters were taken down by the vendor on election night and the vendor took the electronic rosters and peripherals with them following the close of polls.

7. Uploading of Post-Election Data into SVRS

A. Hart

Hennepin County reported that the election day registration files from Hart were easy to upload. In the .txt file that was provided there was initially an extra line of unnecessary information at the top of each file. Once this line was removed, there were no issues with the upload of the file to SVRS. It took Hennepin county approximately one minute per election day paper registration to process and upload the paper election day registration, and approximately thirty seconds to upload and process the electronic election day registrations.

Overall, Hennepin County reported it was faster and easier to process the election day registration applications through the electronic process versus the manual process of searching and entering voter information.

Hennepin County noted that, in addition to the initial line of excess text, there were minor issues with how the data came through to SVRS from the Hart .txt file. For example, in one case a previous Minnesota address was entered as part of the .txt file, but appeared in the fields for an “Out of State Previous Address” in SVRS. In other cases there was data on the election day registration that was not part of the .txt file. For example, apartment numbers were not included in the .txt file, but were on the election day registration and needed to be added during the SVRS pending process. Hennepin County reported that all of these were minor issues that could be easily corrected, and it would have been helpful if pilot participants had an opportunity to test the upload of electronic roster election day registration files prior to election day.

For select pre-registered voters, the electronic roster voter certificate bar codes were scanned to update the voter’s history. This process did work for the selected voters. In the future, an electronic upload would be preferred. However, with the Hart electronic roster, pages of bar codes for only voters that voted are produced. Hennepin County reports that having the ability to scan these pages would save some time in the process of posting voter history.

B. Election Administrators (EA)

Overall, Hennepin County reported that it was faster to process the election day registration applications through the electronic process versus the manual process of searching and entering voter information. However, because the file provided by the vendor did not include the voter’s address, the benefit reported by Hennepin County was largely diminished.

It took Hennepin County approximately three hours to post the voting history for the five Election Administrator precincts. The EA Tablet does not print a bar code for each voter that is checked in on election day as other vendors had done. The EA Tablet does have the capability to produce a .txt file that includes voter history data for each polling location from election day. In the future, Hennepin County reported that a file of this type should be able to be uploaded into SVRS automatically providing voter history to all voters who voted on election day and eliminating the need to manually post voting history for each voter.

C. SOE

Hennepin County reported that the election day registration files from SOE were easy to upload. The name of the file needed to be changed to match the name specified by the Secretary of State, but this was the only adjustment that needed to be made to the file provided by the vendor.

Overall, it was faster and easier to process the election day registration applications through the electronic process versus the manual process of searching and entering voter information.

There were minor issues with how data came through to SVRS from the .txt file. For example, apartment numbers were not included in the .txt file, but were on the election day registration and needed to be added during the pending process or a voter's phone number was included in the .txt file, but did not have the correct number of digits. Both of these examples are minor issues that could easily be corrected. Hennepin County reported that it would have been helpful if pilot participants had an opportunity to test the upload of electronic roster election day registration files prior to election day.

It took approximately thirty minutes to manually post voting history for the two SOE precincts. For select voters, the voter certificate bar codes were scanned to update the voter's history. This process did work for the selected voters. In the future, an electronic upload would be preferred, however with the Clarity electronic roster, pages of bar codes for only voters that voted are produced. Having the ability to scan these pages would save some time in the posting voter history process.

8. General Comments and Recommendations

The Office of the Secretary of State provided test data from a precinct in Minnetonka to allow for training of election judges. Hennepin County reported that, in using this test data, it was difficult to demonstrate various situations that could be expected to come up on election day: challenged voters, absentee voters, address ranges issues, and voters in the wrong polling location. It was also difficult for election judges to practice registering voters since the electronic roster was only loaded with address ranges for the test precinct. In the future, Hennepin County suggests that additional test data should be available, or test data should be created.

Because of the limitations of the electronic roster pilot, Hennepin County reported that on election day it was difficult for voters and election judges to experience the full capability of the electronic rosters. Voters needed to sign in multiple places and election judges needed to keep track of multiple rosters and sign-in sheets. Hennepin County reported that using a paper back up system for the pilot project is understandable, however voters and election judges may have

had a more favorable experience if they were only using the electronic roster instead of the electronic roster and the paper roster.

Hennepin County noted that there was an unaddressed issue regarding unregistered absentee voters in electronic rosters and, if the electronic rosters were to be used in the polling place, a programming solution has to be in place to keep an electronic record of the non-registered absentee ballots to be compared to the registration activity prior to election day and on election day.

A. Hart

Hennepin County noted that it would have been beneficial with the Hart electronic roster to be able to test the election day registration file upload from the vendor to SVRS. Once the data was available following the election, adjustments needed to be made to the Hart .txt files in order for them to be compatible with SVRS.

Hennepin County noted that Hart did a lot of preparation to learn and understand the election process in Minnesota. Their extra effort was noticeable and appreciated.

B. Election Administrators (EA)

As with Hart, Hennepin County noted that it would have been helpful with the Elections Administrators roster to be able to test the election day registration file upload from the Elections administrators to SVRS. Once the election day registration data was available following the election, major adjustments needed to be made to the files provided by Elections Administrators in order for them to be compatible with SVRS.

Hennepin County also noted that the EA Tablet had significant functionality that was not used as part of this pilot project. Hennepin County believes that a future pilot or mock election that would be able to demonstrate these additional features would be beneficial.

C. SOE

In addition to the two units in each precinct, the SOE vendor also provided a Clarity electronic roster for the city clerk that was located at city hall. This electronic roster allowed the city clerk to monitor activity in the polling place and update voter files with absentee voter information through the administrator module on the Clarity electronic roster.

The capability to network the electronic rosters within the precinct allowed election judges to easily check the voter counts against the ballot counter periodically throughout the day. This provided an added layer of assurance to election judges.

Hennepin County reported that SOE did a lot of preparation to learn and understand the election process in Minnesota, that their extra effort was noticeable and appreciated, and that they were a pleasure to work with.

VII. Ramsey County, St. Paul and St. Anthony Project Feedback and Recommendations

Ramsey County had electronic roster pilot project locations in nine precincts, eight in the city of St. Paul and one in the city of St. Anthony. Ramsey County piloted electronic rosters from KNOWiNK, Hart and ES&S.

Precinct	Vendor	Location
St Paul W 1 P 2	Hart	Jimmy Lee Recreation Center, 270 Lexington Parkway N
St Paul W 2 P 2	KNOWiNK	Linwood Recreation Center, 860 St Clair Ave
St Paul W 3 P 5	ES&S	Graham Place, 1745 Graham Ave
St Paul W 4 P10	ES&S	St Paul Council of Churches, 1671 Summit Ave
St Paul W 5 P1	KNOWiNK	North Dale Recreation Center, 1414 St. Albans St N
St Paul W 6 P 4	ES&S	Farnsworth School, 1290 Arcade St
St Paul W 6 P 5	Hart	Arlington Hills Presbyterian Church, 1275 Magnolia Ave E
St Paul W 7 P 12	KNOWiNK	Battle Creek Recreation Center, 75 Winthrop St S
St Anthony P-1	ES&S	Chandler Place – Community Room, 3701 Chandler Dr.

1. Feedback on the Technology That Was Used

A. Hart

Ramsey County reported that the Hart electronic roster was easy to set up and to use, and met the city’s needs. The one significant issue that occurred in the polling place was that the operating system would sometimes freeze, and the election judges had to re-boot the electronic roster. As a result, the election judge and the voter had to go through the entire sign in process again once the system was reloaded. Ramsey County identified this as a major issue in a busy election and could potentially cause long voter lines and inaccurate statistics.

Election judges indicated that the electronic roster was easy to use, and that processing a voter – registered or non-registered – was intuitive. Election judges also reported that the set up was easy and that the cords needed to connect the devices were minimal.

B. KNOWiNK

Ramsey County reported that the KNOWiNK Poll Pad was easy to set up and easy to use, and met the city's needs. The only issue that occurred in the polling location was a slow Bluetooth connection between the iPads and printers. The printer's response time lagged toward the end of election day. Resetting the Bluetooth connection corrected this problem.

Feedback from the election judges indicated that the Poll Pad was easy to use, and that processing a voter, registered or non-registered, was simple. Election judges reported that the set up was easy due to the fact that there were no cords needed to network the devices: the iPad worked as the barcode scanner, signature pad and the electronic roster.

C. ES&S

Ramsey County reported that the ES&S ExpressPoll requires a high number of peripherals compared to other electronic roster products, which results in a high number of cords. Ramsey County had to purchase additional extension and surge protectors to ensure that all of the ExpressPoll devices and peripherals would have power. Ramsey County reported that the extension cords had to be taped down to prevent tripping. The cords became easily tangled and, due to the high number of cords, Ramsey County stated that it would be very confusing for election judges to set up the units on their own. The number of cords and peripherals also meant that the devices could not turn so that the voters could view their records, which was a feature available on other vendor's electronic rosters.

Election judges expressed frustration on the number of screens and steps it took to process a voter, regardless if they were registered or non-registered. The election judges reported difficulty with the signature pad, and difficulty in allowing the voter to review the data entry screen due to the number of cords. Because the voter could not view the electronic roster, the voter had to trust that the election judge has selected the correct voter record and was processing the voter properly. Some concern was expressed that a voter could only verify that the election judge selected the proper record when the voter was signing the voter certificate.

2. The Printed Voter Registration Application

A. Hart

Hart was authorized by the Secretary of State to use an experimental voter registration label that measured 4 x 2 ¾ inches, that attached to a full sized blank voter registration application form. If the voter registering on election day had a current up to date Minnesota driver's license or identification card, the election judge could scan the driver's license or identification

card and have the voter registration application label pre-populate with the voter's information. If the voter did not have a current Minnesota ID, the election judge manually entered the voter information into the electronic roster.

Ramsey County recommends that the use of experimental voter registration applications and labels be continued, since Ramsey County believes it results in cost savings and increased accuracy of the voter records. In addition, Ramsey County recommends exploring a different size form on which the voter registration label could be affixed, or a pad of pre-printed forms with space for a signature and the voucher form on the back, or optimally, the use of an electronic signature pad.

B. KNOWiNK

KNOWiNK programmed the PollPad election day voter registration application to print the standard 8 ½ x 11 inch voter registration application on the HP printer. The election judge manually entered the voter registration information into the iPad. The front side of the application was printed once the voter or election judge completed the required fields in the electronic roster. The voter registration application had the voucher form pre-printed on the backside. If a voucher was needed, the voucher had to manually write-in his or her information.

Ramsey County recommends that an experimental form be researched using the Poll Pad, in order to require only one printer in the polling place. Two printers had to be deployed with the Poll Pad - one printer for printing non-registered materials (the combined voter registration application and non-registered oath form) and one printer for printing the registered oath forms. One printer would require less supplies and less election judge time for set-up and maintenance.

C. ES&S

ES&S received authorization by the Office of the Secretary of State to use an experimental voter registration form, but following the election Ramsey County reported that the text on the voter registration application needed to be in a larger font size. Ramsey County further reported that ExpressPoll should have had the ability to print the type of acceptable election day registration documentation that was shown to the election judges.

Ramsey County reported that a key ExpressPoll feature that was not working was the barcode scanner that was used to scan in a Minnesota driver's license or identification card. If the voter had a current license or identification card, the ExpressPoll should have pre-populated the voter's information onto the printed voter registration application. However, the feature was

not working properly on election day, and required the election judge to manually enter all of the data for the voter registration application.

3. The Voter Certificate Form

A. Hart

The Hart voter certificate printed on a Brother label. The label included the voter's name, address, date of birth, and polling location. The label was then attached to a registered or non-registered oath sheet and the voter signed his or her signature beneath the label. The printed voter information label measured 2 ¾ x 1 ½ inches and each oath sheet could fit 12 labels.

On election day the voters and election judges reported that the use of voter certificate labels was an easy process to follow. The Ramsey County elections office found that it was a unique and successful way of incorporating electronic roster technology with the wet ink signature requirement.

B. KNOWiNK

The KNOWiNK voter certificate for pre-registered voters printed on thermal paper that measured 3 x 5 ¼ inches. The certificates included the voter's name, address, date of birth, polling location, the voter oath, and space for the voter's signature. After the voter signed, the completed voter certificates were placed in an envelope containing registered voter certificates.

For non-registered voters, the oath was attached (by perforation) to the bottom of the voter registration application. The voter oath was yellow and measured 8 ½ x3 inches. The voter oaths were able to be removed (at the perforated edge) from the voter registration application once they were completed, and were placed in an envelope containing non-registered voter certificates.

Ramsey County reported that this form was sufficient on election day.

C. ES&S

The ES&S voter certificate (for both registered and non-registered voters) printed on white thermal paper that measured 4 ½ x 6 ½ inches. It included the voter's name, address, date of birth, polling location, the voter oath, and a space for the voter's signature. Once the voter signed the voter certificate form, the judges placed them into either an envelope containing registered or non-registered voter certificates.

Ramsey County reported that this form was sufficient, but that it could be improved by making the font size larger.

4. Updating with Supplemental Absentee Ballot Report

In Ramsey county, as absentee ballots were returned and accepted on election day, each vendor updated the electronic rosters in the polling places. A password was required to access the voter record update function. Once the password was entered, a screen with multiple selections appeared. The vendor searched for the voter, and selected 'AB.'

Ramsey County recommends that an internet connection be piloted to update absentees and to resolve election day issues remotely.

5. Experience in the Polling Location

Prior to election day, Ramsey County reached out to the voters to educate them on the electronic roster pilot through a postcard mailing. The postcard alerted the voters that there would be a new piece of equipment in the polling place, and they would sign-in or register on election day using the new electronic roster technology.

On election day, Ramsey County provided extra election judges for the polling places with the electronic rosters. Two election judges were assigned to each electronic roster unit. One judge guided the voter through the electronic roster process, while the other judge helped the voter with the paper process. The electronic roster pilot process for a registered voter required two signatures. The paper process for a registered voter required one signature. In total, three signatures were required for a registered voter.

The steps that the election judges followed for a registered voter in Ramsey County using an electronic roster are generally outlined below:

E-Roster process for pre-registered voters

- Search and find the voter in the electronic roster
- Select the voter record, ensure the information is correct
- Click "issue standard ballot"
- Voter signs on signature pad
- Click "accept signature"
- Print voter receipt
- Sign voter oath receipt
- Place voter receipt on sheet or in envelope

Paper process for pre-registered voters

- Looks up voter in paper roster
- Confirm the voters name and address, checks record for challenge
- Ask the voter to sign the pre-registered roster
- Initial and issue a blue voting receipt
- Direct voter to ballot judge table

The unregistered process required a total of four signatures for a voter, (one on the electronic roster, one under the voter oath label, one on the voter registration application, and one on the paper non-registered roster). The steps that the election judge followed to register a voter using the electronic roster are generally outlined below:

E-Roster process for unregistered voters

- Attempt to search for voter
- If voter not found, click on “voter not found issue ballot” button
- If voter is found, select record
- Follow prompts to register the voter
- E-roster will print the voter registration application (with the voter receipt at the bottom)
- Voter signs the voter registration application
- Voter signs oath
- Voter completes one line of the non-registered paper roster
- Initial and issue traditional yellow voter receipt to voter
- Direct voter to ballot judge table

The feedback received from election judges and voters was that the number of signatures required by the parallel registered voter processes created a large number steps to complete, and that, if it were a busier election year, the process would not work. To accurately test the functionality of the electronic rosters, Ramsey County recommends that the parallel paper process be eliminated. Further, Ramsey County reported that, as a result of the large number of steps, a few of the registered voters did not sign the paper roster. However, signatures were found with the voter oath labels and then matched to the registered rosters.

Ramsey County reported that the non-registered voter process in an even year election would have to have additional election judges to process the voters. In Ramsey County, election judges and voters expressed concern regarding the length of time the electronic rosters would take to process a voter. Ramsey County indicated it would be helpful to have all of the electronic roster units deployed in a polling location be able to process both registered and non-registered voters.

6. Security Issues Regarding Electronic Rosters

In Ramsey County, during the period between acquisition and election day, the electronic rosters were stored in the Ramsey County Elections office. The elections office can only be accessed by key cards possessed by Elections office staff.

Ramsey County worked with the election judges and vendor to ensure that the devices would remain secure. Ramsey County noted that, if electronic rosters are to be implemented in a broader scale, it would not be feasible to set up the devices prior to election day. In broad scale deployment security is a concern, and Ramsey County recommends that a process be developed to ensure data security. If possible, Ramsey County recommends deployment on election day morning to ensure that the electronic rosters are loaded with the most current version of data, or that the county has the ability to update electronic rosters remotely through a secure connection. Ramsey County also recommend that the counties have the ability to produce and upload reports from the devices on election night, which would eliminate the need for the vendor to do this function on the counties behalf.

A. Hart

Ramsey County took possession of the Hart electronic rosters on October 24th. Hart loaded the data onto the devices on the Monday before election day. The electronic rosters were stored in secured polling places between the Monday night before the election and election day morning. At the close of the polls, the Hart representative retrieved the electronic rosters, and returned to the election office on election night. The vendor sent the reports (election day registrants, electronic roster log and total voting) and took over custody of the electronic rosters on election night.

B. KNOWiNK

Ramsey County took possession of the KNOWiNK electronic rosters on October 29th. KNOWiNK loaded the data onto the devices on the Monday before election day. The electronic rosters were stored in secured polling places between Monday night before the election and election day morning. Upon the return of the electronic rosters, the vendor sent the reports (election day registrants, electronic roster log and total voting) to Ramsey County, re-packaged the electronic roster devices, and took over custody of the devices.

C. ES&S

Ramsey County took possession of the ES&S electronic rosters on October 28th. New memory cards were delivered to the polling places on election day by the vendor. At the close of the polls the head election judge packed the electronic rosters and returned them to the elections office. Upon the return of the electronic rosters, Ramsey County staff removed the memory devices and uploaded the data to SVRS. The devices were returned to ES&S after election day.

7. Uploading of Post-Election Data into SVRS

Overall, Ramsey County reported that the processing of the voter registration applications was simple and accurate. However, Ramsey County would like a test environment in SVRS using Ramsey County data, in order for vendors to be fully prepared for election day registration file upload. When Ramsey County worked with the files that were uploaded into SVRS, the printed voter registration was compared to the pending file to ensure the accuracy and completeness of the data.

It took Ramsey County approximately one minute per election day paper registration to process and upload the paper election day registration, and approximately thirty seconds to upload and process the electronic election day registrations.

Ramsey County posted the voter history manually from the paper rosters and reported that this paper-roster history matched the electronic roster history reports. Ramsey County noted that voter and election judge error likely caused a few signatures to be missed on the paper roster, but this error-rate was likely enhanced by the number of signatures required in the parallel paper and electronic registration system.

A. Hart

After the pilot, Hart was able to provide a file to be uploaded into SVRS, but an issue occurred with having excess data fields in the .txt files. After contacting the vendor, the election day registration upload files were provided without the additional data fields, which were then easy to upload into SVRS. Ramsey County noted that the availability of a test environment prior to election day would have been very helpful to the vendor.

B. KNOWiNK

After the pilot, KNOWiNK was able to provide a file to be uploaded into SVRS. However, Ramsey County reported that an issue occurred when the barcode of the Minnesota driver's license was scanned and a programming error caused the date of birth to populate incorrectly

on the voter registration application. The printed voter registration application had the correct date of birth printed, and that information was then manually entered into SVRS.

C. ES&S

Because the ExpressPoll did not print the type of proof for election day registration at the bottom of the voter registration, this information was not exported for SVRS upload. Ramsey County manipulated the reports to successfully upload the data. In addition, there were some issues importing the manipulated data, particularly if the voter had changed his or her name. If the ExpressPoll was able to export a SVRS compatible file, uploading the election day registration data to SVRS would save a large amount of time.

8. General Comments and Recommendations

Ramsey County recommends permitting experimental use of electronic rosters to occur in certain polling locations in 2014. This would allow counties and cities to continue working with vendors toward a solution that would fully comply with election laws, and provide better customer service to voters.

If electronic roster testing is to continue, Ramsey County recommends that an extensive voter outreach program be implemented in order for voters and election judges to be aware of the use of electronic rosters, and to proactively answer questions on electronic roster use. For the 2013 pilot, Ramsey County sent out a postcard to each household residing in an electronic roster pilot precinct, but a more extensive voter outreach plan would have helped the public understand the new technology.

Ramsey County offered the following recommendations for the registered voter process using an electronic roster:

- The paper roster should be eliminated in electronic roster precincts, or should be available as only a back- up.
 - Electronic signature should be permitted in lieu of a wet signature, OR
 - The electronic roster should print a voter oath receipt or label that the voter signs.
- The electronic roster should export a report that is uploaded directly SVRS in order to post voting history.
- The electronic roster should have the capability to record data from many documents, including driver's licenses, state ID cards, and student ID cards.

Ramsey County recommends the following steps for non-registered voter processing using the electronic roster:

- To complete the voter’s information in the election day registration application:
 - The ability for voter information to be pre-populated by swiping a Minnesota driver’s license or ID, or
 - Allowing the voter to complete the voter registration application on the electronic roster, if they wish.

- To sign the voter registration application:
 - The voter signs the voter registration application electronically by signature capture, or
 - The completed voter registration application is printed and the voter completes the signature section.

- To complete the voter oath form:
 - Electronic signature should be permitted in lieu of a wet signature, or
 - The electronic roster should print a voter oath receipt or label, eliminating the need for a non-registered roster signature.

Finally, Ramsey County asked that this report recognize all three of the vendors Ramsey County worked with for the free hardware, software, time, and effort that was provided in order to help Ramsey County successfully participate in the electronic roster pilot project.

VIII. Clay County, Moorhead and Dilworth Project Feedback and Recommendations

Clay County had electronic roster pilot project locations in four precincts, one in the city of Dilworth and three in the city of Moorhead. Clay County piloted electronic rosters from Hart and ES&S.

Precinct	Vendor	Location
Dilworth	Hart	Dilworth Community Center, 709 1 st Ave NW
Moorhead W1 P1	ES&S	St. Francis De Sales Church, 601 15 th Ave N
Moorhead W4 P10	ES&S	Brookdale Baptist Church, 1401 40 th Ave S
Moorhead W4 P11	Hart	Brookdale Baptist Church, 1401 40 th Ave S

1. Feedback on the Technology That Was Used

A. Hart

Clay County reported that the electronic roster provided by Hart generally met the County and cities' needs. Issues with the electronic roster included that the school district on printed labels was not correct despite being correct on the display, and the city information on the address labels were not always correct.

Dilworth reported that, for unknown reasons, one of the two electronic rosters provided by Hart would not load. This resulted in Dilworth using only one electronic roster. Election judges in Dilworth reported that the remaining electronic roster occasionally froze up on when scanning a license, and had to then be restarted.

The precinct using the Hart electronic roster in Moorhead did not report issues with the license scanner because Moorhead choose not to use this functionality. Moorhead reported additional problems with the roster technology, including the electronic roster randomly shutting down and issues with the electronic roster sending voters to different precincts, even though election judges reported that the voter was in the correct precinct.

B. ES&S

Clay County reported that it was neutral on whether the electronic roster provided by ES&S met its needs. Clay County and Moorhead reported that the identification card reader did not work properly (it did not link to the voter), and that the set up of the system was cumbersome and very confusing. Further, Moorhead reported that the number of cords required was a hazard. Because the electronic roster equipment was not functioning properly, Moorhead reported occasional lines at the ES&S pilot project polling locations.

Election judges reported being unable to edit the apartment field in the electronic roster, and that at the time the polling location opened the electronic roster was not functioning and had to be rebooted. Moorhead reported that election judges generally had many complaints about the ES&S electronic roster equipment.

2. The Printed Voter Registration Application

A. Hart

Clay County as well as Dilworth and Moorhead all expressed approval of the Hart election day voter registration application form.

B. ES&S

Clay County did not agree that the experimental voter registration application used by ES&S was sufficient to meet the county's needs. While the form was sufficient according to Moorhead, election judges reported that the electronic roster did not populate the form as intended, requiring significant manual data entry.

3. The Voter Certificate Form

A. Hart

Clay County reported that the voter certificate system used by Hart was sufficient to meet the county and cities' needs, and was easy to use. Clay County noted that in posting voter history, the scanning of the labels produced by the electronic roster was less likely to result in a miss-scan, which can easily occur when scanning in paper rosters (scanning the wrong line, for example). Although Moorhead did not provide feedback on the voter certificate form, Dilworth noted that the form was very easy to read and sufficiently met the city's needs.

B. ES&S

Clay County and Moorhead reported that the voter certificate was sufficient to meet the county and city's needs.

4. Updating with Supplemental Absentee Ballot Report

A. Hart

Clay County reported that it was easy to update the Hart electronic rosters from the supplemental absentee ballot report. Hart helped the precincts with this task resulting in no issues.

B. ES&S

Clay County reported that it was unable to add new absentee ballot reports under the ES&S system and that support staff was unable to assist in this process.

5. Experience in the Polling Location

A. Hart

Other than the technical issues mentioned above, the reports from Clay County as well as Moorhead and Dilworth were positive regarding the Hart system. It was uniformly reported that more electronic rosters would be needed for an even-year general election, and many election judges suggested having one electronic roster dedicated solely to new voter registrations.

B. ES&S

The reports regarding the ES&S experience in the polling location were generally negative. Technological issues were reported to cause lines in an otherwise low-turnout election.

6. Security Issues Regarding Electronic Rosters

Clay County reported that at all times the electronic rosters were either in the presence of elections staff or in a locked room.

A. Hart

At the precincts with Hart technology, a Hart representative was on hand to make sure that the electronic rosters were unpacked at the beginning of the day and then repacked at the end of the day. The election judges never left the electronic rosters unattended.

B. ES&S

Although the physical security of the ES&S electronic roster was not questioned, one election judge expressed concerns over the security of voter data with the ES&S electronic roster because all voter data had to be verified orally. This meant that personal information could be overheard by anyone in the vicinity of the voter.

7. Uploading of Post-Election Data into SVRS

Clay County reported that it was easy to upload the election day registrations into SVRS using both the Hart and ES&S electronic rosters. Clay County further noted that the system ensures that proper information is obtained when the voter is processed so there is less pending or illegible data.

A. Hart

Clay County noted that in posting voter history, the scanning of the labels produced by the electronic roster was less likely to result in a miss-scan as can easily occur when scanning in paper rosters (scanning the wrong line, for example).

B. ES&S

With the ES&S electronic rosters, Clay County decided not to use the electronic rosters for posting the voter history data and instead used the paper rosters. Therefore Clay County had no feedback on the posting of voter history through the ES&S electronic roster system.

8. General Comments and Recommendations

A. Hart

Election judges generally reported enjoying the new process, and that the electronic roster reduced the labor involved with flipping through paper rosters. Election judges reported that, though some of the older generation in the community may have been overwhelmed when they first saw the electronic roster, they were generally accepting of the process once they had first-hand experience.

Dilworth noted that, though most of the city's election judges are retirees that may have less experience with the technology used, the system was very easy to learn and the election judges enjoyed the new system.

B. ES&S

Election judges reported that the electronic roster did not function as it was intended, and one election judge said specifically that the ES&S electronic roster was not ready for a live Minnesota election. Although some election judges reported that voters understood that the paper system may have to change, some expressed frustration and questioned the ethics and security of electronic rosters.

Moorhead reported that it would not recommend the use of ES&S electronic rosters in the future.

IX. Voter Usage

In all, 6,827 voters voted in-person in precincts using the electronic rosters. Below is a breakdown of in-person voters by precinct (and corresponding in-person election day registrants):

Hennepin

Precinct	Vendor	Voters Using eRoster (election day registrants)
Minnetonka W1 PB	EA	131 (0)
Minnetonka W2 PA	EA	137 (1)
Minnetonka W2 PB	EA	379 (14)
Minnetonka W3 PA	EA	114 (15)
Minnetonka W3 PD	Hart	196 (4)
Minnetonka W3 PF	EA	313 (8)
Minnetonka W4 PF	Hart	386 (5)
St Anthony P1	SOE	145 (10)
St Anthony P2	SOE	284 (8)

Ramsey County

Precinct	Vendor	Voters Using eRoster (election day registrants)
St Paul W 1 P 2	Hart	496 (32)
St Paul W 2 P 2	KNOWiNK	460 (24)
St Paul W 3 P 5	ES&S	363 (26)
St Paul W 4 P10	ES&S	499 (25)
St Paul W 5 P1	KNOWiNK	366 (11)
St Paul W 6 P 4	ES&S	314 (5)
St Paul W 6 P 5	Hart	281 (7)
St Paul W 7 P 12	KNOWiNK	414 (16)
St Anthony P-1	ES&S	113 (11)

Clay County

Precinct	Vendor	Voters Using eRoster (election day registrants)
Dilworth	Hart	433 (16)
Moorhead W1 P1	ES&S	640 (12)
Moorhead W4 P10	ES&S	138 (15)
Moorhead W4 P11	Hart	225 (18)

X. Cost Associated with Pilot Project by Precinct

Because vendors provided the necessary programming and equipment for free, most cities and counties reported no costs associated with the pilot project other than the costs associated with the staff and election judge training time. Although most cities did not estimate the cost to train election judges, Minnetonka estimated that it cost \$306 to train the election judges in the seven Minnetonka precincts.

A few participating cities purchased additional equipment to facilitate the study. In order to use the Elections Administrator's equipment, Minnetonka purchased five HP Bluetooth Printers at a cost of \$227.13 each (one per precinct), for a total of \$1,135.66.

Ramsey County reported additional costs. First, Ramsey County sent a mailing to all households that would have an electronic roster in their polling place. The mailing for a total cost of \$735.04. Because Ramsey County administers the St. Paul elections, Ramsey County also had direct costs associated with the St. Paul locations, including the acquisition of two additional electronic rosters from Hart for \$1,000 per roster (\$2,000 total). Ramsey County also had to purchase additional extension cords and surge protectors for the ES&S equipment in St. Paul for a total cost of \$92.30.

XI. Secretary of State Feedback and Recommendations

1. Selection of Vendors

The Office of the Secretary of State reports that the initial solicitation of vendors was successful, but the timeline for implementation limited the number of vendors that ultimately participated in the 2014 pilot.

The Office solicited vendors for the pilot project through several mechanisms and eight vendors responded to the solicitation expressing interest in participating in the pilot project. Notably, three vendors chose to withdraw from the pilot for various reasons, including capacity issues and the time required to program their electronic rosters to comply with Minnesota law and pilot's software requirements. This meant that the pilot did not include the full scope of interested vendors, including the vendor that Minnetonka had been using since 2009 for electronic rosters: Datacard.

2. SVRS Program Development

The Office of Secretary of State was able to complete the programming of SVRS for the upload of election day registrations, and that functionality was released in SVRS version 5.1 on

November 12, 2013. This functionality was successful if the vendors provided the election day registration file in the format prescribed by the Office. The Office provided vendors with file specifications and an opportunity to submit a test file prior to election day in order to ensure that the file would comply with the SVRS election day registration upload requirements. Not all vendors chose to resubmit their test data files to verify that the discovered issues had been corrected. With the functionality released in SVRS 5.1, counties now have the ability to upload future test files in a practice mode.

The only issue identified by the Office regarding the SVRS upload function that was unrelated to the vendor file formatting was issues with respect to name suffixes (JR, SR, IV, etc.). If the vendor file contained a name suffix and that name suffix not in capital letters, the suffix would not pre-populate when processing the record under pending applications in SVRS. The counties were then required to manually insert that information. While the Office specified that vendor files contain the name suffix in capital letters, the Office intends to address this issue in SVRS prior to the 2014 election.

Finally, the Office notes that post-election processing of data will be greatly improved by the ability of counties to directly load the voter history file from the electronic roster into SVRS. The Office is in the process of completing the programming necessary to allow SVRS to download pre-registered voter data and upload the post-election voter history data from electronic rosters. The Office intends to complete the programming for this functionality by the 2014 state general election.

3. Pre-Election Approval of Experimental Forms

A. Voter Registration Applications

Although the Office approved two experimental election day registration forms, it is the opinion of the Office that the Hart form did not actually require approval. The final Hart form was a label that was applied to a full size paper voter registration card. Because the label was applied to a full size card and contained all of the information required by statute, the Office does not consider this to be an experimental form and instead in compliance with the statutory requirements.

The Office agrees with the feedback from Ramsey County that the ES&S form would have to be reworked prior to the Office considering authorizing it for additional experimental use. Further, the Office notes that, though Minnesota Statutes permit the use of experimental forms if approved by the Office, Minnesota law would need to be changed to allow these experimental

forms on a permanent basis. Municipalities considering the purchase or rental of electronic roster equipment should consider this when selecting a vendor.

B. Voter Certificate Forms

Hart requested the use of alternative voter certificate forms. The use of labels affixed to a sheet of paper with the oath appears to be an easy, logical and convenient way to manage these certificates as opposed to many loose pieces of paper.

The only disadvantage that this Office notes with the label system is related to privacy. Voters signing the label after it is affixed to a sheet containing the oath also see the personal information of other voters who have already signed their certificate. These certificates contain the voter's full name, address, voter identification number and date of birth. Although this is no different than the information that voters can see when they sign a paper roster, if one of the intended benefits of the electronic rosters is to reduce the exposure of personal information this is something jurisdictions may wish to consider.

4. Feedback on Technology Used

As reported by the counties and participating cities, the technology used had varying degrees of success in the precincts. The Office required that each participating county certify to the Office by September 1, 2013, that the electronic roster technology developed by each vendor met a specific set of test requirements. For pre-registered voters the checklist contained the following among its requirements:

- Voter record can be searched and retrieved by scanning or swiping a Minnesota driver's license or Minnesota ID card;
- Alerts election judge if address on DL/ID is different than address on voter record but allows election judge to override the alert (i.e. DL may use AV instead of AVE);
- Provides a printed voter's signature certificate, containing the voter's name, address of residence, date of birth, voter identification number, Minn. Stat § 204C.10 oath, and space for the voter's original signature;
- Immediately alerts election judge if pre-registered voter has already voted by absentee ballot;
- Immediately alerts election judge if pre-registered voter has already voted in the polling place;

- Immediately alerts election judge if pre-registered voter has already voted as an election day registrant in the precinct;
- Provides immediate instructions for resolving each of the types of challenges listed above;
- Allows for election judge to manually add AB for a pre-registered voter (simulated AB process for ABs accepted after rosters printed);
- Allow for the data to be exported in a file format prescribed by the Secretary of State;

For election day registrants, the checklist contained the following among its requirements:

- Allow for Election day registrant data to be entered manually;
- Allow for Election day registrant data to be entered by scanning a Minnesota driver's license or identification card to populate the data in a Minnesota voter registration application. Cues election judge to ask for and input non-populated data from voter;
- Allows for election judge to edit data that was populated by a scanned driver's license (i.e. input an address different from what is on the DL/ID card);
- Allows for each of the valid proofs of residence to be selected:
 - Minnesota Driver's License or Minnesota ID or Receipt
 - Prior Registration in Precinct
 - Notice of Late Registration
 - Tribal ID
 - Student ID; Name on Housing List
 - Bill with Photo ID
 - Witness/Voucher
 - Bill with Minnesota Driver's License or Minnesota ID
 - Bill with Passport
 - Bill with Military ID
 - Bill with Student ID
 - Bill with Tribal ID
- Provides for the Minnesota voter registration application to be printed and signed and dated by voter. Printed application data must match the data input and be in the proper field on the form, and must print the back side or the county must provide paper with back side pre-printed;

- Provides a printed voter's signature certificate, containing the voter's name, address of residence, date of birth, Minn. Stat. § 204C.10 oath, and space for the voter's original signature;
- Immediately alerts election judge if the election day registrant has already completed an election day registration in the polling place and voted;
- Immediately alerts election judge if the election day registrant has already voted as a pre-registered voter in the precinct either as an absentee ballot or in the polling place;
- Immediately alerts election judge if the residence address provided is not within the precinct, but allows election judge to override the alert (i.e. precinct finder range needs to be expanded);
- Immediately alerts election judge cannot proceed if U.S. Citizen or the at least 18 questions marked as "No";
- Immediately alerts election judge if date of birth provided is less than 18; and
- Allow for the data to be exported in a file format prescribed by the Secretary of State.

Although all counties reported by October 17, 2013, that the vendors had satisfactorily completed this checklist, the post-election reports from participating cities and counties indicate that some of the electronic rosters did not contain the full functionality or it did not operate properly on election day.

5. Security Issues Regarding Electronic Rosters

Because of the sensitive data that is contained in the election rosters, the Office recommends that only that voter data on pre-registered voters in the specific precinct be loaded into the electronic rosters in each precinct. Rosters contain sensitive information including full name, address, date of birth, and any challenge notations (felony, guardianship, etc.) for each voter in the precinct. Rosters in the precincts include this information even for those voters who have requested their information be removed from the public list due to safety concerns of the voter or the voter's family. Because of the sensitive information contained in the rosters, the Office recommends that – like the paper rosters – the voter information in electronic rosters be limited to information on the preregistered voters within the precinct.

The Office recommends that any future use of electronic rosters limit the networking of electronic rosters to those rosters within the polling location. The counties and municipalities participating in the 2013 pilot project noted that the lack of outside networking prevented their ability to use some select functionality of the electronic rosters (such as remote absentee ballot

report updating), and several expressed a desire to network the electronic rosters outside of the polling location via the internet (assuming reliable internet connectivity in the polling place). The Office believes that the security concerns associated with connecting the electronic rosters to the internet during voting hours outweigh any potential benefits.

Further, though the limitation on networking would prevent the use of the remote absentee ballot update features, the counties and municipalities can still gain efficiencies in the supplemental absentee ballot report upload by using the electronic rosters without an internet connection. For example, counties can provide supplemental absentee ballot data files on a USB flash drive. Unlike the paper rosters, this file could then be quickly uploaded into the electronic rosters and the ability to network within the polling location would allow simultaneous uploading of the supplemental absentee ballot report to all electronic rosters within the polling location.

6. General Comments and Recommendations

The Office of the Secretary of State recommends an expanded study of electronic rosters for the 2014 general election. The Office makes this recommendation because the 2013 pilot project was limited in scale, required a time-consuming duplicative sign-in process for voters, reported many issues with the technology used, and occurred only in low-turnout municipal elections.

Due to the feedback from participating municipalities and voters regarding the burdensome dual registration process, the Office recommends that the 2014 study not include the dual registration process and allow voters to register only on the electronic roster. Participating municipalities would then use a paper back-up system only if the electronic roster technology failed.

Additional information can be gained from a 2014 study that would help inform counties and municipalities about the potential benefits of electronic rosters. If the 2014 study included those jurisdictions participating in the 2013 pilot, jurisdictions would have the ability to learn from their experiences in the 2013 election and build best practices for electronic roster use. Further, the 2014 study would allow counties to test both the upload and download of preregister voters and voter history using the electronic roster technology. This was reported by 2013 participating jurisdictions as a functionality that could provide significant cost and time savings for counties.

Testing the electronic roster technology in a general election year will allow participating jurisdictions to test the functionality of the electronic rosters in a high volume election. The information gained will allow other jurisdictions to better gauge the cost effectiveness of

electronic rosters, the desired functionality of electronic rosters, and the number of electronic rosters that would be needed for each precinct in a general election.

In light of the additional information that can be gained from a testing of electronic rosters in the 2014 election, and in light of the issues with the electronic rosters in 2013, the Office recommends that the state continue to study the use of electronic rosters in Minnesota and not engage in a full-scale deployment of electronic rosters at this time. Further, in light of the discrepancy in the strengths and weaknesses of the vendors used in 2013, the Office recommends that the participating jurisdictions in 2014 be able to select the vendors that will operate in their precincts, and that legislature offset any costs associated with the 2014 study. This would allow those municipalities participating in the 2014 study to purchase or rent additional equipment if needed. Because this study would be conducted in a high-volume general election year, the Office wishes to ensure that the 2014 study participants are not limited to what the vendors can offer without cost.

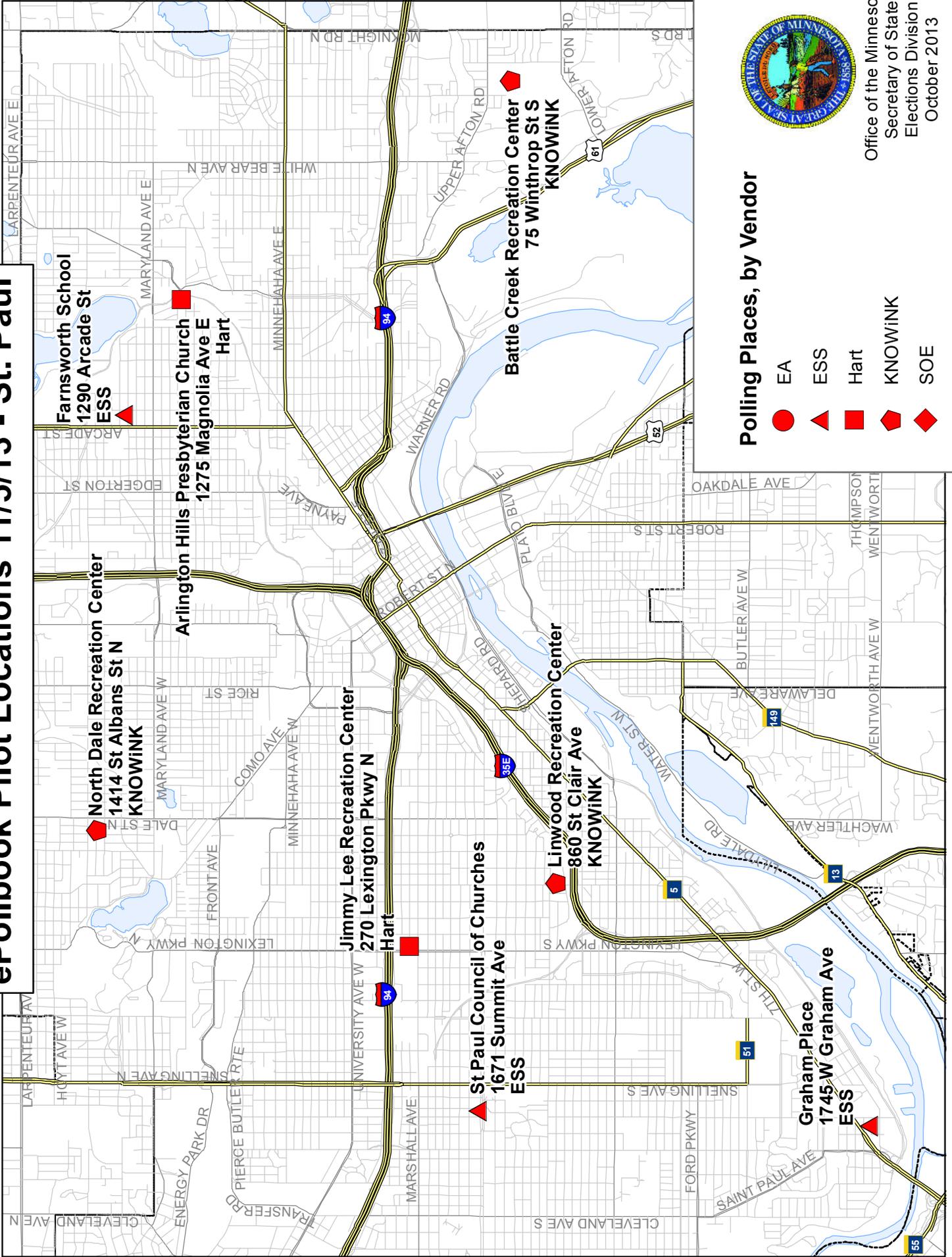
The Office is currently programming SVRS to utilize the upload and download of preregistered voter data features of electronic rosters, and this functionality will be ready to be used by the 2014 general election. A 2014 electronic roster study will allow counties to explore the use of this new feature and to examine the cost and time-savings associated with an automatic upload of voter history data.

Finally, the Office recommends that the legislature appropriate funds for a formal evaluation of the 2014 electronic roster study. A formal study could include empirical data regarding the time spent by pre-registered voters and same-day registrants using the electronic roster on election day and gather data regarding the time spent by municipalities processing voter data post-election. This would provide valuable information to municipalities considering implementing electronic rosters in the future.

XII. Appendix

1. Electronic Roster Polling Locations

ePollbook Pilot Locations 11/5/13 - St. Paul



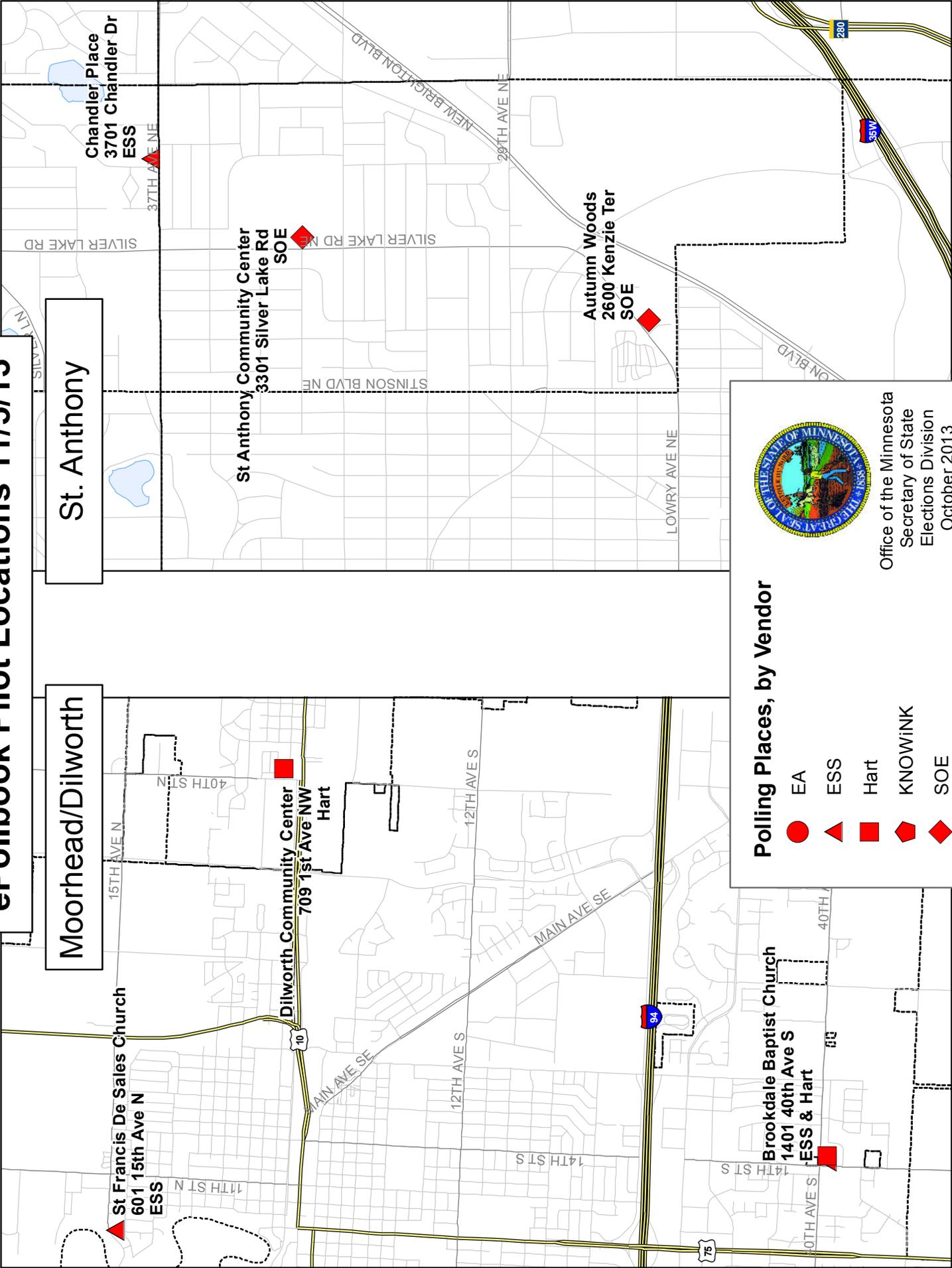
Polling Places, by Vendor

- EA
- ▲ ESS
- Hart
- ◆ KNOWINK
- ◆ SOE



Office of the Minnesota
Secretary of State
Elections Division
October 2013

ePollbook Pilot Locations 11/5/13



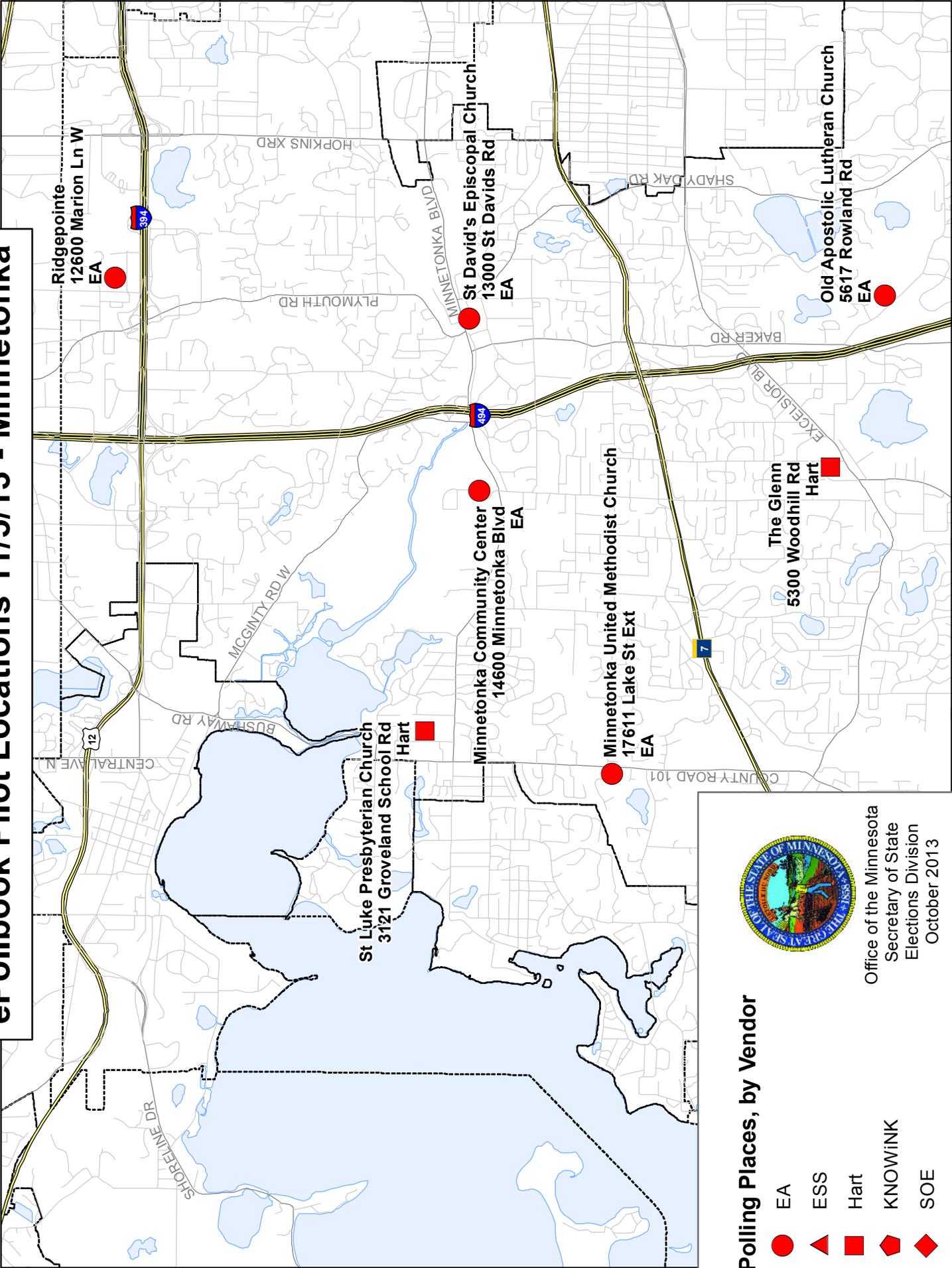
Polling Places, by Vendor

- EA (Red Circle)
- ESS (Red Triangle)
- Hart (Red Square)
- KNOWiNK (Red Pentagon)
- SOE (Red Diamond)



Office of the Minnesota Secretary of State
Elections Division
October 2013

ePollbook Pilot Locations 11/5/13 - Minnetonka



Polling Places, by Vendor

- EA ●
- ESS ▲
- Hart ■
- KNOWiNK ⬠
- SOE ◆



Office of the Minnesota
Secretary of State
Elections Division
October 2013

2. **Experimental Registration Applications**

Hart Voter Registration Application

Minnesota Voter Registration Application

Complete lines 1 through 8. Please print clearly.

Personal Information & Qualifications

1. Are you a U.S. citizen? Yes No

2. Will you be at least 18 on or before the next election? YES
 If y Are you a U.S. Citizen? YES this form.

3. last name: ZAHRA IBRAHIM
 Address: ST ANTHONY AVE #207, ST PAUL, MN 55104
 VUID: SD006162659
 Other Address: _____
 DOB: _____/1983 SD: 625 County: Ramsey
 Phone: EMail: _____
 I have a MN-issued driver's license or MN ID card number: _____
 Previous Name: _____
 Previous Address: _____

4. city: _____ zip code: _____

5. if n Proof of Residence: MN Driver's License or ID
 Record Number: 000060030
 city: _____ zip code: _____

6. date of BIRTH (not today's date): _____ - 19____
 county where you live: _____
 phone number: _____ email address: _____

7. mark one box and provide the number that applies to you:

I have a MN-issued driver's license or MN ID card number: _____

I do not have a MN-issued driver's license or MN ID card.
 The last four digits of my Social Security Number are: XXX-XX-____

I do not have a MN-issued driver's license, a MN-issued ID card, or a Social Security Number.

Registration Updates - Are you currently registered under a different name or address?

previous last name: _____ previous first name: _____ previous middle name: _____

previous address where you were last registered: _____ city: _____ state: _____ zip code: _____

Read And Sign Only If All Parts Apply To You.

8. I certify that I:

- will be at least 18 years old on election day;
- am a citizen of the United States;
- will have resided in Minnesota for 20 days immediately preceding election day;
- maintain residence at the address given on the registration form;
- am not under court-ordered guardianship in which the court order revokes my right to vote;
- have not been found by a court to be legally incompetent to vote;
- have the right to vote because, if I have been convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and
- have read and understand this statement, that giving false information is a felony punishable by not more than 5 years imprisonment, or both.

sign here **X** _____ date: 11-5-2013

Official Use Only

W _____ P _____ SD _____ Initials _____	ID With Current Address ID Number: _____ <input type="checkbox"/> MN Drivers License, Learners Permit, MN ID Card, or Receipt <input type="checkbox"/> Tribal ID	Photo ID With Utility Bill or Fee Statement Student Fee Statement or Utility Bill (type) _____ ID Number: _____ <input type="checkbox"/> MN Drivers License <input type="checkbox"/> MN ID Card <input type="checkbox"/> U.S. Passport <input type="checkbox"/> U.S. Military ID <input type="checkbox"/> Tribal ID <input type="checkbox"/> Student ID	Other <input type="checkbox"/> Vouched For <input type="checkbox"/> Late Notice <input type="checkbox"/> Previous Registration in Same Precinct <input type="checkbox"/> Student ID With College List ID Number: _____
--	--	---	--

3. Voter Certificates

SOE Voter Certificate Lables and Sheet



Election Date:	Election Name:	Precinct:
<p style="font-size: small;">I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person in which the court order revokes my right to vote; have not been found by a court to be legally incompetent to vote, and have the right to vote because, if convicted of felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.</p>		
Voter Information		Voter Signature
1.		
2.		
3.		
4.		
5.		

KNOWiNK Non-Registered Voter Certificate

Non-Registered Voter's Signature Certificate



Oath of Minnesota Voter: I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship in which the court order revokes my right to vote; have not been found by a court to be legally incompetent to vote, and that I have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

Voter Signature



KNOWiNK Registered Voter Certificate

Voter Signature Certificate

2270869 - [REDACTED] 1971

PETER THOMAS [REDACTED]

[REDACTED] HOYT AVE W

Oath of Minnesota Voter

I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship in which the court order revokes my right to vote; have not been found by a court to be legally incompetent to vote, and that I have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

[REDACTED]

Hart Non-Registered Voter Certificate

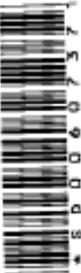
NON - REGISTERED

11/05/2013 GENERAL ELECTION

SAINT PAUL W-1 P-2 (Jimmy Lee Rec Center)

I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person in which the court order revokes my right to vote; have not been found by a court to be legally incompetent to vote, and that I have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

DANA CARRIE
DUNLAP ST N
0550-SD-625
ST. PAUL W-1 P-02
SD006073714



1978

Voter Signature: [Redacted]

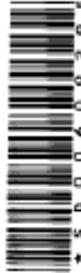
NICOLE SOONJA
DAYTON AVE
0550-SD-625
ST. PAUL W-1 P-02
SD006081827



1978

Voter Signature: [Redacted]

WYRENE
DUNLAP ST N #309
0550-SD-625
ST. PAUL W-1 P-02
SD006092856



1941

Voter Signature: [Redacted]

MONICKA DAWN
SELBY AVE
0550-SD-625
ST. PAUL W-1 P-02
SD006101557



1980

Voter Signature: [Redacted]

MEGAN MARIE BOLDT
HAGUE AVE
0550-SD-625
ST. PAUL W-1 P-02
SD006090007



1979

Voter Signature: [Redacted]

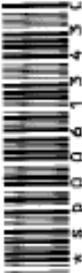
MICAELA LYNN
SELBY AVE
0550-SD-625
ST. PAUL W-1 P-02
SD006095206



1994

Voter Signature: [Redacted]

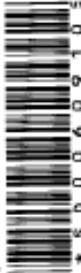
PATRICIA MARIE
SELBY AVE
0550-SD-625
ST. PAUL W-1 P-02
SD006134304



1954

Voter Signature: [Redacted]

JOE OLIVER
DAYTON AVE
0550-SD-625
ST. PAUL W-1 P-02
SD006091054



1994

Voter Signature: [Redacted]

VICTORIA ANN
HAGUE AVE
0550-SD-625
ST. PAUL W-1 P-02
SD006101232



1961

Voter Signature: [Redacted]

DAVID ALLEN
IGLEHART AVE #3
0550-SD-625
ST. PAUL W-1 P-02
SD006155349



1959

Voter Signature: [Redacted]

Hart Registered Voter Certificate

11/05/2013 GENERAL ELECTION
SAINT PAUL W-1 P-2 (Jimmy Lee Rec Center)

REGISTERED

I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person in which the court order revokes my right to vote; have not been found by a court to be legally incompetent to vote, and that I have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

✓
LUIS
SELBY AVE
0550-SD-625
ST. PAUL W-1 P-02
2206561
1963
* 2 2 0 6 5 6 1 *

✓
JEFFREY M
CARROLL AVE
0550-SD-625
ST. PAUL W-1 P-02
2252011
1959
* 2 2 5 2 0 1 1 *

✓
ELIZABETH ANNE
SELBY AVE
0550-SD-625
ST. PAUL W-1 P-02
2228447
1958
* 2 2 2 8 4 4 7 *

✓
SUSAN KAY
LAUREL AVE
0550-SD-625
ST. PAUL W-1 P-02
2337675
1956
* 2 3 3 7 6 7 5 *

✓
WAYNE G
GRIGGS ST N
0550-SD-625
ST. PAUL W-1 P-02
2258693
1957
* 2 2 5 8 6 9 3 *

✓
MARILYN JEAN
LAUREL AVE
0550-SD-625
ST. PAUL W-1 P-02
2185993
1945
* 2 1 8 5 9 9 3 *

✓
DEBORAH ANN
ASHLAND AVE
0550-SD-625
ST. PAUL W-1 P-02
2182036
1948
* 2 1 8 2 0 3 6 *

✓
JOHN JAMES
HAGUE AVE
0550-SD-625
ST. PAUL W-1 P-02
2171613
1950
* 2 1 7 1 6 1 3 *

✓
WILLIAM MICHAEL
HAGUE AVE
0550-SD-625
ST. PAUL W-1 P-02
2134759
1938
* 2 1 3 4 7 5 9 *

✓
SARA ANN
LAUREL AVE
0550-SD-625
ST. PAUL W-1 P-02
1324785
1969
* 1 3 2 4 7 8 5 *

✓
HEIDI MARIE
HAGUE AVE
0550-SD-625
ST. PAUL W-1 P-02
2277628
1973
* 2 2 7 7 6 2 8 *

✓
LISA M
HAGUE AVE
0550-SD-625
ST. PAUL W-1 P-02
2256247
1963
* 2 2 5 6 2 4 7 *

ES&S Non-Registered Voter Certificate

Voter's Signature Certificate

Name: [REDACTED] JASMINE S

ID: [REDACTED]

Address: [REDACTED] ORANGE AVE E
ST PAUL 55106

DOB: [REDACTED] 1990

Precinct: ST. PAUL W-6 P-04

Oath of Minnesota Voter

I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship in which the court order revokes my right to vote; have not been found by a court to be legally incompetent to vote, and that I have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

[REDACTED]

Voter Signature

ES&S Registered Voter Certificate

Voter's Signature Certificate

Name: [REDACTED] LEE

ID: [REDACTED]

Address: [REDACTED] HAWTHORNE AVE E

DOB: [REDACTED] 1959

Precinct: ST. PAUL W-6 P-04

Oath of Minnesota Voter

I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship in which the court order revokes my right to vote; have not been found by a court to be legally incompetent to vote, and that I have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

[REDACTED SIGNATURE]

Voter Signature

Election Administrators Voter Certificate

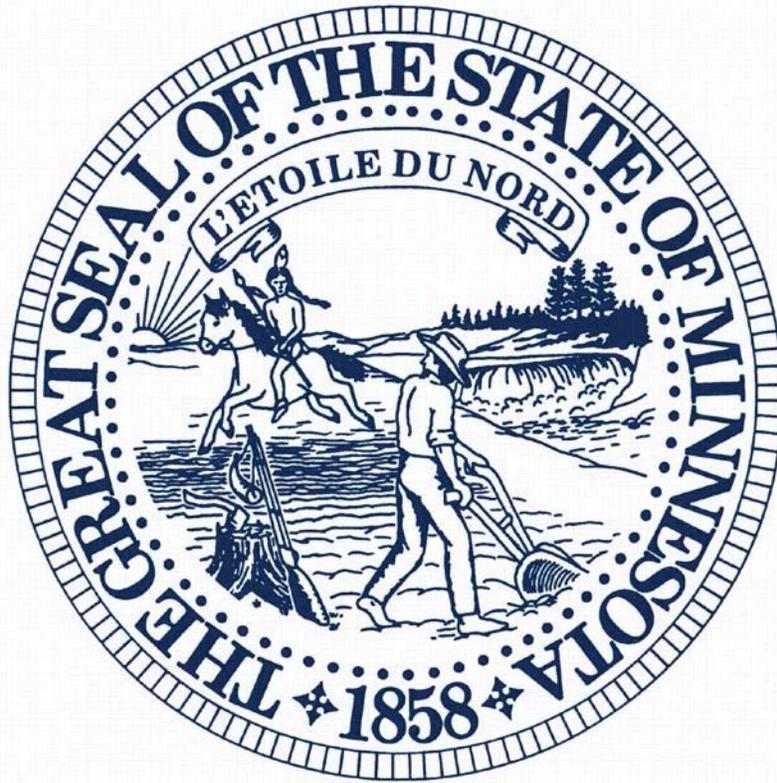
Voter Roster

ANDERSON [REDACTED]
Address: 12000 MAYFLOWER PL
Mailing Address:
DOB: Sep 15, [REDACTED]
Party:
Status:
Precinct:
MINNETONKA W-2 P-B-Q
Ballot Style: HOPKINS 270
voter ID: 11336

Poll Location:
ISD 270 - ST DAVID'S EPISCOPAL C
HURCH

I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person in which the court order revokes my right to vote; have not been found by a court to be legally incompetent to vote, and that I have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

11/05/2013:19:57:36



Electronic Roster Task Force

Findings and Recommendations

Office of Minnesota Secretary of State

1/31/2014

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I. Executive Summary

Under the 2013 omnibus elections bill (Chapter 131) signed into law by Gov. Dayton in May, 2013, the legislature established a 15-member task force to study electronic rosters. Electronic rosters, also known as “electronic poll books” or “ePollbooks,” are an electronic version of the paper polling place roster. The Electronic Roster Task Force was required to examine the potential for use of electronic rosters in Minnesota.

At the same time that the task force was conducting its review, the legislature also authorized a 2013 electronic roster pilot project to explore the use of electronic rosters in conducting elections. Jurisdictions participating in the project could use electronic rosters to process election day registration, to verify the registration status of preregistered voters, or both. The electronic roster pilot project occurred in five cities across three counties. Although the electronic roster pilot project does not report to the legislature officially until January 31, 2014, the Electronic Roster Task Force heard reports at various stages throughout the pilot.

Following the Electronic Roster Task Force’s examination of the statutorily-required issues, and following reports from the electronic roster pilot project, the task force recommends the following:

- The legislature should authorize a study to be conducted during the 2014 general election.
- The legislature should appropriate funds to offset the costs of the 2014 electronic roster study for local election officials.
- Minimum functionality requirements should be set for 2014 electronic roster study electronic rosters and any other electronic rosters.
- Minimum data security requirements should be set for electronic rosters.
- No photos should be used in electronic rosters at this time.
- The legislature should appropriate funds provide for a formal evaluation of the 2014 electronic roster study.

Although the task force recommends an additional study for the 2014 election, the task force notes that nothing prevents a jurisdiction from using electronic rosters so long as the electronic rosters comply with Minnesota law.

II. Background

A. Enabling Legislation

The Electronic Roster Task Force was established by the Minnesota Legislature in 2013. See 2013 Minn. Laws, Ch. 131, Art. 4, Sec. 2. The enabling legislation specifically outlined the duties of the task force, stating:

The task force must research the following issues:

- (1) electronic roster technology, including different types of electronic rosters;
- (2) the ability to use photographs received from the Department of Vehicle Services;
- (3) the ability to add photographs to the roster on election day;
- (4) data security in electronic rosters, the statewide voter registration system, and the Department of Vehicle Services;
- (5) reliability of Department of Vehicle Services data, including the ability to match names and photographs without duplication;
- (6) ability of precincts across the state to connect an electronic roster to a secure network to access the statewide voter registration system; and
- (7) direct and indirect costs associated with using electronic rosters.

2013 Minn. Laws, Ch. 131, Art. 4, Sec. 2, Subd. 3. The enabling legislation did not specify the number and frequency of task force meetings, but instead required that the task force meet for the first time no later than July 1, 2013, and submit a final report no later than January 31, 2014. The enabling legislation requires the report to be submitted to the “chairs and ranking minority members of the committees in the senate and house of representatives with primary jurisdiction over elections, summarizing [the task force’s] findings and listing recommendations on the implementation of electronic rosters statewide. The report shall include draft legislation to implement the recommendations of the task force.” 2013 Minn. Laws, Ch. 131, Art. 4, Sec. 2, Subd. 7.

The Legislative Coordinating Commission provided staff support, as needed, to facilitate the task force’s work. 2013 Minn. Laws, Ch. 131, Art. 4, Sec. 2, Subd. 6.

B. Task Force Membership

The task force consisted of fifteen members, and the membership of the task force was established by the legislature. Membership consists of elections officials and staff from local governments, state departments and the Legislature. The governor had authority to appoint

three individuals: two election judges and one person familiar with electronic roster technology. No member was permitted to represent, nor have a financial interest in, a specific vendor of the technology.

The Electronic Roster Task Force consists of the following 15 members:

- The director of the Department of Public Safety, Division of Vehicle Services, or designee: **Pat McCormack**;
- The secretary of state, or designee: **Secretary of State Mark Ritchie**;
- An individual designated by the secretary of state, from the elections division in the Office of the Secretary of State: Elections Director **Gary Poser**;
- The chief information officer of the state of Minnesota, or designee; **Commissioner Carolyn Parnell**;
- One county auditor appointed by the Minnesota Association of County Officers: **Debby Erickson**, Crow Wing County;
- One town election official appointed by the Minnesota Association of Townships: **Barb Welty**, Kathio Township;
- One city election official appointed by the League of Minnesota Cities: **David Maeda**, City of Minnetonka;
- One school district election official appointed by the Minnesota School Boards Association: **Grace Wachlarowicz**;
- One representative appointed by the speaker of the house of representatives: **Rep. Carolyn Laine** (DFL – Columbia Heights);
- One representative appointed by the minority leader of the house of representatives: **Rep. Tim O’Driscoll** (R - Sartell);
- One senator appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration: **Sen. Terri Bonoff** (DFL – Minnetonka);
- One senator appointed by the senate minority leader: **Sen. Mary Kiffmeyer** (R- Big Lake);

- One person appointed by the governor, familiar with electronic roster technology but who does not represent a specific vendor of the technology: **Max Hailperin**; and
- Two election judges appointed by the governor: **Vaughn Bodelson** and **Kathy Bonnifield**.

At the first meeting of the Task Force, the Task Force elected Secretary Ritchie as Task Force chair and Debby Erickson as Task Force vice-chair.

C. Task Force Work Plan

On the first meeting of the Electronic Roster Task Force, the task force adopted a work plan in order to ensure that the task force examined each of the statutorily-required issues. The task force ultimately held nine meetings, with meetings two and three being an extended four-hour combined meeting.

In accordance with the work plan and the statutorily-required research issues, the task force meetings had the following foci:

Meeting 1 (July 9, 2013)

Focus:

- Organizational Meeting
- Overview of ways electronic rosters have been used

Meetings 2 & 3 (September 12, 2013)

Focus:

- Electronic roster technology, including different types of electronic rosters

Meeting 4 (October 9, 2013)

Focus:

- Data security in electronic rosters, the statewide voter registration system
- Ability of precincts across the state to connect an electronic roster to a secure network to access the statewide voter registration system

Meeting 5 (October 21, 2013)

Focus:

- Reliability of Department of Vehicle Services data, including the ability to match names and photographs without duplication

Meeting 6 (November 15, 2013)

Focus:

- The ability to use photographs received from the Department of Vehicle Services
- Data security in the Department of Vehicle Services
- The ability to add photographs to the roster on election day

Meeting 7 (December 9, 2013)

Focus:

- Synthesis of discussions
- Task force recommendations

Meeting 8 (January 9, 2014)

Focus:

- Review of draft recommendations and discussion

Meeting 9 – Final Meeting (January 30, 2014)

Focus:

- Approval of final report, recommendations and draft legislation

The agendas, meeting minutes, and any accompanying hand-outs for each meeting are included in the appendix of this report.

III. Research Issues

A. Electronic Roster Technology and Direct and Indirect Costs

The task force was required to research “electronic roster technology, including different types of electronic rosters” and the “direct and indirect costs associated with using electronic

rosters.” 2013 Minn. Laws, Ch. 131, Art. 4, Sec. 2, Subd. 3(1) and (6). The task force researched these issues through various presentations including presentations by electronic roster vendors.

Max Hailperin, a Gustavus Adolphus Professor, presented an overview of the current use of electronic rosters for pre-registered voters in other states. Professor Hailperin reported that the most basic use of electronic rosters across the country was for the purpose of checking in pre-registered voters, but even the basic electronic rosters often contained additional functionality. Electronic rosters generally serve what Professor Hailperin noted as the three core functions served now by paper rosters:

- (1) support some portion of eligibility checking, including that the voter is registered, that the voter has not yet voted in this election, and that there are no challenges to the voter;
- (2) allows for the collection and posting of voter history following the election; and
- (3) serving as an audit trail.

Professor Hailperin reported that some jurisdictions use electronic rosters to serve all three functions of a paper roster, while others have chosen to use a paper system for the audit-trail portion of the roster function. For those jurisdictions using electronic rosters at the precinct level, Professor Hailperin noted that there is often networking within the polling location but that there is generally no need to network outside of the polling location.

David Maeda, City Clerk for the City of Minnetonka, presented an overview of the history and use of electronic poll books in the City of Minnetonka, including the use of electronic rosters for election day registration. The City of Minnetonka has been using electronic rosters beginning in 2009, and the Mr. Maeda reported that – due to the higher number of election day registrations – the benefits of the electronic rosters in the city are most obvious during the even-year statewide elections.

Mr. Maeda reported the following benefits from the use of electronic rosters for pre-registered voters:

- Eliminating hand marking AB on rosters by uploading updated data prior to election day
- Voter line and traffic management- eliminates need to break rosters up by alphabet and allows next voter in line to go to any of the election judges using an electronic roster
- Prevents voters from seeing any voter information other than their own
- Greatly reduces chance voter will sign on the wrong signature line in roster
- Greeter’s list/precinct finder can be loaded on hand held device

- Robust search function to find voter in pollbook (search similar names, search by address, etc.)
- Provides greater clarity for election judges in precincts that fall into multiple school districts ensuring voter gets correct ballot
- Provides information for election judge staffing by tracking the number of voters throughout day
- Eliminates counting signatures on roster or voter receipts allowing for a more accurate reconciliation process
- Voter history data can be electronically updated once programming is completed in SVRS by 2014

Mr. Maeda also reported the following benefits from the use of electronic rosters for election day registration:

- Verification that all requirements are met (age, residence in precinct, proof of residence) and form completed
- If voucher is used, verifies a voucher is registered voter in precinct and tracks number of voters one voucher has vouched for
- Automates (and expedites) filling out VRA
- Could allow printing of a map to give to voter who has shown up in wrong polling location
- Provides greater clarity for election judges in precincts that fall into multiple school districts ensuring voter gets correct ballot
- Once SVRS is programmed for the 2013 pilot project, will allow for electronic data to be directly uploaded into statewide voter registration system
- More accurate voter records- less data entry required, no guessing at bad handwriting; quicker processing after elections

Following the presentations by David Maeda and Max Hailperin, the task force heard a presentation from Dennis Parrot, Jasper County Auditor, and Ken Kline, Cerro Gordo County Auditor, who presented an overview and demonstration of Precinct Atlas, the precinct election management system developed and built by Cerro Gordo County in Iowa and now in use in over half of the counties in Iowa.

The task force invited vendors of electronic roster software to present at the task force meetings. Over three meetings the task force heard presentations from six electronic roster vendors on the technology and costs and potential cost savings associated with electronic rosters. The vendors also were asked, and presented on, the reliability and data security of their electronic roster.

Following these presentations the task force engaged in a discussion of electronic roster technology including the different types of technology, the reliability of rosters, data security, costs and cost-savings associated with rosters, benefits of electronic roster technology and the feasibility of using electronic rosters in both state and municipal elections.

B. Use and Reliability of Department of Vehicle Services Photos and the Ability to Add Photos to the Electronic Roster on Election Day

The task force was required to research “the ability to use photographs received from the Department of Vehicle Services;” “the ability to add photographs to the roster on election day;” “data security in . . . the Department of Vehicle Services;” and “the reliability of Department of Vehicle Services data, including the ability to match names and photographs without duplication.” 2013 Minn. Laws, Ch. 131, Art. 4, Sec. 2, Subd. 3(2), (3), (4) and (5).

To examine the reliability of Department of Vehicle Services data and the ability to add photos taken on election day to a roster, the task force heard presentations from both a national expert on driver’s license facial recognition and driver’s license fraud, as well as presentations from the Minnesota Driver and Vehicle Services Division on the facial recognition work that the department is already doing. The task force first heard a presentation by Geoff Slagle with the American Association of Motor Vehicle Administrators. Mr. Slagle presented an overview on the use of facial recognition software nationwide, the various types of facial recognition systems, and the various factors that can affect the accuracy of facial recognition software.

Pat McCormack, Director of Driver and Vehicle Services, Minnesota Department of Public Safety, next presented an overview on the DPS Driver and Vehicle Services Division Facial Recognition Project. Pat McCormack presented on the development of a Facial Recognition team in DPS, slated to hire a supervisor beginning in fiscal year 2014, and the capacity of DPS Driver and Vehicle Services in light of the projected 2017 MNLARS completion date.

In order to research the issues of Driver and Vehicle Services data security and using photos from Driver and Vehicle Services in electronic rosters on election day, the task force heard a presentation from Pat McCormack, Director of Driver and Vehicle Services, Minnesota Department of Public Safety, Paul Meekin, CIO MN.IT Services, and Joe Newton, General Counsel, Minnesota Department of Public Safety. The presentation provided an overview of current DVS data-security requirements, the current use of DVS photographs, and the security considerations that would arise if DVS photographs were available in polling places on election day.

C. Data Security in Electronic Rosters and the Ability to Connect Rosters Throughout the State

The task force was required to research “data security in electronic rosters [and] the statewide voter registration system” and “the ability of precincts across the state to connect an electronic

roster to a secure network to access the statewide voter registration system.” 2013 Minn. Laws, Ch. 131, Art. 4, Sec. 2, Subd. 3(4) and (6).

The task force researched this issue by hearing presentations from the Office of Secretary of State’s Elections Director Gary Poser and IT staff Matt McCollough. The presentation covered the data contained in the Statewide Voter Registration System, the data provided to election judges in paper rosters, the current security in place regarding the Statewide Voter Registration System, and the security and technological challenges of allowing all polling locations to have access to the Statewide Voter Registration System on election day. Other task force members also discussed internet connectivity issues both in urban and greater Minnesota polling locations.

D. Additional Information Requested by the Task Force

In addition to the legislatively required research topics, the task force also requested and heard several presentations regarding the 2013 electronic roster pilot project. The task force heard presentations regarding the status of the pilot prior to the November 2013 election, several task force members visited polling locations participating in the 2013 pilot on election day, and the task force heard presentations regarding the experiences of the voters, election judges, and participating counties and municipalities following the 2013 election. County elections officials reported varying experiences across vendors, and Ramsey County election officials reported that voters generally were either impressed by the technology or regarded it as a needless fix to a system that was already working.

As part of these discussions, the task force requested information regarding the Statewide Voter Registration System programming required for the 2013 pilot project. The Office of Secretary of State reported that programming to allow uniform processing of election day registrations from electronic rosters to the Statewide Voter Registration System had been completed, but that the office was not able to complete the programming for the downloading and uploading of pre-registered voter data from electronic rosters to the Statewide Voter Registration System. The Office of Secretary of State reported that it was able to provide file formats to both download and upload pre-registered voter data, but that the programming necessary standardize the download and upload of data would not be completed until the November 2014 election.

The task force also requested additional information regarding the use of electronic rosters in other states. The Office of Secretary of State’s Election Director, Gary Poser, sent a survey to all state elections directors asking for additional information regarding any state use of electronic rosters. Twenty-eight states responded to the survey, with 19 states reporting allowing the use of electronic rosters, three states prohibiting the use of electronic rosters, and one state requiring the use of electronic rosters. The other states reporting either voted entirely by mail or were in the process of discussing the use of electronic rosters.

Following these presentations, the task force moved to the discussion of recommendations for the state legislature.

IV. Findings and Recommendations

A. The legislature should authorize a 2014 electronic roster study.

The task force recommends an expanded electronic roster study for the 2014 general election. The task force recommends a new study in 2014 because the 2013 pilot project was limited in scale, required a time-consuming duplicative sign-in process for voters, and occurred only in low-turnout municipal elections. Additional information can be gained from a 2014 study that would help inform counties and municipalities about the potential benefits of electronic rosters. The task force recommends that the 2014 study not only test the electronic rosters in a high-volume general election but to also make substantive changes to the 2013 pilot to provide additional information that will assist counties and municipalities in assessing whether or not electronic rosters would provide benefits and cost-savings in their election administration.

The task force recommends that the 2014 study include a paper back-up system approved by the Office of Secretary of State, but remove the requirement in place in the 2013 pilot that voters and election judges utilize duplicative-registration processes. The 2013 pilot project participants reported to the task force that duplicative sign-in process was burdensome to both election judges and voters, and the task force recommends that the legislature not require the duplicate sign-in process used in the 2013 pilot. In participating jurisdictions in the 2014 study, voters would sign in or register only using the electronic roster. The paper back-up system would only be used in the case of a failure of the electronic roster.

Because the 2013 pilot was limited to those municipalities conducting elections in 2013, the task force recommends an expansion of the participating municipalities for the 2014 pilot. The task force recommends including additional municipalities to ensure that the 2014 pilot contains municipalities that provide the pilot with diverse municipalities considering: geographic location, population density, and same-day registration prevalence.

The task force recommends that 2014 study would also include those municipalities that participated in the 2013 pilot. These municipalities have the benefit of learning from their experience in the 2013 pilot, and including these municipalities in the 2014 study will ensure the 2014 study includes municipalities and county elections officials with experience using electronic roster technology. If a municipality that participated in the 2013 pilot chooses to withdraw from participation in the 2014 study, the withdrawing municipality's county may choose another similarly sized municipality within the county to replace the withdrawing municipality.

The task force notes that, though the task force is not recommending statewide implementation of electronic rosters, nothing prevents a municipality from using electronic rosters generally. In order to ensure efficient election administration, the task force recommends that the legislature require any municipality choosing to use electronic rosters in the 2014 election to notify the Office of Secretary of State of the intent to use electronic rosters by August 1, 2014.

B. The legislature should appropriate funds to offset the costs of the 2014 electronic roster study for local election officials.

The 2013 electronic roster pilot did not include any funds for participating municipalities to offset the costs associated with the pilot. Because there are fewer elections across the country in the odd years, vendors had both the time and resources to provide pilot materials for free to participating municipalities. Even with these free materials, some municipalities expended their own funds in order to rent additional electronic rosters to ensure that they had a number that the municipality felt was sufficient in order to properly service voters.

In light of the importance of the 2014 election, and in light of the likelihood that vendors will not have the resources in 2014 to provide all of the needed materials and technical support for free, the legislature should provide funds to offset the costs incurred by the counties and municipalities participating in the 2014 study.

C. Minimum functionality requirements should be set for 2014 electronic roster study electronic rosters and any other electronic rosters.

The task force recommends that counties should be able to select their own vendors for the 2014 election, but the electronic rosters should meet certain minimum requirements, similar to those used in the 2013 pilot:

- (1) Be able to be loaded with a data file that includes voter registration data in a file format prescribed by the secretary of state;
- (2) Allow for data to be exported in a file format prescribed by the secretary of state;
- (3) Allow for data to be entered manually or by scanning a Minnesota driver's license or identification card to locate a voter record or populate a voter registration application that would be printed and signed and dated by the voter. The printed registration application can be either a printed form, labels printed with voter information to be affixed to a pre-printed form, or a combination of both;
- (4) Allow an election judge to update data that was populated from a scanned driver's license or identification card;

- (5) Cue an election judge to ask for and input data that is not populated from a scanned driver's license or identification card that is otherwise required to be collected from the voter or an election judge;
- (6) Immediately alert the election judge if the voter has provided information that indicates that the voter is not eligible to vote;
- (7) Immediately alert the election judge if the electronic poll book indicates that a voter has already voted in that precinct, the voter's registration status is challenged, or it appears the voter resides in a different precinct;
- (8) Provide immediate instructions on how to resolve a particular type of challenge when a voter's record is challenged;
- (9) Provide for a printed voter's signature certificate, containing the voter's name, address of residence, date of birth, voter identification number, the oath required by Minnesota Statutes, section 204C.10, and a space for the voter's original signature. The printed certificate can be either a printed form or a label printed with the voter's information to be affixed to the oath; and
- (10) Perform any other functions necessary for the efficient and secure administration of participating election, as determined by the secretary of state.

If any jurisdiction not participating in the electronic roster study wishes to use electronic rosters in the 2014 election, the task force recommends that those jurisdictions must certify to the Office of Secretary of State that their electronic rosters meet the minimum requirements. This certification must be provided to the Office of Secretary of State by October 1, 2014.

D. Minimum data security requirements should be set for electronic rosters.

The task force recommends that minimum security standards be set for the 2014 electronic roster study and for any other electronic roster used in the 2014 election. The task force first recommends that the voter data loaded on electronic rosters be limited to only pre-registered voters within that precinct.

The task force recommends that municipalities select the electronic rosters of their choice, including electronic rosters that connect to printers in a wired or wireless means, but minimum security standards established by the Office of Secretary of State, in consultation with MN.IT, would have to be met.

The task force makes no recommendation regarding whether an electronic roster must be a dedicated electronic roster, or if the device could be used for other functions following the election. It would be up to the municipalities to decide if the electronic rosters would be devices dedicated exclusively to use as an electronic roster or could be used for other functions,

but the task force recommends minimum security standards for multi-purpose hardware be established by the Office of Secretary of State, in consultation with MN.IT.

In order to ensure the security of voter data, the task force recommends limiting the ability of electronic rosters to be networked on election day. On election day, the task force recommends that the electronic rosters may be networked to each other within the polling place, but would be prohibited from being connected to any device outside of the polling place.

E. No photos should be used in electronic rosters.

At this time, the task force does not recommend that photos be incorporated into electronic rosters.

F. The legislature should appropriate funds provide for a formal evaluation of the 2014 electronic roster study.

The task force recommends that the legislature appropriate funds for a study of the 2014 electronic roster study, including empirical data regarding the time spent by pre-registered voters and same-day registrants using the electronic roster on election day. The study must also gather data regarding the time spent by counties processing voter data post-election. In gathering data, the study must examine both those municipalities participating in the 2014 electronic roster study and comparable municipalities using paper rosters in the 2014 election.

G. The state should engage in a “build or buy” electronic roster software analysis.

The task force recommends that the legislature authorize and fund a “build or buy” analysis. The analysis would be conducted by the Office of the Secretary of State in conjunction with MN.IT, and in consultation with the Minnesota Association of County Officers and the League of Cities. This analysis should be provided to the legislature by April 1, 2015.

V. Draft Legislation

1.1 A bill for an act
 1.2 relating to elections; providing a study of the use of electronic rosters in elections;
 1.3 requiring secretary of state to evaluate electronic rosters in 2014 election;
 1.4 authorizing the use of electronic rosters statewide; directing the secretary of state
 1.5 to adopt rules; appropriating money; proposing coding for new law in Minnesota
 1.6 Statutes, chapter 201.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 **ARTICLE 1**
 1.9 **ELECTRONIC ROSTER STUDY**

1.10 Section 1. **ELECTRONIC ROSTER STUDY.**

1.11 Subdivision 1. **Established.** A study is established to explore the use of electronic
 1.12 rosters in conducting elections. Jurisdictions participating in the study must use
 1.13 electronic rosters to process election day registration and to verify the registration status
 1.14 of preregistered voters. The study shall apply to the 2014 state general election. The
 1.15 standards for conducting the study are provided in this section.

1.16 Subd. 2. **Participating municipalities.** Precincts located in Baxter, Brainerd,
 1.17 Dilworth, Eagan, Lakeville, Mankato, Minneapolis, Minnetonka, Moorhead, St. Anthony,
 1.18 St. Paul, and Sylvan Township may participate in the study. In participating municipalities,
 1.19 the head elections official may designate individual precincts in the jurisdiction to
 1.20 participate. A municipality is not required to use electronic rosters in all precincts.

1.21 Subd. 3. **Technology requirements.** In participating precincts, an electronic roster
 1.22 must:

1.23 (1) be able to be loaded with a data file that includes voter registration data in a file
 1.24 format prescribed by the secretary of state;

- 2.1 (2) allow for data to be exported in a file format prescribed by the secretary of state;
- 2.2 (3) allow for data to be entered manually or by scanning a Minnesota driver's license
- 2.3 or identification card to locate a voter record or populate a voter registration application
- 2.4 that would be printed and signed and dated by the voter. The printed registration
- 2.5 application can be either a printed form, labels printed with voter information to be affixed
- 2.6 to a preprinted form, or a combination of both;
- 2.7 (4) allow an election judge to update data that was populated from a scanned driver's
- 2.8 license or identification card;
- 2.9 (5) cue an election judge to ask for and input data that is not populated from a
- 2.10 scanned driver's license or identification card that is otherwise required to be collected
- 2.11 from the voter or an election judge;
- 2.12 (6) immediately alert the election judge if the voter has provided information that
- 2.13 indicates that the voter is not eligible to vote;
- 2.14 (7) immediately alert the election judge if the electronic roster indicates that a voter
- 2.15 has already voted in that precinct, the voter's registration status is challenged, or it appears
- 2.16 the voter resides in a different precinct;
- 2.17 (8) provide immediate instructions on how to resolve a particular type of challenge
- 2.18 when a voter's record is challenged;
- 2.19 (9) provide for a printed voter's signature certificate, containing the voter's name,
- 2.20 address of residence, date of birth, voter identification number, the oath required by
- 2.21 Minnesota Statutes, section 204C.10, and a space for the voter's original signature.
- 2.22 The printed certificate can be either a printed form or a label printed with the voter's
- 2.23 information to be affixed to the oath;
- 2.24 (10) contain only preregistered voters within the precinct, and not contain
- 2.25 preregistered voter data on voters registered outside of the precinct;
- 2.26 (11) be only networked within the polling location on election day, except for the
- 2.27 purpose of updating absentee ballot records;
- 2.28 (12) meet minimum security, reliability, and networking standards established by the
- 2.29 Office of the Secretary of State in consultation with MN.IT;
- 2.30 (13) be capable of providing a voter's correct polling place; and
- 2.31 (14) perform any other functions necessary for the efficient and secure administration
- 2.32 of the participating election, as determined by the secretary of state.
- 2.33 Subd. 4. **Minnesota election law; other law.** Except as provided in this section,
- 2.34 the provisions of the Minnesota Election Law apply to this study, so far as practicable.
- 2.35 Voters participating in the safe at home program must be allowed to vote pursuant to

3.1 Minnesota Statutes, section 5B.06. Nothing in this section shall be construed to amend
3.2 absentee voting provisions in Minnesota Statutes, chapter 203B.

3.3 Subd. 5. **Election records retention.** All voter's signature certificates and voter
3.4 registration applications printed from an electronic roster must be retained pursuant
3.5 to Minnesota Statutes, section 204B.40. The electronic rosters must print signature
3.6 certificates and voter registration applications on material that will remain legible through
3.7 the period prescribed by Minnesota Statutes, section 204B.40. Data on election day
3.8 registrants and voter history must be uploaded to the statewide voter registration system
3.9 for processing by county auditors.

3.10 Subd. 6. **Election day.** (a) Participating precincts must use electronic rosters for
3.11 election day registration and to process preregistered voters. The printed election day
3.12 registration applications must be reviewed when electronic records are processed in the
3.13 statewide voter registration system. The election judges shall determine the number of
3.14 ballots to be counted by counting the number of original voter certificates or the number
3.15 of voter receipts.

3.16 (b) Each precinct using electronic rosters shall have a paper backup system approved
3.17 by the secretary of state present at the polling place to use in the event that the electronic
3.18 rosters election judges are unable to use the electronic roster.

3.19 Subd. 7. **Evaluation.** The secretary of state must requisition an empirical evaluation
3.20 of the use of electronic rosters in the 2014 state general election. The evaluation must
3.21 also gather data regarding the time spent by municipalities processing voter data after
3.22 the election. In gathering data, the evaluation must examine both those municipalities
3.23 participating in the 2014 electronic roster study and comparable municipalities using paper
3.24 rosters in the 2014 state general election.

3.25 Subd. 8. **Build or buy analysis.** The secretary of state, in conjunction with MN.IT
3.26 and in consultation with the Minnesota Association of County Officers and League of
3.27 Minnesota Cities, must engage in an analysis of the merits of a state-built electronic roster
3.28 system or purchasing an electronic roster system from private vendors. This analysis must
3.29 be presented to the chairs and ranking minority members of the committees in the senate
3.30 and house of representatives with primary jurisdiction over elections by April 2015.

3.31 Subd. 9. **Use of electronic rosters in nonparticipating municipalities.** Nothing in
3.32 this section prevents a nonparticipating municipality from using electronic rosters in the
3.33 2014 election. In order to use electronic rosters in the 2014 election, a nonparticipating
3.34 municipality must notify the Office of the Secretary of State by August 1, 2014, of the
3.35 municipality's intent to use electronic rosters and must certify to the Office of the Secretary

4.1 of State by October 1, 2014, that the electronic rosters, and their use, will meet all of
4.2 the requirements in subdivisions 3 to 6.

4.3 Subd. 10. **Expiration.** The authorization for this study expires upon submission
4.4 of the report as provided in subdivision 8.

4.5 Sec. 2. **APPROPRIATION.**

4.6 \$..... is appropriated from the general fund to the secretary of state in fiscal year
4.7 2015 to carry out the 2014 electronic roster study authorized under section 1. Of the
4.8 amount appropriated under this section, \$..... is appropriated to the agency for the purpose
4.9 of funding the study as provided in section 1, subdivision 7. Of the amount appropriated
4.10 under this section, \$..... is appropriated to the agency for the purpose of offsetting the
4.11 costs of the 2014 electronic roster study incurred by the jurisdictions identified in section
4.12 1, subdivision 2 or their counties. Of the amount appropriated under this section, \$.....
4.13 is appropriated to the agency for the purpose of conducting the analysis as provided in
4.14 article 1, section 1, subdivision 8.

4.15 Sec. 3. **EFFECTIVE DATE.**

4.16 This article is effective the day following final enactment.

4.17 **ARTICLE 2**

4.18 **ELECTRONIC ROSTER AUTHORIZATION**

4.19 Section 1. **[201.225] ELECTRONIC ROSTER AUTHORIZATION.**

4.20 Subdivision 1. **Authority.** A county, municipality, or school district may use
4.21 electronic rosters for any election. In a county, municipality, or school district that uses
4.22 electronic rosters, the head elections official may designate that some or all of the precincts
4.23 to use electronic rosters. An electronic roster must comply with all of the requirements of
4.24 this section. An electronic roster must include information required in section 201.221,
4.25 subdivision 3, and any rules adopted pursuant to that section.

4.26 Subd. 2. **Technology requirements.** An electronic roster must:

4.27 (1) be able to be loaded with a data file that includes voter registration data in a file
4.28 format prescribed by the secretary of state;

4.29 (2) allow for data to be exported in a file format prescribed by the secretary of state;

4.30 (3) allow for data to be entered manually or by scanning a Minnesota driver's license
4.31 or identification card to locate a voter record or populate a voter registration application
4.32 that would be printed and signed and dated by the voter. The printed registration

- 5.1 application can be either a printed form, labels printed with voter information to be affixed
5.2 to a preprinted form, or a combination of both;
- 5.3 (4) allow an election judge to update data that was populated from a scanned driver's
5.4 license or identification card;
- 5.5 (5) cue an election judge to ask for and input data that is not populated from a
5.6 scanned driver's license or identification card that is otherwise required to be collected
5.7 from the voter or an election judge;
- 5.8 (6) immediately alert the election judge if the voter has provided information that
5.9 indicates that the voter is not eligible to vote;
- 5.10 (7) immediately alert the election judge if the electronic roster indicates that a voter
5.11 has already voted in that precinct, the voter's registration status is challenged, or it appears
5.12 the voter resides in a different precinct;
- 5.13 (8) provide immediate instructions on how to resolve a particular type of challenge
5.14 when a voter's record is challenged;
- 5.15 (9) provide for a printed voter's signature certificate, containing the voter's name,
5.16 address of residence, date of birth, voter identification number, the oath required by
5.17 Minnesota Statutes, section 204C.10, and a space for the voter's original signature.
5.18 The printed certificate can be either a printed form or a label printed with the voter's
5.19 information to be affixed to the oath;
- 5.20 (10) contain only preregistered voters within the precinct, and not contain
5.21 preregistered voter data on voters registered outside of the precinct;
- 5.22 (11) be only networked within the polling location on election day, except for the
5.23 purpose of updating absentee ballot records;
- 5.24 (12) meet minimum security, reliability, and networking standards established by the
5.25 Office of the Secretary of State in consultation with MN.IT;
- 5.26 (13) be capable of providing a voter's correct polling place; and
5.27 (14) perform any other functions necessary for the efficient and secure administration
5.28 of the participating election, as determined by the secretary of state.
- 5.29 Subd. 3. **Minnesota election law; other law.** Unless otherwise provided, the
5.30 provisions of the Minnesota Election Law apply to the use of electronic rosters. Voters
5.31 participating in the safe at home program must be allowed to vote pursuant to Minnesota
5.32 Statutes, section 5B.06. Nothing in this section shall be construed to amend absentee
5.33 voting provisions in Minnesota Statutes, chapter 203B.
- 5.34 Subd. 4. **Election records retention.** All voter's signature certificates and voter
5.35 registration applications printed from an electronic roster must be retained pursuant
5.36 to Minnesota Statutes, section 204B.40. The electronic rosters must print signature

6.1 certificates and voter registration applications on material that will remain legible through
6.2 the period prescribed by Minnesota Statutes, section 204B.40. Data on election day
6.3 registrants and voter history must be uploaded to the statewide voter registration system
6.4 for processing by county auditors.

6.5 Subd. 5. **Election day.** (a) Precincts may use electronic rosters for election day
6.6 registration, to process preregistered voters, or both. The printed election day registration
6.7 applications must be reviewed when electronic records are processed in the statewide voter
6.8 registration system. The election judges shall determine the number of ballots to be counted
6.9 by counting the number of original voter certificates or the number of voter receipts.

6.10 (b) Each precinct using electronic rosters shall have a paper backup system approved
6.11 by the secretary of state present at the polling place to use in the event that the electronic
6.12 rosters election judges are unable to use the electronic roster.

6.13 Subd. 6. **Reporting; certification; and preelection testing.** (a) A county,
6.14 municipality, or school district that intends to use electronic rosters in an upcoming
6.15 election must notify the Office of the Secretary of State at least 90 days before the first
6.16 election in which the county, municipality, or school district intends to use electronic
6.17 rosters. The notification must specify whether all precincts will use electronic rosters, and
6.18 if not, specify which precincts will be using electronic rosters. The notification is valid for
6.19 all subsequent elections, unless revoked by the county, municipality, or school district. If
6.20 precincts within a county, municipality, or school district that were not included in the
6.21 initial notification intend to use electronic rosters, a new notification must be submitted.

6.22 (b) The county, municipality, or school district that intends to use electronic poll
6.23 books must certify to the Office of the Secretary of State at least 30 days before the
6.24 election that the electronic rosters meet all of the requirements in this section.

6.25 **Sec. 2. REVISOR'S INSTRUCTION.**

6.26 The revisor of statutes shall add references to electronic rosters and related
6.27 technology where necessary in Minnesota Election Law.

6.28 **Sec. 3. EFFECTIVE DATE.**

6.29 This article is effective July 1, 2014, for elections held on and after January 1, 2015.

Appendices

A. Enabling Legislation

Subd. 5. **Election records retention.** All voter's signature certificates and voter registration applications printed from an electronic poll book shall be retained pursuant to Minnesota Statutes, section 204B.40. Data on election day registrants must be uploaded to the statewide voter registration system for processing by county auditors.

Subd. 6. **Election day.** Participating precincts may use electronic rosters for election day registration, to verify registration status of preregistered voters, or both. In precincts using electronic rosters to verify registration status of preregistered voters, the election judges shall also use a paper roster.

Subd. 7. **Evaluation.** The secretary of state must evaluate the pilot project and must report to the legislative committees with jurisdiction over elections by January 31, 2014, on the results of the evaluation. The report must include:

- (1) a description of the technology that was used and explanation of how that technology was selected;
- (2) the process used for implementing electronic poll books;
- (3) a description of training that was conducted for election judges and other election officials in precincts that used electronic poll books;
- (4) the number of voters who voted in each precinct using electronic poll books;
- (5) comments, feedback, or recommendations from election judges and others in a precinct using electronic poll books;
- (6) the costs associated with the use of electronic poll books, broken down by precinct;
- (7) comments, feedback, or recommendations from the participating cities and counties regarding data transfers and other exchanges of information; and
- (8) any other feedback or recommendations the secretary of state believes are relevant to evaluating the pilot project.

Subd. 8. **Expiration.** The authorization for this pilot project expires upon submission of the report as provided in subdivision 7.

Sec. 2. ELECTRONIC ROSTER TASK FORCE.

Subdivision 1. **Membership.** (a) The Electronic Roster Task Force consists of the following 15 members:

- (1) the director of the Department of Public Safety, Division of Vehicle Services, or designee;
- (2) the secretary of state, or designee;
- (3) an individual designated by the secretary of state, from the elections division in the Office of the Secretary of State;
- (4) the chief information officer of the state of Minnesota, or designee;
- (5) one county auditor appointed by the Minnesota Association of County Officers;
- (6) one town election official appointed by the Minnesota Association of Townships;
- (7) one city election official appointed by the League of Minnesota Cities;
- (8) one school district election official appointed by the Minnesota School Boards Association;
- (9) one representative appointed by the speaker of the house of representatives;
- (10) one representative appointed by the minority leader of the house of representatives;

(11) one senator appointed by the senate Subcommittee on the Committee of the Committee on Rules and Administration;

(12) one senator appointed by the senate minority leader;

(13) one person appointed by the governor, familiar with electronic roster technology but who does not represent a specific vendor of the technology; and

(14) two election judges appointed by the governor.

(b) Any vacancy shall be filled by appointment of the appointing authority for the vacating member.

(c) Members shall be appointed by June 1, 2013.

Subd. 2. **Conflict of interest.** No member of the task force may have a financial interest in a manufacturer or distributor of electronic roster technology.

Subd. 3. **Duties.** The task force must research the following issues:

(1) electronic roster technology, including different types of electronic rosters;

(2) the ability to use photographs received from the Department of Vehicle Services;

(3) the ability to add photographs to the roster on election day;

(4) data security in electronic rosters, the statewide voter registration system, and the Department of Vehicle Services;

(5) reliability of Department of Vehicle Services data, including the ability to match names and photographs without duplication;

(6) ability of precincts across the state to connect an electronic roster to a secure network to access the statewide voter registration system; and

(7) direct and indirect costs associated with using electronic rosters.

Subd. 4. **First meeting.** The secretary of state, or the secretary's designee, must convene the initial meeting of the task force by July 1, 2013. The members of the task force must elect a chair and a vice-chair from the members of the task force at the first meeting.

Subd. 5. **Compensation.** Public members of the task force shall be compensated pursuant to Minnesota Statutes, section 15.059, subdivision 3.

Subd. 6. **Staff.** The Legislative Coordinating Commission shall provide staff support, as needed, to facilitate the task force's work.

Subd. 7. **Report.** The task force must submit a report by January 31, 2014, to the chairs and ranking minority members of the committees in the senate and house of representatives with primary jurisdiction over elections, summarizing its findings and listing recommendations on the implementation of electronic rosters statewide. The report shall include draft legislation to implement the recommendations of the task force.

Subd. 8. **Sunset.** The task force shall sunset the day following submission of the report under subdivision 7, or January 31, 2014, whichever is earlier.

Sec. 3. **APPROPRIATIONS.**

(a) \$67,000 is appropriated from the general fund to the secretary of state in fiscal year 2014 to implement this article.

(b) \$21,000 is appropriated from the general fund to the Legislative Coordinating Commission in fiscal year 2014 for the purposes of this article.

Sec. 4. **EFFECTIVE DATE.**

This article is effective the day following final enactment.

ARTICLE 5

VACANCIES IN NOMINATION

Section 1. Minnesota Statutes 2012, section 204B.13, subdivision 1, is amended to read:

Subdivision 1. ~~**Death or withdrawal Partisan office.**~~ (a) A vacancy in nomination may for a partisan office must be filled in the manner provided by this section. A vacancy in nomination exists for a partisan office when: (1) a major political party candidate or nonpartisan candidate who was nominated at a primary dies or files an affidavit of withdrawal as provided in section 204B.12, subdivision 2a; or (2) a candidate for a nonpartisan office, for which one or two candidates filed, who has been nominated in accordance with section 204D.03, subdivision 3, or 204D.10, subdivision 1:

(1) dies;

(2) withdraws as provided in section 204B.12, subdivision 1; or

(3) withdraws by filing an affidavit of withdrawal, as provided in paragraph (b), at least one day prior to the general election with the same official who received the affidavit of candidacy.

(b) An affidavit of withdrawal filed under paragraph (a), clause (3), must state that the candidate has been diagnosed with a catastrophic illness that will permanently and continuously incapacitate the candidate and prevent the candidate from performing the duties of the office sought, if elected. The affidavit must be accompanied by a certificate verifying the candidate's illness meets the requirements of this paragraph, signed by at least two licensed physicians. The affidavit and certificate may be filed by the candidate or the candidate's legal guardian.

Sec. 2. Minnesota Statutes 2012, section 204B.13, subdivision 2, is amended to read:

Subd. 2. **Partisan office; nomination by party; special election.** ~~(a) A vacancy in nomination for partisan office shall be filled as provided in this subdivision. Except as provided in subdivision 5, a major political party has the authority to may fill a vacancy in nomination of that party's candidate as defined in subdivision 1, clause (1) or (3), by filing a one nomination certificate with the same official who received the affidavits of candidacy for that office.~~

~~(b) A major political party may provide in its governing rules a procedure, including designation of an appropriate committee, to fill vacancies a vacancy in nomination for all offices elected statewide any federal or state partisan office. The nomination certificate shall be prepared under the direction of and executed by the chair and secretary of the political party and filed within seven days after the vacancy in nomination occurs or before the 14th day before the general election, whichever is sooner. If the vacancy in nomination occurs through the candidate's death or catastrophic illness, the nomination certificate must be filed within seven days after the vacancy in nomination occurs but no later than four days before the general election the timelines established in this section. When filing the certificate the chair and secretary when filing the certificate shall attach an affidavit stating that the newly nominated candidate has been selected under the rules of the party and that the individuals signing the certificate and making the affidavit are the chair and secretary of the party.~~

B. July 9, 2013 Meeting Materials

Agenda

1. Introductions
2. Election of Chair and Vice-Chair
3. Overview of ways that electronic rosters have been used:
 - In Precincts on Election Day
 - Pre-registered voters
 - Election Day Registration
 - Pilot Project, November 2013
 - In Vote Centers
4. Review of Legislation and task force's Charge
5. Proposed work-plan and meeting schedule
6. Presentation and demonstration from Precinct-Atlas, electronic rosters used in 51 Iowa counties
7. Next Steps

Electronic Roster Task Force
Meeting Minutes
July 9, 2013

Members Present:

Debby Erickson
Senator Kiffmeyer
Representative Laine
David Maeda
Patricia McCormack
Commissioner Parnell
Gary Poser
Secretary Ritchie
Grace Wachlarowicz

Members Excused:

Senator Bonoff
Representative O'Driscoll
Barb Welty

Secretary of State Mark Ritchie convened the first meeting of the Electronic Roster Task Force on Tuesday, July 9, 2013 at 9:58 AM in Room 10 of the State Office Building.

A quorum was present.

Task Force members, staff and audience members introduced themselves.

Secretary Ritchie requested nominations for the position of chair. Debby Erickson nominated Secretary Ritchie. Representative Laine seconded the nomination. There were no other nominations. The vote was taken and Secretary Ritchie was elected chair.

Secretary Ritchie requested nominations for the position of vice chair. David Maeda nominated Debby Erickson. Gary Poser seconded the nomination. There were no other nominations. The vote was taken and Debby Erickson was elected vice chair.

Max Hailperin presented on the use of electronic rosters for pre-registered voters.

David Maeda presented an overview on the use of electronic poll books in the City of Minnetonka.

Gary Poser provided an update on the Electronic Roster Pilot Project.

Max Hailperin presented on the use of vote centers in other states.

Members reviewed the proposed work plan and the potential meeting schedule. The next meeting of the Task Force will be held on Thursday, August 15th from 10 am to 12 pm. It was decided not to adopt the full meeting schedule until all members could provide input.

Secretary Ritchie reviewed the focus and agenda for the second and third meetings of the task force.

Dennis Parrot, Jasper County Auditor, and Ken Kline, Cerro Gordo County Auditor, presented an overview and demonstration of Precinct Atlas, the precinct election management system developed by Cerro Gordo County in Iowa.

The meeting adjourned at 11:49 am.

City of Minnetonka - Electronic Pollbooks

Statistics

- 35,836 registered voters
- 3 school districts (Hopkins, Minnetonka, Wayzata)
- 2009-2011: 4 Wards, 27 Precincts
- 2012: 4 Wards, 23 Precincts

Election Day Registrations (EDRs)

- 2012 State General Election: 4,973 (34,382 people voted)
- 2011 City General Election: 133 (4,627 people voted)
- 2010 State General Election: 2,340 (25,447 people voted)
- 2009 City General Election: 97 (4,418 people voted)

Minnetonka's Electronic Pollbook History

2009

Used pre-registered rosters and EDR modules in two precincts

Ward 1 Precinct B – 243 total voters, 6 EDRs

Ward 1 Precinct C – 81 total voters, 2 EDRs

2010

Used EDR module in 18 precincts

2012

Used EDR module in 18 precincts

Electronic Pollbook EDR Process

Voters with current driver's license

- Election judge scans license
- Voter registration information (voter's name, residential address, date of birth, driver's license number) is pulled from driver's license and those fields on the voter registration application are electronically populated
- Pollbook electronically confirms voter's address is in the precinct
- If address is in the precinct, the district information (ward, precinct, school district) information is electronically populated
- If address is not in the precinct, election judge can print map showing where the correct polling place is located
- Voter registration application is printed off; voter confirms information is correct and signs the oath at the bottom of the form

Voters with non-current driver's license and utility bill

- Election judge scans license
- Voter information (voter's name, residential address, date of birth, driver's license number) is pulled from driver's license and those fields on the voter registration application are electronically populated
- Voter indicates what information on driver's license is non-current (name/address)

- Election judge can electronically move that information to the "previous name/previous address" portion of voter registration application
- Utility bill is checked and information manually entered
- Pollbook electronically confirms voter's address is in the precinct
- If address is in the precinct, the district information (ward, precinct, school district) information is electronically populated
- If address is not in the precinct, election judge can print map showing where the correct polling place is located
- Voter registration application is printed off; voter confirms information is correct and signs the oath at the bottom of the form

Benefits of Electronic EDR

- Verification that all requirements are met (age, residence in precinct, proof of residence) and form completed
- If voucher is used verifies voucher is registered voter in precinct and tracks number of voters one voucher has vouched for
- Automates (and expedites) filling out VRA
- Allows printing of a map to give to voter who has shown up in wrong polling location
- Provides greater clarity for election judges in precincts that fall into multiple school districts ensuring voter gets correct ballot
- 2014- Electronic data available to upload into statewide voter registration system
- More accurate voter records- less data entry required, no guessing at bad handwriting; quicker processing after elections

Benefits of Electronic Pre-Registered Rosters

- Eliminating hand marking AB on rosters by uploading updated data prior to election day
- Traffic management - eliminates need to break rosters up by alphabet and allows next voter in line to go to any of the election judges using a pollbook
- Prevents voters from seeing any voter information other than their own
- Greatly reduces chance voter will sign on the wrong signature line in roster
- Greeter's list/precinct finder can be loaded on hand held device
- Robust search function to find voter in pollbook (search similar names, search by address, etc.)
- Provides greater clarity for election judges in precincts that fall into multiple school districts ensuring voter gets correct ballot
- Election judge staffing – tracks number of voters throughout day
- Eliminates counting signatures on roster or voter receipts- more accurate reconciliation process
- Voter history data can be electronically updated

C. September 12, 2013 Meeting Materials

Agenda

1. Introductions

2. Presentation by Vendors

- Hart InerCivic – Justin Morris
- ES&S – Mike Hoverston and Mark Radke
- Datacard Group – Kathleen Synstegaard
- SOE Software – Bill Murphy
- Elections Administrators – Kathy Nickoluas

3. BREAK FOR LUNCH – 30 Minutes

4. Discussion of Vendors

- Reliability and data security of rosters
- Costs and cost-savings associated with rosters
- Feasibility of using rosters in both state and municipal elections

5. Work- Plan and Meeting Schedule

6. Adjourn

Electronic Roster Task Force
Meeting Minutes
September 12, 2013

Members Present:

Secretary Ritchie, Chair
Debby Erickson, Vice Chair
Vaughn Bodelson
Kathy Bonnifield
Senator Bonoff
Max Hailperin
Senator Kiffmeyer
Representative Laine
David Maeda
Patricia McCormack
Commissioner Parnell
Gary Poser
Grace Wachlarowicz

Members Excused:

Representative O'Driscoll
Barb Welty

Secretary of State Mark Ritchie called the meeting of the Electronic Roster Task Force to order at 10:01 am in Room 10 of the State Office Building.

A quorum was present.

Task Force members introduced themselves.

David Maeda moved approval of the minutes from the July 9, 2013 meeting. Pat McCormack seconded the motion. THE MOTION PREVAILED.

Justin Morris, Hart Intercivic, presented an overview of the Hart ePollbook.

Mike Hoverston and Mark Radke, ES&S, presented an overview of the Express Poll-5000.

Kathleen Synstegaard and Dan Hudson, Datacard Group, presented an overview of the Datacard Solution.

Mark Rizzo and Brian Mortimore, SOE Software, presented an overview of Pollworker.

Members reviewed and discussed the proposed work plan and meeting schedule.

Secretary Ritchie called a recess at 11:30 am.

Secretary Ritchie called the meeting back to order at 12:15 pm.

Martin White and Kathy Nickolaus, Election Administrators, presented an overview of the EA Tablet.

Members discussed electronic roster technology including the different types of technology, the reliability of rosters, data security, costs and cost-savings associated with rosters, and the feasibility of using rosters in both state and municipal elections.

The meeting adjourned at 1:10 pm.

D. October 9, 2013 Meeting Materials

Agenda

1. Introductions
2. Adopt Minutes
3. Presentation by VOTEC
4. Presentation by Office of Secretary of State – Gary Poser & Matt McCollough
 - Overview of Statewide Voter Registration System (SVRS)
 - Current requirements for accessing SVRS
 - Possibility of statewide precinct access to SVRS
5. Update on Electronic roster Pilot Project
 - Office of the Secretary of State – Gary Poser
 - Ramsey County – Christina Tvedten
6. Schedule Site Visits for November 5 Election
7. Adjourn

Electronic Roster Task Force
Meeting Minutes
October 9, 2013

Members Present:

Secretary Ritchie, Chair
Debby Erickson, Vice Chair
Vaughn Bodelson
Kathy Bonnifield
Senator Bonoff
Max Hailperin
Senator Kiffmeyer
Representative Laine
David Maeda
Patricia McCormack
Commissioner Parnell
Gary Poser
Grace Wachlarowicz
Barb Welty

Members Excused:

Representative O'Driscoll

Secretary of State Mark Ritchie called the meeting of the Electronic Roster Task Force to order at 9:57 am in Room 5 of the State Office Building.

A quorum was present.

Task Force members introduced themselves.

Kathy Bonnifield moved approval of the minutes from the September 12, 2013 meeting. Grace Wachlarowicz seconded the motion. THE MOTION PREVAILED.

John Medcalf, Wendy Swann, and Tim Walsh, Votec, presented an overview of VoteSafe.

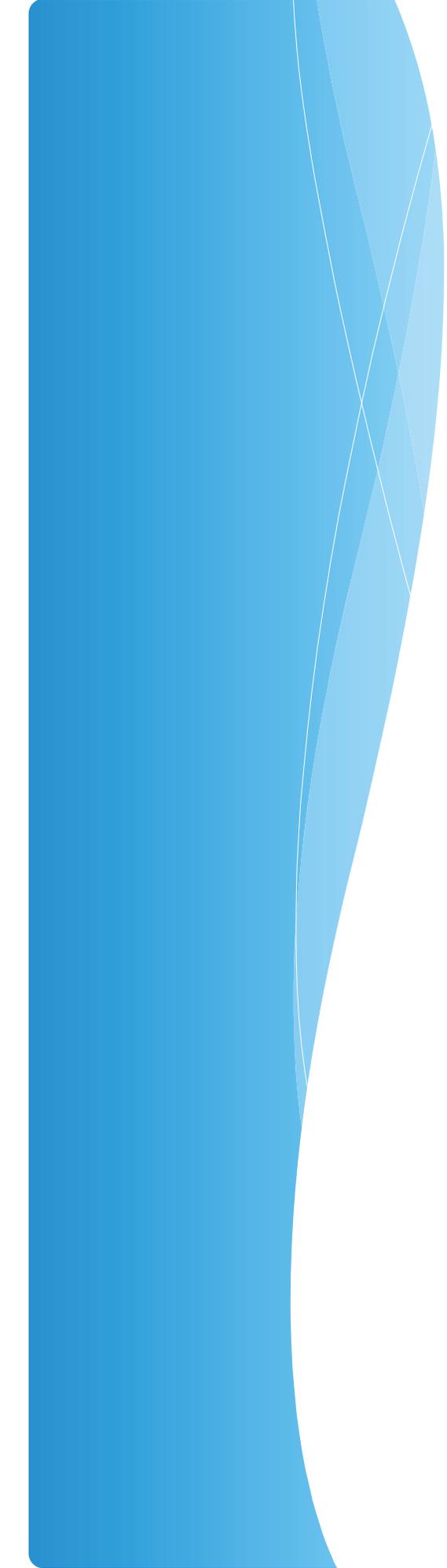
Gary Poser and Matt McCullough, Office of the Secretary of State, presented an overview on the Statewide Voter Registration System.

Gary Poser presented an update on the Electronic Pollbook Pilot Project.

Christina Tvedten, Election Administrator, Ramsey County, provided an update on the Electronic Pollbook Pilot Project in Ramsey County.

David Madea provided an update on the Electronic Pollbook Pilot Project in Minnetonka.

The meeting adjourned at 11:49 am.



Electronic Roster Task Force Statewide Voter Registration System (SVRS)

October 9, 2013

Statewide Voter Registration System (SVRS)

- * Required by HAVA, M.S. 201.021 & 201.022
- * Central database of voter registration information
- * Assign a unique identifier to each voter
- * Coordinate with other agency databases
- * Allow county auditors and SOS to add or modify records
- * Allow auditors, clerks and SOS to have access for review and search capabilities
- * Access to municipal clerks to use the system
- * Provide security and protection of all information and ensure unauthorized access is not allowed

SVRS Functionality

- * Voter Records (Name, Address, DOB, Identification Numbers, Voting History, Transaction History, Correspondence History, etc)
- * Receives and queues data from DVS, DOC, Courts, DOH, NCOA
- * Precinct Finder
- * Absentee Module (use required for State Elections)
 - * Being upgraded to include Mail Ballot records
- * Election Definition (Prim, Gen, Spec, Districts, etc)
- * Jurisdiction Definition (Precincts, Polling Places, etc)
- * Reports, including Roster for Election Day
- * Correspondence, including PVCs, Notices of Late Registration, etc.

Public Information Lists

In accordance with M.S. 201.091 Subd. 4 only includes:

- * Name and address
- * Year of Birth
- * Voting History
- * Telephone number if provided by voter
- * May include voting districts
- * Exceptions:
 - * Not include voter if required for safety of the voter or voter's family
 - * Not include any part of SSN, DL, ID, Military ID or Passport Number
 - * Not include any challenge indications

Polling Place Rosters

- * Precinct
- * Election Date and Election Type
- * Oath
- * Voter Name and Address
- * District/Precinct Info
- * Voter number (and barcode)
- * DOB
- * Signature area which also displays any challenges, accepted ABs

Rosters

- * SOS provide rosters for each election in the state
- * Forwarded to county auditors in an electronic format (currently pdf)
- * Alternatively may be provided in another medium by written agreement
- * Counties designates in SVRS if want state to print or county will print

Input of VR Application

- * Must conduct statewide search of SVRS to determine if previously registered in MN
- * Assign proper precinct and districts for the address through precinct finder
- * Assign a unique number
- * Registration Date recorded
- * Maintain voting history for at least previous six calendar years
- * Record of previous registrations and changes for at least two years
- * Provide info on prior registrations in other states
- * Generate Postal Verification Card (PVC)

Election Day Registration Module

- * Forms returned to county auditor within 48 hours after close of polls
- * Select Election and Precinct
- * Search statewide includes access to view/update DL # and L4SSN
- * Link to existing voter or adds new
- * “move” record to new county/precinct if necessary
- * Posts history
- * Returns warning messages for duplicate history, wrong polling place
- * Generates PVC, WPP correspondence notices

Current SVRS Access Requirements

- * Access limited by router ACL
 - * (must have static IP Address)
- * Limited to single factor authentication
- * OSS must allow access through that IP Address
- * Firewall
- * Intrusion prevention
- * Must have SVRS Userid, password, role

SVRS Users

- * Current Number of Users:
- * 20 State
- * 240 County
- * 63 Municipal

Access to Other State's Registration System On Election Day

- * Surveyed State Election Directors
- * 30 replied to Survey
- * 25 No Access to poll workers
- * 4 Electronic or mirrored copy access to View only
- * 1 Wyoming - Some Polling Places have access to update
 - * County Clerk decides if used in polling place
 - * Laramie County (Cheyenne) uses in a few polling places
 - * Poll workers have county experience during Early Voting

Statewide Precinct Access Issues

- * Security when exposed to 4000 precincts
- * Physical & software security of dedicated devices
- * Antivirus up-to-date, Malware/virus scans run, Certificates
- * Browser software upgrades
- * Certificate Management
- * User Identity management
- * Training
- * Help Desk staffing
- * Backup if SVRS connection lost

Electronic Roster Pilot Project

October 9, 2013

“A pilot project is established to explore the use of electronic rosters in conducting elections. Jurisdictions participating in the project may use electronic rosters to process election day registration, to verify the registration status of preregistered voters, or both. The pilot project shall apply to general elections for home rule charter or statutory cities conducted in participating cities in 2013.”

-- 2013 Minn. Laws Chap. 131, Art.4

Participating Jurisdictions

Three Counties and Five Cities

- Clay County:
 - Dilworth
 - Moorhead
- Hennepin County:
 - Minnetonka
 - Saint Anthony
- Ramsey County:
 - Saint Paul

June 2013

The Office met with jurisdictions in June and sent notice to vendors of ability to participate.

- Vendors could choose between doing pre-registered voters, EDR, or both.
- Eight vendors responded to the notice
- Vendors were divided among jurisdictions

Functionality Requirements

In order to evaluate and ensure functionality, the Office:

- created a checklist of functionality to look for (both required and optional).
- Provided vendors who signed a nondisclosure agreement with a test file of pre-registered voters for a sample precinct.

Jurisdiction Work with Vendors

- The local jurisdictions have been working closely with the vendors to prepare for election day.
- Throughout the process, three vendors have withdrawn from the pilot.
- The vendors still participating in the pilot are:
 - ES&S
 - Know Ink
 - Hart
 - SOE
 - Election Administrators

Alternative Registration Forms

- Vendors have requested the Secretary of State approve alternative voter registration forms.
- ES&S – Form is smaller than 8 ½ x 11
- Hart – Labels applied to a regular voter registration form

SVRS and EDR Data

- The Office is providing file format requirements for EDR data collected by vendors.
- The Office is programing SVRS so that the data will be able to be uploaded after election day.
- The data then will be queued electronically for processing by the counties.

SVRS and Pre-Registered Voters

Vendors will also provide a file for pre-registered voters, but SVRS will not be programmed to upload the pre-registered voter history data.

Secretary of State Evaluation

Report by Secretary of State due January 31, 2014 to the legislature. The report must include:

1. a description of the technology that was used and explanation of how that technology was selected;
2. the process used for implementing electronic poll books;
3. a description of training that was conducted for election judges and other election officials in precincts that used electronic poll books;

4. the number of voters who voted in each precinct using electronic poll books;
5. comments, feedback, or recommendations from election judges and others in a precinct using electronic poll books;
6. the costs associated with the use of electronic poll books, broken down by precinct;
7. comments, feedback, or recommendations from the participating cities and counties regarding data transfers and other exchanges of information; and
8. any other feedback or recommendations the secretary of state believes are relevant to evaluating the pilot project.

E. October 21, 2013 Meeting Materials

Agenda

1. Introductions
2. Adopt Minutes
3. Telephone Presentation by Geoff Slagle, Director of Identity Management, American Association of Motor Vehicle Administrators
4. Presentation by Pat McCormack, Director of Driver and Vehicle Services, Minnesota Department of Public Safety
5. Pilot Project Polling Place Visit Confirmations
6. Adjourn

Electronic Roster Task Force
Meeting Minutes
October 21, 2013

Members Present:

Secretary Ritchie, Chair
Debby Erickson, Vice Chair
Vaughn Bodelson
Kathy Bonnifield
Senator Bonoff
Max Hailperin
Senator Kiffmeyer
Representative Laine
David Maeda
Patricia McCormack
Commissioner Parnell
Gary Poser
Grace Wachlarowicz
Barb Welty

Members Excused:

Representative O'Driscoll

Secretary of State Mark Ritchie called the meeting of the Electronic Roster Task Force to order at 10:00 am in Room 10 of the State Office Building.

A quorum was present.

Task Force members introduced themselves.

Barb Welty moved approval of the minutes from the October 9, 2013 meeting. Max Hailperin seconded the motion. THE MOTION PREVAILED.

Geoff Slagle, American Association of Motor Vehicles, presented an overview on the use of facial recognition nationwide.

Pat McCormack, Director of Driver and Vehicle Services, Minnesota Department of Public Safety, presented an overview on the DPS Driver and Vehicle Services Division Facial Recognition Project.

Members discussed pilot project polling place visits.

The meeting adjourned at 11:20 am.



Alcohol
and Gambling
Enforcement

Bureau of Criminal
Apprehension

Driver
and Vehicle
Services

Emergency
Communication
Networks

Homeland
Security and
Emergency
Management

Minnesota
State Patrol

Office of
Communications

Office of
Justice Programs

Office of
Pipeline Safety

Office of
Traffic Safety

State Fire
Marshal



Driver and Vehicle Services

445 Minnesota Street • Saint Paul, Minnesota 55101-5195

Phone: 651.296.6911 • Fax: 651.797.1120 • TTY: 651.282.6555

<http://dvs.dps.mn.gov>

DPS Driver and Vehicles Services Division Facial Recognition Project

In 2008, Driver and Vehicle Services used grant funding from FMCSA (Federal Motor Carrier Safety Administration) to complete a "facial scrub" of its database of 16 million photos which dated back to 1999.

First Review

After the scrub, 1.2 million photo images were identified as requiring further review. DVS staff spent significant time reviewing these photos to narrow the review of photos within five categories: entry error, fraud, name change, no fraud and overlay.

Second reviews

To date, 7,069 images must complete the second review process in order to determine if fraud could be involved and need further investigation

Final completion of the project is targeted for February 2014.

Investigations have taken more time than anticipated because of the staff members' other job responsibilities

To date, 9,014 licenses/ID cards have been cancelled

Phase II of Facial Recognition Project

Use of FEMA 2011 DL Security Grant of \$829,411 for the Facial Recognition Project Phase II

- \$470,000 grant funding will be used for the database facial recognition scrub of photo images on cards from 2008 moving forward and including the images taken within the next six months (estimated that over 7.1 million images would need to be scrubbed against 18.5-19 million images).
- \$73,000 grant funding for facial recognition software licenses (negotiation to be completed within the next six months)
 - Purchase software licenses to conduct real time facial recognition match.
 - \$286,411 grant funding for staffing.

Facial Recognition Unit Plan:

- Hiring of the Unit Supervisor during first quarter fiscal year 2015 with three staff members.
- Facial recognition software roll-out at 126 driver license agent offices and 14 exam stations will be completed by March 2014.
- Vendor will provide training modules and staff trained by February 2014.
- Staff experts are in place to provide technical and on-going training and support.
- Process procedures have been developed for facial recognition matches.
- MNIT staff has been involved in plans for the design, security and implementation of the Facial Recognition Unit program.

F. December 9, 2013 Meeting Materials

Agenda

1. Introductions
2. Adopt Minutes
3. Presentation by Electronic Roster Pilot Project Participants
4. Discussion and task force Recommendations
5. Adjourn

Electronic Roster Task Force
Meeting Minutes
December 9, 2013

Members Present:

Secretary Ritchie, Chair
Debby Erickson, Vice Chair
Vaughn Bodelson
Kathy Bonnifield
Senator Bonoff
Max Hailperin
Senator Kiffmeyer
Representative Laine
David Maeda
Patricia McCormack
Commissioner Parnell
Gary Poser
Grace Wachlarowicz

Members Excused:

Representative O'Driscoll
Barb Welty

Secretary of State Mark Ritchie called the meeting of the Electronic Roster Task Force to order at 10:01 am in Room 5 of the State Office Building.

A quorum was present.

Task Force members introduced themselves.

Max Hailperin moved approval of the minutes from the November 15, 2013 meeting. Kathy Bonnifield seconded the motion. THE MOTION PREVAILED.

Lori Johnson, Clay County Auditor, presented an overview of the e-Pollbook pilot project experience in Clay County.

Christina Tvedten, Election Administrator, Ramsey County, presented an overview of the e-Pollbook pilot project experience in Ramsey County.

David Maeda presented an overview of e-Pollbook pilot project experience in Hennepin County.

Members reviewed and discussed the additional information requested at the November 15, 2013 meeting including: the Indiana ePollbook certification test protocol, the ePollbook State Survey, and the 2012 wrong polling place numbers.

Members then discussed the following items: whether to authorize an additional pilot, whether the use of ePollbooks should be voluntary or mandatory, whether there should be a paper back-up for pre-registered voters, whether there should be a paper VRA for same day registrants, whether to build or buy ePollbook software, data security requirements, whether photos should be included in ePollbooks, the timeline for the implementation of any task force recommendations, and the costs associated with ePollbooks.

The meeting adjourned at 11:57 am.

G. January 9, 2014 Meeting Materials

Agenda

1. Introductions
2. Adopt Minutes
3. Discussion of Draft task force Recommendations
5. Adjourn

Electronic Roster Task Force
Meeting Minutes
December 9, 2013

Members Present:

Secretary Ritchie, Chair
Debby Erickson, Vice Chair
Vaughn Bodelson
Kathy Bonnifield
Senator Bonoff
Max Hailperin
Senator Kiffmeyer
Representative Laine
David Maeda
Patricia McCormack
Commissioner Parnell
Gary Poser
Grace Wachlarowicz

Members Excused:

Representative O'Driscoll
Barb Welty

Secretary of State Mark Ritchie called the meeting of the Electronic Roster Task Force to order at 10:01 am in Room 5 of the State Office Building.

A quorum was present.

Task Force members introduced themselves.

Max Hailperin moved approval of the minutes from the November 15, 2013 meeting. Kathy Bonnifield seconded the motion. THE MOTION PREVAILED.

Lori Johnson, Clay County Auditor, presented an overview of the e-Pollbook pilot project experience in Clay County.

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The meeting adjourned at 11:57 am.

ePollbook State Survey

States allowing ePollbooks: 19
 States not allowing ePollbooks: 3
 States requiring ePollbook use: 1

States Responding to Survey: 28*
 *Note, not all responded to all questions

	Does your state allow the use of electronic poll books?	Are electronic poll books required to be used in your state?	if electronic poll books are used in your state, approximately to what extent are they used by large, medium and small jurisdictions?			How are poll workers in your state trained to use electronic poll books? (Check one)
AK	We are hoping to implement with new VR system in 2015	No, electronic poll book use is optional				
AL	No, not allowed in any polling places in the state					
CA	Yes, allowed for all polling places in the state	No, electronic poll book use is optional	Medium jurisdictions (less than 50%)	Small jurisdictions (less than 50%)	In California the jurisdictions purchase ePollBooks; not the state. Therefore, our office does not have a complete list of jurisdictions that use them. The answers provided are based on the jurisdictions that have informed our office that they are using e-pollbooks.	County and Vendor provided training
DC	Yes, allowed for all polling places in the state	No, electronic poll book use is optional			early votign and election day precincts	Employee led training
DE	Not specified - we do not use but have discussed.					
GA	Yes, allowed for all polling places in the state	Yes, required for federal, state and county elections. Not required for municipal elections.	Large jurisdictions (100%)	Medium jurisdictions (100%)	Small jurisdictions (100%)	State and County provided training
ID	No, not allowed in any polling places in the state					

	Does your state allow the use of electronic poll books?	Are electronic poll books required to be used in your state?	If electronic poll books are used in your state, approximately to what extent are they used by large, medium and small jurisdictions?					How are poll workers in your state trained to use electronic poll books? (Check one)
IL	Yes, allowed for all polling places in the state	No, electronic poll book use is optional					Varies	It would be up to the election jurisdiction - it would be either county or vendor training
IN	Allowed if approved by county election board	No, electronic poll book use is optional	Large jurisdictions (less than 50%)	Medium jurisdictions (less than 50%)	Small jurisdictions (less than 50%)			County and Vendor provided training
KS	Yes, allowed for all polling places in the state	No, electronic poll book use is optional	Large jurisdictions (74%)	Medium jurisdictions (less than 50%)	Small jurisdictions (less than 50%)			County and Vendor provided training
LA	Louisiana does not use electronic poll books.							
MD	Yes, allowed for all polling places in the state	Yes, required for all jurisdictions	Large jurisdictions (100%)	Medium jurisdictions (100%)	Small jurisdictions (100%)			State and County provided training
MI	Yes, allowed for all polling places in the state	No, electronic poll book use is optional but we will pay 1/2 of tabulator maintenance for those who use electronic poll books	Large jurisdictions (99%)	Medium jurisdictions (75-99%)	Small jurisdictions (75-99%)			State, City and County provided training
MS	Yes, allowed for all polling places in the state	No, electronic poll book use is optional	Large jurisdictions (less than 50%)					County provided training
MT	Although no one uses them currently, they are not prohibited by law.	No, electronic poll book use is optional						

	Does your state allow the use of electronic poll books?	Are electronic poll books required to be used in your state?	If electronic poll books are used in your state, approximately to what extent are they used by large, medium and small jurisdictions?				How are poll workers in your state trained to use electronic poll books? (Check one)
			Large jurisdictions (75-99%)	Medium jurisdictions (75-99%)	Small jurisdictions (less than 50%)		
ND	Yes, allowed for all polling places in the state	No, electronic poll book use is optional				County provided training	
NM	Yes, allowed for all polling places in the state	No, electronic poll book use is optional			NM uses electronic pollbooks in conjunction with ballot printers at polling locations for voting centers and early voting statewide	County and Vendor provided training	
NV	Yes, allowed for all polling places in the state; Nevada Law requires paper Registers and Rosters on Election Day. Some counties supplement the paper process with electronic registers to record voter history on election day. Electronic registers are used by most, if not all, counties.	No, electronic poll book use is optional				County provided training	
NY	No, not allowed in any polling places in the state but pilot projects with printed poll book failsafe have begun						
OR	Oregon is all vote by mail						
RI	Yes, allowed for all polling places in the state	No, electronic poll book use is optional					
SC	Yes, allowed for all polling places in the state	No, electronic poll book use is optional	Large jurisdictions (less than 50%)	Medium jurisdictions (less than 50%)	Small jurisdictions (less than 50%)	County provided training	

	Does your state allow the use of electronic poll books?	Are electronic poll books required to be used in your state?	If electronic poll books are used in your state, approximately to what extent are they used by large, medium and small jurisdictions?				How are poll workers in your state trained to use electronic poll books? (Check one)
SD	Yes, allowed for all polling places in the state	No, electronic poll book use is optional				We have a number of jurisdictions that use them from counties with a population around 1,000 to 15,000 with larger counties opting to use them in 2014. There is also a school district that uses them with around 100,000 registered voters.	State provided training
TN	Yes, allowed for some polling places in the state	No, electronic poll book use is optional				We have small, medium and large jurisdictions with electronic poll books.	County and Vendor provided training
TX	Yes, allowed for all polling places in the state	No, electronic poll book use is optional				about half of all Texas counties of all sizes use them.	Vendor trains the County who then train the poll workers.
WA	Washington votes by mail.						
WI	Specific EPB system must be approved for use by GAB before use	No, electronic poll book use is optional					
WV	Yes, allowed for all polling places in the state	No, electronic poll book use is optional	Large jurisdictions (less than 50%)	Medium jurisdictions (less than 50%)	Small jurisdictions (less than 50%)	The few that are currently using them did a pilot of them first and the vendor was available for support.	County provided training

2012 Wrong Polling Place Numbers

Wrong Polling		Wrong Polling		Wrong Polling	
County	Place	County	Place	County	Place
Aitkin	25	Itasca	7	Pope	2
Anoka	562	Jackson	21	Ramsey	974
Becker	215	Kanabec	22	Red Lake	3
Beltrami	44	Kandiyohi	113	Redwood	36
Benton	55	Kittson	0	Renville	5
Big Stone	5	Koochiching	7	Rice	156
Blue Earth	266	Lac qui Parle	0	Rock	0
Brown	0	Lake	21	Roseau	22
Carlton	69	Lake of the Woods	4	St. Louis	704
Carver	147	LeSueur	1	Scott	301
Cass	27	Lincoln	5	Sherburne	158
Chippewa	13	Lyon	58	Sibley	30
Chisago	121	McLeod	87	Stearns	272
Clay	4	Mahnomen	0	Steele	167
Clearwater	16	Marshall	0	Stevens	21
Cook	7	Martin	104	Swift	13
Cottonwood	11	Meeker	41	Todd	20
Crow Wing	102	Mille Lacs	60	Traverse	0
Dakota	763	Morrison	14	Wabasha	30
Dodge	51	Mower	84	Wadena	0
Douglas	52	Murray	3	Waseca	45
Faribault	26	Nicollet	87	Washington	345
Fillmore	0	Nobles	111	Watonwan	11
Freeborn	97	Norman	5	Wilkin	12
Goodhue	71	Olmsted	364	Winona	285
Grant	0	Otter Tail	0	Wright	55
Hennepin	1946	Pennington	23	Yellow Medicine	7
Houston	78	Pine	49		
Hubbard	19	Pipestone	0	Total	9829
Isanti	72	Polk	0		527867
					1.86%

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JUDGE THOMAS H. BARLAND
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the March 19, 2014 Board Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy
Director and General Counsel

Prepared and Presented by:
Michael Haas
Elections Division Administrator

SUBJECT: Recommendations of Presidential Commission on Election Administration

This memorandum summarizes the Report and Recommendations of the Presidential Commission on Election Administration (PCEA). It is provided for informational purposes and no Board action is requested at this time.

On January 22, 2014, the Presidential Commission on Election Administration (PCEA) delivered its report and recommendations to President Obama. The Commission was created as a result of an Executive Order issued by the President in March of 2013, which directed the Commission to identify best practices in election administration and to make recommendations to improve the voting experience in the United States. The PCEA conducted public hearings, solicited written testimony, and its members met with organizations involved and interested in the administration of elections. The Commission also drew on the efforts of the CalTech – MIT Project, which conducted a nationwide survey of local election officials. G.A.B. Director Kennedy testified before the PCEA and participated in several meetings with its Co-Chairs.

The Commission's report can be found online at <https://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>. It contains a wealth of information on how states and local election officials have developed and implemented innovative programs. The Commission concluded that, "as a general rule, no voter should have to wait more than half an hour in order to have an opportunity to vote." The Commission noted that many election administration procedures that take place in the background or before Election Day may impact wait times and the voting experience. According to a study by Charles Stewart of MIT, the average wait time for a Wisconsin voter was less than 10 minutes at the 2012 presidential election.
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2243630

The State of Wisconsin and several initiatives of the Government Accountability Board are mentioned prominently in the Commission's report. For example, in discussing its recommendation that states should survey and audit polling places to determine their accessibility, the Commission stated that:

The Wisconsin Government Accountability Board performs a survey and audit of polling places that stands as a model. Its Polling Place Accessibility Survey asks a series of questions regarding parking, pathways, entrances, interior routes, and voting areas. The Board's 2013 Report was derived from 1,614 polling place audits conducted over the course of 16 elections, which required the visiting of 921 municipalities located in 66 Wisconsin counties. The audit was comprehensive and identified shortcomings that deserved attention. Following the audit, localities then worked to address the problems the audit revealed. PCEA Report, page 52.

In addition, in discussing its recommendation that local jurisdictions should gather and report voting-related transaction data for the purpose of improving the voter experience, the report noted that "First, local jurisdictions can learn a lot from the state of Wisconsin, which, despite having the most decentralized election administration system in the country, also has one of the most thorough election data-gathering programs." PCEA Report, page 70.

Additional references to Director Kennedy's testimony before the Commission and other facts about Wisconsin's election administration are described in footnotes 12, 116, 139, 162, 163, 171, 172, 192, 198, 207, 208, and 220.

One of the Commission's key recommendations to improve the voting experience and reduce lines at polling places is the "modernization of the registration process through continued expansion of online voter registration and expanded state collaboration in improving the accuracy of voter lists." Legislation to create online voter registration in Wisconsin has been given serious consideration in the current legislative session and Board staff will continue to work with the Legislature to identify and address implementation requirements and issues.

G.A.B. staff has reviewed the Commission's report to determine whether its recommendations have already been implemented in Wisconsin or would require legislative action, or if implementation of such initiatives would face significant administrative hurdles. Staff has also engaged in preliminary discussions with the Legislature regarding the PCEA's recommendations. Attached is a summary of the Commission's recommendations along with brief notations as to their status in Wisconsin. Staff will be prepared to address any questions the Board may have at its meeting but is not requesting any action at this time.

Page	Recommendation	Status
23	States should adopt online voter registration.	Policy decision and legislation is pending. G.A.B. has studied OVR and provided fiscal estimates. Initial cost to State with savings to municipalities and increased accuracy and efficiencies in registration and verification processes.
27	Interstate exchanges of voter registration information should be expanded.	Joining the Kansas consortium is free and would not require additional legislation. However, using the data involves additional staff time and expense (sifting through the data to determine real matches versus false matches, sending voter mailings, etc). Results could be processed by GAB staff or forwarded to clerks similar to the HAVA matches. Joining ERIC involves expense and requires statutory changes to provide DMV file. Same issues regarding staff time and expense apply to ERIC as well.
30	States should seamlessly integrate voter data acquired through Departments of Motor Vehicles with their statewide voter registration lists.	Requires legislation. This requires additional discussion because WI is not subject to NVRA.
33	Schools should be used as polling places; to address any related security concerns, Election Day should be an in-service day.	Schools are already used for polling places in WI. Some schools are moving toward NOT being used as polling places due to potential security problems. Making election days in-service days is a decision of local school districts or the Legislature.

<p>35</p>	<p>States should consider establishing vote centers to achieve economies of scale in polling place management while also facilitating voting at convenient locations.</p>	<p>Legislative action required. Draft bill mandating vote centers for cities discussed in summer of 2013. Significant infrastructure investment needed to start. Possible long-term cost savings. Would need to consider whether these would be community-based or serve a larger area where people from across a region could vote.</p>
<p>42</p>	<p>Jurisdictions should develop models and tools to assist them in effectively allocating resources across polling places.</p>	<p>Some of this can be done administratively using the calculators on the supportthevoter.gov. Some legislative action may be required as minimum standards for number of election inspectors and poll booths, as well as for polling place layout is contained in statutes. Resource calculators may conclude that a municipality does not require the minimum set in law. Or the cost associated with additional staff and/or equipment recommended by such calculations may be burdensome some municipalities. The data also could be used to determine whether the statutory minimums in the statutes are reasonable. Increased training on resource calculation and allocation may be beneficial.</p>

<p>44</p>	<p>Jurisdictions should transition to electronic pollbooks.</p>	<p>While electronic poll books are authorized under current statutes, G.A.B. has several recommendations for legislative change to further support the use of electronic poll books. Board staff is developing minimum standards, required functionalities, and testing and approval procedures; however there are no requests for approval of a system currently pending.</p>
<p>46</p>	<p>Jurisdictions should recruit public and private sector employees, as well as high school and college students, to become poll workers.</p>	<p>This is currently being done in WI. Jurisdictions actively recruit private sector employees, some of which plan employee activities, such as “adopt a polling place” and work in groups. Municipal clerks are also encouraged to contact secular and religious organizations. Legislation is pending to allow election inspectors to come from anywhere in the county, rather than the municipality to aid in recruitment efforts. Statute also permit qualified high school and college students to serve as election inspectors.</p>

<p>49</p>	<p>States should institute poll worker training standards.</p>	<p>The administrative code does not refer specifically to regular election inspectors, but specifies what courses and programs can be used to train and certify chief inspectors, and the training provided to regular inspectors mirrors the content of the training that is provided to chief inspectors. Training topics include pre-election preparations, voter qualifications, Election Day registration, counting ballots and the absentee ballot process. Most county and municipal clerks conduct training sessions that include both chief and regular election inspectors using the same materials and may provide additional training sessions geared to the duties of their chief inspectors</p>
<p>50</p>	<p>Election authorities should establish advisory groups for voters with disabilities and for those with limited English proficiency.</p>	<p>This recommendation has already been implemented in WI. G.A.B. has met with disability advocacy groups for several years and has recently expanded the Accessibility Advisory Committee to representatives from ten groups. The City of Milwaukee Election Commission uses a similar group to assist them with the development of their minority language program.</p>

51	States and localities must adopt comprehensive management practices to assure accessible polling places.	Already being done in WI. G.A.B. includes information about polling place accessibility and accessible voting in clerk and poll worker training. Staff has also developed and circulated resources such as a polling place set-up guide and Election Day accessibility checklist for use by LEOs. PCEA suggestions, such as the polling place set-up videos, could be pursued to bolster current materials.
52	States should survey and audit polling places to determine their accessibility.	Already implemented in WI. The GAB audit program was identified as a 'model' program in the PCEA report. GAB will continue to audit polling places for each major election.
53	Jurisdictions should provide bilingual poll workers to any polling place with a significant number of voters who do not speak English.	The City of Milwaukee is the only municipality in the state with a minority language, or Section 203, designation. It must provide comprehensive election materials in Spanish as well as English. G.A.B. assists the MEC with determining their bilingual pollworker coverage by providing them with the surname analysis report. Other municipalities can decide to provide language assistance at the polls based on the specific needs of their community. G.A.B. provides Spanish-language forms and election materials on the website along with the GAB-121 and 131 in Hmong.

PCEA Recommendations

54	Jurisdictions should test all election materials for plain language and usability.	This process has begun with the development (and on-going evolution) of better ballots with the input of clerks, ballot printers, accessibility experts and usability experts. This effort will continue with evaluation of polling place notices and materials, as well as voter information documents.
56	States should expand opportunities to vote before Election Day.	True early voting, and expanding voting before Election Day would require legislative action. GAB studied early voting in a report published in January 2010. WI has no-excuse absentee voting, another PCEA recommendation. PCEA notes concerns about by mail absentee voting because of its reliance on the USPS. They call for online tracking of absentee ballots. More clerks using SVRS for absentee ballots would help accomplish this goal.

60	States should provide ballots and registration materials to military and overseas voters via their websites.	This recommendation focuses on making sure that there are elections tools and resources for UOCAVA voters. For examples, providing comprehensive and customized information to UOCAVA voters and allowing them to easily update their information online and receive a ballot online. We have already addressed most of these recommendations with MyVote. However, we do need to improve the functionality to for UOCAVA voters to easily update their information.
64	The standard-setting and certification process for voting machines must be reformed.	Would require action at the federal level as the current stagnation at the EAC does not allow the standards to be updated. Standards-setting and the certification process needs to be more flexible to allow for open source systems. Having a base federal certification program for WI is ideal and helps facilitate testing, but currently is out-of-date and very time consuming.
66	Audits of voting equipment must be conducted after each election, as part of a comprehensive audit program, and data concerning machine performance must be publicly disclosed in a common data format.	Would require legislative change as the G.A.B. currently audits only after the General Elections consistent with current statutes. Additional audits would increase costs for both the G.A.B. and municipalities. The common data format would need to be specified.

PCEA Recommendations

68	Local jurisdictions should gather and report voting-related transaction data for the purpose of improving the voter experience.	Data-gathering is already ongoing and the report recognized WI as a leader in data collection. Additional improvements can be made administratively.
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State of Wisconsin\Government Accountability Board

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JUDGE THOMAS H. BARLAND
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the March 19, 2014 Board Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared by: Jonathan Becker, Colleen Adams, Brian Bell,
Richard Bohringer, Adam Harvell, and Molly Nagappala
Ethics and Accountability Division

SUBJECT: Technology and Campaign Finance

Background

As technology evolves, so do the methods for campaigns to raise money. At the federal level and in some states, new statutes and decisions ensure that campaign finance law is followed as committees use these technologies. Wisconsin also needs to do the same. G.A.B Ethics staff has received several requests from committees to review text messaging, crowd funding, and bitcoins to raise money. After researching each method, interviewing Federal Election Commission (FEC) staff, and researching programs in other states, G.A.B staff believes these three methods should be introduced and evaluated by the Board. Since some of these committees are currently using these technologies at their own risk, G.A.B staff asks a decision be made as soon as possible to ensure these committees are fully operating within Chapter 11.

Text Message Fundraising

Introduction

Raising money via text message is a new, but popular method for organizations to fundraise. Organizations send a message to individuals, asking them to respond to a certain number with a specific phrase that indicates the individual wants to donate. The donation then appears on the individual's phone bill, or the individual submits a credit card number, which is charged for the donation. Political campaigns at the national level have used text messages to raise money. One of the reasons text messaging fundraising is so popular is it

has a bigger outreach than other traditional methods (such as mailers or events), encourages a higher amount of pledges because the ask is much smaller, and can quickly be done in less than a few minutes.

Currently, the G.A.B staff has an outstanding request to review if text messaging is an acceptable way to raise money for committees. Already the 2014 campaign season has begun, with committees raising significant amounts of contributions. Setting up a text messaging program also takes time and money. Getting a short code, key to setting up a text messaging fundraising program, takes 8-12 weeks, and costs between \$6-10,000. Since this type of fundraising is already an established method at the federal level, G.A.B staff anticipates more state committees will be interested in this process.

The State of Wisconsin would not be the first to allow text message fundraising. The Federal Election Commission (FEC) has reviewed and established guidelines for raising funds via this method for federal committees. At least two other states: California and Maryland allow text messaging fundraising. California has specific regulations for text messaging fundraising, but it is not widely used by committees. Because text messaging fundraising is a popular method at the federal level and other states, G.A.B staff anticipates more interest in this method in the future.

After reviewing the technology behind text messaging, the Federal Election Commission's reports, and Wisconsin's statutes, G.A.B staff believes a recommendation allowing committees to text message fundraise would be permissible within the current campaign finance statutory framework. Based on a review of opinions issued at the federal level, the staff also believes that issuing best practices and requirements for any text messaging fundraising program is necessary to assist committees with statutory compliance.

What is text message fundraising?

Raising funds via text message involves numerous steps and actors. The following is a list and definitions¹ of players in the text messaging process.

Wireless Service Providers-companies from which customers purchase their mobile phone service. Example: AT&T, Verizon, T-Mobile, etc.

Content Providers-organizations that use short codes to disseminate content to, or collect information or funds from, mobile phone users. Example: any campaign committee, non-profit, any group that wants to raise money

Application Providers-companies that convert text messages received through the code into data that can be used by content providers. Example: Revolution Messaging.

Connection aggregators- companies that link content providers, service providers, application providers and users together. Example: m-Qube.

¹ Federal Election Commission, "Advisory Opinion 2012-28—CTIA-The Wireless Association." August 14, 2012, p. 2. http://saos.fec.gov/saos/searchao?SUBMIT=continue&PAGE_NO=-1

Codes-five or six-digit numbers to which wireless users can send text messages to access mobile content.

CTIA-The incorporated nonprofit trade association that represents the wireless communication industry. This group also manages the Common Short Code Administration, which oversees the technical and operational aspects of Code functions and maintains a single database of Codes.

From the perspective of a donor, text message fundraising is quite simple.

A wireless user who wishes to pledge a donation to an organization initiates the transaction by texting a predetermined word or phrase to a Code. As a security precaution, the connection aggregator sends a reply text message to the wireless user, requesting confirmation of the pledge. If the wireless user confirms the pledge by sending a reply text, then the pledge is complete and the charge will appear on the next wireless bill associated with that wireless user's phone number.²

While the process appears to be simple to donors, setting up a text messaging program is complex, with multiple players working together to gather information behind the scenes. Below is a diagram of the actors and process involved.

Diagram of Text Message Fundraising Process³



² Federal Election Commission, “Advisory Opinion 2010-23—CTIA-The Wireless Association.” November 19, 2010, p. 2. http://saos.fec.gov/saos/searchao?SUBMIT=continue&PAGE_NO=-1.

³ Common Short Code Administration. “Who can help you do what?” February 24, 2013. <https://www.usshortcodes.com/partners/index.php>

A content provider (in this case a committee) creates a fundraising plan, such as asking each donor for a \$2 pledge. Each pledge needs a short code, a unique number that pledges can be sent to that also distinguishes the organization from others. Short codes need to be routed to an application in order to decipher and obtain information in the text. Since most committees don't know how to create their own applications, the content provider works with an application provider to host an application and provide technical expertise. In order to send a message to multiple carriers on different networks, the content provider also works with a connection aggregator, who has the authority to connect to different networks. Connection aggregators also provide technical expertise and security. Application providers and connection aggregators are not mutually exclusive, where one company could serve both as a connection aggregator or application provider.

Once a text messaging fundraising program is developed with all technical components, committees must determine how to process the donation and gather donor information. The most common way to pay for a pledge via text message is to bill the donor's phone bill, or a credit card submitted by the donor. Especially for political donations, donors are also asked to confirm they want to make a donation, are eligible to make a donation, and provide additional donor information. The table on page five (Text Messaging Variations and Steps) displays the most common methods currently being employed by committees registered at the federal level.

Once the donor has provided confirmation of donation, eligibility, and any other necessary information, the process of transferring the donation to the committee begins. The donation first goes through the application provider and/or connection aggregator, and a portion of the donation is given to these groups as a fee, then given to the committee. (This process is similar to any donation given through PayPal, ActBlue or Piryx.) Each committee should have its own separate account, to prevent corporate contributions or the mixing of funds from other committees. Normal industry standards give connection aggregators and application providers up to 30 days to process a donation, since customers are usually only billed monthly.

Text Messaging Variations and Steps						
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
<i>GTSG (2012-35)</i>	Donor sends GTSG text with a pre-assigned keyword to common short code	GTSG sends text to donor, verifying the intent to donate	GTSG sends text to donor, verifying donor eligible to make donation	GTSG sends text with link to website, where donor can enter credit card info		
<i>Revolution Messaging (RM) (2012-30)</i>	Donor sends RM text with a pre-assigned keyword to common short code	RM sends text to donor, verifying the intent to donate and eligibility to donate	Donor responds to RM, verifying he/she wants to make donation	Donation processed from phone carrier (this is last step if under \$50, see next steps if >\$50)	If >\$50, RM sends message, asking for additional information	If donor does not respond with info, excess donation returned. If donor responds, donation processed
<i>m-Qube 1 Method 1 (2012-17)</i>	Donor sends m-Qube text with a pre-assigned keyword to common short code	m-Qube sends text to donor, verifying the intent to donate and eligibility to donate	Donor responds to m-Qube, verifying he/she wants to make donation	Donation processed from phone carrier		
<i>m-Qube 1 Method 2 (2012-17)</i>	Donor goes to committees website	Donor uses phone number in lieu of credit card number, and donor confirms that they are eligible to donate	m-Qube sends text to phone, confirming donor wants to make contribution, which includes PIN	Donor enters PIN on website to finish making donation		

Potential Issues

Depending on how text messaging fundraising is implemented, there are potential reporting and agent issues.

- Names, addresses and employer information of donors are not automatically provided to a committee. Application providers, content aggregators and committees must work together to gather this information about a donor.
- Committees and application providers need to put in safeguards to make sure they are only accepting money from eligible donors, including not accepting money from corporations and non-US citizens or Green Card holders.
- Since content aggregators and/or application providers are serving as an agent of the committee, they have 10 days at the federal level to transfer funds to a committee. This is problematic since payment might be delayed since donors are billed monthly for any charges to their phone accounts.
- Along with reporting required names, committees need to be vigilant about how much donors are giving to their committees. The FEC and CTIA advises groups (including non-political organizations) to limit how much they ask donors to give, and how much they can give in a time period.⁴ Committees need to monitor how much each donor is providing, and provide a running tally during a campaign period given from a specific phone number.

Solutions to Text Messaging Issues

The FEC and CTIA have created clear guidelines for committees that use text messaging that prevent reporting and compliance issues. At the heart of these guidelines is limiting text message requests to an amount under the anonymous (or unitemized) contribution limit. At the federal level, this would be under \$50; for the State of Wisconsin, the limit is \$10. By limiting the request to an amount under these levels, committees do not need to obtain names, addresses or employer information. The FEC still advises committees to track donations by cell phone number, so committees can refund donations over \$50 in a campaign period, ask for donor information or block numbers that have given over the anonymous limit.

In addition to blocking numbers that have given over contribution limits, non-US numbers, burner phones (pre-paid phones) and groups of mobile phone numbers can be screened out of the donation process. This prevents non-eligible donors from participating directly in text messaging fundraising. Each committee that engages in text messaging fundraising has its own short codes or keywords, which prevents the crossing of donations raised with other

⁴ CTIA: The Wireless Association. "Guideline for Federal Political Campaign Contributions via Wireless Carrier's Bill, Version 1.0." August 23, 2012, p. 3. <http://www.ctia.org/docs/default-source/default-document-library/guidelines-for-federal-political-campaign-contributions-via-wireless-carrier-s-bill.pdf?sfvrsn=0>

committees. Every committee can only use one short code and one content aggregator to manage the short code at a time,⁵ or committees can share a short code, but each committee needs to have their own unique key word.⁶ Each committee also has its own account, which prevents the mingling of corporate and committee monies. Committees are also charged similar rates (which is based on number of donations and amount of donations),⁷ which prevents committees from receiving special discounts, which could be considered a corporate in-kind contribution.

The FEC has also approved alternative payment methods to expedite committees getting paid via a monthly phone bill, through “factoring” and trailing bill payments. Factoring “is a financial transaction in which an entity . . . sells its accounts receivable to a third party . . . at a discount in exchange for receiving a percentage (or ‘factor’) of its out payment⁸ on an expedited basis.”⁹ Trailing payments is the reconciled amount provided to customers (in this case a committee) as factored payments and the actual out payment that each customer is entitled to receive.¹⁰ As with other non-political customers, the trailing payment is made out of the connection aggregator’s corporate account, but tied to the committee’s short code. In Advisory Opinion 2012-27 (m-Qube I), the FEC allows factoring because these are normal business practices not specific to political committees, and are extensions of credit and not direct donations. Because of the limited window for forwarding donations, the FEC mandates factoring for all political committees at the federal level.¹¹

Recommendation

Because committees at the federal level have proven they can abide by FEC reporting requirements, G.A.B staff recommends text messaging fundraising be allowed for state level committees. G.A.B staff also recommends the establishment of guidelines based on FEC advisory opinions, which ensure transparency in any text messaging program. These include, but are not limited to:

- Opt-in only messaging allowed
- Donations in any text message request should abide by CTIA standards

⁵ CTIA: The Wireless Association. “Guideline for Federal Political Campaign Contributions via Wireless Carrier’s Bill, Version 1.0.” August 23, 2012, p. 2. <http://www.ctia.org/docs/default-source/default-document-library/guidelines-for-federal-political-campaign-contributions-via-wireless-carrier-s-bill.pdf?sfvrsn=0>

⁶ Federal Election Commission, “Advisory Opinion 2012—Revolution Messaging.” September 4, 2012, p. 7-8. http://saos.fec.gov/saos/searchao?SUBMIT=continue&PAGE_NO=-1

⁷ Federal Election Commission, “Advisory Opinion 2012-28—CTIA-The Wireless Association.” August 14, 2012, p. 3. http://saos.fec.gov/saos/searchao?SUBMIT=continue&PAGE_NO=-1

⁸ An outpayment is what a content provider receives. Federal Election Commission, “Advisory Opinion 2012-26—Cooper for Congress, ArmourMedia, Inc., and m-Qube, Inc..” August 14, 2012, p. 3. http://saos.fec.gov/saos/searchao?SUBMIT=continue&PAGE_NO=-1

⁹ Federal Election Commission, “Advisory Opinion 2012-26—Cooper for Congress, ArmourMedia, Inc., and m-Qube, Inc..” August 14, 2012, p. 3. http://saos.fec.gov/saos/searchao?SUBMIT=continue&PAGE_NO=-1

¹⁰ Federal Election Commission, “Advisory Opinion 2012-17—Red Blue T LLC, ArmourMedia, Inc., and m-Qube, Inc.” June 11, 2012, p. 5. http://saos.fec.gov/saos/searchao?SUBMIT=continue&PAGE_NO=-1

¹¹ Federal Election Commission, “Advisory Opinion 2012-17—Red Blue T LLC, ArmourMedia, Inc., and m-Qube, Inc.” June 11, 2012, p. 7. http://saos.fec.gov/saos/searchao?SUBMIT=continue&PAGE_NO=-1

- At least one confirmation request should be sent to a donor, and should include verifying the donor wants to make a contribution, and that the donor is eligible to make a donation. A response in the affirmative must be received, and an omission of a response does not equal an affirmation. If no response is received, a donation cannot be accepted.
- Confirmation should include that the person making the donation is the wireless subscriber.
- Vendor should screen out certain phone numbers, including non-US and burner phones.
- Vendor should have separate accounts for committees.
- Vendor should create unique short code for each committee.
- Vendor should supply each committee with phone number, name, address, and amount of donation, including keeping a running tally of how much each phone number has given.
- Vendor can charge processing fee, but must be at same rate for other non-political clients.
- Vendor has 15 days to provide donations to committees, and must use factoring.
- Each committee have one vendor at a time.

Crowd funding

Introduction

Similar to text messaging, crowd funding has been a popular method for organizations to raise money for a specific cause. Crowd funding is where individuals come together (usually through a specific website integrated with social media), and donate via credit card to support an organization or a cause. Many, but not all, crowd funding sites have organizations set goals and deadlines for how much they raise, making the success of the cause dependent on its popularity. Because most crowd funding sites operate outside political parties, crowd funding is advantageous to non-partisan committees, or partisan candidates not belonging to the two major parties.

A review of crowd funding is time sensitive. Two state committees are using crowd funding for their committee, and have asked G.A.B staff for guidance on using these sites. As crowd funding spreads in popularity, more campaigns will likely be interested in using these sites.

Because crowd funding sites are capable of gathering donor information, getting affirmations from donors about their eligibility, and the method of payment on these sites is via credit card, G.A.B staff recommends that committees in the State of Wisconsin be permitted to use crowd funding sites.

What is crowd funding?

The concept and execution of a crowd funding site is simple and direct. A group or individual develops a project or cause it wants to support. These can vary widely, from developing a movie, supporting a charity, or paying off medical bills. The group or individual then sets up an account and page on a crowd funding site, such as Kickstarter, Rocket Hub, Crowdrise, etc. People then can give donations to these individuals or groups via credit card through the crowd funding site.

Crowd funding is very similar to other existing sites, such as Paypal or Piryx, but has very specific differences. One of the main distinctions that sets crowd funding apart from existing sites is that many crowd funding sites ask committees to set goals and deadlines for raising funds. Depending on the site, requirements on deadlines and fundraising goals vary. Almost anyone can set up a crowd funding website for any purpose, unlike sites like ActBlue or Piryx, which caters to established, partisan committees. Because crowd funding is designed to support grassroots movements, it also integrates social media to build support and vocalize a cause.

While the scope of causes on crowd funding sites is broad, most do not allow political campaigns to use their site to fundraise. Kickstarter, one of the most popular crowd funding sites, says directly on their site that political campaigns are prohibited from using their site

to raise money.¹² The standards of other crowd funding sites prevent political campaigns from using their site. For example, Crowdrise only accepts 501(c)(3)s that are registered with Guidestar. Some crowd funding sites exist that do specifically cater to political committees, such as Rally.org and demCROWD.org, but do not represent the majority of crowd funding sites.

Potential Issues

Crowd funding faces similar issues to text messaging.

- Crowd funding sites and committees must be able to collect donor information, including name, address, and employer information.
- Committees will also need to verify that each donor is eligible to donate. Many crowd funding sites are intentionally designed to have global outreach, and screening out non-US citizens and Green Card holders is essential.
- Committees must be able to get donations from these sites into their campaign accounts in a timeframe compliant with Chapter 11. Because of the wide variation in processing restrictions on crowd funding sites, this could be a significant issue for committees. Some sites will directly deposit the donation into the account for a small fee, similar to Paypal. Other sites, however, will not automatically charge a donor's credit card unless the campaign hits their target goal, or until the campaign has closed their account on their site. Some sites let campaigns keep their accounts for indefinite amounts of time. According to Wis. Stat. § 11.06(4)(c), agents have 15 days after receipt of a contribution to transfer the donation to the committee. The length of time some crowd funding sites take to transfer funds could be in breach of this statute.

Solutions to crowd funding issues

Addressing issues for crowd funding can be done the same way as for other websites. Each committee should make certain fields required if donations go over \$10, including name and address, and require employer information over \$100. Donors should also be made to affirm that they are eligible donors. If these fields cannot be made required on a specific site, the committee needs to seek this information out from donors. If the committee accepts donations and does not get required information, the donations should be returned or given to a charitable organization. These are all standards already in place on other websites that raise funds for political campaigns. Contributions via crowd funding sites are paid for by credit card, which is allowed in Wisconsin. The FEC has not published a specific advisory opinion on crowd funding sites, but the FEC does permit committees to raise money on similar sites (PayPal, Piryx, etc.).

¹² Kickstarter. "Kickstarter Guidelines" February 24, 2014. <https://www.kickstarter.com/help/guidelines>

Wis. Stat. § 11.01(6)(a)3. includes in the definition of contribution a pledge that could be legally enforceable.¹³ Since pledges made but not processed by a crowd funding site are contingent based on the committee's eligibility to raise enough funds in a certain time period, G.A.B staff believes donations in this circumstance do not meet the definition of contribution. Once the donation is processed by the crowd funding site, this donation must be transferred within 15 days to a committee. While it could be difficult for some crowd funding sites to transfer funds within 15 days, crowd funding sites will need to transfer funds within this window, or committees will need to terminate their crowd funding account. Many crowd funding sites will be able to meet this deadline, but it should be up to the committee using the site to ensure they can get their funds in a timely manner.

Recommendation

Because of its similarity to current sites and the ability of crowd funding sites to comply with Chapter 11, G.A.B staff recommends committees be allowed to use crowd funding sites to raise money. Crowd funding sites are similar to current sites such as Piryx and PayPal because transactions are paid for by credit card, required donor information can be obtained or made mandatory, and committees can get affirmations from individuals that they are eligible donors. Since crowd funding is still in its infancy, and many of these sites do not directly indicate if committees can use their site for political purposes, G.A.B staff recommends committees should verify if political campaigns can use the crowd funding site and make certain fields about donor information required. Committees and their crowd funding sites will also need to put in measures to ensure processed donations are transferred to the committee within 15 days.

Guidelines for committees using crowd funding include, but are not limited to:

- Committee must verify with the crowd funding site that the committee can raise money on their site for political purposes.
- Committees must be able to collect all required donor information, including name, address, and employer information.
- Committees must be able to verify the individual is an eligible donor.
- Payment is done through a negotiable instrument, such as credit card.
- Committees must be able to get any donations from the crowd funding site within 15 days of the site receiving the donation, and committees have 5 days to transfer this money into their bank account.

¹³ *A contract, promise or agreement, if legally enforceable, to make a gift, subscription, loan, advance, or deposit of money or anything of value, except a loan of money by a commercial lending institution in accordance with applicable laws and regulations in the ordinary course of business, for a political purpose.*

Bitcoins

Introduction

The first digital currency used worldwide is the bitcoin. Bitcoins are new to political campaigns, with the first FEC request to review in 2013. The National Libertarian Party is now accepting bitcoins as donations, as well as other candidates, including Rep. Steve Stockman. While the first advisory opinion on bitcoins was not adopted, the FEC is also considering a second request to allow federal committees to accept bitcoins. G.A.B staff was asked by a committee if bitcoin accounts were permissible for committees in Wisconsin.

Because of a pending request being considered by the FEC, G.A.B staff recommends the Board wait until the Commission responds to the second request or FEC staff develops policy on how committees can handle bitcoin contributions. By waiting the Board will ensure that any decision is made in line with federal standards.

What are bitcoins and the process behind them?

Bitcoins are a digital currency developed in 2009. No government or organization manages bitcoins; instead transactions happen directly and are managed between users. Bitcoins are created or “mined”, when a computer solves a complex math problem. This averages about 6 per hour.¹⁴ The number of bitcoins that can be created is also managed. In order to transfer or accept bitcoins, an individual or organization must create a bitcoin wallet. Users then can transfer bitcoins directly between each other, done by a nominal fee, and with no additional interference or extra charges associated with traditional banking. Bitcoins can be cashed into other currency, through a converter website. While the values of bitcoins can fluctuate, the current value of a single bitcoin in US currency is approximately \$628.¹⁵

For the users of bitcoins, this digital currency offer significant advantages over traditional currencies. No government or single organization controls bitcoins, but instead is overseen by the systems users. Since traditional banks do not control bitcoins or accounts, the fees and regulations for bitcoins are lower. Bitcoins are considered a universal or worldwide currency, because it is not tied to any specific government, and can be accepted by any business that uses the system. Because of these reasons, bitcoins are popular with groups that believe in less government oversight, or have problems with the current banking system.

Potential Issues

Because of the anonymity and issues in tracking bitcoins, committees face significant barriers reporting donor information. While the public can view the wallet identification numbers of accounts, they cannot view the name or information of the individuals or

¹⁴ Bitcoin Wiki. “Bitcoin Basics: Creation of coins” February 23, 2014. <https://en.bitcoin.it/wiki/Introduction>

¹⁵ As of 02/23/2014

organization behind these accounts. If political committees want to accept bitcoins, they would have to accept donations below the anonymous or unitemized limit, or ask for donor information.

Because bitcoins cannot be returned or not accepted by a committee in the same way a traditional donation, preventing unwanted donations or returning contributions could be difficult for committees. Giving a bitcoin is not dependent on someone accepting a bitcoin: the public ledger simply needs to be updated and that a bitcoin has been transferred from one user to another. Without the use of an intermediary, such as a miner, a bitcoin could be given to a committee without them asking or giving permission to receive the bitcoin in the first place.

How to treat bitcoins

The FEC has already reviewed one request to allow committees to accept bitcoins, but deadlocked on a decision. The Commission wanted more time to develop policy on bitcoins, especially when it comes to reporting, and did not rule out committees from being able to accept bitcoins in the future.¹⁶ In the Advisory Opinion not accepted by the Commission, FEC staff acknowledges bitcoins are something of value. At the federal level, committees are allowed to have stock, and the Advisory Opinion treated bitcoins as stock. Wisconsin statutes prohibit committees from having most types of stock. Wis. Stat. § 11.25.

Solutions to bitcoin issues

In the new request of the Commission, MYL PAC says they can obtain donor information and control their acceptance of bitcoins. In the proposal, the MYL PAC will only process a bitcoin transaction into their wallet after the donor has provided all required donor information. MYL PAC will use an intermediary such as a miner, in an effort to prevent unwanted or unauthorized deposits of bitcoins. In the request, however, MYL PAC does not acknowledge how it will handle returning bitcoins to donors who potentially could donate without providing all required information.

The recent events involving Mt. Gox, one of the main exchange websites for bitcoins, casts doubt over MYL PAC's proposal. Mt. Gox recently declared bankruptcy. While there were many factors that contributed to the site's demise, at the heart of Mt. Gox's collapse was a process called transaction malleability. Transaction malleability is a process where hackers altered information of bitcoin transactions.¹⁷ According to Professor Ed Felten, researcher at Princeton University, when transaction malleability occurs "The critical details about payment—who is paying how much, and to whom—cannot be changed, but certain

¹⁶ Gold, Matea. Washington Post. "FED Deadlocks, for now, on whether political committees can accept bitcoin" November 21, 2013. <http://www.washingtonpost.com/blogs/post-politics/wp/2013/11/21/fec-deadlocks-for-now-on-whether-political-committees-can-accept-bitcoin/>

¹⁷ Peterson, Andrea. Washington Post. "Everything you need to know about the latest Bitcoin crisis." February 25, 2014. http://www.washingtonpost.com/blogs/the-switch/wp/2014/02/25/everything-you-need-to-know-about-the-latest-bitcoin-crisis/?tid=hpModule_88854bf0-8691-11e2-9d71-f0feafdd1394

peripheral information can be modified in a way that causes the transaction ID to change.”¹⁸ Professor Felten acknowledges transaction malleability can be prevented, but Felten does not discuss if what happened to Mt. Gox can be entirely prevented in the future. While core information in a transaction ID cannot be altered, additional information that would be critical to any committee (such as address and employer information) could be changed through transaction malleability.

Recommendation

Because of recent issues with transaction malleability, a pending FEC decision, and the difficulties of categorizing bitcoins as a donation, G.A.B staff recommends the Board not make a decision on bitcoins at this time. G.A.B staff does not recommend the Board prohibit the possibility of committees accepting or using bitcoins in the future. While bitcoins are something of value, Wisconsin statutes prohibit committees from taking certain kinds of donations that have value, including most types of stock. However, bitcoins could be considered a form of in-kind contribution, like a gift card. The new request in front of the Commission addresses some of the issues raised in the first advisory opinion, especially those about obtaining donor information and improving transparency. Part of the FEC’s review of the request will be to evaluate the technical feasibility of MYL PAC’s proposal. Since few committees have started to accept bitcoins, it is difficult to evaluate MYL PAC procedures, especially in light of Mt. Gox’s recent collapse.

Recommended Motion: Board Staff shall permit committees to use text messaging and crowd funding sites for campaign finance fundraising as long as such methods provide the recipient with sufficient information about the contributor to comply with the reporting requirements of campaign finance laws. Staff is directed to continue research on bitcoins and present additional recommendations at a subsequent Board Meeting.

¹⁸ Felten, Ed. Freedom to Tinker: Princeton’s Center for Information Technology Policy. “Understanding Bitcoin’s transaction malleability problem.” February 12, 2014. <https://freedom-to-tinker.com/blog/felten/understanding-bitcoins-transaction-malleability-problem/>

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KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the March 19, 2014 Meeting

TO: Members, Wisconsin Government Accountability Board

FROM: Kevin J. Kennedy, Director and General Counsel

SUBJECT: Committee Report on Proposed Policy on Per Diem Payments

At its January 14, 2014 Meeting, Judge Barland appointed Judge Lamelas and Judge Vocke to serve as a committee to develop a proposed per diem policy for the Board's consideration. Judge Froehlich developed some factors for the Committee's consideration.

Government Accountability Board Members are entitled to be reimbursed for their actual and necessary expenses incurred in the performance of their duties. Wis. Stat. §15.07(5). This generally includes mileage from their residence to the location of a Board meeting, meals, hotel and parking. In addition, Board Members are paid a per diem for each day on which they are "actually and necessarily engaged in the performance of their duties." The per diem amount, \$449.61, is set by statute. Wis. Stat. §15.07(5)(m).

Attached is a proposed policy developed by the Committee for consideration by the full Board.

Recommendation: The Committee will make a recommendation following discussion of the proposed per diem policy at the March 19, 2014 Board meeting.

(Draft)

Board Member Expenses and Per Diem Payments

Expenses

Government Accountability Board members are reimbursed for actual and necessary expenses incurred in the performance of their duties at the state rate.

Per diem

Wisconsin statutes direct that Board members be paid a per diem payment for each day in which they are actually and necessarily engaged in the performance of their duties. Wis. Stat. §15.07(5).

Preparation for meetings:

Preparation for meetings is an actual and necessary performance of duty. However, payment of a full or partial per diem for preparation for a meeting requires approval of the Board.

Attendance at meetings:

Board members are paid a per diem in the sum provided by law for each meeting attended in person or by telephone.

Waiver of per diem payment:

The Board may waive entirely or in part its statutory per diem payment, after considering such factors as the length of the meeting, preparation time required, and whether a per diem was approved for preparation time.

Signing of an election canvas

Any member required to sign an election canvas pursuant to Wis. Stat. 7.70 or other provision of law, is acting in the actual and necessary discharge of duty. A member may be reimbursed for expenses and per diem in full or in part, depending on distance traveled and total time required to fulfill this duty.

Meetings attended on behalf of the GAB

A Board member who attends a meeting or legislative hearing on behalf of the GAB in the performance of duty as a Board member shall be reimbursed expenses and paid the statutory per diem in full or in part, as appropriate.

Individual Waiver

An individual member may waive reimbursement for expenses, or for per diem payments in full or in part.

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JUDGE THOMAS H. BARLAND
Chairperson

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the March 19, 2014 Board Meeting

TO: Members, Wisconsin 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

H.R.3899 - To amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act, and for other purposes.

House: Referred to the House Committee on the Judiciary.

H.R. 3576 and S.1728 – Safeguarding Elections for our Nation’s Troops through Reforms and Improvements (SENTRI) Act.

The U.S. Senate passed the National Defense Authorization Act (NDAA) of 2014 on December 19, 2013. This version was the same as passed by the House of Representative the week prior, which did not contain any additional language or amendments related to UOCAVA or MOVE, and no provisions of the proposed SENTRI Act.

House: Referred to the Committee on House Administration, and in addition to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Senate: Read twice and referred to the Committee on Rules and Administration. The Senate Rules Committee held a hearing on the SENTRI Act on January 29, 2014.

Director Kennedy’s testimony: <http://gab.wi.gov/publications/testimony/us-senate-committee-testimony-01-29-2014>.

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 Joint Resolution 50 and Senate Joint Resolution 68: 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.

Senate: Referred to the Committee on Senate Organization.

2. ***Assembly Joint Resolution 80: providing for an advisory referendum on the question of adopting a nonpartisan system for redistricting.***
This joint resolution would require a statewide referendum be held with the 2014 General Election on whether voters favor a nonpartisan system for legislative and congressional redistricting.

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

3. ***Assembly Bill 543: public financing of campaigns for the office of justice of the supreme court, making appropriations, and providing penalties.***

This bill creates a democracy trust fund under which eligible candidates for the office of justice of the Supreme Court may receive public grants derived from general purpose revenues to finance their campaigns. A candidate would qualify for public financing if not running unopposed and by receiving qualifying contributions

from at least 1,000 separate contributors who are electors of this state between \$5 and \$100 in an aggregate amount of at between \$5,000 and \$15,000. Public financing benefits for eligible candidates are \$100,000 in the spring primary and \$300,000 in the spring election. Under the bill, public financing benefits are financed through individual income tax “check off.” Every individual filing a state income tax return who has a tax liability or is entitled to a tax refund may direct that \$2 of general purpose revenue be transferred to the democracy trust fund. Individuals filing a joint return may separately choose whether to direct that the \$2 transfer be made. The designation does not increase an individual's tax liability nor reduce an individual's refund. If the total designations do not generate sufficient general purpose revenues to fully fund the costs of public grants and administration of the democracy trust fund, the bill appropriates additional general purpose revenues to finance those costs.

Assembly: Referred to the Committee on Campaigns and Elections.

4. *Assembly Bill 565 and Senate Bill 423: repealing the schedule of elections occurrences.*

Subchapter II of chapter 10 of the Wisconsin Statutes contains a chronologically arranged schedule of election occurrences (schedule). This subchapter provides that the schedule shall not be considered substantive law. The subchapter also requires the Legislative Reference Bureau to update the schedule in response to changes to the laws relating to elections and include the updates in a correction bill. This bill repeals the subchapter.

Assembly: Referred to the Committee on Judiciary. Public hearing held on January 16, 2014. Executive Session held on January 16, 2014. Passage recommend by the Committee by a vote of 8-0. Passed by the Assembly by a voice vote. Public hearing held in the Senate Committee on Elections and Urban Affairs on February 4, 2014. Assembly Bill 565 passed by the Assembly by a voice vote. Assembly Bill 565 concurred in by the Senate by a voice vote.

Senate: Referred to the Committee on Elections and Urban Affairs. Assembly Bill 565 received from the Assembly. Public hearing on Assembly bill 565 and Senate Bill 423 held on February 4, 2014. Director Kennedy's testimony: <http://gab.wi.gov/publications/other/senate-committee-testimony-2-04-2014>. Executive session held on February 6, 2014. Assembly Bill 565 concurred in by the Senate by a voice vote.

5. *Assembly Bill 567 and Senate Bill 421: access to public records (suggested as remedial legislation by the Legislative Reference Bureau)*

This bill makes various changes to the public records access law. The bill:

- A. Defines and specifically covers all special purpose districts under the law. Currently, the law specifically enumerates only local exposition and

long-term care districts but other language specifically applies the law to cover every state or local "agency" and also every "public body corporate and politic," which likely covers special purpose districts.

- B. Modifies the definition of "record," which includes electronically stored records, to substitute general language for current language referencing specific formats and to eliminate references that are obsolete and already covered by other language in the definition.
- C. Applies the law to every elective official who is a custodian of records regardless of whether the official was elected to an office or appointed to fill a vacancy in an office.
- D. Modifies the law that permits an individual to have access to a record containing certain personally identifiable information that pertains to more than one individual so that an individual only has access under the law to personally identifiable information pertaining to himself or herself.
- E. Modifies the term "person authorized by the individual," which is used to allow an individual to act on another's behalf in accessing and petitioning for correction of certain personally identifiable information related to the individual, so that it applies to any person who is authorized in writing to act on behalf of an individual and is not limited to a person exercising rights. The revised language more clearly covers a person exercising a durable power of attorney.
- F. Substitutes the term "copying" for "photocopying" to allow for other forms of copying in a provision that addresses photocopying of records, and removes references to "tapes" in provisions that address copying audio and video recordings, in order to recognize other modes of copying audio and video material.
- G. Reorganizes and makes other changes to a provision addressing access to the names of final candidates for positions to improve clarity and readability.
- H. The bill also standardizes certain word usage to conform to defined terminology, renumbers a provision to a better location near related provisions, and corrects a title for accuracy.

Assembly: Referred to the Committee on the Judiciary. Public hearing held on January 16, 2014. Executive Session held on January 16, 2014. Passage recommend by the Committee by a vote of 8-0. Passed by the Assembly by voice vote. Assembly Bill 567 concurred in by the Senate by a voice vote.

Senate: Referred to the Committee on Judiciary and Labor. Public hearing held on January 9, 2014. Executive Session held on January 14, 2014. Passage recommended by the Committee by a vote of 5-0. Assembly Bill 567 received

from the Assembly. Assembly Bill 567 concurred in by the Senate by a voice vote.

6. *Assembly Bill 603 and Senate Bill 459: providing proof of residence when registering to vote.*

Under current law, except for a military elector or an overseas elector, an elector who registers to vote by mail and has not voted previously in an election in this state or an elector who registers after the close of registration must provide proof of residence. Under this bill, except for military and overseas electors, all electors must provide proof of residence to register to vote. The substitute amendment to Senate Bill 459 incorporates the contents of Senate Bill 267 with the original version of Senate Bill 459.

Assembly: Referred to the Committee on Campaigns and Elections. Public hearing held on January 23, 2014. Division Administrator Haas' testimony: <http://gab.wi.gov/publications/testimony/assembly-committee-testimony-01-23-2014>.

Senate: Referred to the Committee on Elections and Urban Affairs. Public hearing held on January 23, 2014. Director Kennedy's testimony: <http://gab.wi.gov/publications/testimony/senate-committee-testimony-1-23-2014>. Executive session held on February 12, 2014. Senate Substitute Amendment 1 introduced by Senator Lazich. Senate Substitute Amendment 1 adopted by the committee by a vote of 5-0. Passage recommended by the committee as amended by a vote of 3-2.

7. *Assembly Bill 606 and Senate Bill 444: the number of nomination paper signatures required for city-wide offices in second class and third class cities.*

Under current law, the number of nomination paper signatures required for a candidate for a city-wide office in a second class or third class city is not less than 200 nor more than 400 electors. Under this bill, the number of nomination paper signatures required for a candidate for a city-wide office in a second class or third class city is not less than 100 nor more than 200 electors. Assembly amendment 1 limits the change in the number of required signatures to municipal-wide aldermanic candidates, excluding offices such as mayor.

Assembly: Referred to the Committee on Campaigns and Elections. Public hearing held on January 23, 2014. Division Administrator Haas' testimony: <http://gab.wi.gov/publications/testimony/assembly-committee-testimony-01-23-2014>. Assembly Amendment 1 offered. Executive session held on February 4, 2014. Assembly Amendment 1 adopted by the committee by a vote of 8-0. Passage recommended by the committee as amended by a vote of 8-0. Passed by the Assembly by voice vote.

Senate: Referred to the Committee on Elections and Urban Affairs. Public hearing held on January 23, 2014. Director Kennedy's testimony: <http://gab.wi.gov/publications/testimony/senate-committee-testimony-1-23-2014>. Senate Amendment 1 introduced by Senator Gudex. Executive session held on February 12, 2014. Senate Amendment 1 adopted by the committee by a vote of 5-0. Passage recommended by the committee as amended by a vote of 5-0.

8. *Assembly Bill 613 and Senate Bill 644: modifying the duties of a county clerk; the counties in which a board of election commissioners is required; and staffing of a board of election commissioners in populous counties.*

This bill makes a number of changes to the duties of a county clerk and specifies some of the clerk's duties in the statute that lists the requirements of that office. Some of these provisions relate to the appointment and removal of deputy clerks, and the timeframe for appointing a new clerk if the county board adopts a resolution finding that the clerk is incapable of discharging his or her duties.

Under current law, a clerk is required to transmit annually to the secretary of state a typed or printed list showing the name and post-office address of certain specified municipal officials. Under this bill, a clerk is required to transmit annually to the secretary of state a list of the name, phone number, e-mail address, and post-office address of these same municipal officials, other unspecified local officials, and elective and appointive officials of any other local governmental unit that is wholly or partly within the county. The bill also requires the clerk, secretary, or other administrative officer of a local governmental unit to provide the county clerk any information he or she needs to complete this requirement.

The bill also repeals a number of obsolete provisions of current law. The bill repeals a requirement that a clerk transmit to the Department of Public Instruction certified copies of certain resolutions relating to raising money for school purposes, and repeals a requirement that a clerk transmit to the secretary of state a certified copy of an ordinance enacted by a village or town that relates to a change of the village's or town's name, the name of a newly organized town, or town boundary changes that result from county board action.

Currently, in each county over 500,000 population, elections are administered on the county level by a board of election commissioners instead of by the county clerk. This bill provides that, in each county over 750,000 population, elections are administered on the county level by a board of election commissioners instead of by the county clerk.

Currently, counties, municipalities, and special purpose districts share responsibility for administering elections in their jurisdictions. For purposes of election administration, county clerks are responsible for county functions except that, in counties having a population of more than 500,000 (Milwaukee County), county election functions are delegated by law to a bipartisan board of election commissioners. The board of election commissioners may hire an individual to

serve as its executive director, whose employment and removal is subject to civil service standards. This bill provides that each county clerk is the chief election officer of the county in which the clerk serves. The bill does not change the distribution of election administration functions among governmental units. The bill also provides that, in counties having a population of more than 750,000, the county clerk shall serve as the executive director of the board of election commissioners. The change is effective on the day on which the bill becomes law.

Assembly: Referred to the Committee on State Affairs and Government Operations. Public hearing held on January 28, 2014. Assembly Amendment 1 offered by Representative Bernier. Executive session held on March 6, 2014.

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

9. *Assembly Bill 629: authorization for electors to vote in the primary of more than one political party.*

Presently, a voter in a partisan primary election may cast a ballot or vote in the column of only one major political party, regardless of the number of candidates who are running for office in that party, if any. Similarly, a voter in a partisan primary may vote for any of the independent candidates for state office, but if the voter chooses this option, he or she may not vote for any party candidates for any office. (Candidates of minor parties appear on the ballot as independent candidates.)

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.

Assembly: referred to the Committee on Campaigns and Elections.

10. *Assembly Bill 689 and Senate Bill 506 and Senate Bill 548: transferring responsibility over biennial updating of voter registration list to the Government Accountability Board.*

Current law requires the municipal clerk or the board of election commissioners of each municipality (municipal clerk) to examine the voter registration records for that municipality within 90 days of each general election to identify any elector who was qualified to vote over the preceding four years but who has not voted within that four-year period (nonvoting elector). The municipal clerk must mail a "Notice of Suspension of Registration" to each nonvoting elector informing the elector that the

elector's registration will be suspended if the elector does not apply for continuation of registration within 30 days. If the nonvoting elector fails to apply for continuation of registration as directed, the municipal clerk must change the elector's registration status from eligible to ineligible.

This bill transfers responsibility for reviewing each municipality's voter registration records and mailing the Notice of Suspension of Registration forms from the municipal clerk to the Government Accountability Board (GAB). The bill authorizes GAB to delegate these responsibilities back to the municipal clerk. The bill also changes the date by which this notification must occur from within 90 days following each general election to no later than June 15 following each general election. Under the bill, the nonvoting elector must return the application for continuation of registration to the elector's municipal clerk.

Assembly: Referred to the Committee on Campaigns and Elections. Public hearing held on February 4, 2014. Director Kennedy's testimony: <http://gab.wi.gov/publications/other/assembly-committee-testimony-02-04-2014>. Executive session held on February 4, 2014. Assembly Amendment 1 adopted by the committee by a vote of 8-0. Passage recommended by the committee as amended by a vote of 8-0. Passed by the Assembly by voice vote.

Senate: Referred to the Committee on Elections and Urban Affairs. Public hearing held on February 4, 2014. Director Kennedy's testimony: <http://gab.wi.gov/publications/other/senate-committee-testimony-2-04-2014>. Senate Amendment 1 to Senate Bill 548 introduced by Senator Lazich. Executive session held on February 12, 2014. Senate Amendment 1 adopted by the committee by a vote of 5-0. Passage recommended by the committee as amended by a vote of 5-0.

11. *Assembly Bill 690 and 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.

Assembly: Referred to the Committee on Campaigns and Elections. Public hearing held on February 4, 2014. Director Kennedy's testimony: <http://gab.wi.gov/publications/other/assembly-committee-testimony-02-04-2014>.

Executive session held on February 4, 2014. Passage recommended by the committee by a vote of 8-0.

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>.

Senate Substitute Amendment 1 offered by Senator Lazich. Executive session held on Senate Bill 377 on February 12, 2014. Senate Substitute Amendment 1 adopted by the committee by a vote of 5-0. Passage recommended as amended by the committee by a vote of 5-0.

12. *Assembly Bill 753: electronic voter registration, verification of certain registrations, and proof of residence for voting in an election and granting rule-making authority.*

This bill permits a qualified elector who has a current and valid driver's license or identification card issued by the Department of Transportation (DOT) to register to vote at an election electronically on a secure Internet site maintained by the Government Accountability Board (GAB). The bill requires an electronic registration to be completed no later than the 20th day before an election in order to be valid for that election. Under the bill, a qualified elector enters the same information that appears on the current registration form and authorizes DOT to forward a copy of his or her electronic signature to GAB. The authorization affirms that all information provided by the elector is correct and has the same effect as if the elector signed the form personally. The bill also permits an elector who is currently registered to vote and who has a current and valid driver's license or identification card to electronically enter a change of name or address using a similar procedure.

In accordance with the existing procedure for verifying registrations that are not received at the office of the municipal clerk or board of election commissioners, the bill provides that when an electronic registration is received, GAB or the clerk or board of election commissioners of the elector's municipality of residence must verify each electronic registration by sending a first-class letter or postcard to the registrant at the registrant's address.

Except as otherwise permitted under the bill, if the registrant is voting for the first time in an election in this state the registrant must provide proof of residence before voting in the election. The bill creates one exception which provides that, if an elector who registers electronically provides his or her Wisconsin driver's license number, together with his or her name and date of birth, and GAB is able to verify the information electronically at the time of registration by electronically accessing DOT's records, the elector need not provide proof of residence prior to voting.

The bill directs GAB and DOT to enter into an agreement that permits GAB to verify the necessary information instantly by accessing DOT's electronic files. This bill provides that the clerk or board must maintain registrations that are

entered electronically in the manner prescribed by GAB, by rule. The changes first apply with respect to registration for voting at the first spring or partisan primary election that follows the day on which the bill becomes law by at least six months.

Assembly: Referred to the Committee on Campaigns and Elections.

13. *Assembly Bill 837 and Senate Bill 616: deceptive elections practices and providing a penalty.*

Under current law, with certain exceptions, no person may post or distribute any written material that describes the rights or responsibilities of individuals voting or registering to vote at a polling place or absentee voting site during any of the following times:

- 1) During polling hours at a polling place;
- 2) While voting is underway at an absentee voting site; or
- 3) On public property within 100 feet of an entrance to a building containing a polling place or an absentee voting site during polling hours or while absentee voting is underway.

A person who violates any of these prohibition may be required to pay a forfeiture (civil penalty) of not more than \$100 for each violation. Also under current law, no person may knowingly make or publish or cause to be made or published a false representation pertaining to a candidate or referendum that is intended to affect voting at an election. A person who violates this prohibition may be fined not more than \$1,000 or imprisoned for not more than six months, or both.

This bill prohibits any person from knowingly providing false election-related information to an individual with the intent to induce an individual to refrain from registering to vote or from voting at an election. The bill defines election-related information as information concerning any of the following: 1) the date, time, place, or manner of conducting an election; and 2) any qualification for or restriction on the eligibility of an elector voting at an election, including any criminal penalty associated with voting in an election or a voter's registration status or eligibility. A person who violates this provision is guilty of a Class I felony and may be subject to a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both.

The bill exempts from liability the owner, publisher, printer, agent, or employee of a newspaper or other publication, including an Internet publication, or of a radio or television station, including an Internet radio or television station, who in good faith and without knowledge of its falsity, publishes false election-related information.

The bill permits a person who believes a violation has occurred to file a verified complaint with the Government Accountability Board (board). The board must review the complaint to determine whether the alleged facts would constitute a violation. If the board determines that the facts, if true, would constitute a

violation, the board must investigate the complaint and, if appropriate, forward the complaint to the attorney general for prosecution. The board must also take any action necessary to provide correct election-related information to those persons who might have received false election-related information. In lieu of prosecuting the action, the bill permits the attorney general to forward the prosecution to the district attorney for the county in which the violation is alleged to have occurred.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

Assembly: Referred to the Committee on Campaigns and Elections.

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

14. *Senate Bill 654: disclosure of political activity.*

This bill provides that registration and reporting requirements apply to any communication that contains certain explicit terms with reference to a clearly identified candidate that expressly advocates the election or defeat of that candidate and unambiguously relates to that candidate. The bill also provides that these requirements do not apply to an expenditure made by an individual other than a candidate, or by an organization that is not organized exclusively for a political purpose if the expenditure does not expressly advocate for the election or defeat of a clearly identified candidate or the adoption or rejection of a question at a referendum. In addition, under the bill, administrative and overhead expenses by a committee or group are deemed to be for a political purpose only if the committee or group is organized exclusively for the purpose of influencing an election or nomination, a recall or retention in office, or a particular referendum vote. The change in the scope of reportable activity under the bill also affects contribution limitations and prohibitions by causing the term "contribution" to exclude the cost of any communication that is not reportable under the bill.

Senate: Referred to the Committee on Elections and Urban Affairs. Public hearing held on March 5, 2014. Executive session held on March 6, 2014.

15. *Senate Bill 655: various changes in the campaign finance and lobbying laws.*

This bill makes several changes to both campaign finance and lobbying laws as outline below.

Internet Political Activity; Individual and Public Communications

This bill provides that any cost incurred to conduct Internet activity is not a contribution or disbursement, and is therefore not reportable if it is performed by an individual acting in his or her own behalf, or acting in behalf of another person,

and if the individual is not compensated specifically for his or her services. This includes the cost or value of any equipment and services used by the individual to conduct the activity, but does not include professional video production services purchased by the individual. The bill similarly provides that any cost incurred in covering a news story, commentary, or editorial by a broadcasting station, cable television operator, producer, or programmer, Internet site, or newspaper or other periodical publication, including an Internet or other periodical publication, except the cost of a news story that appears in a medium that is owned by a candidate, candidate's authorized committee, or political party, is not a contribution or disbursement and is therefore not reportable. In addition, the bill provides specifically that the following are disbursements, and are therefore reportable: a) any payment for a communication to the general public for a political purpose except an Internet communication that is not a disbursement under the bill; b) any payment for the purchase or rental of an electronic-mail address list that is made at the direction of a campaign finance registrant for a political purpose; or c) any payment for an electronic-mail address list that is transferred to a registrant for a political purpose. The bill provides however, that the following are not disbursements, and are therefore not reportable:

- a. a communication or Internet activity by an individual acting in his or her own behalf, or acting in behalf of another person if the individual is not compensated specifically for those services, including the cost or value of any electronic equipment and services used by the individual to conduct the activity; or
- b. a nominal fee paid for a communication to the general public.

Solicitation Expenditure Limit

Currently, if a corporation or cooperative establishes a segregated fund for the purpose of supporting a candidate for state or local office, the corporation or cooperative may not expend more than \$500 annually to solicit contributions to the fund or to a conduit. This bill eliminates this limit on expenditures made to solicit contributions.

Committee Transfers

Under current law, no individual who is a candidate for state or local office may receive in contributions more than 65 percent of the value of the total disbursement level for the office for which he or she is a candidate during any primary and election campaign combined from all committees, including political party and legislative campaign committees. The bill modifies this limitation so that the amount does not include any transfer from any personal campaign committee to another personal campaign committee.

Under current law, no individual who is a candidate for state or local office may receive in contributions more than 45 percent of the value of the total disbursement level for the office for which he or she is a candidate during any primary and election campaign combined from all committees other than political party and legislative campaign committees. The bill modifies this limitation so that the amount includes any transfer from any personal campaign committee to another personal campaign committee.

Electronic Filing

Under the bill, the software that GAB specifies for electronic filing must allow an authorized individual to provide an electronic signature that is subject to a security procedure. The bill also eliminates the requirement that a registrant who or which files a report electronically must file a copy with GAB. A registrant who or which files a report electronically may, however, file with GAB that portion of the report signed by an authorized individual rather than submit the electronic signature of that individual.

Registration

Under current law, before any group makes or accepts contributions, makes disbursements, or incurs obligations exceeding \$750 in the aggregate in any year to promote or oppose a referendum, or before any individual accepts contributions, makes disbursements, or incurs obligations exceeding \$750 in the aggregate in any year for such purpose, that group or individual must file a registration statement with the appropriate filing officer. This bill increases the threshold for filing a registration statement for referendum-related activity from \$750 to \$2,500.

Under current law, every committee, other than a personal campaign committee, that makes or accepts contributions, makes disbursements, or incurs obligations exceeding \$25 in the aggregate in any year must file a registration statement. The bill increases the registration threshold for such a committee from \$25 to \$500.

Finally, under current law, every individual, other than a candidate or a candidate's agent, who accepts contributions, makes disbursements, or incurs obligations exceeding \$25 in the aggregate in any year to support or oppose the election or nomination of a candidate must file a registration statement. The bill increases the registration threshold for such an individual from \$25 to \$1,000.

Campaign Finance Reporting

Under current law, a committee that is not acting in concert with a candidate and that makes one or more disbursements totaling \$20 or more to advocate the election or defeat of a candidate within 15 days before a primary or election must submit a report documenting the disbursement to the appropriate filing officer within 24 hours and must include information about the disbursement in its next regular report. Similarly,

under current law, if any contribution or contributions from a single contributor and totaling \$500 or more are made to a candidate for state office or to a committee or individual within 15 days before a primary or election and the contribution is not included in a preprimary or pre-election report, the recipient of the contribution must, within 24 hours, make a report to the appropriate filing officer, and must include the contribution in its next regular report. This bill extends the reporting period for such late filings from 24 hours to 48 hours.

Conduits; Redirection of Certain Unclaimed Contributions

The bill allows a conduit to redirect contributions made to the conduit but unclaimed for a period of two years to a committee, other than a personal campaign committee, that sponsors the conduit if there is such a committee or, if there is not such a committee, to the conduit's administrative fund. Prior to redirecting the unclaimed contribution, the conduit must either receive authorization from the surviving spouse or executor of the estate of a deceased individual to redirect the contribution or make at least ten good faith attempts to contact a contributor over the two-year period without success. The conduit may attempt to contact the contributor by U.S. mail, by electronic mail, or by telephone. The required attempts to contact the contributor may not all occur within one 30-day period. The bill requires the conduit to identify the sponsor on the conduit's registration form and to include on the conduit's financial report when a contribution is redirected.

Campaign Contributions by Lobbyists

This bill provides that a lobbyist may furnish a campaign contribution to such an official, employee, candidate, or committee at any time but that no lobbyist may personally make a campaign contribution except during the period when contributions are permitted to be made. This bill also extends the time during which a lobbyist may make such a contribution to between the first day authorized by law for the circulation of nomination papers as a candidate and the day of the election or special election.

Senate: Referred to the Committee on Elections and Urban Affairs. Public hearing held on March 5, 2014. Executive session held on March 6, 2014.

PREVIOUS LEGISLATION - UPDATED STATUS

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

Under this amendment, an elective officer may be recalled only if he or she has been charged with a 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. **Public hearing held on January 21, 2014. Senate Amendment 1 offered. Executive session held on February 4, 2014. Senate Amendment 1 adopted by a vote of 5-0. Report concurrence as amended by the committee by a vote of 3-2.**

17. 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 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 Campaigns and Elections. Incorporated into AB225 (original and substitute amendment). Assembly Amendment 1 offered by Representative Thiesfeldt. Executive session held on March 12, 2013. Assembly Amendment 1 adopted by a vote of 9-0. Passage recommended by the committee as amended by a vote of 8-0. Referred to the Assembly Committee on Rules. **Passed by the Assembly by voice vote.**

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.

18. 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. **Public hearing held in the Senate Committee on Elections and Urban Affairs on February 4, 2014.**

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>. **Public hearing held on Assembly Bill 54 on February 4, 2014. Director Kennedy's testimony:** <http://gab.wi.gov/publications/other/senate-committee-testimony-2-04-2014>. **Executive session held on February 6, 2014. Executive session held on Senate Bill 324 on March 6, 2014.**

19. 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. **Assembly Amendment 1 adopted by voice vote. Passed by voice vote.**

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.

20. 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. **Public hearing held on January 21, 2014. Executive session held on February 4, 2014. Passage recommended by the committee by a vote of 3-2.**

21. 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. **Public hearing held on March 5, 2014. Executive session held on March 6, 2014.**

22. **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. The Legislative Council Amendment Memo summarizing the provisions of the Assembly Substitute Amendment 1 and Assembly Amendments 1 and 2 to the substitute amendment is available here: <http://docs.legis.wisconsin.gov/2013/related/lcamendmemo/ab225>.

Assembly: Passed as amended and messaged to the Senate.

Senate: Referred to the Senate Committee on Elections and Urban Affairs. **Public hearing held on December 18, 2013. Director Kennedy's testimony:** <http://gab.wi.gov/publications/other/senate-committee-testimony-12-18-2013>.

23. **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. **Concurred in by the Assembly by a voice vote.**

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.

24. **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. **Senate Amendment 1 offered by Senators Grothman and Lazich. Senate Substitute Amendment 1 to Senate Bill 297 offered by Senators Grothman and Lazich. Executive session held on Senate Bill 297 and Assembly Bill 396 on February 12, 2014. Senate Substitute Amendment 1 to Senate Bill 297 adopted by a vote of 5-0. Passage recommended as amend by the committee by a vote of 3-2. Senate Amendment 1 adopted by a vote of 5-0. Concurrence in recommended as amended by the committee by a vote of 3-2.**

25. 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.

The Senate Substitute Amendment would provide a recount at no cost if the vote difference was 10 or less, or less than 0.25 percent. Above that threshold, the requestor would be required to pay the full cost of the recount.

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. **Passed by voice vote on January 21, 2014.**

Senate: Referred to the Committee on Elections and Urban Affairs. Public hearing held on February 4, 2014. Director Kennedy's testimony:

<http://gab.wi.gov/publications/other/senate-committee-testimony-2-04-2014>.

Executive session held on February 12, 2014. Action on Assembly 418 was tabled by the committee. Senate Substitute Amendment 1 offered by Senator Olsen.

26. 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 officially 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.

Senate: Referred to the Senate Committee on Elections and Urban Affairs. Public hearing held on January 23, 2014. Director Kennedy's testimony:

<http://gab.wi.gov/publications/testimony/senate-committee-testimony-1-23-2014>.

Executive session held on February 12, 2014. The committee recommended the bill be concurred in by a vote of 5-0.

27. *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. **Public hearing held on January 23, 2014. Director Kennedy's testimony: <http://gab.wi.gov/publications/testimony/senate-committee-testimony-1-23-2014>. Executive session held on Senate Bill 393 and Assembly Bill 420 on February 12, 2014. Passage recommended on Senate Bill 393 by the committee by a vote of 5-0. Passage recommended on Assembly Bill 420 by the committee by a vote of 5-0.**

28. *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.

Assembly: Referred to the Committee on Campaigns and Elections. Public hearing held on January 23, 2014. . Division Administrator Haas' testimony: <http://gab.wi.gov/publications/testimony/assembly-committee-testimony-01-23-2014>. Executive session held on February 4, 2014. Passed recommended by the committee by a vote of 7-1. Concurred in by a vote of 58-38.

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.

29. *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.

Assembly: Referred to the Committee on Campaigns and Elections. Public hearing held on January 23, 2014. . Division Administrator Haas' testimony: <http://gab.wi.gov/publications/testimony/assembly-committee-testimony-01-23-2014>. Assembly Amendment 1 offered by Representative Zamarripa. Executive session held on February 4, 2014. Assembly Amendment 1 adopted by a vote of 8-0. Passage recommended as amended by the committee by a vote of 7-1. Assembly Amendment 1 adopted by voice vote. Concurred in as amended by a vote of 59-37, and messaged back to the Senate.

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.

30. 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.

Assembly: Referred to the Committee on Campaigns and Elections. Public hearing held on January 23, 2014. . Division Administrator Haas' testimony: <http://gab.wi.gov/publications/testimony/assembly-committee-testimony-01-23-2014>. Assembly Amendment 2 offered by Representative Bernier. Executive session held on February 18, 2014. Assembly Amendment 2 adopted by the committee by a vote of 6-3. Passage recommended by the committee as amended by a vote of 6-3. Assembly Amendment 2 adopted by a voice vote. Concurred in as amend by a vote of 56-38, and messaged back to the Senate.

Senate: Referred to the Committee on Elections and Urban Affairs. Public hearing held on September 4, 2013. Substitute Amennment-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.

31. 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. **Public hearing held on January 28, 2014.**

32. 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. **Public hearing held February 4, 2014. Director Kennedy’s testimony:**
<http://gab.wi.gov/publications/other/senate-committee-testimony-2-04-2014>.

PREVIOUS LEGISLATION – NO STATUS CHANGE

33. 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.

34. 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.

35. Assembly Bill 18: 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).

36. 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.

37. 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

38. *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.

39. *Assembly Bill 85 and Senate Bill 95: 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.

Assembly: 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.

Senate: Referred to the Committee on Elections and Urban Affairs. Amendments 1-4 offered by Senator Darling, and adopted by the Committee by a vote of 5-0. Passage as amended recommended by the Committee on Elections and Urban Affairs by a vote of 3-0. Amendment 5 offered by Senator Miller.

40. 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.

41. Assembly Bill 92 and 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.

Assembly: Referred to the Committee on Campaigns and Elections.

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

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.

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

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

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

50. Assembly Bill 393 and Senate Bill 20: 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, 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.

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.

51. 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.

52. 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.

53. 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.

54. 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.

55. 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.

56. 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.

57. 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.

58. 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.

59. 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.

60. 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.

61. 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.

State of Wisconsin \ Government Accountability Board

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JUDGE THOMAS BARLAND
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the March 19, 2014 Board Meeting

TO: Members, Wisconsin Government Accountability Board

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

Prepared by: Jonathan Becker, Colleen Adams, Brian Bell,
Richard Bohringer, Adam Harvell, and Molly Nagappala
Ethics and Accountability Division

SUBJECT: Ethics and Accountability Division Program Activity

Campaign Finance Update

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

January Continuing 2014 Reports

All non-exempt registrants were required to file the January Continuing 2014 report by January 31, 2014. As of February 28th, 1,422 reports have been filed, with only 29 outstanding. Staff have phoned, emailed, and mailed late notices to all outstanding committees, and will continue to make attempts to contact and assist with filing the missing report.

Spring Pre-Primary 2014 Campaign Finance Reports

All candidates on the ballot in February or April were required to file a spring pre-primary report on February 10, 2014. As of February 28th, all required reports have been filed.

Upcoming Campaign Finance Reports

The next report due for candidates on the ballot in April is the Spring Pre-Election 2014 report and is due March 24, 2014. Notices for this filing will be sent to all committees by March 5th.

Filing Fee for Calendar Year 2013

Non-candidate committees with over \$2500 in activity in 2013 were required to pay a \$100 filing fee by January 31st. As of February 28th, 347 committees have paid \$100 and three committees had paid \$300 for a total of \$35,600. Six committees were still outstanding. Staff will continue to make attempts to contact those committees.

Campaign Finance Audits

In 2013, staff ran a number of audits on data reported for 2012 activity. Audits covered the \$10,000 annual contribution limit, corporate contributions, reporting of employer information, lobbyist contributions, individual contributions limits, and committee contribution limits. Over \$70,000 in forfeitures were collected from 100 violations. 2 committees are still outstanding.

- Termination request audits: From 2010-2013, over 400 committees have requested to be terminated. GAB staff audited these reports to verify cash balance totals, problems with reporting, and non-compliant transactions. All but 2 of these committees have been terminated. Another round of termination audits will begin later this spring or summer.
- Annual audits on 2013 data will begin in March 2014 and continue through the spring and summer.

Other audits may be 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
Ethics and Accountability Specialists

Statement of Lobbying Activities and Expenditures Reports – July-December 2013

All registered lobbying principals were required to file a 6-Month Statement of Lobbying Activities and Expenditures (SLAE) report covering lobbying activities from July 1 through December 31, 2013. The report was due January 31, 2014. As of February 28, 2014, only one principal's report is outstanding. Staff will be following up with this principal and three others who filed reports over two weeks past the deadline.

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. Kavita has provided G.A.B. staff with a rough template of how the new FOCUS subscription will "flow" and staff continues to work with her to refine this. We intend to design a 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. The beginning of the new year has spurred quite a few new registrations. Processing performance and revenue statistics related to the 2013-2014 session so far are provided in the table below.

<i>2013-2014 Legislative Session: Lobbying Registration by the Numbers</i> (Data Current as of March 3, 2014)			
	Number	Cost	Revenue Generated
Organizations Registered – Full Lobbying	706	\$375	\$264,750
Organization Registered – Limited Lobbying	15	\$20	\$300
Lobbyists Licenses Issued (Single)	534	\$350	\$186,900
Lobbyists Licenses Issued (Multiple)	111	\$650	\$72,150
Lobbyists Authorizations Issued	1512	\$125	\$189,000

Financial Disclosure Update

Colleen Adams and Adam Harvell
Campaign Finance Auditors and Ethics Specialists

Statements of Economic Interests

The annual mailing to all officials required to file was sent in early January. As of February 28th, over half of the 2,370 statements due for 2014 had been received. 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 July 1 through December 31, 2013 were sent out in January, and due January 31, 2014. All of these reports have been received.

State of Wisconsin Investment Board Quarterly Transaction Reports

Staff sent out 53 quarterly financial disclosure reports to State Investment Board members and employees the beginning of January 2014. The 2013 fourth quarter reports were due on or before January 31st, and all have been received. Once received, copies of the reports were 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.

Ethics and Lobbying Training

Jonathan Becker, Division Administrator

On February 14, Jonathan Becker met with the Governor's legal staff to conduct a training session on ethics and lobbying issues.

State of Wisconsin\Government Accountability Board

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JUDGE THOMAS H. BARLAND
Chair

KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the March 19, 2014 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 (December 17, 2013) the Elections Division staff has focused on the following tasks:

1. General Activities of Election Administration Staff

The special election for Representative to the Assembly in District 82 was conducted on December 17, 2013. Judge Nichol certified the canvass statement on December 30, 2013.

The Board certified candidates for the Spring Primary and candidates for the Spring Election in counties where no primary was required on January 14, 2014. The counties of Dunn and Waupaca conducted primaries for the office of Circuit Court Judge. Both counties submitted canvasses for the primary by the February 25, 2014 deadline. Judge Lamelas certified the primary canvass at 5 p.m. on Friday, February 28, 2014, and the Dunn and Waupaca County Clerks were sent amended certifications of nomination for the April 1, 2014 Spring 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 General Election. There are currently 125 candidates registered for state and federal offices for the fall General Election. Nomination papers may be circulated beginning April 15th, and are due no later than 5 p.m. on June 2, 2014.

The Type A Notice of Partisan Primary and General Election must be published by the county clerks no later than April 8, 2014. The statutory deadline for G.A.B. staff to transmit the notice to the county clerks is March 18. The Type A Notice was posted to the G.A.B. website on February 25, providing ample time for county clerks to add county offices to the notice and comply with newspaper publishing lead times.

Staff worked with the Prime III voting equipment team to produce ballots for the trial run of Prime III at two municipalities in Manitowoc County at the Spring Election on April 1, 2014. Polling place ballots and absentee ballots were produced. More information on preparations for the Prime III pilot can be found under No. 3, Voting Equipment Testing and Demonstration.

Staff continues to work with ballot printers, accessibility advisors and county clerks to continue to improve ballot format.

Staff created the Elections Division Readiness Tracker, an electronic task manager for SVRS, election administration and the IT staff to view and update election related tasks. The tracker has multiple “views” allowing staff and management to monitor the status of nearly 100 assigned tasks ranging from pre-election to post-election reporting requirements.

2. 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 reliers to outline alternate models of workload-sharing.

3. Voting Equipment Testing and Demonstration

Pursuant to the Board’s final approval at the February 25, 2014 meeting, the G.A.B. IT team and the elections staff have continued to collaborate with Dr. Gilbert and his team to implement a pilot program for the Prime III voting equipment at the April 1, 2014 election. The G.A.B. has also worked extensively with Manitowoc County Clerk Jamie Aulik, who secured municipal participants for the pilot, as well as the municipal clerks for the Town of Newton (Barbara Pankratz) and the Town of Kossuth (Jolyn Schuh), which will be the pilot locations. Board staff will participate in public demonstrations of the Prime III in the pilot municipalities and will be on hand in those locations on Election Day.

Staff has been working with the Clemson team and our county and municipal partners to make the following preparations for the April pilot:

- Develop a method to transfer candidates and contests between SVRS and the Prime III system in a way that preserves the confidentiality of voter information.
- Program the Prime III system for each of the seven (7) available ballot styles that will be used in the April election.
- Configure the voter interface in a way that is consistent with Wisconsin statutory requirements.
- Create a ballot design that will ensure the most consistency between existing Wisconsin ballot styles and the Prime III’s OCR ballot.
- Implement preferences of Manitowoc County and municipal clerk participants for election night management processes.

- Conduct demonstrations and training for Manitowoc County and municipal clerks, chief inspectors, poll workers, members of the town boards, and interested citizens.
- Conduct functionality and usability testing on the Prime III.

4. The AccessElections! Accessibility Compliance Program

A. Polling Place Audits for the February 18th Spring Primary

For the 2014 Spring Primary, 106 polling places covering 111 reporting units were audited. Eleven temporary workers were hired and trained to conduct onsite accessibility compliance audits in 85 municipalities in Calumet, Dane, Dodge, Fond Du Lac, Grant, Kenosha, Outagamie, Walworth, Washington, Waukesha, Waupaca and Winnebago counties. An initial review of audit results for the Spring Primary indicates that many of the most commonly identified problems remained. However, auditors also identified significant issues with snow and ice removal in parking areas and along pathways. Planning for audit locations was complicated due to the lack of a statewide office on the primary ballot and concern over weather-related winter travel concerns.

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 AutoMARK ballot marking device, Board staff is in the process of creating a tutorial video that demonstrates the voting process using that equipment and its accessibility functions. In addition, Board staff has agreed to partner 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

Staff has engaged in a data cleanup effort to ensure that it has received responses to all outstanding polling place audits. During this effort, 290 files were reviewed and staff closed 171 of those files by working with local election officials to acquire documentation that problems identified during polling place accessibility audits have been addressed. Several local election officials requested extensions of time to formulate plans to address problems related to an additional 22 files. Staff continues to work with the remaining municipalities to obtain assurance that accessibility problems identified through the audit program have been remedied.

Since December 17, 2013, staff has received and processed 92 plans of action for polling places audited during recent elections. Staff will continue to process plans of action received from municipalities audited during previous elections and is in the process of generating reports for audits conducted during the February 2014 Spring Primary.

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 234 grant-funded accessibility supplies to 53 municipalities in response to documented needs. Staff continues to work with the agency IT Development Team to automate multiple aspects of the AccessElections! Compliance Audit administrative process.

5. **Education/Training/Outreach/Technical Assistance**

Following this memorandum as Attachment 1 is a summary of information on core and special election administration training conducted by G.A.B. staff.

6. **IT Projects**

Several IT projects are in progress for the Elections Division:

A. SVRS Updates

An emergency patch to SVRS was installed on January 24. This patch corrected a problem with the address verification service that is used by both SVRS and MyVote Wisconsin. Certain addresses on voter applications in MyVote and SVRS were not being assigned to districts in SVRS, despite being valid addresses with accurate geographic locations. This patch corrected this problem.

B. SVRS Modernization

The G.A.B. IT Team continues to work with G.A.B. program staff to set up the building blocks of the new Modernized SVRS. The new version of Microsoft Dynamics CRM (2013) has been installed on a server as a “sandbox” for IT and program staff to begin working on the layout of the new system. The team is currently working on the primary navigation for the system, as well as the universal screen template that will be used throughout the system. IT staff has begun building out the first node of the system – jurisdictions and districts. Program staff is developing the security roles that clerks will have available to them in the modernized system.

C. MyVote Wisconsin

An emergency patch to MyVote Wisconsin was installed on January 24, in conjunction with the SVRS fix described above. The MyVote portion of the patch fixed two issues that were reported to G.A.B. by Military voters using the website. Military voters were receiving an error message when requesting an absentee ballot to be sent via mail, and certain non-Wisconsin mailing addresses were incorrectly updated during the address verification process.

MyVote 1.7 Sprint 2 is currently being tested. This version addresses several minor defects that were discovered after the My Vote 1.7 update was deployed. It also includes

a database change that will allow the G.A.B. IT team to repurpose one of the database servers. Sprint 2 is scheduled to be deployed between the February Primary and the April Spring Election.

Staff is in the process of executing an agreement with nationally-recognized elections usability specialist Dana Chisnell to conduct a usability assessment of the MyVote site. The usability assessment will be used to plan for improvements that will be made in the next major release of the system, referred to as My Vote Wisconsin version 2.0.

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 to complete 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.

On February 24, 2014, G.A.B. staff notified municipal clerks the names of 46 electors who voted in the November 6, 2012 Presidential and General Election whose names and birthdates matched the list of offenders who were under the supervision of the Department of Corrections (DOC) on November 6, 2012, the date of the Presidential and General Election. Clerks are using the new automated process to review the matching records. Through the G.A.B. Microsoft Dynamics website, the clerks identify whether they believe that the voter and the offender are the same person and whether a vote was correctly recorded for the voter. Clerks are asked to attach a copy of the poll list page for the voter and the Voter Registration G.A.B. 131 Form. Clerks then assign the record back to G.A.B. staff and G.A.B. staff will review the clerks' response. If the clerk indicates the records are not a match the case will be closed. If a clerk believes it is a match or is uncertain, G.A.B. staff will review the supporting documents attached and send a referral, if appropriate, to the proper district attorney. As of March 3, 2014, 23 matches have been reviewed by clerks. G.A.B. staff will be reviewing the records and making referrals to the district attorney in early March. The testing of the new process has gone well and the clerks and DOC staff have found the dashboard website easy to use.

E. Data Request Automation

G.A.B. staff is finalizing the testing of the online application for processing common requests for voter data. This new website will allow candidates, political parties, and the public to request SVRS voter data online, including voter participation based on jurisdiction or district, participation in a particular election or elections, or absentee voter information. Data request customers will be able to submit their requests and download the completed file from this new website. The estimated completion date for all phases of this project is early March 2014.

7. Cost-Benefit Analysis Projects

The Government Accountability Board collaborated with the LaFollette School of Public Affairs at the University of Wisconsin – Madison to conduct two cost-benefit analysis (CBA) projects during the fall 2013 semester. The resulting reports were particularly helpful as the Legislature considered proposals related to on-line voter registration and the biennial maintenance of the voter registration list.

Major findings of the Online Versus Paper-Base Voter Registration CBA report include:

- Online registration would likely result in a net benefit for Wisconsin of \$1.01 million over the first 10-year period without including the cost of a substantial advertising campaign.
- Online voter registration would likely result in a net benefit for Wisconsin of \$372,000 (net present value, or NPV) over the first 10-year period when including \$638,900 for advertising the new online voter registration system.
- The group was unable to calculate increased usage of the system due to the advertising campaign, but noted that the additional usage would increase the net benefit. Therefore, the study could not determine if the increased usage due to the advertising campaign would offset the cost of the advertising.

Major findings of the Voter List Maintenance CBA report include:

- Conducting any of the analyzed voter list maintenance options at the local level is cost-prohibitive and thus not considered a viable policy approach.
- Conducting voter list maintenance using the NCOA instead of mailing to voters who have not participated in four years would likely result in a net benefit for Wisconsin of \$582,000 (NPV) over a 10-year period.
- Conducting voter list maintenance using a hybrid approach of both NCOA and state coordinated mailings to voters who have not participated in four years would likely still create a net benefit of \$58,000 (NPV) over a 10-year period.

8. Voter Registration Statistics

The following statistics summarize the statewide voter registration activity as of February 25, 2014:

Active Voter Registrations	3,378,412
Inactive Voter Registrations	1,209,093
Cancelled Voter Registrations	394,037
HAVA Checks Processed In 2014	4,762
Merged Voter Registrations Processed In 2014	1,285

9. Voter Data Requests

Staff regularly receives requests from customers interested in purchasing electronic voter lists. Staff works to create a voter file for each request. The standard file includes each voter's name, address, each district the voters resides in from their ward up to their

Congressional district, and their voting history for every regularly scheduled election and special elections for state and federal offices. A complete list of the standard data elements provided in each list, along with the request form and a statement on the availability and quality of the data is available on the G.A.B. website here: <http://gab.wi.gov/forms/gab-361>. Revenue from these requests helps to support the costs for maintaining the Statewide Voter Registration System (SVRS), and for training municipal and county clerks on how to use SVRS. The following statistics summarize voter data requests as of February 13, 2014:

Fiscal Year	Total Number of Requests	Requested Files Purchased	Percentage of Requests Purchased	Total Revenue
FY2014 to date	207	180	86.96%	\$91,106.25
FY2013	356	259	72.75%	\$254,840.00
FY2012	428	354	78.04%	\$127,835.00

10. 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 utilized in the field. Staff has started testing a virtual training server located at the datacenter to 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 Spring Primaries and Spring Election 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. A new technical issue that arose during this period consisted of clerks experiencing browser compatibility issues with SVRS and the latest version of Internet Explorer and Firefox browsers, which the Help Desk staff has been able to resolve on an individual basis.

Comparatively few public and elector inquiries came in, and were 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. Call volume has been relatively quiet, compared to the consistently high volume experienced in 2010 through 2013.

Help Desk staff have been serving on various project teams such as the Records Retention Taskforce; the Clerks Concerns Committee; the SVRS Modernization and MyVote Wisconsin teams. Staff assisted with testing SVRS and system improvements. Staff have begun administering the SANS Security Awareness training program instituted by DOA for data security awareness.

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

December 2013	493
January 2014	1,224
February 2014	843
Total Calls for Reporting Period	2,560

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

December 2013	428
January 2014	780
February 2014	452
Total Calls for Reporting Period	1,660

11. 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.

12. Voter ID Cases

On February 25, 2014, the Wisconsin Supreme Court heard oral argument regarding the two state court lawsuits which challenge the constitutionality of the Voter Photo ID Law. The photo identification requirement continues to be enjoined until the completion of the litigation filed in state and federal court.

13. Program 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 has participated in several extensive meetings to describe agency programs and initiatives and provided numerous documents and data files to LAB staff.

14. Legislative Fiscal Estimates

During the current legislative session, Division staff has responded to twelve requests for fiscal estimates from the Legislature. While many of the requests relate to bills which have a minimal or no fiscal impact on election administration, staff completed thorough analysis of the fiscal impact regarding several legislative proposals, including those authorizing online voter registration and G.A.B. conducting the Four-Year Maintenance process.

ATTACHMENT #1

GAB Election Division's Training Initiatives
12/18/2013-3/18/2014

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
SVRS "Initial" Application and Election Management/HAVA Interfaces	Instruction in core SVRS functions – how to navigate the system, how to add voters, how to set up elections and print poll books.	16 hours	New users of the SVRS application software.	8	112
SVRS "Advanced" Election Management	Instruction for those who have taken "initial" SVRS training and need refresher training or want to work with more advanced features of SVRS.	2 types of classes: Absentee Process; Reports, Labels & Mailings; 4 hours each	Experienced users of the SVRS application software.	8	85
Municipal Clerk	2005 Wisconsin Act 451 requires that all municipal clerks attend a state-sponsored training program at least once every 2 years.	3 hours	All Municipal clerks are required to take the training; other staff may attend.	6	215
Chief Inspector	Instruction for new Chief Inspectors before they can serve as an election official for a municipality during an election.	3 hours	Election workers for a municipality.	18	800

ATTACHMENT #1

GAB Election Division's Training Initiatives
12/18/2013-3/18/2014

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
Election Administration Training Webinar Series	Series of 8 - 12 programs designed to keep local government officers up to date on the administration of elections in Wisconsin.	45 – 120 minute webinar conference hosted by Elections Division staff.	Clerks and chief inspectors; campaign treasurers and candidates.	5 webinars conducted; SVRS Data Requests & Reports; The ABCs of Absentee Voting; Election Day Duties, Special Topics; Election Day Duties; Demonstrations; Preparing for the April	700
WBETS	Web Based Election Training System. Still under development. Reference materials were made available to the clerks in February; voter registration training made available to clerks 3/24/2008.	Varies	County and municipal clerks and their staff.	Phase 1 of eLearning training plan completed; Phase 2 under discussion.	Site is available for clerks to train temp workers in data entry; reliers are also able to access the site upon request.
Other	<ul style="list-style-type: none"> Board staff gave SVRS and election administration presentations to municipal clerks attending various WMCA District Meetings: the Wisconsin Municipal Clerks Association District Meetings: March 5, 2014: District 7 Rockland; March 6, 2014: District 5 				

ATTACHMENT #1

GAB Election Division's Training Initiatives
12/18/2013-3/18/2014

Training Type	Description	Class Duration	Target Audience	Number of Classes	Number of Students
	<p>Menomonee Falls; March 14, 2014: Districts 1&2 Rice Lake.</p> <ul style="list-style-type: none"> Board staff updated County Clerks on new legislation at the WCCA spring conference in Madison on March 12, 2014. 				

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KEVIN J. KENNEDY
Director and General Counsel

MEMORANDUM

DATE: For the March 19, 2014 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 December 2013 Board meeting, staff has met regularly with Legislative Audit Bureau analysts to provide additional information about the agency's elections, ethics, campaign finance and lobbying programs. The auditors expect to have their research and audit report complete sometime this spring.

2. 2015-2017 Biennial Budget Preparations

Staff has begun preparing for the agency's 2015-17 Biennial Budget request which is due in September. Staff has explored options with the State Budget Office on how best to approach requesting that federally funded project positions that sunset on June 30, 2015 be converted to permanent positions. Because the positions will sunset and because we anticipate an adequate federal-fund balance through 2017, we would like to request federally-funded permanent positions starting July 1, 2015 through June 30, 2017. Additionally, we would like to request on July 1, 2017 the federally funded permanent positions be converted to general purpose revenue funded permanent positions.

Other budget decision items we are thinking about include the need for an increase in general purpose revenue funds for additional Board meetings.

3. Financial Services Activity

- Financial team members and program staff updated the G.A.B.'s internal controls plan, then processed the annual certification of internal controls and timely filed with both the DOA Secretary's Office & the State Controller's Office.
- Staff calculated and booked the fourth quarter payroll adjusting entry, to properly allocate salaries and fringe benefits between federal and state programs, and effected several payroll funding changes in the payroll system, to account for federal employee assignment changes, new hires, and for staffing transfers between programs. Although not currently funded by the sum-sufficient appropriation, time worked on investigations by internal staff is also being separately reported and tracked as requested by the Director and General Counsel.
- Labor and ancillary costs of \$8,066 were incurred by G.A.B. staff while working on a second round of the Dominion voting equipment update project, and are being invoiced to the vendor per the cost recovery agreement. ES&S previously reimbursed the G.A.B. \$28,767 and Dominion previously reimbursed the G.A.B. \$688 for voting equipment testing costs. These cash receipts were accounted for as refunds of expenditure and allocated amongst several ledger accounts.
- FY15-17 biennial budget work has begun, with cost, revenue, and cash balance projections being calculated for both the state lobbying program and for the federal HAVA programs at this time. Financial staff are calculating and monitoring GPR salary savings from vacant and reduced positions, for purposes of fiscal year-end 2014 budget planning.
- Staff claimed reimbursements of \$40,861 for December, January, and February Federal Voting Assistance Program (FVAP) grant expenditures, coordinated the accounting for incoming wire transfers with DOA-Treasury staff, and prepared journal entries to record revenues receivable. Financial staff prepared the quarterly SF 425 Report due March 31 for this federal aid grant, reporting \$ 1,037,249 (54 percent) of the \$1,919,864 grant expended since its inception in March 2012.
- Financial staff submitted an annual Bank and Cash Account Certification to the State Controller's Office Treasury Services unit at calendar year-end 2013, and the newly-opened depository account for the e-payment voter data fees was added to the bank account certification this year, while other reportable cash accounts included petty cash, change, and contingent funds.
- Our agency responded to a recently-enacted statutory requirement to biennially report an inventory of real property owned to the Division of Facilities, in

addition to specifically identifying any underutilized assets within this inventory, as well as an estimate of the fair market value of each property. Since the G.A.B. currently leases office space from a privately-owned lessor, and any leasehold improvements purchased by our agency do not meet the statutory definition, there was no real property reportable as of January 1, 2014.

- Financial staff members regularly attend the State Transforming Agency Resources (STAR) Project meetings, to learn about the State's new Enterprise Resource Planning (ERP) system and to prepare for implementation. For example, financial staff recently attended a training session on the new PeopleSoft chart of accounts. The current organization codes have now been converted to the new DeptID codes, while one duplicate appropriation in WiSMART must still be removed or de-activated before conversion. In addition to the ERP conversion, one staff member was allowed to attend a training session on the new WiSMART report writer software, and will be relaying those training materials to the other financial teammates. This is a replacement of the current vendor's software, and user testing of this new mainframe report writer program will soon take place within all state agencies.
- Responded to Government Accounting Standards Board (GASB) surveys from the State Controller's Office, such as GASB 39 – Determining Whether Certain Organizations are Potential Component Units, and confirming our GAAP fund accounting codes for the upcoming FY2014 Comprehensive Annual Financial Report.
- Journal entries were prepared and booked to reclass purchasing card expenditure object codes and to properly allocate both monthly interest earnings and mixed usage server costs to their appropriate federal or state programs. Monthly DOA General Service Billing charges were audited prior to payments being processed, while rent and 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 each month, to facilitate the reconciliation of these 50 ledger account balances. Journal entries were prepared and booked, to correct any balance sheet account coding errors.
- Testing of the new e-payment application for the electronic receipt of federal voter data list sales is being finalizing and the new application will soon be launched to the public. This new system will provide for both electronic check and credit card options as payment for SVRS voter data lists.

4. Procurements

A new IT member, Mahesh Valluri, joined the IT team in January. A new purchase order was written for Mr. Valluri, as well as an updated purchase order for James Yeo, Project Director who began his new position mid-December, 2013.

The purchasing section also wrote purchase orders for new software including: BizTalk licenses for the FVAP system, as well as new operating system upgrades for the SVRS training laptops. We also updated licenses for Adobe software. Hardware was purchased for our Christopher Doffing's computer to enhance video editing capabilities.

In assisting the Accessibility program, 12 Program Assistant II temporary staff were hired to conduct Accessibility Audits during the February 18 Spring Primary. Annual dues were paid for the agency for both NASED and the Election Center in January. Name tags and cubicle signs were also ordered for new staff starting in January.

5. Contract Sunshine

Since the last Board meeting, the certification process for the October to December 2013 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 March 31, 2014.

6. Staffing

Currently, we have two-vacant Elections Specialist positions we are recruiting for. The positions have been posted on the Office of State Employment Relations website and at the La Follette Institute of Public Affairs. We expect to complete the recruitment process by the beginning of May.

7. Communications Report

Since the December 17, 2013, Board meeting, the Public Information Officer (PIO) has engaged in the following communications activities in furtherance of the G.A.B.'s mission:

Online: As the agency's webmaster, the PIO oversaw development of new sections of the website, including pages for the growing number of written legislative testimony documents, as well as a new section of the Polling Place Accessibility giving clerks examples of the top 10 most common accessibility problems.

Media: The Board has been in the news recently on several major stories: appeals of lower court decisions regarding the Voter Photo ID Law, the Spring Primary and Election, proposed legislative changes to election administration and campaign finance laws, and the January filings of campaign finance and lobbying reports. The PIO coordinated interviews with journalists for Director Kennedy and Division Administrators. He also gave multiple interviews when they were not available. Between December 6 and February 28, the PIO responded to more than 400 contacts from news media and the public for information and interviews.

Public Records: The PIO has responded to an unusually large number of public records requests since the December 17, 2013 Board meeting. The agency has received 24 public records requests between the meeting and February 28, 2014. Prior to the December meeting, the agency had received 24 requests in all of 2013. In January, the agency finalized fulfillment of one very comprehensive public records request made in late 2012 related to election observer complaints going back to 2008. Fulfilling this request initially involved substantial staff time in locating large numbers of documents, but was also delayed due to the need for staff counsel to review documents and remove documents prohibited from release by statutes. In all, 2,453 pages of documents issues were released.

Testimony: The PIO assisted Director Kennedy in the preparation of testimony for six legislative hearings in December, January and February, including testimony before the U.S. Senate Committee on Rules and Administration.

Other: On February 12, the PIO and Ethics Division Administrator Jonathan Becker gave an hour-long presentation about the G.A.B. and its duties to students participating in the Senate Scholar Program. In addition, the PIO has worked on several other projects including responding to concerns from Legislators on a variety of topics and communicating with our clerk partners.

8. Meetings and Presentations

During the time since the December 17, 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), the electronic poll book study and preparations for the Prime III pilot initiative. 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 training meetings with municipal clerks.

On January 7, 2014, Director Kennedy attended the first meeting of agency chief counsels organized by Brian Hagedorn, the Governor's Chief Counsel. Representatives from several cabinet level and independent agencies attended the meeting. A second meeting is scheduled for March 14, 2014.

On January 15, 2014, Director Kennedy met with Senator Fitzgerald to discuss Board Member confirmation status and pending legislation.

On January 23, 2014 Director Kennedy testified before the Senate Committee on Elections and Urban Affairs. The hearing focused on three Senate bills and two Assembly bills. 2013 Senate Bill 393 would require a printed name for signers of nomination papers and petitions. 2013 Senate Bill 444 proposes to lower the nomination paper signature threshold for aldermanic offices elected city wide in second and third class cities. 2013 Senate Bill 459 would require voters to provide proof of residence when registering to vote. 2013 Assembly Bill 419 proposes

changes in counting write-in votes. 2013 Assembly Bill 420 would require electors to legibly print their name on nomination papers and election-related petitions in addition to signing their name. A copy of my testimony can be found on our website at: <http://gab.wi.gov/publications/testimony/senate-committee-testimony-1-23-2014>.

On January 23, 2014, Elections Division Administrator Mike Haas testified before the Assembly Committee on Campaigns and Elections. The hearing focused on two Assembly bills and three Senate bills. 2013 Assembly Bill 603 would require voters to provide proof of residence when registering to vote. 2013 Assembly Bill 606 proposes to lower the nomination paper signature threshold for aldermanic offices elected city wide in second and third class cities. 2013 Senate Bill 264 specifies procedures for securing the ballot container after the polls close. 2013 Senate Bill 265 clarifies requirements for party representation of election officials serving at polling places. 2013 Senate Bill 267 changes requirements for recording the type of identifying document provided by an elector as proof of residence at the polls. A copy of the testimony presented can be found on our website at: <http://gab.wi.gov/publications/testimony/assembly-committee-testimony-01-23-2014>.

Ethics and Accountability Division Administrator Jonathan Becker and Director Kennedy met with the Brian Hagedorn, the Governor's chief counsel, and two new staff counsel for the Governor on January 28, 2014. The meeting provided an opportunity for new legal staff to learn about the duties of the agency and clarify assignments in the Executive Office on matters related to the G.A.B.

On January 29, 2014, Director Kennedy testified in Washington D.C. before the United States Senate Committee on Rules and Administration on the SENTRI Act. This proposal is designed to facilitate voting for military and overseas electors. In addition to specifying increased outreach by the Department of Defense's Federal Voting Assistance Program, the legislation would require increased reporting by states on the preparation and delivery of ballots for military and overseas voters. A copy of my testimony can be found on our website at: <http://gab.wi.gov/publications/testimony/us-senate-committee-testimony-01-29-2014>.

After consultation with Board Chair Judge Barland, on February 3, 2014, Director Kennedy submitted a request for a formal opinion of the Attorney General related to access to investigative records of the Government Accountability Board. The purpose of the request is to clarify the role of the Legislative Audit Bureau to enable it to conduct its review of agency records and management practices.

On February 4, 2014, Director Kennedy testified before the Senate Committee on Elections and Urban Affairs. The hearing focused on three Senate bills and three Assembly bills. 2013 Senate Bill 404 would clarify the procedures for voting at the entrance to an in-person absentee voting location by an elector with a disability. 2013 Senate Bill 423 and 2013 Assembly Bill 565 would repeal the non-statutory provisions in Chapter 10 setting out a calendar or schedule of election events. 2013 Senate Bill 548 transfers responsibility over biennial voter list updating, commonly described as the 4-year list maintenance of the Statewide Voter Registration System, to the

Government Accountability Board. 2013 Assembly Bill 54 would limit the hours for in-person absentee voting to 7:30 a.m. to 6:00 p.m. and eliminate any in-person absentee voting on weekends. Small municipalities with part-time clerks could schedule appointments outside this window. 2013 Assembly Bill 418 changes the fee structure for recounts. A copy of my testimony can be found on our website at <http://gab.wi.gov/publications/other/senate-committee-testimony-2-04-2014>.

On February 4, 2014, Director Kennedy also testified before the Assembly Committee on Campaigns and Elections. The hearing focused on two Assembly bills. 2013 Assembly Bill 689 transfers responsibility over biennial voter list updating, commonly described as the four-year list maintenance of the Statewide Voter Registration System, to the Government Accountability Board. 2013 Assembly Bill 690 requires the Government Accountability Board to collect and publish detailed statistics on the number voter verification post cards sent and returned related to Election Day voter registrations. A copy of my testimony can be found on our website at: <http://gab.wi.gov/publications/other/assembly-committee-testimony-02-04-2014>.

Elections Division Administrator Mike Haas and Director Kennedy attended the Winter Meeting of the National Association of Election Directors (NASED) in Washington D.C. from February 12, 2014 through February 15, 2014. Director Kennedy moderated a panel of voting activists discussing voting integrity and voter suppression. The panel included Richard Esenberg for the Wisconsin Institute for Law and Liberty, Hans Von Spakovsky of the Heritage Center, Lisa Danetz of Demos and Myrna Perez of the Brennan Center for Justice. Director Kennedy introduced Mr. Yong Hi Kim, Deputy Secretary General of the National Election Commission of the Republic of (South) Korea. Mr. Kim informed NASED members of new international organization of election officials, the Association of World Election Bodies (A-WEB).

Director Kennedy also presented an update on election related litigation for the NASED membership. While in Washington, Director Kennedy attended a meeting of the Federal Voting Assistance Program liaison committee with state and local election administrators sponsored by the Council of State Governments.

The senior leadership staff of the G.A.B. met with Senate Scholars to discuss the role of the agency in state government and answer questions. Reid Magney and Jonathan Becker met with the group on February 12, 2014. Kevin Kennedy and Mike Haas along with Jonathan Becker met with the group on February 19 and March 12, 2014. The Senate Scholars 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.

On February 28, 2014, Judge Lamelas met with Director Kennedy to sign the February 18, 2014 spring primary election canvass. The canvass consisted of results of primary election contests for circuit court judge in Dunn and Waupaca Counties.

On March 3, 2014 a mailing went out to a list of former judges seeking applications for a position on the Government Accountability Board. Judge Michael Brennan's term expires on May 1, 2014. Applications are due by March 31, 2014. The Government Accountability Candidate Committee will review the applications and present the Governor with a list of at least two former judges for consideration for appointment by the Governor to the G.A.B. The Committee consists of Court of Appeals Judges Ralph Adam Fine, Paul Reilly, Michael Hoover and Paul Lundsten. Judge Brennan can continue to serve until the Governor makes an appointment.

On March 12, 2014, Elections Division Administrator Mike Haas and Director Kennedy joined a delegation of Elections Division staff in a presentation to the Wisconsin County Clerks Association in Madison. The Elections Division generally meets with the County Clerks at each of its three annual association meetings and conferences.

9. Summary of Compliance Review Decisions - Wis. Stat. §5.06

Director Kennedy issued two compliance review decisions related to ballot access cases involving candidates for local office. After consultation with Judge Barland, the Board Chair, Director Kennedy ordered the Ozaukee County Clerk to place a candidate on the ballot whose nomination papers were missing the date of the Spring Election. The decision was limited to the unique facts presented concerning the preparation and review of the candidate's nomination papers.

After consultation with Judge Froehlich, Board Vice-Chair acting as Chair in the absence of Judge Barland, Director Kennedy upheld the decision of the Cochrane-Fountain City School District Clerk to deny ballot access to a candidate who failed to timely file the original ballot access documents required to qualify for the ballot.

Looking Ahead

The next Board meeting is a teleconference scheduled for Tuesday, May 20, 2014 at the Board's offices beginning at 9:00 a.m.

The next regularly scheduled election is the Spring Election on April 1, 2014. That is 13 days from the current Board meeting.

Action Items

Continue to work with the Legislative Audit Bureau to provide information needed for the agency audit. Prepare for the April 1 Spring Election and the April 15 beginning of the nomination paper circulation period for the fall partisan elections. Work with the Legislature on pending and proposed legislation as it wraps up the current session in April, 2014.